

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

I. CALL TO ORDER BY CHAIRMAN

The December 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. Timothy R. Giblin; and Mr. Robert S. Salvo, Sr. Absent: Mr. Bradford K. Bramwell, Clerk. Mr. Michael Yunits, Town Manager, was also present.

B. Pledge of Allegiance

II. WARRANTS AND MINUTES

A. Approve bi-weekly payroll for the period ending November 23, 2013, Warrant #32, dated November 27, 2013, in the amount of \$1,295,326.29

MOTION was made by Mr. Giblin to Approve bi-weekly payroll for the period ending November 23, 2013, Warrant #32, dated November 27, 2013, in the amount of \$1,295,326.29. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

- B. Approve bills Warrant #33, dated November 27, 2013, in the amount of \$15,467.82
MOTION was made by Mr. Giblin to Approve bills Warrant #33, dated November 27, 2013, in the amount of \$15,467.82. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.
- C. Approve bills Warrant #34, dated December 5, 2013, in the amount of \$2,655,275.44
MOTION was made by Mr. Giblin to Approve bills Warrant #34, dated December 5, 2013, in the amount of \$2,655,275.44. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.
- D. Approve Minutes – August 8, 2013
MOTION was made by Mrs. Steele to approve the Board of Selectmen Minutes of Meeting dated August 8, 2013, as written. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

III. LICENSES AND PERMITS

1. 2014 Renewal/New Licenses

Mr. Kimball said this year new regulations are in place where certain inspections are necessary before a license can be renewed. The Board should accept these if voted on “contingent on all final inspections”.

Mr. Salvo asked if there is an address for Kelly’s Place?

Mr. Yunits responded address is 292 East Main Street.

Also, Mr. Giblin noted in the document it should read “Hess Express” not “Hess Enterprises”.

Mr. Kimball reiterated these will be contingent on final inspections.

Motion was made by Mrs. Steele to approve all “2014 Renewals/New Licenses” as presented, including Common Victualler (Restaurant) All Alcoholic, Common Victualler (Restaurant) Wine and Malt, Retail Package (Package Store) All Alcoholic, and Retail Package (Package Store) Wine and Malt, Class I, Class II, Class III, Limousine, Lodging House including Common Victualler, subject to final inspections. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

Mr. Giblin asked if the Board wanted to include Common Victualler Licenses regarding establishments wishing to remain open until 2 A. M. following New Year's Eve?

Mr. Kimball responded they can remain open until 2 A.M. on New Year's Day. He said in all fairness the Board is providing all the opportunities for establishments to stay open. There are two requests this evening.

Mr. Yunits stated he will also be sending a criminal background check to certain businesses.

2. Request for 2:00 A.M. Closing for the New Year's Eve Celebration:

. Fillmore-Nason Post #8049 V.F.W. of USA, 38 Summer Street

. Farney Brothers, Incorporated d/b/a Trinity Bar & Grill, 184 West
Main Street

MOTION was made by Mrs. Steele to approve request for 2 A.M. closing on New Year's Day (for New Year's Eve Celebration) to Fillmore-Nason Post #8049 V.F.W. of USA, 38 Summer Street, Norton and Farney Brothers, Incorporated d/b/a Trinity Bar & Grill, 184 West Main Street, Norton. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

IV. ANNOUNCEMENTS

American Red Cross: "Give Blood At Gillette Stadium and Get Credit* for the Bob's Discount Furniture \$250,000 High School Heroes Scholarship Program" on Saturday, December 7, 9 A.M. – 4 P.M.

.....

A thank you to Norton Parks and Rec for the Tree Lighting Ceremony this past weekend. Despite the rainy weather, it was still a wonderful time.

V. BUSINESS

A. NEW BUSINESS

1. 7:05 P.M. – Jacqueline Boudreau, Treasurer/Collector Re: Request to approve and sign note documents

Ms. Boudreau stated she had two separate Notes; Daggett Crandall and High School. First Note in the amount of \$7,700,000 and bid awarded to Morgan Stanley at a rate of 1%.

Second note -\$285,000 includes four separate smaller projects voted at the Town Meeting as well, and will be paid down over five years. The interest rate is .6% on the second Note.

