

**BOARD OF SELECTMEN
MINUTES OF MEETING
FEBRUARY 7, 2013**

I. CALL TO ORDER BY CHAIRMAN

The February 7, 2013, 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; and Mr. Bradford K. Bramwell were present. Absent: Mrs. Mary T. Steele. Mr. Michael Yunits, Town Manager, was present.

B. Pledge of Allegiance

II. WARRANTS AND MINUTES

A. Approve bi-weekly payroll for the period ended February 7, 2013, Warrant #47, dated February 7, 2013, in the amount of \$1,112,843.05

MOTION was made by Mr. Salvo to Approve bi-weekly payroll for the period ended February 7, 2013, Warrant #47, dated February 7, 2013, in the amount of \$1,112,843.05. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

B. Approve bills Warrant #48, dated February 7, 2013, in the amount of \$497,271.76

MOTION was made by Mr. Salvo to Approve bills Warrant #48, dated February 7, 2013, in the amount of \$497,271.76. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

C. Approve Minutes – October 25, 2012

Motion was made by Mr. Salvo to Approve the Board of Selectmen Minutes of Meeting, dated October 25, 2012, as written. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

III. LICENSES AND PERMITS

1. 7:30 P.M. CONTINUATION OF HEARING – Application of Hole In One Auto Sales, LLC 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 242 Mansfield Avenue, Norton, MA 02766

Public Hearing notice was read aloud.

It was noted this was tabled from last meeting to this evening's meeting. Green card receipts provided to Mr. Yunits (certified mail receipts and it was noted more than half of which were received back).

Applicant, Mr. Christopher Rezendes said he has sold advertising to car dealers over last ten years. It will be a used car facility to offer some different services than other dealerships. It will be a display and sales location only (no repairs to be done).

Vehicles to have between 75,000 to 125,000 miles on late model vehicles is what they are planning at this point. He was not sure if that will change in future.

Mr. Giblin spoke of washing of vehicles and Conservation Commission involvement.

Mr. Rezendes said vacuuming, etc. means cleaning and washing will be done offsite.

Mr. Kimball said there were about 100 spots/spaces; would applicant consider decreasing the number of spaces? In future, applicant could obtain more if needed, however, Mr. Kimball said he wanted to be keep a buffer zone between this establishment and the neighbors as much as possible. It was discussed could possibly just use the paved area; about 50 spaces. It was discussed where it was a gravel area with Norton Reservoir across the street, Conservation will probably need to be involved.

Mr. Rezendes said he was definitely open to that. The main areas are the front area and side parking lot. Discussion ensued.

Some Board members said they did not want to see parking for major events of Comcast and TPC, and this would be one restriction they could possibly put on this. It probably would not be good for this business anyway. Discussion ensued.

Restrooms were referenced: sewer connection discussed.

Mr. Yunits said where this business is located, if there are any major changes such as paving, etc., applicant would need to notify/contact Conservation Commission in advance, as he may be within 100' of wetlands.

Mr. Giblin said it appears there was one entrance in and not sure if Fire Chief Schleicher needs to look at it? Mr. Yunits said it was used prior as a mini-golf place so two entrances would probably not be as ideal.

Mr. Kimball said it would be nice to have that site cleaned up.

MOTION was made by Mr. Bramwell to close Hearing. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Kimball to Approve Application of Hole In One Auto Sales, LLC 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 242 Mansfield Avenue, Norton, MA 02766, with a maximum vehicles capacity of fifty (50). Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

V. ANNOUNCEMENTS

Dog licensing must be done by March 1, 2013; online license system available on town website.

Town Cleanup to be held Saturday, April 27, 2013 from 9-11 a.m. - keepnorton beautiful@gmail.com.

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Due to inclement weather approaching, a member from the Emergency Management Team is present this evening and this is not on agenda.

