

**BOARD OF SELECTMEN
MINUTES OF MEETING
SEPTEMBER 4, 2014**

I. CALL TO ORDER BY CHAIRMAN

The September 4, 2014, Meeting of the Board of Selectmen was called to Order by Mrs. Steele, Chairman, at 7:00 p.m., held in the First Floor Selectmen's Conference Room.

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

B. Pledge of Allegiance

II. WARRANTS AND MINUTES

A. Approve bills Warrant #13, dated August 28, 2014, in the amount of \$783,236.12

MOTION was made by Mr. Giblin to Approve bills Warrant #13 dated August 28, 2014, in the amount of \$783,236.12. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

- B. Approve bi-weekly payroll for the period ended August 30, 2014, Warrant #14, dated September 4, 2014, in the amount of \$1,167,581.12

MOTION was made by Mr. Giblin to Approve bi-weekly payroll for the period ended August 30, 2014, Warrant #14, dated September 4, 2014, in the amount of \$1,167,581.12. Second by Mr. Kimball.

Vote: Unanimous. MOTION CARRIES.

- C. Approve bills Warrant #15, dated September 4, 2014, in the amount of \$1,061,868.72

MOTION was made by Mr. Giblin to Approve bills Warrant #15, dated September 4, 2014, in the amount of \$1,061,868.72. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

- D. Approve Minutes –

There were no Minutes approved/reviewed.

III. LICENSES AND PERMITS

1. 7:05 P.M. – Application of IGRANT Restaurant Group, Inc. d/b/a Mangia Neopolitan Pizzeria, 288 East Main Street, Norton, MA 02766, for a Common Victualler License

The applicants were present, David Lava and Llysa Grant, were hoping to open by September 21st and it would be the same license as Mangia Neopolitan Pizzeria. Menu includes pizza, sandwiches, wraps, and salads. It is a more healthy way of delivering pizza (including wheat crust pizza), and also have takeout and deliveries.

MOTION was made by Mr. Kimball to approve Application of IGRANT Restaurant Group, Inc. d/b/a Mangia Neopolitan Pizzeria, 288 East Main Street, Norton, MA 02766, for a Common Victualler License. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

2. Request of Jandianne J. Chamberlin, FRP, CP, Licensing Specialist, Gray Robinson Attorneys At Law, to transfer the licenses and ownership for Hess #21214, 125 West Main Street, Norton, MA 02766, to the Underground Storage Flammable License and Certificate of Registration, from Amerada Hess Corporation, One Hess Plaza, Woodbridge, NJ 07095, to Hess Retail Operations LLC, same address, due to a corporate tax restructure and creation of a new subsidiary under the Hess Corporation umbrella

Mr. Kimball stated all licenses who have a change of ownership, as a formality, should come before the Board of Selectmen, for a Common Victualler license.

MOTION was made by Kimball to Approve Request of Jandianne J. Chamberlin, FRP, CP, Licensing Specialist, Gray Robinson Attorneys At Law, to transfer the licenses and ownership for Hess #21214, 125 West Main Street, Norton, MA 02766, to the Underground Storage Flammable License and Certificate of Registration , from Amerada Hess Corporation, One Hess Plaza, Woodbridge, NJ 07095, to Hess Retail Operations LLC, same address, due to a corporate tax restructure and creation of a new subsidiary under the Hess Corporation umbrella. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

3. Application of Dan DeFeo for a one-day All Alcohol Liquor License to be utilized at Everett Leonard Park, Saturday, September 13, 2014, 2:00 – 5:00 P.M., for a private party

MOTION was made by Mr. Kimball to Approve Application of Dan DeFeo for a one-day All Alcohol Liquor License to be utilized at Everett Leonard Park, Saturday, September 13, 2014, 2:00 – 5:00 P.M., for a private party. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

IV. ANNOUNCEMENTS

Norton Reservoir Clean Up Day to be held on September 14, 2014 from 8 a.m. to 12 noon, sponsored by Norton Kayak company and Wheaton College. For more info: info@nortonkayak.com.

V. BUSINESS

A. NEW BUSINESS

1. Appointment of Full-Time Administrative Secretary in Board of Health Department

Mr. Yunits said Ms. Tavares had been employed as an office administrator in a storage disposal business and familiar with the type of work required for this position.

Mr. Yunits explained this particular position had an employee out on disability and, while in process of applying for that, a temporary person was working in the position. Once it was discovered the retirement had gone through, in-house employees could apply and it would be determined if such employees were qualified for this position, and if not, they would advertise this to outside candidates. Mr. Yunits stated both, he and Board of Health Agent interviewed candidates for this position.

