



TOWN OF NORTON
BOARD OF SELECTMEN
MUNICIPAL CENTER,
70 EAST MAIN STREET, NORTON, MA 02766

Telephone: (508) 285-0210 Fax: (508) 285-0297

BOARD OF SELECTMEN
MINUTES OF MEETING
MARCH 24, 2016

I. CALL TO ORDER BY CHAIRMAN

The March 24, 2016, Meeting of the Board of Selectmen was called to Order by Mr. Bradford Bramwell, at 7:00 P.M., held in the First Floor Conference Room.

- A. ROLL CALL: Mr. Bradford K. Bramwell, Chairman; Mr. Timothy R. Giblin, Vice-Chair; Mr. Robert K. Kimball, Jr., Clerk; Mr. Robert S. Salvo, Jr.; 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 bills Warrant #58, dated March 24, 2016, in the amount of \$2,907,400.09

MOTION was made by Mr. Giblin to Approve bills Warrant #58, dated March 24, 2016, in the amount of \$2,907,400.09. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

B. Approve Minutes – December 9, 2015

MOTION was made by Mr. Giblin to Approve Board of Selectmen Minutes of Meeting, dated December 9, 2015, as written. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

III. LICENSES AND PERMITS

1.7:05 P.M. HEARING – Petition of Verizon New England, Inc. and Massachusetts Electric Company proposing to place one new push brace, relocate two poles and place one new pole with push brace on the northerly side of Plain Street.

Representative from Verizon was present and explained where poles would be located; pole needs support.

Mr. Bramwell noted the Water Department had no issue with this.

MOTION was made by Mr. Giblin to approve Petition of Verizon New England, Inc. and Massachusetts Electric Company proposing to place one new push brace, relocate two poles and place one new pole with push brace on the northerly side of Plain Street. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

2.7:15 P.M. HEARING – Application for license for aboveground storage of flammable and combustible liquids in excess of 10,000 gallons, for Ryder Trucks Project; property located at 60 Commerce Way, Norton, MA 02766

Mr. Kimball read aloud legal notice.

Mr. Mark Dibb of Condyne Engineering Group was present, requesting license to go along with property for storage of these items, and he presented an aerial photo to Board. Mr. Dibb provided history of this project and said in October they began construction on building, and Ryder Trucks started to show interest. They also have been in front of Conservation Commission. It will have a fueling facility, and an aboveground tank in excess of 10,000 gallons.

It was noted they need to go in front of local Fire Department and Fire Marshall's Office.

Mr. Bramwell asked if the Fire Department was aware of this?

Mr. Yunits responded, yes, it was before the Deputy Chief.

Mr. Dibb said other companies who were permitted with a similar situation were Penske, Waste Management, and Horizon Beverage. This would be a repair and rental facility.

MOTION was made by Mr. Kimball to approve Application for license for aboveground storage of flammable and combustible liquids in excess of 10,000 gallons, for Ryder Trucks Project; property located at 60 Commerce Way, Norton, MA 02766. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

3.7:25 P.M. HEARING – Application for license for aboveground storage of flammable and combustible liquids in excess of 10,000 gallons, for Alnylam Project; property located at 20 Commerce Way, Norton, MA 02766

Mr. Kimball read aloud legal notice.

Mr. Mark Dibb of Conydne Engineering Group was present and referenced the storage of liquids; a brief overview was provided and an aerial photo and building plan was presented to Board. It was noted the final approval was received by Planning Board also. The bulk of material to be stored in a tank farm and valve will be closed the majority of time, and designed per code and for largest tank. Director of Engineering of Alnylam, Cory Siddens, said they included some of residual stored in tank farm too. Flammables warehouse to be used for drums and totes. A fire water pump to sprinkler water to buildings. Solvents and liquids were discussed and explained to Board. Also, some of the material would be trucked off of site. Property is not fenced in, but area with tanks will have 8' high fence and approved by Planning Board.

Mr. Kimball said some precaution should be taken with this site, especially with the way the world currently is and with these different chemicals.

Mr. Siddens responded they are very sensitive to that. They plan to have 24-hour security and security cameras on property. Containment area is a concrete wall being several feet high and concrete ballards as there will be trucks in that area backing up, etc.

Property owner of 350 Myles Standish Boulevard, said he is in the real estate development area and not opposed to this, but concerned about health risk to their employees and damage in case of a problem at this site. They are 400' away from this site. They are concerned with release of chemicals; what safety measures are being taken and how abutters would be notified if a situation occurred. He was not concerned to about diesel fuel; it is the chemicals he has concerns with (one chemical is 30,000 gallons) and some are highly flammable. He would like to know what would be the effect of release of chemicals? He was concerned about atmospheric effect. They are southeast of this site, so if there was a release, they have 250 employees. He asked Board of Selectmen to postpone a decision on this for at

least for two weeks as they would like to consult their environmental consultant they have contacted to analyze chemicals, etc.

Mr. Siddens said Fire Department and Town/Town Consultant are involved with this site, and the Fire Department wanted excellent expertise brought in regarding this. He said they also will have employees and want to provide for their safety as well.

He said they are also keeping with federal and environmental code, and system in place to contain vapor from building. They are still in design stage, and they want to obtain the Fire Department's view on things.

Mr. Bramwell asked if a two-week delay would inhibit this project?

Mr. Siddens responded, no, it would not inhibit it. They have not had time to respond to these inquiries because they just learned of questions only a couple of hours ago.

Mr. Kimball said he would agree to wait a couple of weeks, however, he is not so concerned with this site, as he feels confident in system, etc.

Mrs. Steele said she understood the concerns, and if a meeting is already planned with Fire Department and their consultants, that would be beneficial, and decision could be made soon.

Mr. Yunits said Notice was sent on March 11, 2016, via certified mail, therefore, everyone had ample time to come forward (abutters, etc.).

Mr. Giblin said he was not opposed to the two week delay.

Mr. Siddens said he was extremely sensitive to safety and security of site, but design still in process and won't be in place yet.

Mr. Giblin said if Alnylam was aware of concerns of abutters upfront, it would be beneficial.

Mr. Kimball said two week should be adequate to make decision.

Mr. Kimball said he was curious as to what other business in Taunton there should be concern about, as well. He is confident all will be protected, etc.

Mr. Dibb said since part of two week process is for their consultant, he would like to make a request to have consultant give them a week for response, etc.

Property owner said he believed inside of this new building will be fully covered, but concern about tank farm. He will be glad to work with them on an informal basis. He does not want to put his tenants and their employees at risk.

Mr. Bramwell asked property owner to have his consultant contact Mr. Dibb/Condyne Engineering Group.

MOTION was made by Mr. Giblin to postpone/continue this Hearing to two weeks (April 7, 2016) at 7:05 P.M. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

4. 7:45 P.M. HEARING – Application of Kelly's Place at the Crossing, Inc. d/b/a Kelly's Place, Manager: Carol A. Cusack to transfer the Common Victualer License to Expose, Keep for Sale, and to Sell Wines and Malt Beverages To Be Drunk On the Premises, 292 East Main Street, Norton, MA 02766, to a Common Victualer License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises, same address.

Attorney Daniel Rich was present, representing Kelly's Place, owner is Carol Cusack. He said it has almost been three years to the day of obtaining the beer and wine license for this establishment. Ms. Cusack would like an all alcoholic license, which is a new license. She has operated this establishment for three years and owns another restaurant in Canton. All servers are TIPS certified and she feels this is next step. She is not changing footprint, etc.

Mr. Salvo asked if there would be a bar at this establishment?

Attorney Rich responded, no, there would be no bar. It would remain the same.

Mr. Yunits said he met with one of the residents earlier today, who was concerned with parking, and Mr. Yunits had the same conversation with Planning Department, Building Inspector, and the Chief of Police. This is a private development and ticketing cars would need to be handled by Homeowners/Condo Association.

Attorney Rich indicated the majority of the parking issue is on Saturdays/Sundays mornings.

Mr. Bramwell opened this discussion up to audience for their comments/questions.

Mr. Leland Goldberg, Chair of Red Mill Village Trustees, referenced letter and read to Board and audience. He said other residents from Red Mill Village present this evening are in opposition also.

Mr. Kimball explained Red Mill Village is a private development and restaurant is owned by someone else. It appears the developer sold off Red Mill residents' mailboxes/trash area. He said this is a viable

business, and as a Board of Selectmen, they need to think how they can proceed with this. It appears to be a concern with parking.

Mr. Goldberg said there were limited parking spaces for mail/trash in corner; they were promised by the Red Mill Crossing owner the addition of five parking spaces, but they never received it. They only have two spaces currently.

Mr. Goldberg said an apartment complex next door is being built and a liquor license would add more patrons, especially with Krickets Korner closing soon.

Mrs. Steele thanked the residents for attending this meeting and letting the Board know their situation. She said it was a difficult situation, because there were so many layers. She said the issue with this is if the Board denies this liquor license, most of the same issues will still be present. Also, at the same time, it appears there are so many issues with the living situation. Mrs. Steele said Ms. Cusack has been a responsible business owner in Town with no complaints.

Mr. Bramwell agreed he would not want to deny this license to someone who has followed the rules.

Mr. Kimball said there is no bar being planned, and if there was a bar, he would be more concerned.

Mrs. Steele stated it sounds like this may go beyond the Town with some of these issues.

Mr. Kimball said the Red Mill Village residents have a right to have cars towed if they are parked in a private area. He is concerned about patrons parking in Red Mill Village, however, he did not know if Town could help; possibly they can talk to present landowner.

Mr. Jim Pappas, a resident of Red Mill Village, presented a photo from his cellular phone taken at 3 P.M. earlier that day of a beer truck making a delivery.

Mr. Giblin noted signage is important.

Mr. Goldberg responded they have asked Kelly's to add signage, but they have refused.

A resident of 51 Coddling Road, Jim Freedman, said he is a customer of Kelly's (not a friend). He disagreed with the Board of Trustees. His wife and other residents received an email from Trustees regarding opposition of it. The footprint of establishment is not changing and Ms. Cusack runs a good operation and is at capacity on Saturday and Sunday morning only. He said he is certain no one will be drinking an alcoholic beverage with their bacon and eggs. He is in support of license.

Mr. Freedman said he conducted some research, and in 2016, the Town received almost \$240,000 in meals tax revenue. He stated it was a bad decision by the previous Board of Trustees (the Board of Trustees), and residents can be upset at that particular Board of Trustees for their decision regarding the

right of first refusal. This previous Board of Trustees was offered the right of first refusal to control and own that property to their trash and mailroom, but they did not approve it.

Mr. Freedman said for everyone who signed a purchase and sale agreement for Red Mill Village, it specifically said it was in a commercial plaza in that location. He suggested the Association possibly set up a parking committee and/or try to work something else out with owner. The owner already has a beer and wine license. This added liquor license won't change anything. No other resident wanted to speak in favor of this because they felt uncomfortable.

Mr. Yunits asked about possible off-site parking on Saturday or Sunday?

Attorney Rich responded they have discussed it. He said the apartments will be next door and will not be using vehicles where they will be so close.

A resident said he lives on corner of Hastings Way and he was not here to hurt Kelly's, but there was a problem on Saturdays and Sundays (boats, cars) that park in front of his house and he tells people they cannot park there. They need to run business on their own property. He referenced Conrad's in Norwood, a restaurant where they pay an attendant \$10/hour to handle parking. Kelly's may need to police it on their "dime", and also there is littering from restaurant customers. Hastings Way and all roads in Red Mill are private. They need to address this issue with Trustees and signage would be helpful. It is not the Red Mill residents' problem; it is Kelly's problem to find a place to put their customers' vehicles.

Attorney Rich said Saturdays and Sundays is the only problem. He would be happy to discuss options with the owner of Red Mill Crossing.

It was discussed Route 123 road should be fixed; it has been the same road since 1905.

Mr. Goldberg said this is a situation caused by developer. It is a safety and security issue with more patrons/cars, etc.

Attorney Rich said he agreed with Mr. Goldberg that this particular road should be fixed; it was a cart path, and the Chapter 40B project was supposed to widen and lower it, but that did not happen.

Mr. Goldberg said there is insufficient parking and it is a traffic hazard where location it is/a safety issue. The apartment development next door to Red Mill Village is building 188 units, and will be an immediate abutter of Red Mill Village, and residents of apartments will take patronage to Red Mill Crossing and add traffic. He suggested that the Board of Selectmen widen the road on East Main Street, outside of Red Mill Village and would allow Red Mill Crossing to have a wider area to use parking area off East Main Street. If Board of Selectmen approves this liquor license, it will add to traffic, safety, etc.

Attorney Rich said a larger trash area would be beneficial, and parking options could be looked into. The residents of the apartments next door will live so close, they won't drive, they will walk.

Mr. Bramwell said the Town owns land on opposite side of cemetery, and possibly that could help with parking, etc.

Mr. Bramwell stated the Board can limit the liquor license to a 9 P.M. closing for the nights she remains open later (until 9 P.M.), and if owner wanted to ever change the hours, there would need to be a public, open hearing meeting.

Mr. Yunits agreed and said if the owner of Kelly's Place ever wanted to change hours, she would need to come back for a public hearing and also, the owner cannot change the footprint of bar without coming before Board of Selectmen holding a public hearing.

Mr. Salvo said Kelly's Place has been a successful business for the past few years. He said he is certain she won't have any people over drink, etc. He said the Board of Selectmen received correspondence at the beginning of March regarding this and asked if the Trustees of Red Mill Village had contact with her before this?

Mr. Goldberg responded, yes, they had asked her to put up signage, etc., but that did not happen. They also did not receive additional five parking spaces that were promised. They have not had patrons of restaurant's vehicles towed previously either.

Mr. Kimball said the issue of parking is a concern for the Board also. However, they would be questioned by ABCC if this license is denied due to parking issues. Possibly the Board of Selectmen can get involved in this to help and possibly the owner of Kelly's can help also.

Mr. Kimball asked Mr. Yunits to check into land near cemetery; possibly it can be an employee only parking area. Other than land near cemetery, there is not much else they can suggest.

Mr. Salvo referenced the piece of land that runs along parking lot; 8 feet would need to be filled in with a retainer wall needed, but will cost a lot of money and work to build it.

MOTION was made by Mr. Kimball to approve Application of Kelly's Place at the Crossing, Inc. d/b/a Kelly's Place, Manager: Carol A. Cusack to transfer the Common Victualer License to Expose, Keep for Sale, and to Sell Wines and Malt Beverages To Be Drunk On the Premises, 292 East Main Street, Norton, MA 02766, to a Common Victualer License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises, same address, with hours of operation being 6 a.m. to 9 p.m. on Thursday, Friday, and Saturday, and 6 a.m. to 2 p.m. on Sunday, Monday, Tuesday, and

Wednesday. Second by Mrs. Steele. Vote: All In Favor of Motion, except for Mr. Giblin who voted Not in Favor of Motion. MOTION CARRIES.

Mr. Giblin explained he voted not in favor of Motion as he felt it could be a safety issue at some point in time. He said this restaurant does a good business and food is excellent, but he was concerned with traffic, especially with the apartment development being built next door. He said the restaurant already serves beer and wine, and adding liquor probably won't be an issue, but he could not be certain of that. He asked that Red Mill Village and Kelly's Place get together and collaborate and Board of Selectmen will also do what they can.

Mr. Bramwell said he will also ask Attorney Rich to look into this and work with owner of property to possibly enlarge parking facility and if Board of Selectmen can assist, please let them know.

A Red Mill Village resident asked what would happen if someone falls on Red Mill Village property; is it Kelly's liability or Red Mill Village?

Attorney Rich responded the owner of Kelly's Place has insurance.

Ms. Cusack stated this is a dinner place; not a bar. Also, her staff are all TIPS Certified.

A resident from Red Mill Village, seated in audience, referenced "no parking" signs and asked Board of Selectmen why can't they force her to erect signage?

Mr. Bramwell responded he believed where it is private property, the Board cannot force signage. Even on Route 123, the Board cannot erect cross walk signs, etc., because it is a State road. He will asked Attorney Rich to follow through regarding looking into parking spaces and see if he can also help with no parking area so they can get into rubbish/mailroom. The Board of Selectmen has limitations and can't/don't control private property, and are in a difficult position as they can see both sides of issue.

5. Application of Norton High School XC Boosters for Zombie 5K Road Race, to be held Saturday, October 29, 2016. Assembly Time 9:00 A.M., at Norton High School. Starting Time 10:15 A.M. – 12:30 P.M. Fundraiser for the XC (Track) Team

MOTION was made by Mrs. Steele to approve Application of Norton High School XC Boosters for Zombie 5K Road Race, to be held Saturday, October 29, 2016. Assembly Time 9:00 A.M., at Norton High School. Starting Time 10:15 A.M. – 12:30 P.M. Fundraiser for the XC (Track) Team. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

6. Application of Jeremy Derosier for a one-day All Alcohol License, to be held at Everett Leonard Park, Saturday, July 9, 2016, from 12:00 Noon to 3:00 P.M., for a private party

Mr. Bramwell noted the Chief of Police and Fire Chief both signed off on this; and no police detail is required.

MOTION was made by Mr. Giblin to approve the Application of Jeremy Derosier for a one-day All Alcohol License, to be held at Everett Leonard Park, Saturday, July 9, 2016, from 12:00 Noon to 3:00 P.M., for a private party. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

IV. ANNOUNCEMENTS

V. BUSINESS

A. NEW BUSINESS

1. Discuss and/or vote on School Committee request for a Special Town Election and Special Town Meeting to consider a Proposition 2-1/2 Override

Mr. Yunits said he did speak with the Town Clerk as she was concerned about the dates, but whatever the Board of Selectmen decides to do is fine with her.

MOTION was made by Mr. Kimball to set two dates: a Special Town Election to be held on May 17, 2016; and a Special Town Meeting to be held on June 6, 2016, at 7 P.M. at Norton High School. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

It was noted there would be some informational meetings held prior to Town Meeting to answer questions and the Board will obtain these meeting dates from the School Committee.

B. OLD BUSINESS

1.Review FY2017 Budget

Mr. Yunits indicated he provided the Board budget information and on right side of document he listed cuts and his are highlighted in blue. He said, unfortunately, other than the Police, Fire, Communications, and Highway departments, to a lesser extent they do not have big budgets they can cut from. Every department has been affected, more or less, with some sort of cuts, so when it is looked at, it is pretty drastic.

Mr. Kimball asked if this included the new insurance premiums?

Mr. Yunits responded this is as if nothing happened with the health insurance. If a change was made with health insurance, the net to Town would be a savings of \$630,000 for first year. A typical 70/30 cut would be only \$180,000 going to the \$657,000 they need to cut. Therefore, this would not solve the entire issue.

Balanced budget vs. level-funded budget was discussed.

Mr. Kimball asked if this budget was available to the public?

Mr. Yunits responded this is the preliminary budget and would be public once it is provided to Finance Committee next week.

Mr. Bramwell referenced insurance and asked if there were meetings with employee unions?

Mr. Yunits responded they met earlier in the week on Wednesday and would meet again next Wednesday.

Mr. Bramwell asked if he could be provided with a synopsis of current options regarding health insurance (i.e., various co-pays, etc.).

C. TOWN MANAGER'S REPORT

D. APPOINTEMENTS/RESIGNATIONS

VI. SELECTMEN'S REPORT AND MAIL

Road Safety Audit meeting regarding Route 495 Southbound and Northbound ramps to be held on March 31, 2016 from 9 a.m. to 12 p.m. at the Town Hall.

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Certain residents may be entitled to a free monthly bag of groceries which is sponsored by the Greater Boston Food Bank. Call Beth at the Council on Aging for more information at 285-0235.

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The Elizabeth Amen Nursery School is offering full-day/full-year programs. Various open houses will be held. Please call 285-8220 for more information.

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The Rabies Clinic will be held at Norton Fire Department on April 2 from 10-11 a.m. Town Clerk will also be open to process dog licenses.

VII. NEXT MEETING'S AGENDA

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

MOTION was made by Mr. Kimball to Adjourn at 9:15 P.M. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

A handwritten signature in cursive script, reading "Janet Sweeney". The signature is written in dark ink and is positioned above the printed name and title.

Janet Sweeney
Board of Selectmen – Recording Secretary

Documents Presented at March 24, 2016, Board of Selectmen Meeting

- . Draft Board of Selectmen Minutes of Meeting dated December 9, 2015
- . Petition of Verizon New England, Inc. and Massachusetts Electric Company proposing to place one new push brace, relocate two poles and place one new pole with push brace on the northerly side of Plain Street.
- . Notice of Public Hearing, dated March 8, to be held March 24, 2016, at 7:15 P.M. in Norton Municipal Center regarding Ryder Trucks, application for a License to store flammable and combustible liquids in excess of 10,000 Gallons
- . Application for license for aboveground storage of flammable and combustible liquids in excess of 10,000 gallons, for Ryder Trucks Project; property located at 60 Commerce Way, Norton, MA 02766
- . Notice of Public Hearing, dated March 8, to be held March 24, 2016, at 7:25 P.M. in Norton Municipal Center regarding Alnylam, application for a License to store flammable and combustible liquids in excess of 10,000 Gallons
- . Application for license for aboveground storage of flammable and combustible liquids in excess of 10,000 gallons, for Alnylam Project; property located at 20 Commerce Way, Norton, MA 02766
- . Letter dated March 24, 2016, addressed to Board of Selectmen, from Leland B. Goldberg, Chair, Red Mill Village Board of Trustees regarding Application of Kelly's Place at the Crossing, d/b/a Kelly's Place, Application to Sell All Kinds of Alcoholic Beverages
- . Application of Norton High School XC Boosters for Zombie 5K Road Race, to be held Saturday, October 29, 2016. Assembly Time 9:00 A.M., at Norton High School. Starting Time 10:15 A.M. – 12:30 P.M. Fundraiser for the XC (Track) Team
- . Application of Jeremy Derosier for a one-day All Alcohol License, to be held at Everett Leonard Park, Saturday, July 9, 2016, from 12:00 Noon to 3:00 P.M., for a private party

BOARD OF SELECTMEN

MINUTES OF MEETING OF

MARCH 24, 2016

BRADFORD K. BRAMWELL, CHAIRMAN



TIMOTHY R. GIBLIN, VICE-CHAIR



ROBERT W. KIMBALL, JR., CLERK



ROBERT S. SALVO, SR.

MARY T. STEELE

Dated: _____

5/5/16