



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

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**Board of Selectmen
Meeting Minutes
March 21, 2019**

I. Call to Order by Chairman

The March 21, 2019 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. Bradford K. Bramwell, Mr. Robert S. Salvo, Sr., Ms. Mary Steele and Mr. Michael Flaherty. Also in attendance: Mr. Michael D. Yunits, Town Manager and Attorney Amy Kwesell from KP Law.

II. Licenses and Permits

Vote to Approve the Application by O'Leary's Gymnastics Center for a One Day Liquor License.

MOTION was made by Mr. Salvo to Approve the Application for a One Day Liquor License for O'Leary's Gymnastics Center on Old Colony Road for May 11, 2019 from 7:00 P.M. to 9:00 P.M. Seconded by Mr. Flaherty; Vote: Mr. Flaherty – Yes; Ms. Steele – Yes; Mr. Salvo – Yes; Mr. Bramwell – Yes; and Mr. Kimball – Yes. MOTION CARRIES.

III. Announcements

Mr. Salvo read the announcement for the Norton Spring Cleanup to be held on Saturday, April 6th from 8:00 A.M. to 12:00 P.M. The rain date will be April 7th from 8:00 A.M. to 12:00 P.M. They are looking for volunteers to clean up designated spots around town in an effort to #KeepNortonBeautiful #KeepMassBeautiful. Trash bags will be available for pick up at the Norton Highway Department on Friday, April 5th from 7:00 A.M. to 3:00 P.M. and Wheaton College (Lot 3) on Saturday April 6th from 8:00 A.M. to 11:00 A.M. Registration will be at Wheaton College in Lot 3 on Pine Street from 8:00 A.M. to 11:00 A.M. Coffee and refreshments will be served and for more information e-mail peltola_cassandra@wheatoncollege.edu.

Mr. Bramwell announced that Wheaton College will be holding a Pancake Breakfast on Saturday, March 23rd from 9:00 A.M. to 11:00 A.M. at the Emerson Dining Hall. Parking is available in Lot 1, which is adjacent to the nursery school with the entrance off of Route 140.

IV. Appointments/Resignations/Retirements

- a. Appointment of Steven M. Smith as a Part-Time Per Diem Dispatcher in the Communications Department.

MOTION was made by Mr. Bramwell to appoint Steven M. Smith as a Part-Time Per Diem Dispatcher in the Communications Department. Seconded by Mr. Flaherty. Vote: Unanimous. MOTION CARRIES.

- b. Appointment of Melissa Quirk as a Part-Time Conservation Commission Secretary to the Conservation Department.

MOTION was made by Mr. Bramwell to appoint Melissa Quirk as a Part-Time Conservation Commission Secretary to the Conservation Department. Seconded by Mr. Flaherty. Vote: Unanimous. MOTION CARRIES.

Mr. Yunits wanted to thank Patricia Tarantino for helping out filling in one day a week until they were able to fill the position.

V.

Business

A. New Business

i. Review Petition for Request for Special Town Meeting and/or Vote to Set Special Town Meeting.

Mr. Yunits informed the Selectmen that the Town did receive the petition and that the signatures were certified by the Town Clerk. He stated that by the Town's Charter, if they receive a petition signed by 200 registered voters the Town is obligated to hold a Special Town Meeting within 45 days which coincides with State statute.

Attorney Amy Kwesell from KP Law confirmed that Mr. Yunits is correct in that the Charter tracks the State statute, which is Chapter 39, Section 10, which requires that a Special Town Meeting can be called upon receipt of a petition with 200 or more signatures of registered voters. She explained that the petition was received on March 7, 2019 and the signatures were certified on March 8, 2019, so the Town has 45 days from March 8th.

Attorney Kwesell explained that because of the zoning amendment change, the Planning Board has to have a public hearing and then provide a recommendation or report to Town Meeting to recommend the change or not. The Planning Board has to advertise the Special Town Meeting two weeks ahead of time and the post has to go in the paper twice. It also has to be posted in Town Hall for no less than fourteen days. The Charter also has provisions as far as opening the warrant, advertising, and then closing the warrant after five days. So, right now the Town is looking at April 17, 2019 for a Special Town Meeting and with that the Planning Board can accomplish what they need to accomplish.

