

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
SEPTEMBER 5, 2013**

**I. CALL TO ORDER BY CHAIRMAN**

The September 5, 2013, Meeting of the Board of Selectmen was called to Order by Mr. Kimball, Chairman, at 7:00 p.m., held in the First Floor Selectmen's Conference Room.

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

B. Pledge of Allegiance

**II. WARRANTS AND MINUTES**

A. Approve bills Warrant #13, dated August 29, 2013, in the amount of \$1,077,044.21

**MOTION was made by Mr. Bramwell to Approve bills Warrant #13, dated August 29, 2013, in the amount of \$1,077,044.21. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

B. Approve bi-weekly payroll for the period ended August 31, 2013, Warrant #14, dated September 5, 2013, in the amount of \$1,126,072.85

**MOTION was made by Mr. Bramwell to Approve bi-weekly payroll for the period ended August 31, 2013, Warrant #14, dated September 5, 2013, in the amount of \$1,126,072.85. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

C. Approve bills Warrant #15, dated September 5, 2013, in the amount of \$451,095.40

**MOTION was made by Mr. Bramwell to Approve bills Warrant #15, dated September 5, 2013, in the amount of \$451,095.40. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

D. Approve Minutes – April 25, 2013

**MOTION was made by Mr. Bramwell to Approve the Board of Selectmen Minutes of Meeting, dated April 25, 2013, as written. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

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

1. Application of Daniel DeFeo for a one-day All Alcohol license to be utilized at Everett Leonard Park, September 14, 2013, 1:00 – 4:00 P.M., for private party.

It was noted no police detail was required.

**MOTION was made by Mr. Bramwell to approve Application of Daniel DeFeo for a one-day All Alcohol license to be utilized at Everett Leonard Park, September 14, 2013, 1:00 – 4:00 P.M., for private party. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

### **IV. ANNOUNCEMENTS**

#### **V. BUSINESS**

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

1. 7:05 P.M. – Swearing In Ceremony – Norton Fire Department Captain Alvan T. Fuller, III

Chief Schleicher thanked Captain Fuller for assisting with recent fires and he was commended for doing an excellent job.

Town Clerk, Danielle Sicard, conducted the swearing in ceremony. Pinning was also performed.

2. Fire Chief Paul J. Schleicher Re: National Preparedness Proclamation

Chief Schleicher explained this Proclamation. Mr. Bramwell read aloud this Proclamation with date being declared as September 23.

First official activation of Bristol County Rescue Team was conducted in front of Emerald Square Mall, North Attleboro, MA. Captain Shawn Simmons was present this evening also, and will explain this further at a future meeting about this team, etc.

Mr. Kimball asked Chief to provide Board of Selectmen an update in October on other equipment (dive team equipment, etc.). He suggested to possibly have equipment displayed at library parking lot so people could view it.

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It was noted next Wednesday is 9-11 and there will be a remembrance at 10 a.m. in front of the Norton Fire Station. Their Chaplain, Father Marc Tremblay, will also be present, and they wanted to invite a member or members of Board of Selectmen to attend also.

3. 7:15 P.M. – Members of Norton’s Rail /Trail informal committee co-chairs Sandra Ollerhead and Karen Kenter-Potty Re: Request to form an Alternative Transportation Committee

Ms. Ollerhead said word is getting out about this and a Facebook page was started with about 400 “likes”. Brochure designed by Mrs. Kathy Ebert-Zawasky and brochure was distributed at Town Picnic, library, and Dunkin’ Donuts. There is also an option on website to be on supporter list.

Ms. Kenter-Potty said they are working closely with SRPEDD and would like to apply for grants, therefore, they are requesting to be designated an actual committee.

Mr. Kimball said Ms. Jackie Schmidt and Mr. Bill Napolitano of SRPEDD were present this evening. It was explained by Ms. Schmidt Ch 90 can be used for design and Mr. Napolitano said community would be eligible to apply for various funding.

They referenced a letter received from Fire Chief Schleicher. Highway Superintendent, Mr. Silver, indicated the only problem they would have is maintaining it/plowing it. Mr. Silver did not have prior experience maintaining a bike path.

Mr. Kimball spoke of “hump” in road on Route 123 concern. Easement by bridge was discussed. Mr. Kimball suggested to start a dialog with the city of Taunton so it doesn’t just end in their town.

Mr. Napolitano had indicated there will be some work done on Route 123 so they can look at that certain area and look under new rules. There have been conversations with the city of Taunton and people from city could bike in to Mansfield Industrial Park. Potentially a connection from Mansfield all way to Somerset in future. Mr. Napolitano said a lot of neighboring highway superintendents could help Mr. Silver (i.e., Fairhaven) with questions on maintenance, etc.

Mr. Kimball said some roads in area are narrow and there are some concerns.

Mr. Giblin said there were also some concerns too for safety and night time safety. Regarding plowing issue, it may be beneficial to talk to other towns and leave some snow for skiing, etc. Horses travelling on this path is also something committee/Town needs to look into.

Mr. Silver said he thought it would work better if done in two phases. One phase from Taunton to Route 123 and he thought more donations could be provided that way instead of doing it all at once.

Mr. Kimball said it was a good idea to look at all the associated issues. However, he thought Town should build the entire trail at once. He was also glad to see there were some discussions with Taunton.

Committee make-up was discussed. Five to seven members usually is the best working committee. The Rail Trail informal committee needs to advise Board of Selectmen as to how many people they believe should be involved. Letters of interest should be sent to Board of Selectmen stating the reason for interest to be on this committee, and if Rail Trail informal committee would like Board of Selectmen to interview potential members, they can do so.

Mr. Yunits stated he can meet with them next week to talk about the committee, etc. It was noted they will try to meet the beginning of the week before their Wednesday meeting.

Mr. Bramwell advised it was a good idea to speak with town clerk's office also and follow meeting laws regarding posting of meetings, etc.

Mrs. Steele thanked them for volunteering and thought it was a super idea and she does support this.

Ms. Kenter-Potty said the next meeting is next Wednesday at 7 p.m. at the Mansfield Airport, Bldg. H. They are meeting in Mansfield as there is no other meeting room available.

Mr. Kimball said they will find the committee a room in which to meet.

It was noted the Board of Selectmen can form a committee and the Rail/Trail informal committee does not necessarily need to come back.

4. 7:30 P.M. HEARING – Petition from Massachusetts Electric Company (National Grid), proposing installation of Solely Owned Pole 2188-84 on public property. Pole will be a 35' 4 SO Pole and an anchor will be installed off of Pole 2188-84 with a 12' lead. Pole will be used to support customer owned secondary siphon service to house #151 Taunton Avenue and also replace tree guy to be removed

Representative from National Grid provided explanation. There is also a new anchor with a 12' lead. Pole to support Pole 2188 and to house a riser for house #151 Taunton Avenue.

When asked by Chairman of the Board, no abutters spoke in favor or against this.

**MOTION was made by Mr. Giblin to approve Petition from Massachusetts Electric Company (National Grid), proposing installation of Solely Owned Pole 2188-84 on public property. Pole will be a 35' 4 SO Pole and an anchor will be installed off of Pole 2188-84 with a 12' lead. Pole will be used to support customer owned secondary siphon service to house #151 Taunton Avenue and also replace tree guy to be removed. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

5. Vote to sign or authorize Town Manager Michael D. Yunits to sign Contract **Change order #4** for Graves Engineering, Inc./Norton Board of Appeals Re: 274 East Main Street 40B Comprehensive Permit Application

Mr. Kimball referenced the copy of request and additional scope of service needed.

**MOTION was made by Mr. Bramwell to authorize Town Manager, Michael D. Yunits, to sign Contract Change order #4 for Graves Engineering, Inc./Norton Board of Appeals Re: 274 East Main Street 40B Comprehensive Permit Application. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

6. Letter from Attorney David C. Manoogian, representing Fairland Farm LLC Re: Notice of Intention to Convert Land off Fairlee Lane, Norton, MA to Other Use under M.G.L. Chapter 61A, Section 14, for Solar Farm Use

It was noted this letter was received in June from Attorney Manoogian and Board has until October 15, 2013 to reply. Norton needs to provide Notice that they intend or not intend to purchase property.

Mr. Kimball referenced a letter from Board of Assessors and read letter aloud. It was noted this was subject to conveyance, tax, and rollback, and is near cranberry bogs. Mr. Kimball did not see any use for the Town to purchase this land.

**MOTION was made by Mr. Bramwell to not exercise the Town of Norton's option under M.G.L. 61A, Section 14. Second by Mr. Salvo.**

**Discussion: Mr. Kimball said as a condition of the above Motion, need to see what back-taxes will be satisfied back to Town. Important to send message to Board of Assessors that prior to any construction on property, Board of Selectmen would like to have Assessors work with Building Inspector's Office to ensure everything is cleaned up before any type of development of this begins.**

**Vote: Unanimous. MOTION CARRIES.**

Mrs. Steele referenced solar bylaw.

Mr. Yunits stated this will be put on the May Town Warrant. He said he will have an official visit Town to get Norton certified as a "Green Community".

Mrs. Steele encouraged to keep this going and to work with other boards (i.e., Planning Board). There are three or four proposals existing, but no rules and regs yet.

Mr. Kimball asked to have Planning Board in sooner than later; in the Fall (ideally in two meetings from now).

Mrs. Steele said if there is a Special Town Meeting in the winter, possibly this could even get on that warrant.

Mr. Kimball communicated to Mr. Yunits the Board of Selectmen will not exercise their right, however, send letter, but issue of tax conveyance needs to be handled. Board of Selectmen agreed with this

#### **B. OLD BUSINESS**

##### **1. Vote to set fee for Malt Only Annual License for a Pouring Permit**

Mr. Yunits reviewed various fee costs; and his recommendation is a \$300-\$400 range for this pouring license.

Mr. Kimball said he sees this a bit differently; only a small sample is provided, and personally this should be on the low side. There is only one pouring facility in Town currently.

Mr. Salvo recommended \$100; Mr. Giblin recommended \$125; Mr. Kimball suggested \$125 plus \$75 fee = \$200. Mr. Bramwell stated he would not support anything more than \$100. After discussion, Mr. Kimball said \$100 pouring fee and \$75 for application fee was consensus. Mr. Kimball said he was encouraged to see a small company make a "go" of this. It could eventually turn out well for this company and for the Town.

**MOTION was made by Mr. Bramwell to approve and set the fee for the Malt Only Annual License for a pouring permit to be \$100 for permit and \$75 for the application fee. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

It was noted a liquor store in Mansfield, Cork's, has wine tasting, etc., and it was believed they have it set up on a daily basis. Mr. Giblin said it may or may not be covered under their alcohol license, but it would be beneficial to find out.

**C. TOWN MANAGER'S REPORT**

. Grant Award – Reimbursement for February 2013 Blizzard

Mr. Yunits indicated the Town received a grant award for \$70,000 for costs incurred with blizzard of February 2013. A lot of work was put in by all departments to get this application together.

. Update – Dry Water Mains

This deals with the Water and Sewer Dept. regarding dry water mains on three specific roads. Currently, only in supplies, they are looking at \$27,000; a contractor at \$14,679.; and excludes their labor, pavement costs, and other associated costs. It is expensive and no idea what those pipes look like in ground; not tested when installed.

Mr. Salvo asked if they can have the Water Superintendent come in at the next or a future meeting to ask him if Town could possibly test this (possibly a less expensive way to do this).

Mr. Kimball said it would be important to find out what the residents' feelings are in that area. Discussion ensued.

Mr. Yunits said Water Superintendent said they cannot open up a main and have contaminated water flow back in system.

Mr. Kimball asked Mr. Yunits to have Water Superintendent come in to discuss.

. Update – Town Meeting Warrant Articles

Mr. Yunits referenced the draft Warrant in Board's packets.

Water & Sewer Department have three placeholders.

There is an Article for the Building Committee and town counsel is currently working on that.

Mr. Kimball said he would like the Board of Selectmen to take a position on this. This is a small Warrant and could advise Finance Committee on Board's thoughts.

Mr. Yunits said Planning Board is meeting on September 17 and will discuss the medical marijuana bylaw and an article to rezone from Elm Street to down beyond the police station to village commercial.

Mr. Kimball referenced Article 22 on East Main Street (Route 123) where there is one piece of land owned by Mr. Clemmey of Mansfield and he asked the Board to address the issue. The rest of East Main Street is zoned as commercial and a request by Mr. Clemmey to rezone to village commercial. Mr. Clemmey would like to rezone everything from Elm Street all the way down to the highway garage street and to make it all commercial. Basically, it is one piece of land surrounded by municipal land. Mr. Kimball stated he was told by Mr. Clemmey, in the past, their intention was to put in a gas station and convenience store, and Mr. Kimball personally won't support this Article. He did not think this is the right use of that land/area. In past it was looked at as possibly being a halfway house for heroine addicts and he would have supported that, but it fell through. Mr. Kimball believed the Board of Selectmen should have Mr. Clemmey in at some point to have a discussion regarding this. Mr. Kimball will support putting it on Warrant but not supporting the actual Article.

Mr. Giblin agreed to have Mr. Clemmey in after the Planning Board Public Hearing.

Mr. Kimball said the other issue he has with zoning change, is that this is in Zone 2 of the Town's Water Protection District and gas stations are not allowed in that district. A concern with changing zoning. Mr. Clemmey's argument was that there are tanks behind Town Hall. Mr. Kimball asked Mr. Yunits to advise Board of Selectmen of what Planning Board's vote is on the 17<sup>th</sup>.

Article 11 was discussed. Appropriate money - technical assistance for 40B comprehensive permits.

Mr. Kimball said there are two active Ch40B projects ongoing. Island Brook and 274 East Main Street. It costs money for Town to utilize town counsel for these projects. He recommended they put legal services and technical assistance back up to \$50,000, since there are two very active projects currently in Town and should have a "warchest" available. Therefore, he recommended Town Manager set aside money, and if not used, it can be moved.



**MOTION was made by Mr. Giblin to set aside \$50,000 in account regarding Ch40B Comprehensive Permits for reasons as discussed above. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.**

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It was noted Mr. Mike Thomas is now the Chairman of the Finance Committee due to their Reorganization.

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Mr. Yunits spoke of the public to continue to be cautious until the first freeze regarding the West Nile Virus. There was a bird found to be positive, and Easton had two positive Triple-E tests with birds.

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A thank you to the Town of Norton from the TPC/Tiger Woods Tournament, and they were also asking about FIOS availability.

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A thank you was received from a resident whose husband was lost and has dementia. She thanked the Town for their quick response.

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There is an IMA meeting scheduled for September 9.

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Watershed RFQ due on 10<sup>th</sup> of September and needs a volunteer from Board to review responses that are returned on watershed.

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Currently there is work being conducted on design on spillway/dam and meeting will be held on Sept. 23<sup>rd</sup> at 7:05 p.m. in Conservation Dept./offices.

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Test holes planned to be dug by Highway Dept./Mr. Silver at Daggett-Crandall property.

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Mr. Kimball stated Island Brook has an abandoned pipeline going through it, and it is important for ZBA to get information on this to ensure they are aware what is specifically at that location, etc. Building would be basically on top of pipeline and needs to be addressed. Discussion ensued.

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Mr. Kimball noted the septic failed on the 40B on Maple Street. There is no sewerage in that area at all.

Mr. Salvo asked Mr. Yunits if they could obtain a copy of that deed; he believed there was supposed to be an association started and money was supposed to be put in account.

Mr. Giblin said almost every 40B homeowner usually has to dish out money. We need to ensure all "i"'s are dotted and "t"'s are crossed. The Town and its departments do the best they can and sometimes their hands are tied due to regulations/rules. Discussion ensued.

Mrs. Steele said many problems with these 40B's arise and thought a complaint campaign may be more effective with letters being sent to State from actual homeowners.

Mr. Kimball said if he were a homeowner, he would file suit law against state of Massachusetts as they created this mess. Mr. Kimball said possibly members of association can come to Board of Selectmen and provide an update.

It was noted the Board promotes affordable housing, however, these Ch40B's are not affordable housing.

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**D. APPOINTMENT'S/RESIGNATIONS**

**1. 7:40 P.M. – Appointment of Equipment Operator III in the Norton Highway Department**

Mr. Silver, Highway Superintendent, introduced Mr. Watson and stated Mr. Watson also holds a Class A Hydraulics license. He also has plowed for the Town of Norton for years and will be a

great asset to the Highway Department. They will now be up to capacity in the Highway Department.

Mr. Yunits said Mr. Silver had received about three or four resumes and Mr. Watson was selected.

**MOTION was made by Mr. Giblin to approve appointment of Mr. William L. Watson to the position of Equipment Operator III in the Norton Highway Department, effective September 11, 2013. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**

2. Appointment of Town of Norton Designee to the MBTA Advisory Board

Mrs. Heather Graf was the rep for many years, however, she is unable to do this any longer. There was suggestion of advertising this on the website for any one who may be interested. Interest letters may be sent to Town Municipal Center, 70 East Main Street. If there are any questions, please call Mr. Yunits, Town Manager.

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

Norton Reservoir Cleanup Day will be held September 8 and they are asking business owners around the Reservoir to clean up their shoreline and open up their dumpsters to volunteers. This is sponsored by Norton Kayak Company ([Info@nortonkayaycompany.com](mailto:Info@nortonkayaycompany.com)) and Wheaton College.

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The Second Annual Fire Truck Pull to benefit the Special Olympics of Massachusetts will be held September 28 at Comcast Center. More info can be found at: [www.Masstorchrn.org](http://www.Masstorchrn.org) or call 508-485-0986 x245

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Norton Historical Society will hold a meeting on September 17 at 7:30 p.m. Mr. George Yelle will be presenting "Fall in 1913".