MOTION was made by Mr. Kimball to appoint Margaret Tavares to Full-Time Administrative Secretary in Board of Health Department, effective September 5, 2014. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

2. Discuss and Vote Intention to Lay Out Plain Street (Portion) and to Refer to Planning Board

Mr. Yunits said the first step is to advise Planning Board of Board of Selectmen's intent to lay it out.

Mr. Kimball spoke of paper streets and explained purpose behind this.

MOTION was made by Mr. Giblin of the Board of Selectmen's Intention to Lay Out Plain Street (Portion) and to Refer to Planning Board. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

3. Discuss and Vote to refer Zoning Bylaw Amendment to Planning Board, Re: correction of numbering in all Bylaws associated with the Bylaw entitled: "Large-Scale, Ground Mounted, Solar, Photovoltaic Installations"

Mr. Yunits explained this correction; when the numbering was done, the zoning articles had not been updated on town clerk's website yet and a marijuana bylaw had passed in between, so it is necessary to go through the public hearing process to change the number of articles.

MOTION was made by Mr. Giblin to vote to refer Zoning Bylaw Amendment to Planning Board, Re: correction of numbering in all Bylaws associated with the Bylaw entitled: "Large-Scale, Ground Mounted, Solar, Photovoltaic Installations". Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

4. Discuss and Vote to Refer Zoning Bylaw Amendment to Planning Board, Re: amendment of the Norton Zoning Bylaws, Article XI – Administration and Enforcement, and amendment of the Town's General Bylaws

Mr. Yunits stated the Board moved "No Action" previously; this will put all zoning bylaws in town clerk's office and not in building department.

MOTION was made by Mr. Kimball to vote to Refer Zoning Bylaw Amendment to Planning Board, Re: amendment of the Norton Zoning Bylaws, Article XI – Administration and Enforcement, and amendment of the Town's General Bylaws. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

. Discuss and Vote to Refer Street Acceptance – Country Club Way to Planning Board

Mr. Yunits explained. It was discussed there were many drainage/water issues on Country Club Way.

Mr. Giblin commented Country Club Way has been in existence for ten to fifteen years and questioned how many other streets exist that are aged and are ready to be accepted, etc.? He inquired if the Town would be able to receive any Chapter 90 money? Possibly as a Board of Selectmen, they can do something to expedite the process.

Mr. Salvo responded if they do find more streets that have to be accepted, it is expensive for the engineering work and sign offs, etc.

Mr. Giblin recommended, in the future, to ensure developer is accountable at the time that the road/development is being finished.

MOTION was made by Mr. Kimball to Vote to Refer Street Acceptance – Country Club Way to Planning Board. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

. Vote to approve the Memorandum of Agreement between the Town of Norton and S.E.N.A. Local 9158-B

Mr. Yunits said S.E.N.A. B agreed to the Memorandum of Agreement and have signed it.

MOTION was made by Mr. Giblin to approve the Memorandum of Agreement between the Town of Norton and S.E.N.A. Local 9158-B. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

. List of Warrant Articles for October 20, 2014, Fall Annual Town Meeting

Mr. Yunits explained this was a presentation of a list of articles with some placeholders also.

OLD BUSINESS

C. TOWN MANAGER'S REPORT

Updates:

. Citizens Enterprises Corp. Solar @ Hill Street Landfill

Mr. Yunits explained Citizens Enterprises Corp. met with Conservation Agent, Building Inspector, Director of Assessing, Town Planner, Deputy Fire Chief, and himself to review everything needed, etc. They will file for permits in September/October and plan to be operational by July 2015 (construction to take approximately one month). One issue is, some residents drop their leaves off on Hill Street and, once this is done, leaves won't be able to be dropped off, so possibly they can locate a new spot.

. 274 East Main Street Roadway Improvements

Mr. Yunits explained the developer will lower road by a foot and a half with vegetation to also be lowered for better visibility. A water main will need to be installed. There is a new concept for the sewer that they will bring this to Water & Sewer Department. There will be one sewer line going down to K Street area instead of multiple pressure mains. These plans will be revised and they will come back again with new plans. Discussion ensued.

Mr. Kimball cautioned people/residents that wherever line comes out, residents will be mandated to make a connection.

Mr. Kimball asked Mr. Yunits to communicate to them to bring water down a bit more would be better and to ensure people/residents are aware of the sewer line possibility as it gets very expensive.

It was also noted they need to move the gas main.

Mr. Bramwell referenced hump in road and suggested they go behind cemetery with a granted easement.

Mr. Kimball said the cemetery drops off fast.

Mrs. Steele asked Mr. Yunits to obtain a map showing area/cemetery, etc.

