

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

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BOARD OF SELECTMEN MEETING MINUTES

Thursday, May 10, 2018

7:00 P.M.,

Next Meeting: May 24, 2018

I. CALL TO ORDER BY CHAIRMAN

The May 10, 2018 Meeting of the Board of Selectmen was called to order by Mr. Robert W. Kimball, Jr., Chairman, at 7:00 P.M., held in the First Floor Conference Room.

A Roll Call: Robert W. Kimball, Jr., Bradford K. Bramwell, Robert S. Salvo, Sr., Michael Flaherty, Michael D. Yunits

B. Pledge of Allegiance

II. LICENSES AND PERMITS

1. Reaffirm vote taken at the April 26, 2018 Board of Selectmen Meeting on the application of Disabled American Veterans, Cpl. William F. Reardon, Chapter 57, Taunton, MA 02780, for permission to conduct the Annual Forget-Me-Not Drive in Norton, MA 02766, August 25, and 26, 2018.
 - Read by Mr. Salvo
Motion by Mr. Salvo
Second by Mr. Bramwell
Unanimous.
2. Application of Edward J. Brault for the Memorial Day Parade, to be held Monday, May 28, 2018. Start off time 10:00 A.M. – Approximately 11:30 A.M.
 - Read by Mr. Salvo
Motion by Mr. Salvo
Second by Mr. Flaherty
Unanimous
3. Application of Rebecca Hunt, for a one-day Beer and Wine Liquor License, to be utilized at Everett Leonard Park, Saturday, June 2, 2018, 2:00 P.M. – 6:00 P.M. for a private party
 - Read by Mr. Salvo
 - **Motion by Mr. Salvo**
Second by Mr. Flaherty
Unanimous
4. Application of Holli Fitzgerald, for a one-day All Alcohol Liquor License, to be utilized at Everett Leonard Park, Sunday, June 24, 2018, 3:30 P.M. – 6:30 P.M. for a private party
 - Read by Mr. Salvo
Motion by Mr. Bramwell

Second by Mr. Flaherty
Unanimous

5. Application of Chris Ann Sanford, for a one-day All Alcohol Liquor License, to be utilized at Everett Leonard Park, Saturday, June 23, 2018, 4:00 P.M. – 8:00 P.M. for a private party
 - **Motion by Mr. Salvo**
Second by Mr. Flaherty
Unanimous
6. Application of Ralph Bruzzese d/b/a Fisherman's Three, 411 Old Colony Road, for a Live Entertainment License (Karaoke)
 - Read by Mr. Salvo
Motion by Mr. Salvo
Second by Mr. Flaherty
Unanimous

***STIPULATIONS: DETAILS AS REQUIRED BY THE CHIEF OF POLICE; APPROPRIATE VISIBLE SIGNAGE FOR TWO (2) DRINK LIMIT PER PERSON PER SERVICE. FIRE DETAILS AS REQUIRED AND SUBJECT TO PASSING REQUIRED INSPECTIONS**

III. ANNOUNCEMENTS

1. Meeting Recognition and presentation of the 2017 Town Report to Carol A. Instasi
2. Mr. Salvo made his apologies for not getting notifications out regarding the Hazardous Waste Day
3. Mr. Bramwell read announcement for May 16, 2018 at Norton High School – to advocate Corey's Cause.
4. Mr. Bramwell read announcement of June 16, 2018 Annual Founder's Day at Henry A. Yelle School.
5. Mr. Flaherty mentioned Memorial Day Parade
6. Mr. Kimball mentioned traffic light at N & S Worcester and West Main St. is a very dangerous intersection. He suggested removing some of the vegetation until the fix is made to the intersection.
7. Mr. Kimball mentioned a "Go Fund Me" account for the renovation of the town common.

IV. BUSINESS

A. NEW BUSINESS

1. PROCLAMATION – 2018 POLICE WEEK, MAY 13 – 19, 2018. Proclamation read by Mr. Salvo for the Police week for May 13 – May 19, 2018 for Peace Officers Memorial Day in the Town of Norton.

Chief of Police – stated that there is a dedication coming up on Tuesday May 15, 2018 at 6:00 P.M.

2. Discussion Re: Jeffrey Mann, General Manager, for the support of the proposed new exit and the Xfinity Center. Jeff spoke about new after concert exit traffic pattern. Vehicles will exit toward Richard Brothers Property and directed south on Route 140. The traffic safety measures to be implemented were explained.

Mr. Kimball stated the last year was better than previous years and thanked him for keeping line of communications open with the town and neighbors.

Mr. Mann's e-mail blast goes out every Tuesday morning.