Attorney Kwesell emphasized that because it is a Petitioner's Article it has to go on the Warrant exactly as written. She further explained that the petitioners are looking to have several deletions to the amended Norton Zoning By-Laws

resulting from the January 14, 2019 Special Town Meeting. First, the petitioners are looking to delete the definition of "as-of-right siting"; the second is to delete "as-of-right siting may proceed as allowed development may proceed as an allowed use without the need for a special permit, amendment, waiver or other discretionary approval." They are also looking to change a section to require a special permit instead of as-of-right siting. Lastly, they are looking to delete the provision that is in the Zoning By-Law right now that allows for the as-of-right siting on cranberry bogs.

Attorney Kwesell informed the Selectmen that it is her understanding that there is a petition before the Planning Board regarding a solar facility that is going to take advantage of the SMART program. She explained that this zoning change will not change the application already before the Planning Board. This is because of Chapter 40A, Section 5, which deals with zoning amendments; it specifically states that the zoning amendment is effective as of the date of the Town Meeting vote. Therefore, as of January 14, 2019 when the Special Town Meeting was held, the new/voted Zoning By-Law amendment was put into place. Also, Chapter 40, Section 32, which is the Attorney General review of zoning and general by-laws, further explains that by-laws become effective the date the Attorney General approves them unless they are enacted pursuant to Chapter 40A, Section 5.

Mr. Flaherty clarified that this petition and any resulting action taken by a Special Town Meeting will have no impact on the project that resulting from the January 14, 2019 Special Town Meeting, which Attorney Kwesell stated was correct.

Mr. Kimball announced that there will be a Special Town Meeting held on May 15th between the Annual, pointing out that this request for this Special Town Meeting is about three weeks prior to the already scheduled Special Town Meeting. Attorney Kwesell explained that the Town can get an extension for the requested Special Town Meeting, but the petitioners would have to grant this extension according to State statute.

Mr. Flaherty asked if anyone suggested to the petitioners to hold their requested [April] Special Town Meeting with the Special Town Meeting being held in May. Attorney Keshav Jha, representation for the petitioners, came before the Selectmen stating that the petitioners do not want to move the Special Town Meeting out and would like the Special Town Meeting requested in the petition to follow the statute of 45 days.

Due to the issue of posting the Special Town Meeting Warrant 14 days prior to the Special Town Meeting date, which would be no later than April 3rd and the Selectmen's meeting scheduled for April 4th, the Board of Selectmen agreed to meet on April 2nd at 6:45 P.M. in the Board of Selectmen's Meeting Room solely to vote on the Article and sign the Warrant to maintain a Special Town Meeting date of April 17, 2019.

MOTION was made by Mr. Bramwell to open the Warrant for the Special Town Meeting to be held on April 17, 2019 at 7:00 P.M. at the Norton High School Auditorium. Seconded by Mr. Salvo. Vote: Mr. Flaherty – Yes; Ms. Steele – Yes; Mr. Salvo – Yes; Mr. Bramwell – Yes; and Mr. Kimball - Yes. MOTION CARRIES.

ii. Referral of Zoning Articles to Planning Board for Non-Binding Recommendations.

Mr. Yunits explained that one of the Articles would be about what was just discussed in the petition to amend the Norton Zoning By-Law, Chapter 175 of the General Code under Article 22, Section 22.1, 22.2.D, 22-2.E, 22.3.A (a large-scale ground mounted solar photovoltaic installation). There are four other articles; the first article is to amend the Zoning By-Laws under Chapter 175 of the General Code under Article 4 (Use Regulations). This would allow for campsites with a special permit. This came up because currently this isn't anywhere in the zoning by-laws and with Camp Edith Read people technically can't camp there, so the Conservation Agent and Planning Director brought this forward to go to the Planning Board. The next article would amend under definitions to define what a campsite is. Mr. Yunits explained that the next proposed article is to amend the Norton Zoning By-Laws under Article 7 (off-street parking and loading). This came about from the Planning Board because of the Blue Star Industrial Park project, where they have a requirement of fifty-foot wide driveways; this would give the Planning Board under the site-plan review the provision to reduce the width of driveways during the process rather than have to go to the ZBA. The next proposed article is under "Use Regulations" to change the definition of digital electronic billboards and to allow digital electronic billboards in industrial zones if granted a special permit and must be within 2,000 feet of Interstate 495.