Due to State of Emergency, Ray Cord was present. Mr. Cord stated there have been a series of conference calls with NEMA, National Grid, with Mr. Yunits included on some calls. Storm of historic proportions is being forecasted from 3 p.m. Friday to late Saturday morning (1 ½ to 2 feet of snow expected). Temps will be down in teens and winds 50-60 m.p.h., with some hurricane force winds (blowing winds; freezing temps are not a good combination, and drifting snow of about 5' is possible). Declaration of a State of Emergency communicated, so Norton has legal authority to be prepared for the emergency and respond, and to take steps required under federal and state law. If a large scale power outage occurs, Town will open a personal warming station at LaSalette in Attleboro, and setting up tomorrow afternoon (if long-term event, will name it as a shelter). Transportation needs will be provided if needed. National Grid is calling it a Level V event (same as Hurricane Sandy and Irene). National Grid will open their National Grid municipal support station and a liaison sitting in police dept. Three crew supervisors and two crews per town according to plan. Dr. Martes, Interim Superintendent of Schools, declared schools closed for tomorrow. Stay tuned to weather/news channels and be aware; no one should be on road by tomorrow afternoon. It was urged to stay home Friday night and Saturday morning. 508-285-3300 is main number for emergency operations center for wires in road, etc.

Mr. Kimball asked residents to clear hydrants; be a good neighbor. It was noted neighboring towns Mansfield and Taunton have their own municipal light dept.

Mr. Giblin indicated in past there was a National Grid liaison and trucks on road issue in past. Mr. Cord explained liaison can direct crew supervisor but not the crews.

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Mr. Cord said on cable will be notices (Channels 9 and 15) and the town website. Also police dept. will be on twitter, and public can add tweets/info on Facebook or other websites.

Mr. Salvo asked Mr. Cord to alert EOC as the housing authority director is away for week. Therefore, it was noted to direct info to Mr. Salvo.

Mr. Yunits said a mini-bus is available for transportation to shelter if it becomes necessary.

Mr. Cord referenced "211"(a resource for residents) to find info/where a shelter is located, etc.

Mr. Salvo recommended residents clear out low power vents to avoid carbon monoxide entering the house.

V. BUSINESS

A. NEW BUSINESS

1. 7:05 P.M. – Habitat for Humanity Re: Presentation of Thank You Plaque to Town of Norton Board of Selectmen for its generosity on the 35 Hawthorne Road house.

Joanne Eckhart, President of Habitat for Humanity Board, stated it was their mission to provide affordable housing to families who otherwise could not do so through the community and Norton has done so much, and without this support, they could not do it. It was noted this was the fourth house in Norton, and the last home was an energy star home. A plaque was presented to Board of Selectmen. Old ColonyHabitat.org is the best way to obtain information.

Mr. Kimball said Norton gave them the land for this house to be built. Habitat made it possible for four families in Norton to own these homes. These are quality homes and it is offered at zero percent interest (last house cost \$130,000 and family would need to pay over 20 years).

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It was discussed the Board needs to declare the Town of Norton a State of Emergency for tomorrow. Fire Chief Schleicher is the Emergency Management Director (February 8 and 9 is planned snow event).

MOTION was made by Mr. Bramwell to allow the appropriate Town official to sign this letter as discussed above. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

2. 7:15 P.M. – Next Step Living Presentation

Next Step Living was founded 4 1/2 yrs ago (a home efficiency energy program). Next Step Living visits homes and do a complete analysis from basement to attic for energy efficiency (light bulbs changed to cfl, etc., at no cost to home owner). Programmable thermostats are provided at no cost as well. A

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combustion safety test is also done on heating system/furnace, etc. All is paid for through Mass Save Program through energy bills. Any work done would cost 25% for insulation, etc. A complete report will be given to homeowner. This is for both residential and businesses and a loan program with zero percent interest.

Mr. Kimball said there are other programs available (windows, etc.). Nextstepliving.com is the website and can obtain Mass Save website through them or call Mass Save directly.