It was noted by Mr. Kimball the Clerk of the Board of Selectmen, Mr. Bramwell, is absent this evening, therefore, they will obtain a signature from the Recording Secretary, Janet Sweeney.

MOTION was made by Mr. Giblin to vote to approve the sale of a \$7,700,000 1.00 percent General Obligation Bond Anticipation Note (the "Notes") of the Town dated December 13, 2013, and payable May 21, 2014, to Morgan Stanley & Co., Inc. at par and accrued interest plus a premium of \$26,873.00;

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official statement dated November 19, 2013, and a final Official Statement dated November 26, 2013, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt states of the Notes.

Further Voted: to approve the sale of a \$238,983 0.60 percent General Obligation Bond Anticipation Note (the "State House Note", and together with the Notes, the "Obligations") of the Town dated December 13, 2013, and payable December 12, 2014, to Eastern Bank at par and accrued interest, if any.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined

by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

2. Water Bodies Committee Re: Update – Water Bodies RFQ

Mr. Dave Leonard, Co-Chair, provided an update. RFQ did not come back; scope was pretty big. Best course of action is to narrow that scope. It appears to be too large of a project to have them altogether.

Mr. Leonard believed another joint meeting should happen; if a consultant can get these going and as long as funds are there, they should move ahead.

Mr. Kimball said Mr. Yunits will meet with the Water Bodies Committee to get the process going. Discussion ensued.

Mr. Leonard commented one of their committee members spotted a pair of bald eagles earlier that day.

3. Schedule Spring Annual Town Meeting

Mr. Yunits said proposed of Town Meeting to be scheduled for May 12; need to Open Warrant and Warrant would close on January 31st, 2014.

Timelines were discussed.

MOTION was made by Mr. Giblin to approve the presented timelines related to the Annual Town Meeting, and to schedule Spring Annual Town Meeting for May 12, 2014. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

B. OLD BUSINESS

Daggett-Crandall property was discussed. Mr. Kimball said it is important to keep focus on this issue and have Cemetery Commission in to review rates/fees etc.

C. TOWN MANAGER'S REPORT

. Update – Shpack

On December 3 there was a Shpack Cleanup Meeting. Everything has gone well this Fall and they are demobilizing tomorrow. Highway Superintendent had a question on drainage on Peckham Street in North Attleboro and they said they were trying to restore to way it was; not to improve it. A 6' fence will be erected. A follow-up meeting is scheduled for June also

. Update – Reservoir Dam Project

Monday, November 25, there was a Conservation Commission meeting and Town Counsel of Kopelman & Paige was present. The dam is a man-made lake and currently the way dam is designed is for a 100 year storm; the State requires it to be built for a 1,000 year storm. Mr. Yunits said they will have a meeting with State to discuss this with them. The Reservoir would have to be designed for a 1,000 year storm, so engineer is working on it and seeing if Town can obtain a waiver of that requirement from State (Reservoir is mostly only about 3 feet high).

. Update – Route 123 and Route 140 Intersection

Mr. Yunits stated he met with State Representatives Howitt and Barrows and spoke of Routes 140 and 123 intersection. Representatives Barrows and Howitt, and Senator Timilty brought officials from State District 5 and had a good conversation about that intersection; the traffic lights; and talked about the Chartley (North and South Worcester Street intersection issue) and the concern of no sidewalks coming up that road/hill on Route 123.

It was noted they were asked by SRPEDD for accident reports, traffic counts, etc., by Route 495.

Mr. Kimball referenced ramp near Route 495, and said the visibility is the worst of all of them. Middleboro and Lakeville has a population less than Norton's population, and they have signalization. It is very important to stay on top of this.

Mr. Kimball said Plain Street Bridge will be shut down for about 8-9 months and people need to reroute their traffic pattern, therefore there will be a lot more traffic, so it is imperative they get this signalization process started.

Mr. Kimball said the city of Taunton is continuing to build their industrial park as well as Norton, growing in leaps and bounds, and it is impacting the traffic issue.

Mr. Giblin referenced an email he received July 8, 2010, from a person, regarding Route 123 and Route 140. One of the issues was taking a turn from West Main Street to Taunton Avenue. Also Route 123 by CVS; people are in crosswalk and issue where people have a walk signal. He said also the post office ties up traffic, and the traffic lights are not synchronized at center of Route 123.

