

**BOARD OF SELECTMEN
MINUTES OF MEETING
MARCH 21, 2013**

I. CALL TO ORDER BY CHAIRMAN

The March 21, 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. Bradford K. Bramwell; Mr. Robert Salvo, Sr., Clerk; 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 bi-weekly payroll for the period ended March 16, 2013, Warrant #56, dated March 21, 2013, in the amount of \$1,020,373.38

MOTION was made by Mr. Salvo to Approve bi-weekly payroll for the period ended March 16, 2013, Warrant #56, dated March 21, 2013, in the amount of \$1,020,373.38. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

- B. Approve bills Warrant #57, dated March 21, 2013, in the amount of \$673,336.91

MOTION was made by Mr. Salvo to Approve bills Warrant #57, dated March 21, 2013, in the amount of \$673,336.91. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

- C. Approve Minutes – March 14, 2013

MOTION was made by Mr. Kimball to approve the Board of Selectmen Minutes of Meeting, dated March 14, 2013, as written. Second by Mr. Salvo. Vote: Mr. Bramwell and Mrs. Steele abstained and the remainder of the Board voted in Favor of Motion. MOTION CARRIES.

III. LICENSE AND PERMITS

IV. ANNOUNCEMENTS

Norton Police Association Fundraiser for MSG Gregory Trent to be held at Norton VFW Post 8049, 38 Summer Street, Norton, MA on Friday, March 22, 2013; 6 p.m. to close (admission \$20.00 per person).

Rabies Clinic will be held at the Town of Norton Fire Dept., 70 East Main Street, on Saturday, April 6, 2013, 10 a.m. to 11 a.m. (\$13.00 per animal). Dog licensing will also be open to process dog licenses during the clinic at Town Clerk's Office (altered dog-\$10.00; unaltered dog; \$15.00).

V. BUSINESS

A. NEW BUSINESS

1. 7:30 p.m. – Joint Meeting with Board of Water/Sewer Commissioners to discuss:
 - 1) Annual payment to Norton Accounting;
 - 2) Indirect cost allocation formulas;
 - 3) Intermunicipal Agreement status;
 - 4) Water & Sewer Superintendent Screening Committee

Attending from Water & Sewer Commission were Luke Grant, Diane McElligott, and Steve Wiseman.

Most recent draft of Agreement, dated 9/17/12. This is the Agreement for the regional wastewater district. Mr. Yunits referenced FY14 budget and he looked at it like a payment that would be going to Town of Norton. Expansion of plants in Norton as well as the recharge area.

Mr. Kimball said he and former town manager spoke previously about payment coming to Town of Norton; not Water & Sewer Dept.

Mr. Bramwell said referenced IMA meetings in Mansfield in past, and he thought Town would be receiving payment.

Ms. McElligott said there was some communication on this and when Mr. Yunits joined Town, they had a meeting with Mr. Yunits and she did not want to go too far into this since agreement is not final and still negotiating the terms. It was put in there as a gross collection from the rate payers from all three towns and a portion to be returned to Norton. \$267,000 per year approximately, therefore, can't be returned to general fund from the nature it is being collected. Secondly, she has been asked to pursue to change that paragraph to include collection of property taxes. From the planning for this, she was getting the message that the Town wants to have sewer happen. Right now Norton has one of the higher sewer rates in the region; the cost to sewer users needs to remain affordable. It is important to all be on same page with the strategy on this. It appears sewer-side and town-side have some different thoughts on this.

Mr. Giblin asked why this is just being discussed at this time?

3/21/13 Bd. of Selectmen Minutes
Page 3

Ms. McElligott said when Mr. Yunits first joined Town, they did invite him to a meeting and discussed this. To her personally, this is a surprise, since they are coming to decision time on things. The thought that the APN would be going to general side is the issue and why they are primarily here this evening.

Mr. Yunits said encouraging the APN is in the sewer dept. budget because they must be very close to signing. This agreement needs to be signed by May Town Meeting. He was not certain as to what Ms. McElligott was eluding to and unclear as to what she was talking about. There needs to be a district formed; part of expense of district will be this APN coming to Norton. The three members will pay that and not sure why it is different and why it cannot go to general fund to Norton. Mr. Yunits' interpretation was that this was going to go to general fund and was always his belief at IMA meetings. It should be a policy of Board where they feel it should go.

Mr. Giblin said it appeared all members of Board were under impression it was going into general fund.

Mr. Grant said this negotiation is still underway and very sensitive. He hoped and thought it will be signed within next couple of weeks. Sewer is for Norton and will benefit everyone and what will be received are the taxes that are currently being paid on the land, so no decrease on that.

Mr. Kimball disagreed with this. The purpose of this was to get some sort of tax revenue.

Mrs. McElligott said they are still negotiating sections of this and she cannot go into it in this particular forum.

Mr. Kimball said it appears to be close to being signed and felt if it is so close the Commission should be able to communicate openly with what is going on; no executive session needed. Discussion ensued.

Mr. Grant said they can speak on it at a later time this evening or when Mr. Kimball chooses, but cannot speak to it at this meeting due to ongoing negotiations.

Mrs. Steele said it was very important to get this agreement signed and, in saying that, the money should be going into general government side.

Mr. Bramwell said this process seems to be dragging out. When he and other Board members attended these IMA meetings, they felt they were not welcome. They were not allowed to talk and frustrating from his own standpoint. The Board are not invited to these meetings, and have to make decisions, and this keep getting dragged along.

Mr. Grant said the IMA meetings are open meetings and they would welcome Board of Selectmen's attendance.

Mr. Giblin said it is down to the wire now and it needs to happen. He appreciated all the work being done on this. This Board of Selectmen has been supportive of this agreement for years and important it happens for Norton and for other towns as well.

Mr. Yunits spoke of reading language on APN, and DOR has been scrutinizing many accounts recently. Necessary to have a specific date as DOR says it cannot count as a revenue source for FY14.

Mr. Grant said they have had that same exact discussion.

Mr. Kimball referenced APN and said whatever people are paying into this, he would rather give sewer that back and not have the double-dipping. There is no mention at all in this agreement for pilot or taxes. It will be necessary to come back at one point and discuss how to divvy it up afterward.

Ms. McElligott said it would be difficult to say to discuss after signed agreement.

Mrs. Steele referenced a worst case scenario, and said this was not an "us" vs. "you". The Commission has put in an incredible amount of work into this and the Board wants to do this for the Town; she could not see giving a commitment if the exact numbers are not known.

Mr. Salvo said it is important to be business-friendly and said water/sewer rates are too high. It was noted by Mr. Wiseman that Mansfield has lower rates.

Mr. Yunits said it was too early to go enterprise account, thus why town accountant said it was too early and why there are various issues currently.

Mr. Kimball said his issue is that Town is losing tax revenue.

Ms. McElligott responded that they are working on that.

Mr. Wiseman said he believed "we" were in power to make agreement.

Mrs. Steele said if Town is reimbursed of what tax revenue is, Town has lost once sewer receives money. She understood the money will go into infrastructure; "to make town whole". The Commission needs to make a commitment that the Town is going to be made whole.

Mr. Wiseman said their sewer budget will be increasing, too.

Mr. Giblin suggested a letter from the Commission or Mr. Grant and also recorded in minutes of meeting too.

Mr. Yunits said it is not so much the sewer rates are too high; it is the fees (sprinklered buildings, etc.).

Mr. Yunits said in the future, they can hold a meeting for explanation as to why there are not betterments in Town of Norton.

Mr. Wiseman said there were betterments previously. New infrastructure in Town = betterments probably.

No comments or questions were asked from audience, etc.

Mr. Giblin suggested a letter from Water and Sewer that Town will be made whole for what their expenses are.

Mr. Bramwell and Mr. Kimball stated they were fine with the word of the Water and Sewer ; being a "gentleman's handshake". The Board of Selectmen agreed no letter was necessary, it would be a "gentleman's handshake".

