

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
OCTOBER 2, 2014**

**I. CALL TO ORDER BY CHAIRMAN**

The October 2, 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 bi-weekly payroll for the period ended September 27, 2014, Warrant #20, dated October 2, 2014, in the amount of \$1,082,519.21

**MOTION was made by Mr. Giblin to Approve bi-weekly payroll for the period ended September 27, 2014, Warrant #20, dated October 2, 2014, in the amount of \$1,082,519.21. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.**

- B. Approve bills Warrant #21, dated October 2, 2014, in the amount of \$1,354,835.98

**MOTION was made by Mr. Giblin to Approve bills Warrant #21, dated October 2, 2014, in the amount of \$1,354,835.98. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.**

- C. Approve Minutes – July 10, 2014

**MOTION was made by Mr. Giblin to Approve Minutes of Meeting of Board of Selectmen, dated July 10, 2014, as written. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.**

**III. LICENSES AND PERMITS**

**IV. ANNOUNCEMENTS**

**V. BUSINESS**

**A. NEW BUSINESS**

1. 7:10 P.M. HEARING – Petition of Massachusetts Electric Company (National Grid). Fairlee Lane: To install Pole 3381-50, beginning at a point approximately 14 feet west of the centerline of the intersection of Burt Street and continuing approximately 1522 feet in a north direction

Mr. Giblin read aloud the legal announcement regarding this Hearing, dated September 18, 2014.

A representative, Mr. Braden, from National Grid's Hopedale, Massachusetts office, said he understood Fairlee Lane was not an accepted road in Norton so they do not have right to use petition process, therefore, need to use easement process.

It was noted Fairlee Lane is for interconnection to solar farm, therefore, no action was needed.

Mr. Kimball noted some info on plan appeared incorrect.

Mr. Braden responded the plan was done by an outside engineering firm.

**NO ACTION WAS TAKEN by the Board of Selectmen.**

2. 7:15 P.M. HEARING – Petition of Massachusetts Electric Company (National Grid). Holmes Street: To install Poles 1465, 1466, 1467, and 1468, beginning at a point approximately 14 feet east of the centerline of the intersection of Burt Street and continuing approximately 130 feet in a north direction

Mr. Giblin read legal announcement regarding this Hearing aloud.

Mr. Braden from National Grid referenced solar farm off of Fairlee Lane in Norton. National Grid needs to extend its three phase 3,000 volt overhead line from Easton to customer site. There is a gap in Holmes Street where the new poles should be put up.

Mr. Kimball asked if Holmes Street was an accepted street? They need to find out if it is an accepted street and should find out if there is a final agreement on layout. The Board may not have authorization. They have had issues with this street. Road was shifting and they do not want to infringe on someone's property.

A resident of 3 Fairlee Lane stated he understood there was no action taken on Fairlee Lane earlier in meeting. He stated the condition of poles and wires on that street is very scary. National Grid needs to fix this as he can reach up and touch wires when it rains/snows. National Grid came out three years ago as well as Mr. Braden. There are sagging wires, and there is one wire directly over the mailbox of a neighbor. They are waiting for a major issue to occur. He said there was some linen strap on trees and branches. Branches need to be cut; they have some poles that are 300 feet apart and he was not sure as to what law was regarding this? Maybe it was done before law enacted. He said that mess needs to be looked at and the danger of wires and poles on Fairlee Lane needs to be cleared up for the safety of residents.

Mr. Kimball stated the poles are probably privately owned and spoke of the width and the distance between them. It is important to find out if there are numbers on these poles. The Town does not own the road; the poles are privately owned, and whoever owns those wires needs to address this issue.

Mr. Kimball respectfully requested Mr. Yunits to send Fire Department and Building Inspector to this location to see if it is a hazard/safety issue.

Mr. Yunits said electric is by National Grid. National grid, Verizon, Comcast, and someone from the Town had a meeting and it was hoped it would be resolved.

Mr. Yunits noted the whole concept of Fairlee Lane subdivision is different.

Resident of 3 Fairlee Lane stated this is a safety issue for everyone, including children, etc.

Mrs. Steele thanked this resident for voicing his concerns and noted where it is a private road, the Board of Selectmen's "hands are somewhat tied".

Mr. Bramwell said usually they receive an email when cutting will happen and wanted to ensure Fairlee Lane is the priority.