Mr. Salvo stated he knows that no cars can turn on Reservoir Street corner and no left turns on Reservoir Street. Mr. Salvo also stated that he heard from residents that they weren't allowed to turn right onto 140 from Reservoir Street.

Mr. Mann said that is not supposed to happen.

Mr. Bramwell asked if there will be a police detail to make sure you don't have people turning left. Jeff stated "Absolutely"

Mr. Kimball said he read in the paper you are looking to bring something back.

Mr. Mann: There has been some talk of a 4th of July event.

Mr. Kimball: What about NHS Graduation?

Mr. Mann: One of my favorite events.

3. Millie Garcia-Serrano and Mark Dakers, MA DEP Re: ALI Capping Presentation.

Mr. Mark Dakers discussed the reasons why landfill needs to be capped. He also presented a PowerPoint presentation of the Attleboro Landfill Closure Proposal and how Phase B will be executed to eliminate leachy problem to the ground water.

Mr. Kimball: Is there any hazardous waste in the recreate mix?

Mr. Dakers: There are standards and inspections to be certain there are no hazardous waste in the mix.

Mr. Kimball: we appreciate that you have addressed our previous comments. I am more confident in the work of DEP than previous engineers. Do we have any assurance that property owner doesn't have any profit out of this?

Mr. Dakers: We are very careful in assuring that this work generates only enough money for capping and monitoring. We do allow a 5-8% profit.

Mr. Kimball: Thank you, I want to make sure that the owner does not make a profit. When concrete dries it leaves a dust.

Mr. Dakers: They need to provide us with a best management plan to prevent dust from going off site.

Mr. Bramwell: Are there any hazardous waste on Phase B?

Mr. Dakers: I know it was a Burn Dump. There may be some heavy metals that do not burn down, usually lead. Monitoring wells have not shown any levels outside safe levels.

Mr. Bramwell: So, we are assured it didn't dump there?

Mr. Dakers: Based on Shpack closure we don't see any evidence of that. We cannot interfere with that closure.

Mr. Bramwell: Material is being mixed in New Bedford and then gets trucked here and does it separate before it gets here?

Mr. Dakers: Yes, it will be mixed in New Bedford.

Mr. Salvo: It is going to separate on the way here. I can't wait to see it.

Mr. Dakers: We would like to see your comments on that.

Mr. Bramwell: When you know what equipment will be used to mix it and how it will be mixed. Will you let us see that?

Mr. Dakers: Absolutely. Application will be posted on their website.

Mr. Bramwell: 21-day period has not started yet?

Mr. Dakers: No, they need to file application. Then we will post on DEP Web Page and send out emails to let you know it is there.

Mr. Salvo: I am assuming there will be an engineer on site? Do they have a spec they need to meet?

Mark: Engineer inspecting at the mixing facility and the site. There will be a spec that they need to provide us.

Mr. Flaherty: My concern is that they will be rushing to the site before mix separates.

Mr. Dakers: They have a Traffic Management Plan of 20 MPH in Attleboro and Union Road in Norton. They will need to leave themselves lots of leeway to make it to the site.

Mr. Flaherty: What would be the incentive to allow the company to find it may be worth it to just pay the fines?

Mr. Dakers: They have to meet Traffic Management Plan. If they don't perform we have a \$2,000,000.00 bond in place.

Tom Stevens: Abutter to the property showed DEP Pictures of the site today from his portable device. He expressed his concerns. Trailers being stored so ALI is making

revenue. Photos of site as of today, showing trees, pond and spotted salamander (protected species). When was ground water tested?

Mr. Dakers: Last tested in 2015. How close is your house?

Mr. Stevens: Less than ¼ mile. You are going to take trees down.

Mr. Dakers: Only trees in areas needed on Phase B.

Mr. Stevens: It should be capped with virgin material.

Mr. Dakers: That is not affordable and would not be capped.

Millie Garcia-Serrano Regional Director Mass DEP – The emanate threat exists and it needs to be addressed. We are not doing the work we are the permit issuer. We encourage you to look at the data and provide us with any questions. Thank you for the opportunity to be here.

Ms. Steele: Hope Tom's concerns are listened to you as well. Who owns the property?

Mr. Dakers: It is still owned by the ALI Corporation

Ms. Steele: It doesn't seem right that the developer can make a profit on it.

Mr. Dakers: ALI cannot use that property ongoing that may harm the cap in the future. They must go to MA DEP in the future for approval of any usage. Difficult for DEP to interfere with commerce. We are primarily an Environmental Department. DEP has a 30 year opportunity to oversee what goes on around sealed landfills.

4. Request of Jennifer Carlino, Conservations Agent, to declare the house at 79 North Worcester Street (house only), surplus, so that the DPW Superintendent can put it on municibids.

- **Motion Mr. Bramwell**
Second Ms. Steele
Vote unanimous

5. Vote to authorize Town Manager, Michael D. Yunits, to sign a contract with Dandel Construction, Inc. for Chartley Dam Repair.

Mr. Yunits: Dam will be repaired - \$118,735. Engineers have reviewed company and feel confident they can complete the work with the charges as declared.

- **Motion Mr. Bramwell**
Second Mr. Flaherty
Vote unanimous

6. Request of Edward J. Brault for permission to hang Banner across Route 123 E. Main Street, in front of the Municipal Center, announcing the Memorial Day Parade.

- **Motion Mr. Bramwell**
Second Mr. Flaherty
Vote unanimous

B. OLD BUSINESS

1. Review and/or Vote on Town Meeting and Special Town Meeting Articles.

Mr. Yunits: **Special Articles first:**

- Article I: Unpaid prior year bills.
Finance Committee voted – no action
Motion from Mr. Bramwell to vote no action
Second by Mr. Flaherty
Vote for no action – unanimous
- Article II: Special Retirement expense of \$7,900 from free cash
Finance Committee recommended
Motion from Mr. Bramwell to approve
Second from Mr. Flaherty
Vote to approve – unanimous
- Article III: Operating Budget Supplements
Finance Committee approved:
\$425,745 total from free cash
\$134,400 – snow removal
291,375 – Out of District Tuition
Motion from Mr. Bramwell to approve
Second from Mr. Flaherty
Vote to approve – Unanimous
- Article VIII: West Main Street Sewer Department improvement
Finance Committee recommends \$880,000.
Discussion:
Mr. Yunits states DHCD is offering more money for the project with \$200,000 going to Water & Sewer and any remainder goes to the town.
Per Mr. Yunits, the Finance Committee states that even with the money from DHCD the town is still short. They suggest using the overage each year from the APM be put toward the loan payment. Mr. Yunits explained that the \$200,000 used today is used so the Water & Sewer rates do not go up for town people.

Mr. Kimball supports the article itself but needs it to go back to Water & Sewer and the Finance Committee to use reserve accounts, not the APM overage, to make it less complicated and keep it clean. **Recommend no vote on this until Monday Finance Committee meeting.**

Regular Meeting Articles:

Mr. Yunits: The Town Budget is posted on the website along charts showing the allotment and dollar breakdown for Town and School Department.

Mr. Kimball: Explains that Free Cash usages in the past and future and how the town is cutting back on overtime where ever possible to conserve Free Cash. Once it is used it is gone.

- Article III – Retirement Expense
Finance Committee recommends No Action
Board recommends No Action
Motion by Mr. Kimball
Second by Mr. Flaherty
Vote is unanimous

- Article IV – Route 123 improvement from Pine Street to over the hump.
Finance Committee approves \$70,000 from Free Cash
Motion by Mr. Bramwell to approve
Second by Mr. Flaherty
Vote is unanimous

- Article V- Feasibility Study for Town Hall
Finance Committee approves \$135,000.
Discussion
Ms. Steele asked how long is the study valid?
Mr. Yunits thinks for a few years
Ms. Steele stated that she will vote against because there isn't money available to build, so why spend the money for feasibility?
Mr. Yunits hopes the town would approve a debt exclusion as they did for the High School.
Mr. Kimball stated that the town needs the study to evaluate the need and cost.
Mr. Yunits stated that the Town Hall Building is not in good shape.
Motion by Mr. Bramwell to approve feasibility
Second by Mr. Flaherty
Vote in unanimous

- Article VI – Feasibility Study for Counseling on Aging/Senior Center Building
Finance Committee approves \$65,000
Motion by Mr. Bramwell to approve
Second by Mr. Flaherty
Vote is unanimous

- Article VII –Window replacement at 3 schools:
 - \$2,152,492 at Nourse
 - 2,423,175 at Solmonese
 - 391,304 at Yelle
 MSBA has an accelerated program to allow 55% back for windows.

 Discussion:
 Mr. Salvo thinks it is too bad all the windows have to be done at one time

 Mr. Kimball thinks that the 55% back was the incentive to do all at once.
 Overall cost will be less than drawing it out.

 Mr. Yunits mentioned the possibility of closing one of these schools in the next 20 years due to dropping enrollment.

Mr. Bramwell stated his concerns over the possibility of closing one of these schools due to drop in enrollment the town will still be responsible for paying on this loan for a building not in use.

Mr. Flaherty asked if a closed school building could be used for something else?

Mr. Yunits explained that whether we close a school or use it for something else, the portion of the MSBA money used for these windows would have to be paid back to MSBA by the town.

Mr. Bramwell is still concerned as to whether the town could afford this payback.

Mr. Kimball is also concerned about if the town could afford this, but hoping the COA and Town Hall projects will go to Debt Exclusion and if any money is left could then go to this window project to pay it off sooner.

Motion by Mr. Bramwell to approve

Second by Mr. Flaherty

Vote is unanimous

- Article VIII – Water Enterprise Budget
Finance Committee recommends \$3,308,336

Mr. Kimball stated that he received the information requested about prior years

FY2011 Water & Sewer \$3,151,000

FY2013 Water	\$ 3,548,000
Sewer	1,667,000

Motion by Mr. Bramwell to approve

Second by Mr. Flaherty

Vote unanimous

- Article IX – Sewer Enterprise
Finance Committee recommends \$1,546,269

Motion by Mr. Bramwell to approve

Second by Mr. Flaherty

Vote unanimous

- Article XXVI –
Finance Committee and Superintendent recommend No Action

Motion by Mr. Bramwell for No Action

Second by Mr. Flaherty

Vote for No Action - unanimous

C. TOWN MANAGER'S REPORT

- Town Clerk met with Wade and School to set up Gymnasium for the Town Meeting. He stated they only have 150 chairs. Mr. Kimball disagrees as they were able to find many extra chairs in the Cafeteria and Library for the last large Town Meeting. He requested that Mr. Yunits revisit the chair count with the school.
- Senate Bill S2381 on Short-Term rentals is still in Committee and not moving quickly.

D. APPOINTMENTS/RESIGNATIONS/RETIREMENTS

IV. SELECTMEN'S REPORT AND MAIL

Additional comment by Mr. Salvo that there was an article in the Norton Patch saying that they misstated when printing that the paving crew used the fire hydrants and caused a worsening of the water in that area. Mr. Salvo stated that the paving crew carries their own water and does not use the hydrants. News article was wrong.

Mr. Salvo further suggested that the Water Commission consider cleaning the pipes in the worse areas of town before the new filtration plant is completed. This will help with these areas and the sludge should not build up badly until the plant is finished.

VI WARRANTS AND MINUTES

Report of Chairman Robert W. Kimball, Jr. on the following Payroll and Invoice Warrants:

- A. Approve Payroll Warrant AP44, dated May 3, 2018, in the amount of \$304,938.34
 - **Motion to approve by Mr. Bramwell**
Second by Mr. Flaherty
Vote unanimous.
- B. Approve bi-weekly Payroll Warrant PR23, for the period ended May 5, 2018, dated May 10, 2018, in the amount of \$1,267,456.26
 - **Motion to approve by Brad Bramwell**
Second by Mr. Flaherty
Vote unanimous.
- C. Approve Invoice Warrant AP45, dated May 10, 2018, in the amount of \$879,260
 - **Motion to approve by Mr. Bramwell**
Second by Mr. Flaherty
Vote unanimous.
- D. Approve Minutes – None to approve

VII. NEXT MEETING'S AGENDA - May 24, 2018

VIII. EXECUTIVE SESSION

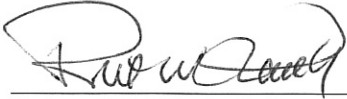
IX.. ADJOURNMENT

Prepared by:

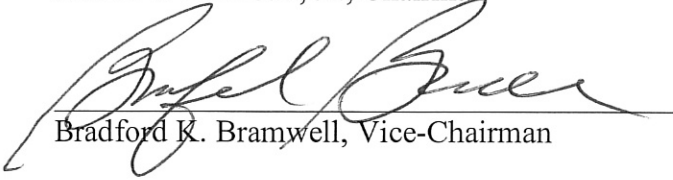


Michael D. Yunits
Town Manager
September 5, 2018
3:30 P.M.

**BOARD OF SELECTMEN
MINUTES OF MEETING
MAY 10, 2018**

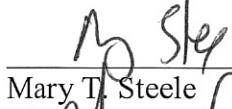


Robert W. Kimball, Jr., Chairman

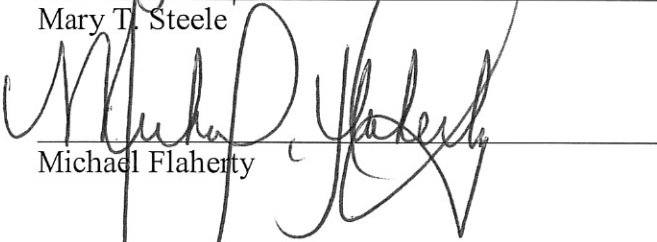


Bradford K. Bramwell, Vice-Chairman

Robert S. Salvo, Sr., Clerk



Mary T. Steele



Michael Flaherty

Minutes Approved by Board on: 10/4/18