Mr. Grant stated referenced the attorney conducting work for them, Joe Cove, and Kopelman & Paige, town counsel, and asked Board of Selectmen if Attorney Cove can be allowed to be Water & Sewer Counsel. Mr. Grant said Attorney Cove has the expertise and is intimately involved in several negotiations and would like to have him available especially with the history they have. Mr. Grant said he was not certain how the attorneys are contracted with Town, and he did not see it as a conflict with Kopelman & Paige. He said Attorney Cove has a level of comfort with the Commission and would like to continue working with him. Mr. Wiseman said they do have authority to use Attorney Cove for a couple of specific projects.

Mr. Yunits recommended to Board of Selectmen that they could take this under advisement and place on a future agenda.

Mr. Giblin said the Board will obtain more info on this.

Water & Sewer Superintendent Screening Committee

Mr. Yunits said there are ten or 11 applicants for this position. Mr. Kimball, Mr. Wiseman, and Mr. Silver, Highway Superintendent, will be on Screening Committee and will review applicants and Screening Committee can review applications and conduct interviews. Candidates will be narrowed down to two or three.

.....

Mr. Yunits referenced the reimbursement service worksheet, and explained these are calculations that are done since now there is a water & sewer enterprise. Items listed as “prtp” and “act” are actual

3/21/13 Bd. of Selectmen Minutes
Page 6

costs. Need Board’s vote to approve those percentages for water & sewer indirect costs. Discussion ensued.

MOTION was made by Mr. Kimball to approve the Town Reimbursement Services based upon the presented document. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

B. OLD BUSINESS

1. Liquor Policy Revisions

Mr. Bramwell renewed his concern of penalty for second offense because there are circumstances of different severity. Second offense, he believes, should be a minimum of five and up to ten days.

MOTION was made by Mr. Salvo to accept the liquor policy revisions based upon this amended document, presented at the March 21, 2013 Board of Selectmen meeting, with an effective date of March 21, 2013. Second by Mr. Kimball.

Discussion: Mr. Kimball said in reference to Mr. Bramwell’s comment/concern, the Board can relook at this at a future date. Also, would be beneficial to have the establishments in also to provide info.

Mr. Salvo said suggested to send a letter with policy and receive feedback from establishments and possibly have them in. Mr. Salvo stated he had some people approach him with the change and they were aware of severity of change.

Vote: Mr. Bramwell voted Not in Favor of Motion, and all other members voted In Favor of Motion (Vote: 4:1). MOTION CARRIES.

C. TOWN MANAGER’S REPORT

Mr. Yunits stated that no public hearings should be held on Election Day.

.....

The Health Consortium received a \$5,000 wellness grant from Blue Cross of Massachusetts, therefore, will work on wellness programs for all the towns that are part of that consortium.

.....

Mr. Yunits stated he had the budget as it stands currently. He is still waiting for numbers from Town's insurance agent. The budget is approximately \$9,873,000. For general government it was a 70/30 split; 70.5% for the schools and 29.4% for the town. Mr. Yunits spoke of trying to bring Fire Dept. up to full

3/21/13 Bd. of Selectmen Minutes
Page 7

complement and to hire new firefighter staff to bring to 28. The highway dept. is also looking to hire one new person as they have been cut back in the past. New employees can learn from the older employees so ideal to do this. This year, the Town is using \$700,000 free cash; not a good idea to use for budget, but hopefully will get Town through this year. As Mr. Yunits scrutinized the town side closer and closer, the free cash comes from departments that are frugal with their money. One of the big hits in revenue is new growth figure. Also Assessors are not able to provide overlay surplus which is a \$70,000 hit. Discussion ensued.

D. APPOINTMENTS/RESIGNATIONS

1. Vote to reappoint Dorothy A. Freeman, 19 Freeman Street, as a Republican member of the Board of Registrars, term to expire March 31, 2016

Town Clerk, Danielle Sicard, recommended that Mrs. Dorothy Freeman should be appointed and Mrs. Freeman would like to be appointed.