Mr. Kimball asked Mr. Yunits to please check on this with Planning Board. The Planning Board needs to be aware; the developer may have to take some responsibility and thinks the Planning Board has the ability to enforce/negotiate. There is a need for telephone poles. Also, they need to let landowners know what process is regarding solar farm.

Mr. Giblin asked if it was possible to add a pole to help this issue?

Resident responded they were looking to re-engineer Fairlee Lane, and said they all agreed on what they could do at that meeting three years ago; there was a solution for it.

It was noted this is a Verizon set area and they were waiting for them to set pole and were waiting for rights. In this case, it was an outside engineering firm. They need rights to do anything.

Mr. Kimball said it was important to send public safety departments to this area for their observations.

After research, it was discovered Holmes Street is an accepted street.

**MOTION was made by Mr. Kimball to approve Petition of Massachusetts Electric Company (National Grid) regarding Holmes Street: To install Poles 1465, 1466, 1467, and 1468, beginning at a point approximately 14 feet east of the centerline of the intersection of Burt Street and continuing approximately 130 feet in a north direction. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

3. Vote to Lay Out Plain Street (Portion)

Jody, consultant to Department of Transportation, was present and referenced the Canoe River. This would be 20% funded by state but must be spent on public infrastructure. They identified Plain Street in vicinity of bridge is not a public way. Therefore, Town needs to accept the layout. Mass DOT has determined the existing three barrel culvert deficient and needs replacement.

They would temporarily close Plain Street to do this construction; it would be shut down for about six months. Timeline would be for next Fall to proceed on this project.

Mrs. Steele stated this has gone before the Planning Board and they have accepted it.

A resident of this area said they were the only abutter other than the Town and owns 4.4 acres that abuts Canoe River and is in favor of this. This resident said they have been watching the bridge fall apart for many years and this will alleviate the problems associated with it. The concern was the setback and will need to take down a bunch of trees. It will be a great spot for fishing once done. It is currently a complete mess and wondered if they can put up signs as he has pulled computers, tires, etc., out of water. Also, last year, he pulled out a four wheeler from river. He would hope for minimal tree taking, and also asked for a possible light to be added to that bridge so less items/junk are dumped.

Mrs. Steele said Conservation Commission should be involved with this.

Mrs. Steele said once this is all done, she asked they provide the Board of Selectmen an update as to how things are going.

Mr. Kimball spoke of replacement of water lines being important and, regarding the light itself, they need to come before the Board again to reset those poles and said abutter will get notified on pole Hearing also, so that will be beneficial.

**MOTION was made by Mr. Kimball to approve to lay out Plain Street (Portion) being developed for the bridge. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

**4. Vote to Lay Out Country Club Way**

Mr. Yunits stated they already sent their intent to Planning Board and they approved it.

**MOTION was made by Mr. Kimball to approve lay out of Country Club Way. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

**5. Vote to sign the AFSCME, Council 93, Local 1702 For A Successor Collective Bargaining Agreement for the Highway and Water/Sewer Union, for the period July 1, 2014 – June 30, 2017**

Mr. Yunits referenced the AFSCME Agreement and noted the Union signed last week and was seeking the Board's authorization.

**MOTION was made by Mr. Kimball to authorize approval/execution of the AFSCME Memorandum of Agreement. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

6. Vote to award the Joint Purchase Salt Bid for the 2014 – 2015 season

Mr. Yunits noted there was a copy of bid in the Board's packets and Town's bid was up 27 percent, and he further explained. The town of Medfield does this joint purchase bid.

**MOTION was made by Mr. Kimball to award the Joint Purchase Salt Bid for the 2014 – 2015 season to Morton Salt. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

**MOTION was made by Mr. Kimball to award the Joint Purchase Salt Bid for the 2014 – 2015 season for solar salt to Eastern Minerals . Second by Mr. Giblin. Vote: Unanimous.**

Mr. Giblin asked if the salt could be purchased at a less expensive rate if purchased at a different time of year.

Mr. Yunits responded Mr. Silver, Highway Superintendent, purchased as much as he could, but can only purchase so much.

7. Vote to authorize Town Manager, Michael D. Yunits, to sign the SERSG Community Innovation Challenge Grant Application

Mr. Yunits explained this was a bid with 19 other towns.