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Mr. Kimball referenced Roche Bros plaza and concerns with so many empty/vacant buildings in that plaza. Mr. Kimball said it is important to support local businesses, especially where Roche Bros. is the only grocery store Norton has in town.

Mr. Kimball said possibly the Board/the Town can reach out to Gator Investments and see if they need assistance renting some of the vacant buildings, and asked Mr. Yunits to look into this.

Mr. Giblin questioned if rent is possibly too expensive in that plaza? He said it appeared a lot of businesses were being squeezed out of there. Possibly Town/IDC can help with this effort.

Mr. Giblin noted the Fiesta Restaurant in that plaza has very good food!

Mr. Salvo referenced the fence damage from the July microburst in that plaza and Mr. Yunits was asked to discuss this with Roche Bros. or other responsible party to repair fence.

Mr. Salvo said Dollar Tree wondered if they could expand to next door, but he heard they could not come to a mutual agreement on price with Gator Investments as it was too expensive.

Mr. Kimball asked Mr. Yunits to reach out to Gator Investments.

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Mr. Kimball said he heard through the “rumor mill” there may be a development going into Reservoir area/Mansfield Avenue, and asked Mr. Yunits to find out if there are intentions of building there and what intent is.

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Mr. Kimball said it will be important to keep an “eye” on status of proposed racetrack also, probably not a problem, but still beneficial to keep an “eye” out.

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Mr. Bramwell asked about the status of the Tri-town Agreement.

Mr. Yunits said they are meeting the following Monday and he has heard they are “close”.

**VII. NEXT MEETING’S AGENDA**

1. Joseph A. Costa, Adjutant/Treasurer, Disabled American Veterans, request for annual Forget-Me-Not Drive permit
2. Application for 3<sup>rd</sup> annual Leah Fernandes 5K road race

**VIII. EXECUTIVE SESSION**

**IX. ADJOURNMENT**

**MOTION was made by Mr. Bramwell to Adjourn at 8:52 p.m. Second by Mr. Giblin. Vote: Unanimous.  
MOTION CARRIES.**

Respectfully Submitted by:

Janet A. Sweeney  
Board of Selectmen – Recording Secretary

**Documents Distributed/Reviewed at September 5, 2013, Board of Selectmen Meeting**

- . Board of Selectmen Draft Minutes of Meeting dated April 25, 2013
- . Application of Daniel DeFeo for a one-day All Alcohol license to be utilized at Everett Leonard Park, September 14, 2013, 1:00 – 4:00 P.M. , for private party
- . Proclamation: “National Preparedness Month – September 2013”
- . Graves Engineering Change Order #4 (dated August 29, 2013 addressed to Norton Zoning Board of Appeals from Donald J. Graves, P.E., President; Subject: Comp. Permit Application (40B), 274 East Main Street, 5<sup>th</sup> Peer Review)
- . Petition/Plan for Pole Locations, dated June 27, 2013, addressed to Board of Selectmen from Massachusetts Electric Company-Manager of Distribution Design
- . Notice of Public Hearing to be held September 5, 2013, 7:30 P.M., in the Selectmen’s Meeting Room, Norton Municipal Center, 70 East Main Street, Norton, MA 02766, relative to a Petition from Massachusetts Electric Company (National Grid), proposing installation of Solely Owned Pole 2188-84 on public property.
- . Letter dated June 18, 2013 from Attorney David C. Manoogian addressed to Board of Selectmen, Planning Board, Board of Assessors, Conservation Commission, Massachusetts Dept. of Conservation and Recreation-Boston, MA, re: Notice of Intention to Convert Land off Fairlee Lane, Norton, MA, to Other Use under M.G.L. Chapter 61A, Section 14 for Solar Farm Use with accompanying letter from Lisa Cathcart, Director of Assessing, Town of Norton to Board of Selectmen re: Notice of Intention to Convert Land off Fairlee Lane from Chapter 61A to a Solar Farm
- . Draft - Town of Norton Warrant for the Annual Town Meeting, October 7, 2013

**BOARD OF SELECTMEN**  
**MINUTES OF MEETING OF**  
**SEPTEMBER 5, 2013**

**ROBERT W. KIMBALL, JR., CHAIRMAN**

**MARY T. STEELE, VICE-CHAIR**

**BRADFORD K. BRAMWELL, CLERK**

**TIMOTHY R. GIBLIN**

**ROBERT S. SALVO, SR.**

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