MOTION was made by Mr. Bramwell to refer the proposed Zoning Articles to the Planning Board. Seconded by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

iii. Thomas J. Scanlon, Jr. of Scanlon & Associates to Review Town Audit.

Mr. Scanlon informed the Board of Selectmen that the audit went really well. He stated that the Town's financial reporting is good and that James Puello, the Town Accountant, does an amazing job over the financial reports/accounting.

Mr. Scanlon referred to page 15 of one of the financial reports he provided where this is a full accrual basis of accounting. Under government activities unrestricted, there is a big negative number (\$69 million). He explained that big portion of this is due to OPEB (\$67 Million). Mr. Scanlon mentioned the Town adopted an OPEB Trust that has about \$400,000 in the account. He emphasized that he wouldn't get too nervous over \$67 million liability.

Mr. Scanlon moved on to Pg. 17 of the report referencing the General Fund (Unassigned) showing \$6.3 million in it, which should be the Town's free cash and

stabilization amounts. He suggested keeping the reserve at 10% or 11% that way bond companies will look at the Town.

The last statement referenced on page 21 shows the Town's budget versus actual. He stated that \$1.9 million of the \$3.3 million of free cash is generated from motor vehicle excise tax and other taxes. Licenses, permits, and fees is the second leading source of income primarily the electrical and building permits. Mr. Scanlon explained that the Town used \$4.4 million of free cash to fund the budget, \$1.5 million of which was budgeted for engineering for the new town hall. Mr. Scanlon stated that he would label the \$1.5 million a one-time-use and that only \$2.9 million was spent of free cash for reoccurring use.

Mr. Scanlon referenced one other report, the management letter, which is a biproduct of the audit. He explained that the Town has a 911 grant that is creating a deficit and recommended getting this funded before the end of the year. Booking the unrealized gain and loss on financial statements was the last suggestion made by Mr. Scanlon.

iv. Ashley Nichols of Flaky Crust to Discuss New Business.

Ms. Nichols explained that she chose to make a career change and decided with her mother to open a bake shop. She stated that she worked out of a business incubator [they help food businesses get off the ground] in Rhode Island doing farmers' markets. She brought lemon chess pie, which she explained is popular down south, for the Selectmen to sample. Flaky Crust so far has apple, chocolate cream, lemon chess, and coconut cream (served only on Saturdays) as flavors of dessert pies as well as chicken pot pie. Ms. Nichols said that customers can also get pies frozen or cooked up fresh. There are two sizes; a large 9 inch or small personal pie. Flaky Crust is open Wednesday to Friday 10:00 A.M. to 6:00 P.M. and Saturdays 10:00 A.M. to 3:00 P.M.

Mr. Salvo emphasized how beautiful and phenomenal the bakery came out after all of the renovations that were done. He added that he has heard nothing but great reviews and noted that Flaky Crust pies are now ending up in the local restaurants. Ms. Nichols stated that it has been great working with the town officials as well throughout the process.

v. Review of the Warrant for the Annual Town Election – April 23, 2019.

Precincts 1, 2, 3, 4, and 5 will vote at the Norton High School located at 66 West Main Street on the 23rd of April from 7:00 A.M. to 8:00 P.M. The positions that are up for election are as follows: one position for the Board of Assessors for a three-year term; two positions for the Board of Selectmen for three-year terms; one position for the Housing Authority for a five-year term; three positions for the Planning Board for three-year terms; one position for the Planning Board for a two-year term; two positions for the School Committee for three-year terms; one position for the Water/Sewer Commission for a three-year term; one position for

the Water/Sewer Commission for an one-year term; and nine positions for the Charter Commission.