**MOTION was made by Mr. Giblin to authorize Town Manager, Michael D. Yunits, to sign the SERSG Community Innovation Challenge Grant Application. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.**

B. OLD BUSINESS

1. Route 123 Road Improvements Project

Mr. Yunits referenced Route 123/North and South Washington Street area. He referenced a plan where it shows a left hand turn lane. Mr. Silver has spoken to a resident of North Washington/East Main Street to alert them. Realignment is needed so road will line up better. Left hand turn lane should be a one second delay in traffic getting through that area. He spoke of an eminent domain taking on that corner and other area will need to probably be an easement for construction purposes on East Main and South Washington Street.

Mr. Kimball asked if the Town is working with Mass Highway?

Mr. Yunits responded, yes, Representative Howitt is working with State regarding this.

**MOTION was made by Mr. Kimball to accept plan for Route 123/South Washington Street and proceed with using third plan as recommended plan of improvement. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

2. Review and/or vote October 20, 2014 Fall Annual Town Meeting Warrant Articles

Article 3 – Separation Expense

Mr. Yunits said this was brought to Finance Committee and they voted to support it regarding two retirements.

**MOTION was made by Mr. Giblin to support Article 3 as written. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.**

Article 11:

Mr. Yunits referenced MGL Chapter 59, Section 2D, and stated the Town has to vote. This is to see if Town will reject this particular method with tax provisions? The Assessors have recommended this and Board of Selectmen need to accept bylaw if so desired.

**MOTION was made by Mr. Kimball to approve Article 11. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

Article 13:

Mr. Yunits stated this is for Town to appropriate \$20,000 for pre-disaster mitigation plan. This is to help Town out with NEMA during a disaster. A plan done by Mass Maritime was only plan on file which is outdated. This newer plan would be certified by State.

Mr. Giblin thought \$20,000 was a high amount.

Mr. Yunits responded \$20,000 is not really high with all that is needed. It was noted this was an approximate figure.

**MOTION was made by Mr. Kimball to approve Article 13. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

Article 14:

Mr. Yunits communicated this is what the Board voted on earlier.

**MOTION was made by Mr. Kimball to support Article 14. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

Article 15:

Mr. Yunits said this Article was part of bridge project. Land on south side of street is owned by Water & Sewer; a transfer to Board of Selectmen.

**MOTION was made by Mr. Kimball to support Article 15. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

Article 24:

**MOTION was made by Mr. Giblin to support Article 24. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.**

Article 26:

Mr. Yunits explained this was the solar bylaw approved, and numbering for bylaw was same numbering as another bylaw (Marijuana bylaw).

\*Re-number in the Norton Zoning Bylaw, Article XXI-Large Scale, Ground-Mounted, Solar Photovoltaic Installations to Article XXII-Large Scale, Ground-Mounted, Solar Photovoltaic Installations and include reference to such installations in Article IV, Section 4.5-Industrial Uses and in Table 6.2-Dimensional Requirements.

**MOTION was made by Mr. Kimball to support Article 26 (\*as noted above). Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

Article 27:

This Article relates to moving all zoning regulations from Building Department to Town Clerk's department/office. This includes zoning books, etc.

\*Delete in the Norton Zoning Bylaw Section 11.2d which makes the Building Inspector responsible for the publication and sale of the Norton Zoning bylaw and transfer such responsibility to the Town Clerk by means of the Norton Town Bylaws.



**MOTION was made by Mr. Kimball to support Article 27 (\*as noted above). Second by Mr. Giblin.  
Vote: Unanimous. MOTION CARRIES.**

**C. TOWN MANAGER'S REPORT**

Mr. Yunits stated he met with Mr. Silver, Highway Superintendent, earlier that day and he also met with developers recently regarding the 274 East Main Street project and they indicated they will not be moving road. Mr. Silver is seeking support by Board of Selectmen to move road due to curve, etc.

Mr. Kimball said he would like to take this one step further, to notify town counsel, as this Board of Selectmen had a major contention regarding this and it was to ensure that road was straightened out. So unless they want some type of litigation they need to be notified; they need to stand by their original agreements. The Board of Selectmen was under the impression road was to be designed the way Board of Selectmen desired it to be. Otherwise this may be tied up in litigation for a couple of years.

Mr. Giblin commented he was appalled this was occurring and Town should get what they deserve.

Mr. Salvo asked if the Board had the updated final decision from ZBA yet?