MOTION was made by Mr. Kimball to approve reappointment of Dorothy A. Freeman, 19 Freeman Street, as a Republican member of the Board of Registrars, term to expire March 31, 2016. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

2. Vote to appoint Christopher DeMartino as a Full-Time Temporary Water/Sewer Technician in the Water and Sewer Department

Mr. Yunits said this is a temporary appointment. Mr. DeMartino holds a CDL Class A license and has other experience.

MOTION was made by Mr. Kimball to appoint Christopher DeMartino as a Full-Time Temporary Water/Sewer Technician in the Water and Sewer Department, effective March 25, 2013. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

VI. SELECTMEN'S REPORT AND MAIL

Mr. Kimball spoke of the recent fundraiser in honor of MSG Trent Memorial Site. He thanked all who volunteered and attended event. Almost \$15,000 was raised with a \$5,000 donation from Northeastern Savings Bank. Wheaton College donated use of Clark Building, and other local businesses donated, such as, but not limited to, Chateau, Albertos, Norton House of Pizza, Bertucci's of North Attleboro, and many other restaurants. Poland Spring also donated, the music /dj was donated and free, Comcast Center donated 100 chairs, and VFW was there to represent Veterans of Foreign Wars. There were excellent raffle and silent auction items.

Tomorrow night is the fundraiser dinner at VFW. Committee is also looking at possibly having a motorcycle ride.

3/21/13 Bd. of Selectmen Minutes
Page 8

Mr. Kimball asked Mr. Yunits if he heard anything from Daggett-Crandall?

Mr. Yunits said appraisal is needed.

Mr. Kim asked Mr. Yunits to please get that initiated.

.....

Mr. Kimball referenced Ch40B project/affordable housing and Mr. Kimball spoke of 3 bedroom colonial available and being priced at \$189,000 (CHAPA project involvement). Effective date will end on May 21, 2013. Contact Town Hall for more info.

.....

Next Step Living sent Board a Memo of Understanding and need to look into this.

.....

Mr. Kimball referenced Christina Estates, near Island Brook CH40B project; he was not sure if it will go anywhere. The Board does have the position of those living on Carpenter and Willis Drive.

.....

Mr. Kimball said there are 31 other cities and towns who would be interested to be able to count their total developed units along with their subsidized units. Therefore, that would be helpful in getting developers off list. Letter should be sent out to Planning Board, Board of Selectmen, and ZBA, and thanked Michelle Brown, for assisting with this. Many towns are close to their percentage. Mr. Kimball will send these out to each individual towns.

.....

Mr. Giblin said he spoke to Penny Murray whose son, James Murray, Eagle Scout, made a scoreboard for Everett Leonard Park and a few canisters are being placed around Town to recoup money for this as he spent close to \$800. This is quite an honor for his parents and himself.

.....

Mr. Yunits said Home Consortium would like to do some outreach, therefore, he invited them to a future meeting. It's a shame no one from Norton has taken advantage of this program where people can make improvements to houses (windows/bringing houses up to code, etc.). He is trying to get some

people to take advantage of this. It is free with a lien placed on a house so if the house is sold, they get their money back.

3/21/13 Bd. of Selectmen Minutes
Page 9

VII. NEXT MEETING'S AGENDA

It was discussed to possibly have Norton Cleanup Day Committee in to discuss the Town Cleanup .

Also, possibly have GATRA come in for the next meeting.

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

MOTION was made by Mr. Bramwell to Adjourn at 8:41 p.m. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney
Board of Selectmen – Recording Secretary

BOARD OF SELECTMEN

MINUTES OF MEETING OF

MARCH 21, 2013

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 March 21, 2013, Board of Selectmen Meeting

- . Draft Board of Selectmen Minutes of Meeting, dated March 14, 2013

- . Document entitled, "Town Reimbursement Services – Water" and "Town Reimbursement Services – Water and Sewer"

- . Town of Norton Board of Selectmen Policy Statement Draft Revised with Selectmen Changes and Town Counsel Recommendations, revised 3/6/13 (Liquor Licenses)

- . Document entitled, "Fiscal Year 2014 Budget"