There will also be following question on the ballot: "Shall a commission be elected to revise the Charter of the Town of Norton?"

Mr. Yunits advised registered voters that even if they will be voting "no" to this question to still vote for the nine members of the Charter Commission in case the Charter Commission question does get voted in as "yes".

MOTION was made by Mr. Bramwell to approve the Warrant for the Annual Town Election to be held on April 23, 2019 in Norton from 7:00 A.M. to 8:00 P.M. for the purposes of the Town Election. Seconded by Mr. Flaherty. Vote: Unanimous. MOTION CARRIES.

B. **Old Business**

There was no old business to discuss.

C. **Town Manager's Report**

1. *Update on Town Hall/Community Center Project.*

Mr. Yunits wanted to thank the Building Committee for all of the time and hard work they put into getting ready for the informational meeting for the new Town Hall/Senior Center and the Inspector for setting up for the meeting prior to that regarding the Stretch Code. He mentioned that the Building Committee meets again Monday, March 25th and then they will be presenting at the joint meeting of the Board of Selectmen and School Committee on April 11th.

Mr. Kimball expressed that he believes this warrant article should be separate and not held at the May Town Meeting. He further suggested calling for a Special Town Meeting for this matter only. He explained that he believes that building a new town hall and COA/community center is a top priority especially since nothing is being put back into the current infrastructures. Mr. Flaherty supported Mr. Kimball's opinion stating that the Building Committee expressed at the informational meeting that they were looking to move this in the Town Meeting scheduled for May and that another Special Town Meeting, maybe further out.

2. *Update on FY20 Budget Proposals.*

Mr. Yunits informed the Board of Selectmen to not be alarmed by the figures presented in the FY20 budget proposals because this is more of a "wish list" budget. He mentioned that someone on the Finance Committee stated that reductions here are not reductions in budgets, but a reduction in increase requests for budgets. Mr. Yunits explained that next week he will be working on reducing the increase requests by \$1.5 million to bring the budget in balance.

Mr. Kimball asked what the major increase is and why there is such a heavy deficit. Mr. Yunits replied that departments like Assessors and Conservation put in their budget proposals making their part-time positions full-time, the Fire Department put in adding an additional person, and things like that.

Mr. Yunits stated that he spoke with Superintendent of Schools and he explained how there was an anticipated/budgeted increase of 4% for schools, but then when the schools' budgets came in the increase was actually for 6.5%. He then referenced the "Fixed and Shared Expenses", which increased by \$400,000. He added that the state aid appears more substantial than it really is. In actuality, after taking out the direct pass-throughs to the Library and the funds going directly to the schools, the Town is only getting about \$90,000 from the State in revenue. Mr. Yunits emphasized that last year the Town used \$1.2 million of free cash for the budget and with there being talk of a recession beginning in 2020, the Town should be conservative from here as far as any increases.

3. West Main Street Sewer Project.

Mr. Yunits mentioned that there was a West Main Street Sewer Project meeting held earlier in the day. The project is going to bid in April and will begin in the summer. The project will go from Wheaton College to the west side of Taunton Avenue, which is the south bound lane and then in July it will start going down Route 123. It will be gravity-feed down just beyond the high school and gravity-feed coming back. Mr. Yunits explained that they will have to go down sixteen feet, so they are looking at only getting ten feet [in length] done per day. He stated that if they could work from 9:00 P.M. to 5:00 A.M. it might be better. Mr. Yunits added that they don't want to disrupt any businesses or the few residents along the project, but not that many. He concluded stating that if they do the work solely during the daytime when school is session, it is going to take forever to finish the job. Mr. Kimball informed the Selectmen that they were also looking at doing double shifts.

Mr. Yunits stated that everyone that Cumberland Farms plans on filing in May. If they are true to this, they shouldn't have to worry about tying into the sewer system.