Mr. Yunits responded, yes, he did not have it with him, but it states they would make every attempt to improve on site distance, etc.

Mr. Kimball said he will make every attempt that the Board of Selectmen comply with the wishes of the residents/people that live in that area.

Mr. Giblin said he was concerned this is step one and the developer is already trying to make changes. The Town should get what was agreed upon.

Mrs. Steele said it is unsafe as it stands now; she agreed it was appalling that the Board has to have this discussion right now. She recommended to send a strong message back to developer.

Mr. Kimball asked Mr. Yunits to send a letter to Water & Sewer Commissioners about layout of road and of the Board's concerns. He also asked Mr. Yunits to discuss the layout of the line.

Mr. Salvo agreed the Board needed to stand their ground; he was not happy about this either. They should be trying to work together in good faith.

Mr. Bramwell said the Town is only looking for a couple of feet. He also suggested a letter to developer stating the Town is serious about this matter.

Mrs. Steele respectfully requested Mr. Yunits include in letter to developer about notifying town counsel regarding this issue.

**D. APPOINTMENTS/RESIGNATIONS**

. Resignation of Thomas G. Rota from the Zoning Board of Appeals, effective August 25, 2014

It was noted a resignation letter, dated December 1, 2013, was received from Mr. Rota, who no longer resides in Norton. It was noted this resignation was effective August 5, 2014.

Mrs. Steele stated it was important to get this position filled and there is one other open position also. Any residents interested, should send a letter of interest to the Municipal Center at 70 East Main Street.

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

**VII. NEXT MEETING'S AGENDA**

**VIII. EXECUTIVE SESSION**

. To discuss strategy with respect to collective bargaining – I.A.F.F., P.F.F.M., Local 2678

. To discuss strategy with respect to potential litigation – Island Brook 40B

**IX. ADJOURNMENT**

**Declaration by the Chairman, Mrs. Steele, at 8:14 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 collective bargaining – I.A.F.F., P.F.F.M., Local 2678, and to discuss strategy with respect to potential litigation, because a discussion of these respective strategies in open session could compromise the purpose of the executive session and the Board to not return to open session at the conclusion of the executive session.**

**MOTION was made at 8:15 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**

Public Hearing Legal Notice, dated September 18, 2014 re: Public Hearing to be held October 2, 2014, 7:10 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); Fairlee Lane: To install Pole 3381-50, beginning at a point approximately 14 feet west of the centerline of the intersection of Burt Street and continuing approximately 1522 feet in a north direction.

Letter, dated August 28, 2014, addressed to Town of Norton-Board of Selectmen, from National Grid, Eric Widman, Engineering Supervisor, Distribution Design regarding Petition of National Grid, covering National Grid pole locations (as noted above)

Public Hearing Legal Notice, dated September 18, 2014 re: Public Hearing to be held October 2, 2014, 7:15 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); Holmes Street: To install Poles 1465, 1466, 1467, and 1468, beginning at a point approximately 14 feet east of the centerline of the intersection of Burt Street and continuing approximately 130 feet in a north direction.

Letter, dated August 28, 2014, addressed to Town of Norton-Board of Selectmen, from National Grid, Eric Widman, Engineering Supervisor, Distribution Design regarding Petition of National Grid, covering National Grid pole locations (as noted above)

Map of Norton/East Main Street-Route 123 (Route 123 at South Washington Street including Alternate 1 and 1A)

Memorandum of Agreement Between Town of Norton And AFSCME, Council 93, Local 1702, For A Successor Collective Bargaining Agreement, July 1, 2014 – June 30, 2017 (Highway and Water/Sewer Union)

Memorandum dated September 29, 2014, addressed to Board of Selectmen, from Danielle M. Sicard, Town Clerk, Re: Resignation (Zoning Board of Appeals- Thomas G. Rota) accompanied by letter of resignation of Mr. Rota

FY15 Community Innovation Challenge Grant Application

Draft Town of Norton Warrant for the Annual Town Meeting, October 20, 2014

**BOARD OF SELECTMEN**

**MINUTES OF MEETING OF**

**OCTOBER 2, 2014**

**MARY T. STEELE, CHAIRMAN**

**BRADFORD K. BRAMWELL, VICE-CHAIR**

**TIMOTHY R. GIBLIN, CLERK**

**ROBERT W. KIMBALL, JR.**

**ROBERT S. SALVO, SR.**

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