Mr. Kimball said it is being addressed, and the Town is looking at redesigning entire intersection.

Mr. Salvo said at 6:30 a.m. at the end of North Washington Street waiting to pull out onto Route 123; he has never seen so much traffic.

Mr. Kimball stated if there are any future improvements in Taunton industrial Park, the Town of Norton needs to be advised.

D. APPOINTMENTS/RESIGNATIONS

VI. SELECTMEN'S REPORT AND MAIL

A letter was sent to ZBA by Board of Selectmen; however, it appeared letter was not acknowledged or addressed. Board of Selectmen is the appointing authority and need to look at committees and boards they appoint and see if they follow the direction of Board of Selectmen.

Mr. Kimball said he thought Turtle Crossing was a Friendly 40B. It was not hidden, he just did not pay attention to it. Height was 50' at the time and it did not occur to him how extensive that is. Mr. Noel said the "horse has already been let out of the barn". 1) It doesn't allow him to feel to be open to another 40B; 2) if the Town allows a complex to be built over 50' in a commercial district, they are now changing the future ways this Town is going to look. Mr. Kimball said he could understand Zoning Board's concern, but this is different; these buildings are imposing buildings over a residential area. Also it is close to street and Norton is not a citified (city) community. Mr. Kimball referenced an article he read that by the year 2030, the population will decrease; however, he doubts it especially with this project. This Board's concerns are not being listened to by ZBA. More than two of the buildings in rear of property have a new height of 49' 10", and buildings 4 and 6 are 51' 10". Two more feet is a lot. He feels this is a "slap in the face" for people who live in this Town. It sets a precedent for other developers to build 51' 10" or possibly higher. Discussion ensued.

Mr. Kimball said it will be important to see how it all "shakes out". The Town owns a cemetery next to the property so the Town of Norton has standing, and if the Town takes any legal action against developer, it is one area they can address. He reiterated, the Board's thoughts and concerns are not being listened to. If they cannot be listened to, then the other alternative is to take legal action.

.....

Mr. Kimball said he recently learned the Norton Mirror newspaper will no longer be published. Reporter for the Norton Mirror, Heather Harris, said she enjoyed covering Norton and said it was a very thoughtful Town. She said she calls Norton "My thrifty Yankees" and the Town is very loyal. Donna White, other reporter, is also very disappointed.

Mr. Kimball said he was disappointed to see another newspaper go out of business. He sent his thank you to Donna White also, and asked to please extend the Board's thanks to her.

VII. NEXT MEETING'S AGENDA

. Possibly more licenses at next meeting.

Mr. Yunits said he does not plan to chase business owners next year; they will close them January 1st and inspections are necessary.

. There is a Board of Selectmen posted for next week; and also for December 19th if Board needs to meet. Then, the next meeting is scheduled for January 7th.

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

MOTION was made by Mr. Giblin to Adjourn at 8:19 P.M. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

**Janet A. Sweeney
Board of Selectmen – Recording Secretary**

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

- . Draft Board of Selectmen Minutes of Meeting, dated August 8, 2013

- . 2014 Renewals/New Licenses

- . "Vote of Board of Selectmen" re: Request to approve and sign note documents

- . Letter addressed to Board of Selectmen, dated November 21, 2013, re: Request for 2 A.M. Closing for the New Year's Eve Celebration, from Gary Cameron, Fillmore-Nason Post #8049 V.F.W. of USA, 38 Summer Street

- . Letter addressed to Board of Selectmen, dated November 22, 2013, re: Request for 2 A.M. Closing for the New Year's Eve Celebration, from John A. Robertson, Jr., Farney Brothers, Incorporated d/b/a Trinity Bar & Grill, 184 West Main Street

BOARD OF SELECTMEN
MINUTES OF MEETING OF
DECEMBER 5, 2013

ROBERT W. KIMBALL, JR., CHAIRMAN

MARY T. STEELE, VICE-CHAIR

BRADFORD K. BRAMWELL, CLERK

TIMOTHY R. GIBLIN

ROBERT S. SALVO, SR.

Dated: _____