V. Selectmen's Report and Mail

Mr. Salvo took the time to discuss a subject that has been broadcasted on social media. This is regarding the reason why FIOS isn't in town. The rumor is that this is because of the Board of Selectmen, which isn't true. He mentioned that he spoke with Verizon and they said due to the cost of infrastructure it would far exceed the number of subscribers they would get and it wouldn't be worth it for them. Mr. Salvo did say that 5G is coming soon, and he agreed that the Town does need competition for Comcast.

Mr. Kimball stated that Paula Stearns sent a letter regarding Juniper Beach. He asked Mr. Yunits to coordinate setting up another meeting. Mr. Yunits explained that she wants them to meet her out there, which Mr. Kimball agreed to.

Mr. Kimball referred to two letters requesting appointments to various committees. One is from Mark Sweeney requesting to be appointed to the Parks and Recreation Committee and the other from Anthony Kolodziejczyk to the Industrial Development Commission.

Mr. Salvo asked Mr. Yunits if they could advertise again to fill positions on the Housing Authority because they are going to be down two people at the end of April. Mr. Salvo stated that they meet once a month over policy making and budgeting. He added that he has been on the Housing Authority for twenty years and he really likes it. Mr. Salvo explained that they work with the elderly providing them with a better place to live and they meet on the third Tuesday of the month at 4:30 P.M.

VI. **Meeting Minutes**

MOTION was made by Mr. Bramwell to approve the Minutes of March 7, 2019. Seconded by Mr. Flaherty. Vote: Unanimous. MOTION CARRIES.

VIII. **Warrants**

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

- A. Approve Payroll Warrant PR19-19, for the week ended March 9, 2019, Warrant dated March 14, 2019, in the amount of \$1,313,090.73.

MOTION was made by Mr. Bramwell to approve Payroll Warrant PR19-19, for the week ended March 9, 2019, Warrant dated March 14, 2019, in the amount of \$1,313,090.73. Seconded by Mr. Flaherty. Vote: Unanimous. MOTION CARRIES.

- B. Approve Invoice Warrant AP19-37, dated March 14, 2019, in the amount of \$309,254.50.

MOTION was made by Mr. Bramwell to approve Invoice Warrant AP19-37, dated March 14, 2019, in the amount of \$309,254.50. Seconded by Mr. Flaherty. Vote: Unanimous. MOTION CARRIES.

- C. Approve Invoice Warrant AP19-38, dated March 21, 2019, in the amount of \$602,438.59.

MOTION was made by Mr. Bramwell to approve Invoice Warrant AP19-38, dated March 21, 2019, in the amount of \$602,438.59. Seconded by Mr. Flaherty. 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 April 2, 2019 at 6:45 P.M. to solely review and sign the Warrant for the April 17, 2019 Special Town Meeting. The Board of Selectmen will also hold their regularly scheduled meeting on Thursday, April 4th.


XI. **Executive Session**

There was no need for an executive session.

XII. **Adjournment**


MOTION was made by Mr. Flaherty to adjourn the Board of Selectmen meeting at 8:23 P.M. Seconded by Mr. Salvo. Vote: Unanimous. **MOTION CARRIES.**

Respectfully Submitted by:



Jennifer Reid, Office Administrator

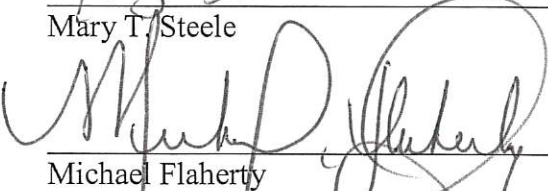
**BOARD OF SELECTMEN
MINUTES OF MEETING
MARCH 21, 2019**



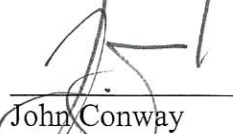
Bradford K. Bramwell



Mary T. Steele



Michael Flaherty



John Conway



Renee Deley

Minutes Approved by Board on: 5/16/19