. Meeting with Wheaton President, Dennis Hanno

Mr. Yunits stated he and the two chiefs in Town (Fire and Police Chiefs) had a meeting with the new president of Wheaton College. He seems like a hard working person and President Hanno wondered how he can keep everyone in Town informed. He wants to be involved in Town and keep connection with Town. They also met with Vice-President and Dean of Students and they discussed properties in Town that have been a problem in the past.

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Mr. Yunits stated he and Conservation Agent, Jennifer Carlino, met with environmental company regarding treatment of the ponds (Chartley, Winnecunnet and Barrowsville) and will advise Finance Committee what it will cost to treat the ponds.

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There is new legislation on package store licenses where these stores will soon be able to open at 10 A.M. instead of 12 noon on Sundays and towns/cities have no say in this matter.

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Pro Home Inc. helps first time homebuyers. They did have a client in Norton and received a \$6,180 grant toward down payment and closing costs and have counseled many people in or near foreclosure.

D. APPOINTMENTS/RESIGNATIONS

Mr. Kimball said per letter of Mr. Noel, Chair of Zoning Board of Appeals (ZBA), ZBA member, David Brolsma, is stepping down/resigning. Also ZBA member, Mr. Rota, changed his town residence, therefore, these vacancies should be advertised, and Chairman Noel is asking the Board of Selectmen's assistance in filling these positions.

VI. SELECTMEN'S REPORT AND MAIL

Mr. Bramwell indicated his Aunt Rose, who is very talented, made an afghan resembling the United States Flag for the Gold Star Committee and wished to deliver it to Mr. Kimball this evening. Hopefully the Gold Star Committee can make a good deal of money to raffle it off.

Mr. Kimball thanked Mr. Bramwell for delivering this and said they will send her a thank you card in return and thanked her for this.

Mr. Kimball said the next fundraiser the Gold Star Committee is planning to have is working with the VFW to come up with funds; possibly a microbrewery type of event and some wine tasting with all proceeds toward funds that VFW will control as the Town's Veterans' Agent needs emergency food/heat (oil) (to build a fund for the VFW to assist veterans in various ways).

VII. NEXT MEETING'S AGENDA

VIII. EXECUTIVE SESSION

1. To discuss strategy with respect to litigation

IX. ADJOURNMENT

Declaration by the Chairman, Mrs. Steele, at 7:50 P.M.:

I declare, under General Laws Chapter 30A, Section 21A(a)(3), that the purpose of the executive session will be to discuss strategy with respect to litigation, because a discussion of the litigation strategy in open session could compromise the purpose of the executive session and with the Board to not return to open session at the conclusion of the open session.

MOTION was made at 7:51 P.M. by Mr. Bramwell that the Board of Selectmen go into executive session under G.L. c.30A, Section 21(a)(3) for the purposes and reasons declared by the Chairman and with the Board to not return to open session thereafter. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney
Board of Selectmen – Recording Secretary

Documents Distributed/Reviewed at September 4, 2014, Board of Selectmen Meeting

Memorandum of Agreement Between Town of Norton And S.E.N.A. (Salaried Employees of North America AFL-CIO-CLC) Local Union 9158-B For a Successor Collective Bargaining Agreement, July 1, 2014 – June 30, 2017

Application of License/Permit of IGRANT Restaurant Group, Inc. d/b/a Mangia Neopolitan Pizzeria, 288 East Main Street, Norton, MA 02766, for a Common Victualler License

Letter dated August 18, 2014, addressed to Norton Town Clerk RE: Notice of Transfer of Ownership of License to Hess Retail Operations LLC Certificate of Registration for Underground Storage Flammable License-Hess Corporation #21214-119-125 West Main Street, Norton, MA 02766, from Jandianne J. Chamberlin, FRP, CP, Licensing Specialist, Gray-Robinson Attorneys At Law

Application of Daniel DeFeo for a one-day All Alcohol Liquor License to be utilized at Everett Leonard Park, Saturday, September 13, 2014, 2:00 – 5:00 P.M., for private party

Memorandum addressed to Board of Selectmen, dated August 21, 2014, from Michael D. Yunits, Town Manager, Re: Notice of Appointment of Full-Time Administrative Secretary in Board of Health Department

Letter addressed to Board of Selectmen/Chairman Steele, dated August 21, 2014, from Thomas R. Noel, Chair, Zoning Board of Appeals, Re: Zoning Board Alternate Member, J. Brolsma, resignation.

List of Warrant Articles for October 20, 2014, Fall Annual Town Meeting

**BOARD OF SELECTMEN
MINUTES OF MEETING OF
SEPTEMBER 4, 2014**

MARY T. STEELE, CHAIRMAN

BRADFORD K. BRAMWELL, VICE-CHAIR

TIMOTHY R. GIBLIN, CLERK

ROBERT W. KIMBALL, JR.

ROBERT S. SALVO, SR.

Dated: _____