One of the ways they are able to help is through Communities Commitment to Sustainable Living (i.e., Habitat for Humanity with an energy efficient house). They would like to have a conversation in depth in the future.

3. 7:40 P.M. – Historical Commission Re: C.40B Project, 274 East Main Street

Mr. Kimball provided information. Historical White Family Home is in fairly good shape. After listening to members who were present and much discussion on saving of this particular homestead. The opportunity to move house as entrance to proposed development is at that location, and also when road is reconfigured. The house could be moved next to White Family Cemetery. Once house was moved, the developer would want to put in two additional apartments in house. Behind cemetery is a certified vernal pool and Mr. Geisenger, President of Thorndike, spoke of this vernal pool and taking 20' of property and to take front corner and give access behind house between house and cemetery. Plan is to keep vernal pool the way it is was suggested and tax property. This is one of the cemeteries in Town where there are family plots and Mr. Kimball suggested to Mr. Geisenger a title search on this cemetery, if, in fact, there are no restrictions (who owns/owned it, etc.); and if selling 20' of land by cemetery, not sure how deep it is. Mr. Kimball spoke of concern he had is if the house cannot be moved to desired location, and unable to obtain the extra 20', then concerned it would be taken down. Option was given by developer of taking pictures of house and museum made with miniature model of house, if it cannot be saved. Mr. Kimball said he will not allow that to happen (for house to be raised/taken down) and should be able to move somewhere on that property and he was not closing opportunity to sell developer 20 feet.

Other problem in Town is Town is running out of cemetery space. Keith Silver, Highway Superintendent, said he could use that extra space for cemetery space. This needs 2/3 vote at Town Meeting and Historical Commission said they would be in favor of this in order to save house.

Mr. Giblin said his opinion is they need to save this historical house and not give up those tax dollars as well (with vernal pool). Important to find out if any deed restrictions are on White Cemetery.

Mr. Kimball said he did not believe Town should pay for this, and he did not like the tone of how it was presented. Discussion ensued.

Mr. Bramwell said before giving up 20', need to ensure Town owns it (maybe Town owns less).

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Mr. Kimball asked Mr. Yunits to send a strong letter to developer with copy to ZBA and Historical Commission regarding Board's concern about ensuring the Historical Society knows Board wants to keep this historical house and not tear it down. Deed would show who owns it, etc.

Mr. Yunits said all departments are meeting next week to review the latest plans.

Mr. Kimball asked Mr. Yunits to also include in letter the Board's concern about the third floor layout – what are loft units being used for? When doing calculations for flow, Mr. Kimball said he thought they should include the loft as he was not certain what it will be used for. In plans, consider these lofts being used and flow should reflect that (is loft a guest room or being used as another type of room). Mr. Salvo said anything over 70 square feet is considered a bedroom, but this can be confirmed by checking with proper Town department regarding this.

Mr. Kimball reiterated to Mr. Yunits the two most important points to state in letter to Mr. Geisenger in letter: 1) to understand about historical house, and 2) what intentions are on the third floor apartments. Plans are in place and want to know what specifics are of plans.

Member of audience, Mr. Goldberg, 9 Danforth Lane, Norton, MA, said he was also at Historical Commission meeting and it did seem proposal from Mr. Geisenger to Historical Commission was the need for a 2/3 vote and if not 2/3 vote, the house would be destroyed, and seemed it was a "gun to their head". Historical Commission agreed because they want to save this historical house. Mr. Goldberg stated he was surprised Historical Commission was not present at this meeting tonight; they were present at ZBA meeting.

Maureen Spoczynski of 283 East Main street, President of Kingsbury Condos, stated she attended Historical Commission meeting. They are working with an attorney. She questioned why Historical Commission does not take a position? Developer was aware there was a historical house on this property; he should be forced to maintain that historical house or move it. It was a held hostage by developer. She wondered why Historical Commission was not present this evening? She had asked about reducing the scope of this project. In support of Mr. Kimball, possibly a stronger letter be sent to Historical Commission and questioned if they are not within their power to reject the developer's proposal? Mr. Passenti's plan did not make it in front of the Norton Planning Board.

