



TOWN OF NORTON
BOARD OF SELECTMEN
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**Board of Selectmen
Meeting Minutes
October 17, 2019**

I. Call to Order by Chairman

The October 17, 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. Michael Flaherty, Vice-Chairman. Member(s) present: Mr. John Conway, Ms. Mary Steele, and Ms. Renee Deley. Also in attendance: Mr. Michael D. Yunits, Town Manager.

II. Appointments/Resignations/Retirements

There were no appointments, resignations, or retirements to discuss.

III. Licenses and Permits

There were no licenses or permits to approve.

IV. Announcements

The Board of Selectmen will conduct a Tax Classification Hearing in accordance with MGL Chapter 40, Section 56, on Thursday, November 14, 2019, at 7:15 P.M. in the Selectmen's Meeting Room in the Norton Municipal Center, 70 East Main Street.

V. Business

A. New Business

1. Disclosure by Town Manager, re. SMHG Participation.

Mr. Yunits stated that this came up at the last Board meeting. He stated that down the Cape there was a political issue, which created a fight amongst people. He explained that everyone on the Board is an employee, so the GIC and the attorneys, out of an abundance of caution, filed disclosures because these individuals were employees who were also deciding what would be done for health insurance. Mr. Yunits read the following:

"My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I participate in deliberations and votes that affect the benefits and costs of health insurance including the following: 1) copayments; 2) deductibles; 3) tiered provider network copayments; 4) and other cost-sharing plan design features."

"I participate in deliberations and votes that affect the benefits and costs of health insurance."

During the discussion motion, