



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

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**Board of Selectmen
Meeting Minutes
November 29, 2018**

I. **Call to Order by Chairman**

The November 29, 2018 meeting of the Norton Board of Selectmen was held in the Board of Selectmen's Meeting Room and was called to order at 7:00 P.M., by Mr. Robert W. Kimball, Jr., Chairman. Member(s) present: Mr. Robert S. Salvo, Sr., Ms. Mary T. Steele, and Mr. Michael Flaherty. Also in attendance: Mr. Michael D. Yunits, Town Manager.

II. **Licenses and Permits**

1. 2019 License Renewals

The 2019 License Renewals specified on the "2019 License Renewals" and "2019 Renewal Licenses [Supplemental]" document presented to the Board of Selectmen at the November 29, 2018 Board of Selectmen meeting were all approved as written.

CVAA, CVWM, RPAA, RPWM, CV:

A & e OF Norton, Inc. d/b/a Barrowsville Station

Bog Iron Brewing, LLC (Malt Only Pouring Permit)

City Oasis, Inc.

Emma's Enterprises, Inc. d/b/a Emma's Pub & Pizza

Team Norton, Inc. d/b/a Fiesta Mexican Restaurant

Zheng's International, Inc. d/b/a Greatwoods Mandarin

Home Plate Norton LLC

Zhang and Chen, Inc. d/b/a Jasmine Garden

Kelly's Place at the Crossing, Inc. d/b/a Kelly's Place

Mac & Walt's, Inc.

Jay Laxmi Corp., d/b/a MAS GAS

Michelle's Corner Store, Inc. d/b/a Michelle's Corner Store

Konstantinos J. Babanikas d/b/a Mike's Famous Pizza

Northeast Golf Properties, Inc. d/b/a Norton Country Club

Kaival Krupa Corp. d/b/a Norton Liquors

336 Toth, LLC d/b/a Norton Tavern on the Hill

20 Broad Street, Inc. d/b/a Pinecrest Beer & Wine

Produce Barn Incorporated d/b/a Produce Barn

NEHA Corp. d/b/a Quick Stop

Laljikrupa, Inc. d/b/a Sun Market

The Chateau Restaurant of Norton, Inc. d/b/a The Chateau Restaurant

292 LME, Inc. d/b/a The Downtown

Tournament Players Club of Boston at Great Woods LLC

Wendell's Pub, Inc.

Wheaton College

MOTION was made by Mr. Flaherty to approve/renew the above 2019 licenses as specified on document, "2019 License Renewals" presented to the Board on November 29, 2018. Seconded by Ms. Steele; vote: Mr. Flaherty – Yes; Ms. Steele – Yes; Mr. Salvo – Yes; and Mr. Kimball – Yes. MOTION CARRIES.

CV:

AJ's Stone Oven Pizzeria LLC

Heng Corporation d/b/a Bagels & Cream

Hayat, LLC d/b/a Dunkin Donuts

Greatwoods Donuts, Inc. d/b/a Dunkin Donuts

Jason P. Dahl d/b/a The Fork & Bibb

Jade City Chinese Restaurant

MA PIZZA, Inc. d/b/a Roma Italian Pizza

P & D Management LLC d/b/a McDonald's

Norton House of Pizza

Route 123 Donuts, Inc. d/b/a Dunkin Donuts

Speedway #2411

Norton Subs, Inc. d/b/a Subway

Oxoboxo Restaurant Group, Inc. d/b/a The Best Sandwich Shop

MOTION was made by Mr. Flaherty to approve/renew the above CV (Common Victualler) 2019 licenses as specified on document, "2019 License Renewals" presented to the Board on November 29, 2018. Seconded by Ms. Steele; vote: Mr. Flaherty – Yes; Ms. Steele – Yes; Mr. Salvo – Yes; and Mr. Kimball – Yes. MOTION CARRIES.