Mr. Kimball said Board of Selectmen does talk to various factions in the community and they are the glue that holds it together, and they pay close attention to these 40B's. Mr. Kimball said he was not aware of the recent Historical Commission meeting, and many Board members attended the MMA meeting that weekend. The town website is incorrect in stating the correct evening the Historical

Commission holds its meetings. A non-publicized meeting falls within the Open Meeting Laws. Mr. Kimball spoke of the significant impact these 40B's are having in the Town of Norton, and specifically in this case, this land; this is setting a precedent.

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Mr. Giblin said the Board tries to limit some power, but their "hands are tied" to a degree.

Mr. Goldberg referenced Mr. Geisenger speaking of putting two apartments into the historical house because he has to pay for moving the house. He indicated he had ability to use 40B in the historic house and he said he could use anywhere on that property. One member of Historical Commission said Mr.

Geisenger is a good manager. Mr. Geisenger met with Red Mill Village and said at one time, property would be sold in five to seven years to a property management company. Mr. Goldberg spoke of not using the historical house for affordable units. Discussion ensued.

4. Gold Star Committee Re: Update

Mr. Kimball said they have met several times and this committee has accomplished a lot in a short time. Completion deadline being Memorial Day 2013. It is wonderful to see the ability of all these different people on committee, with some from different towns, come together to make it happen.

Member of Committee, Bill Novick, stated it is going pretty well with a lot being done in a short period of time. Things are progressing pretty quickly. It is a community project. This is the first person since WWII to be killed in action.

Bottles of wine to support this fund are being sold at \$22.00 with \$9 of that \$22 being donated to this fund. Swirling Vine has these bottles of wine. All profits from this wine of Swirling Vine will be donated to community fundraiser.

Another fundraiser being held March 16 at 6:30 p.m. at Wheaton College at Clark Center. Tickets are \$15 each and food will be from different local restaurants, such as The Chateau of Norton, and Bertucci's from North Attleboro, and possibly some other restaurants will join. There will be various silent auction items (some include: autographed Wes Welker jersey; Red Sox items; Boston duck boats tours, etc. Tickets can be purchased from the Swirling Vine or one of the committee members.

The committee is also planning a 5K in May and VFW is planning to help out.

There is no public money going into this, which is a huge deal.

Mr. Kimball said the recognition was toward Master Sgt. Trent. If any organization raises over \$5,000, there will be a small plaque visible to recognize major contributors. Some towns have donated also, such as Chelsea-\$20, and a \$300 check from Needham.

Mr. Kimball said Monday night they are meeting with the School Committee for inclusion of students in school system (to ask School Committee to get students involved); as they want them to know the sacrifice of Master Sgt. Trent, a graduate of Norton High School.

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This project will be dedicated at the end of the Memorial Day Parade.

Mr. Kimball said anyone knowing how to organize a 5K is asked to help organize this.

Next Tuesday night this Committee will be meeting; it is a very open forum and residents/people were encouraged to attend.

5. Norton Bike Path Public Information Session

March 12 is information meeting to be held from 6-7 p.m. at Norton Public Library, and reps from SRPEDD will be present also for the possibility of this bike path. It would be about 10-12' wide and 5' path next to it for equestrian riding.

6. Vote to Sign or authorize Town Manager Michael D. Yunits to sign the Graves Engineering, Inc./Norton Board of Appeals Standard Agreement for Limited Professional Services-R2 for the Calendar Year 2013 Re: Island Brook Comprehensive Permit Application (40B) Project, East Main Street, Norton, MA 02766

Mr. Kimball said Graves Engineering conducts peer reviews and this is regarding Island Brook Comprehensive Application.