Class I, II, and Class III:

Colonial Motors, Inc. – Class II

Edd's Auto Repair – Class II

Fogerty Enterprises – Class III

John Freeman d/b/a Freeman's Garage - Class II

John Freeman d/b/a Freeman's Garage – Class III

Goosebrook Garage & Recycling LLC d/b/a Goosebrook Garage – Class II

Goosebrook Garage & Recycling LLC d/b/a Goosebrook Garage – Class III

Kevin's, LLC – Class I

Midway Collision Center, Inc. – Class II

Old Colony Cars, Inc. – Class II

Platinum Auto Sales – Class II

Quality Van Sales, Inc. – Class I

Trans International Autos, Inc. – Class II

Signature Bus Sales LLC – Class I

MOTION was made by Mr. Flaherty to approve/renew the above Class I, II, and III 2019 licenses as specified on document, “2019 License Renewals” presented to the Board on November 29, 2018. Seconded by Ms. Steele; vote: Mr. Flaherty – Yes; Ms. Steele – Yes; Mr. Salvo – Yes; and Mr. Kimball – Yes. MOTION CARRIES.

Mr. Kimball requested an update from the Inspector on Goosebrooke Garage & Recycling LLC.

Limousines:

Bristol County Coach, Inc. (5 vehicles)

MOTION was made by Mr. Flaherty to approve/renew the above Limousines 2019 licenses as specified on document, “2019 License Renewals” presented to the Board on November 29, 2018. Seconded by Ms. Steele; vote: unanimous. MOTION CARRIES.

Lodging:

8 Pine Street, LLC (Peter G. Berg, Owner)

MOTION was made by Mr. Flaherty to approve/renew the above Lodging 2019 licenses as specified on document, “2019 License Renewals” presented to the Board on November 29, 2018. Seconded by Ms. Steele; vote: unanimous. MOTION CARRIES.

Mr. Kimball asked Mr. Yunits if they had sent a letter yet to Mr. Berg about cutting down the tree in front of the house for safety purposes, and if not to please do so. Mr. Yunits confirmed he could follow-up on that.

2019 Renewal Licenses [SUPPLEMENTAL]:

KMPZ, INC. d/b/a Honey Dew Donuts

Sportsman’s Café

Sabatino’s Trattoria, Inc. d/b/a Sabatino Trattoria

Fillmore-Nason Post #8049 V.F.W. of USA

MOTION was made by Mr. Flaherty to approve/renew the above 2019 licenses as specified on document, “2019 License Renewals [Supplemental]” presented to the

Board on November 29, 2018. Seconded by Mr. Salvo; vote: Mr. Flaherty – Yes; Ms. Steele – Yes; Mr. Salvo – Yes; and Mr. Kimball – Yes. MOTION CARRIES.

III. **Announcements**

1. Senior Patrol Leader of the Norton Boy Scouts Troop 61, Derrick Bamford, presented highlights of the recent troop activities and upcoming events including MassJam, a statewide camporee held every five years in Barnstable, MA. In October, Troop 61 collected over 800 lbs. of food for the Norton community and performed over 200 hours of community service in the last year including several projects to help St. Mary's church, The Globe Santa Project, Norton town-wide clean-up operation, Flags for Vets at the Bourne National Cemetery, the Chartley Pond clean-up, Dennis Fields Eagle Project, and the Ten Mile River Clean-Up. Mr. Bamford mentioned that he also attended the National Youth Leadership Training Academy in Washington, D.C. for a week in June, where he worked with about 40 other scouts from around the nation to develop leadership and presentation skills while also getting to meet with a congressman and a senator in the Capital Building. Mr. Bamford stated that the Narraganset Council selected 5 scouts to go and he was one of them. He added that Troop 61 has earned 22 rank advancements. Upcoming events include a ski trip in February, Pancake Breakfast in April 2019, Eagle Scout Court of Honor on May 5, 2019, High Adventure Trip to Philmont Scout Ranch in New Mexico in July 2019, and two weeks of summer camp in July/August 2019.
2. Mr. Yunits announced there will be Special Town Meeting on Monday, January 14, 2019 at 7:00 P.M. in the Norton High School Auditorium, 66 West Main Street, Norton, Massachusetts. Articles that will be on the Warrant for the Special Town Meeting are as follows: placeholder for prior year bills, Zoning By-law Amendment for the solar facility, Energy Tax Agreement with the Solar Developer, the Treasurer has an article to rescind unissued portion of a prior borrowing, and the last article is to expand a previously voted Town Common Fence project so any funds that are leftover from the fence project can be used for other improvements on the common.
3. Mr. Kimball announced the Festival of Lights on Saturday, December 1, 2018 at the Town Common at 5:00 P.M.
4. Mr. Kimball announced the "Christmas is for kids! Fill-A-Truck" event sponsored by the Norton Fire Department. Please bring a new unwrapped gift to the Christmas lighting event for local children in need. Christmas bows, wrapping paper, and new blankets can be donated.

IV. **Appointments/Resignations/Retirements**

1. Appointment of Heather Creegan to the Norton Recreation Commission.

MOTION was made by Ms. Steele to appoint Heather Creegan to the Norton Recreation Commission. Seconded by Mr. Flaherty. Vote: Unanimous. MOTION CARRIES.

2. Mr. Yunits introduced Bernie Marshall, Water Superintendent, and mentioned that Mr. Marshall has been recruited to another community and mentioned that he has served Norton for almost six years. Mr. Yunits wished Mr. Marshall good luck at his new job opportunity in Walpole.

Mr. Marshall came before the Board to thank them for all of their support over the years. He acknowledged the Boy Scouts and complimented what fine gentlemen they are. Mr. Marshall stated that the Boy Scouts have visited John Scott Boulevard and Plain Street and they have never had issues after they camped; they always cleaned up after themselves and have been respectful.

Mr. Kimball thanked Mr. Marshall for everything he has done for the Town over the years. He mentioned that the water dispensary was a great idea and it has saved citizens a lot of money and provided clean water in the meantime while they resolve the water issues in town. Mr. Marshall mentioned that 38,000 gallons of treated water have been used so far at the Town Hall dispenser.

Mr. Luke Grant, Chairman of the Water/Sewer Commission, shared his appreciation for everything Mr. Marshall has done and wished him well at his new job.

Mr. Kimball asked about an interim Water/Sewer Superintendent. Mr. Marshall stated him and Mr. Yunits were in the works about discussing an interim candidate.

Mr. Salvo commended Mr. Marshall for coming before the Board of Selectmen the way he has and expressed his appreciation for what he has done.

V. **Business**

A. **New Business**

- i. Continuation of Alteration of Premises Hearing for Kelly's Place at the Crossing, Inc. d/b/a Kelly's Place.

Mr. Vinny Aiello came before the Board on behalf of Kelly's Place. He mentioned that Dan Rich wrote a formal letter granting Kelly's Place to park on the lot he owns if necessary. Mr. Aiello stated that they are still working with the association to work out some issues and are working towards making it safer for pedestrians and vehicles. He added that with the new plan they were able to gain 4 more spaces.

Mr. Kimball mentioned that he is concerned for residents/patrons because people are parking on Hastings Way towards the entrance. Mr. Aiello stated that this is part of the new plan to have diagonal parking there and create one-way traffic in and out of the parking lot. Mr. Kimball

asked if this was approved by the Building Inspector and Fire Department and Mr. Aiello stated that it was and added that it is properly engineered.

Mr. Robert Frotten, resident of 21 Owen Road and Trustee on the Board for Red Mill Village, came before the Selectmen stating that the Trustees' issue is that this is still a dangerous plan presented by Kelly's Place. He requested more time to get to where they need to be as far as safety of the homeowners.

Mr. Kimball replied that they are pro-business, but they also need to figure out a way to satisfy the safety concerns of residents.

Ms. Steele asked Mr. Aiello and Ms. Cusack how two weeks works for them, and they replied it wasn't ideal, but it looks like they do not have much of a choice. Ms. Steele stated that in two weeks they are going to vote regardless of where Kelly's Place and the association's negotiations stand.

Mr. Flaherty asked if they will be walking from the additional parking discussed at the November 15th meeting, and Ms. Cusack stated there would be a carpool. Mr. Kimball added there are sidewalks though if employees did need to walk. Mr. Kimball pointed out that the Building Inspector already provided a letter approving the additional capacity and emphasized the big step is getting the neighborhood on board.

MOTION was made by Mr. Flaherty to close the Continuation of the Alteration of Premises Hearing for Kelly's Place at the Crossing, Inc. d/b/a Kelly's Place at 7:25 P.M. Seconded by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Flaherty to continue the hearing for the Alteration of Premises Hearing for Kelly's Place at the Crossing, Inc. d/b/a Kelly's Place until Thursday, December 13, 2018 at 7:15PM. Seconded by Mr. Salvo. Vote: Mr. Flaherty – Yes; Ms. Steele – Yes; Mr. Salvo – Yes; and Mr. Kimball - Yes. MOTION CARRIES.

MOTION was made by Mr. Flaherty to reconsider continuation of the hearing for Kelly's Place until Thursday, December 13, 2018 at 7:15PM. Seconded by Ms. Steele. Vote: unanimous. MOTION CARRIES.

MOTION was made by Mr. Flaherty to continue the hearing for the Alteration of Premises Hearing for Kelly's Place at the Crossing, Inc. d/b/a Kelly's Place until Thursday, December 13, 2018 at 7:30PM. Seconded by Mr. Salvo. Vote: Mr. Flaherty – Yes; Ms. Steele – Yes; Mr. Salvo – Yes; and Mr. Kimball - Yes. MOTION CARRIES.

B. Old Business

Review of Departmental Fee Schedules from October 18, 2018 meeting.

i. Cemetery Department's fee schedules:

Mr. Yunits presented surrounding towns' fees compared to Norton's. Mr. Yunits mentioned that Mr. Bramwell previously requested what it costs for the Highway

Department to do a burial on Saturday, Sunday, and holidays. Mr. Yunits informed the Selectmen that the Highway Department only uses one person and it takes four hours of overtime at a rate of \$49.44/hour totaling \$197.76. Mr. Kimball mentioned that the Cemetery Commission's new regulations will not have Sunday all-day burials, but if they do have one it will be roughly \$200.00. Mr. Kimball read the recommended Cemetery Department fees. Mr. Flaherty asked for clarification about Sunday burials about whether or not they will be allowed (especially in cases of religious reasons); Mr. Kimball stated they will allow it, but they will be discouraging them.

MOTION was made by Mr. Flaherty to approve the Cemetery Department's fees as recommended. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

2. Discussion on new FCC rules on cable community access.

Mr. Jason Benjamin came before the Selectmen to discuss what the FCC is proposing. He stated what they are trying to do at the federal level is change the rules that apply to franchising authorities at the local level so that they can allow in-kind contributions that are made by the incumbent service providers to be charged back to the issuing authority. Mr. Benjamin added that they do this to give many things to the communities that are not currently used against the 5% franchise fee that is give to the town, such as video return lines, internet accounts to the schools, cable television, etc. He clarified that if the FCC gets their way on this then they could potentially come back with those in-kind contributions less the actual fee that is imposed that the town gets, which the town gets a 5% cap on the profits generated by the provider. The FCC's belief is that it will make this situation more competitive to new entrants in the market. Mr. Benjamin concluded that it is still too early to see if this is going to have a major impact locally.

Mr. Kimball asked Mr. Benjamin to keep the Selectmen involved and if he needs any help to please let them know. Mr. Yunits reminded everyone of the Cable License Hearing on Thursday, December 13th at 7:10PM.

C. **Town Manager's Report**

i. Mr. Yunits gave his report and commented on the following:

Mr. Yunits informed the Selectmen that the Campbell House is being torn down. The Building Inspector went out and looked at the house and has condemned the building deeming it unsafe and their occupancy has been prohibited by the code official. The electric company, gas company, and water/sewer department has been contacted to shut off all services to the house. A letter will be going out along with the Building Inspector's letter to the Historical Commission letting them know that the house will be torn down.

Mr. Kimball stated he would like to get this done as soon as possible so the town doesn't have to do all of the work to seal up the house. He added that if the Historic Commission has not met, they need to immediately to give the Board of Selectmen some direction. Mr. Kimball suggested to Mr. Yunits that at the meeting of December 27th they have an answer from the Historical Commission.

ii. Mr. Yunits gave an update on Fiscal Year 2019 receipts. He stated that they are now four months into the fiscal year and they are about \$281,000 above last year at this time. The bulk of this is from licenses and permits, which is about \$149,650 above last year.

iii. The Finance Committee met the previous night, which was more of a learning session. Some examples included how some things work with overtime with police and fire, how TIFs and the assessors work with excise tax collections, overdue taxes with the treasurer, insurances, etc.

iv. Mr. Yunits mentioned they had a good video conference with RAVE Mobile Safety that week. This system will allow the town to do reverse 9-1-1 notifications. RAVE has already loaded into the system over 9,000 hardline phone lines. People that only have cell phones or want their notifications to go to their cell phones can go online and make a profile so that they do get notified. People can also modify what they get notified of and how they want to be notified (e-mail, text, phone call, etc.). The town is also looking into a hot-button system in the school department so that if something is happening it will be an automatic notification.

Mr. Yunits noted that the Finance Committee asked him if the auditors could come to them when they are in, but Mr. Yunits informed them that this is not part of their contract, but they could notify the Finance Committee when the auditors are in so they could come by.

V. Selectmen's Report and Mail

1. Mr. Kimball referred to the letter regarding the building of one to two new group homes to be located on Mary Joe Road at the request of Judge Rotenberg Center in Canton, MA. He mentioned that the Planning Board scheduled a special meeting for next Tuesday (December 4th), but the Board of Selectmen cannot be there because they have a prior arrangement. Mr. Kimball stated that he has a letter prepared to Joseph Fernandes, the Chair of the Norton Planning Board, expressing their concerns.

Mr. Kimball asked for the Board of Selectmen's support in sending the letter he prepared to Mr. Fernandes expressing safety and health concerns of adding the new group home(s) on Mary Joe Road. Mr. Kimball pointed out that because Mary Joe Road is currently under construction and not occupied yet, they have the ability to impose conditions to protect the citizens who already reside in the area. Currently the Title V system being proposed is for a single-family home, but the Board suggests that the current system be reevaluated to ensure that it complies under group home regulations. Also, depending on how many residential occupants and custodial support

personnel will be housed and/or work in the home may require a fire suppression system may have to be installed. The letter also addressed that as a nonprofit they would be tax exempt. In result, the letter asks that the Planning Board to implement a Payment in Lieu of Taxes (PILOT) Agreement due to the stress on town resources. The letter from the Board of Selectmen also suggests classifying the home as private and should not be accepted by the town as a group home.

Mr. Kimball gave an update on 31 Shelly Road stating that there is an investigation going on by the Board of Health regarding the Title V septic system. They are looking into whether or not the current system is adequate. He added that the Judge Rottenberg Center owned property is a non-profit and therefore is tax exempt. However, if there is a lease agreement, they will be taxed. It is on a private 13-foot wide road. The Building Inspector, Board of Health, and Planning and Economic Development Director have requested guidance from the town counsel (Kopelman & Paige) to get more information.

Mr. Salvo asked why they were going before the Planning Board? Mr. Kimball stated the Planning and Economic Director thought he was required to call for a special permit for this building, and is actually still unsure, which is why he has reached out to town counsel (Kopelman & Paige) for more guidance. This gives people an opportunity to pose questions on Tuesday night at the meeting.

Mr. Yunits stated that the proponent was in that day and met with the Building Inspector, Health Agent, and Planning and Economic Development Director. They also had a representative from the Judge Rottenberg Center and made it clear that they are not trying to discriminate; if it is allowed by right then it is allowed by right, but they are trying to make sure the building is up to code as far as the house itself, the sprinkler system, and the septic system are concerned.

MOTION was made by Ms. Steele to have the Board of Selectmen sign the letter to Mr. Joseph Fernandes, Chair of the Planning Board. Seconded by Mr. Flaherty. Vote: Unanimous. MOTION CARRIES.

Mr. Kimball asked that the letter be prepared and given to the Planning Board for their meeting Tuesday night.

A resident named Kelli Kovil of East Hodges Street came before the Board of Selectmen voicing her concerns about adding the group home near her property and added that her and her neighbors will be at the Planning Board meeting Tuesday night. Ms. Kovil informed the Selectmen that there are actually three Rottenberg Centers in Norton. Her concerns are due to the fact that she is on the corner of East Hodges street, so her backyard opens up to where they would like to build the group home. She mentioned that the second proposed group home location would be across the street from her property.

2. Mr. Kimball announced that there is a part-time Conservation Department Secretary position opening. The pay range for this 18-hour position is between \$17.17 to \$22.27 per hour. For more information, visit www.nortonma.org. He added that there is also a part-time Parks and Recreation Coordinator position that is still open. The position is 25 hours per week.

VI. **Meeting Minutes**

MOTION was made by Mr. Flaherty to approve the minutes of August 23, 2018, August 23, 2018 (Executive Session), October 18, 2018 (Executive Session), and November 1, 2018. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

VIII. **Warrants**

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

- A. Approve Payroll Warrant PR19-11, for the week ended November 17, 2018, Warrant dated November 21, 2018, in the amount of \$1,334,276.56.

MOTION was made by Mr. Flaherty to approve Payroll Warrant PR19-11, for the week ended November 17, 2018, Warrant dated November 21, 2018, in the amount of \$1,334,276.56. Seconded by Ms. Steele. Vote: Unanimous MOTION CARRIES.

- B. Approve Invoice Warrant AP19-21, dated November 21, 2018, in the amount of \$1,012,145.09.

MOTION was made by Mr. Flaherty to approve Invoice Warrant AP19-21, dated November 21, 2018, in the amount of \$1,012,145.09. Seconded by Ms. Steele. Vote: Unanimous MOTION CARRIES.

- C. Approve Invoice Warrant AP19-22, dated November 29, 2018, in the amount of \$1,284,721.52.

MOTION was made by Mr. Flaherty to approve Invoice Warrant AP19-22, dated November 29, 2018, in the amount of \$1,284,721.52. Seconded by Ms. Steele. Vote: Unanimous MOTION CARRIES.

IX. **Other Business**

There was no other business to discuss.

X. **Next Meeting's Agenda**

The next meeting will be held on December 13, 2018, at 7:00 P.M. There will be the Cable License Renewal Hearing at 7:10PM, the continuation of the Alteration of Premises Hearing for Kelly's Place at the Crossing, Inc d/b/a Kelly's Place at 7:30PM, and the approval of the November 15, 2018 Minutes. There will also be a discussion regarding the new by-law passed at Town Meeting regarding the contracts, Town Meeting articles, and some remaining 2019 license renewals.

XI. **Executive Session**

There was no need for an executive session.

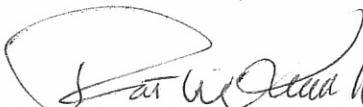
XII. Adjournment


MOTION was made by Mr. Flaherty to adjourn at 8:30 P.M. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.


Respectfully Submitted by:

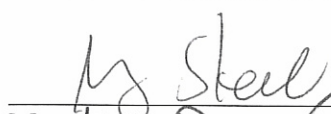

Jennifer Reid, Office Administrator

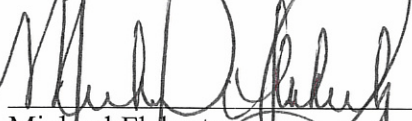
**BOARD OF SELECTMEN
MINUTES OF MEETING
NOVEMBER 29, 2018**


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: December 13, 2018