MOTION was made by Mr. Kimball to authorize Town Manager Michael D. Yunits to sign the Graves Engineering, Inc./Norton Board of Appeals Standard Agreement for Limited Professional Services-R2 for the Calendar Year 2013 Re: Island Brook Comprehensive Permit Application (40B) Project, East Main Street, Norton, MA 02766, not to exceed \$5100.00 for first round. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

B. TOWN MANAGER'S REPORT

Housing Authority Legislation:

Director of Housing Authority, Andrea Downey, sent info on regionalization of housing authorities and a meeting to be held in North Attleboro on February 27 from 7-9 p.m. at North Attleboro police facility. A meeting to also see what other towns views are, etc.

Information on new Medex Plan:

Mr. Yunits said new info was received today Town's health insurance stating it is a better plan; lower cost; offers more services, and Town Treasurer will gather more info. An informational meeting will be held shortly.

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Mr. Yunits referenced upcoming storm and deficit spending on storm for plowing, etc. \$80,000 is currently in that budget.

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C. APPOINTMENTS/RESIGNATIONS

VI. SELECTMEN'S REPORT AND MAIL

Mr. Kimball referenced Mass School Building Authority regarding J.C. Solmonese School-approval for roof.

VII. NEXT MEETING'S AGENDA

Mr. Giblin said the Board is not planning to meet next week, therefore, the next meeting will be held on February 21, 2013.

VIII. EXECUTIVE SESSION

1. To discuss strategy with respect to collective bargaining.
2. To discuss strategy with respect to litigation
3. To consider the purchase, exchange, taking, lease, or value of real property

IX. ADJOURNMENT

Declaration of the Chairman at 8:44 p.m.: Under G.L. c30A, Section 21(b)(3) and (4), the purpose of the executive session will be to discuss strategy with respect to collective bargaining; to discuss strategy with respect to litigation; and to consider the purchase, exchange, taking, lease, or value of real property, as a discussion of these strategies in open session could compromise the purpose for the executive session; and the Board shall not return to open session at the conclusion of the executive session.

Motion to Convene Executive Session:

MOTION was made by Mr. Kimball at 8:45 p.m. that the Board of Selectmen go into executive session, under G.L. c.30A, Section 21(a)(3), regarding discussion of strategy with respect to collective bargaining; to discuss strategy with respect to litigation; and strategy to consider the purchase, exchange, taking, lease, or value of real property. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney
Board of Selectmen – Recording Secretary

Documents Distributed/Reviewed at February 7, 2013, Board of Selectmen Meeting

- . Board of Selectmen Draft Minutes dated October 25, 2012

- . Notice of Public Hearing- on the application of Hole In One Auto Sales, LLC 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, address of 242 Mansfield Avenue, Norton, MA 02766 (includes accompanying completed documents: “Application for License/Permit” and “Application for a License to Buy, Sell, Exchange, or Assemble Secondhand Motor Vehicles or Parts Thereof”)

- . Next Step Living Informational Sheet

- . Norton Bike Path Public Information Session Packet of Information/SRPEDD

- . Graves Engineering, Inc. Standard Agreement for Limited Professional Services-R2-Calendar Year 2013

- . Letter from Massachusetts School Building Authority, dated January 30, 2013, to Town Manager – Town of Norton, Michael Yunits Re: Town of Norton, J.C. Solmonese Elementary School (approval of the Proposed Accelerated Repair Program Project for the Town of Norton to replace the roof at the J.C. Solmonese Elementary School

BOARD OF SELECTMEN

MINUTES OF MEETING OF

FEBRUARY 7, 2013

TIMOTHY R. GIBLIN, CHAIRMAN

ROBERT W. KIMBALL, Jr., VICE-CHAIR

ROBERT S. SALVO, SR., CLERK

MARY T. STEELE

BRADFORD K. BRAMWELL

Dated: _____

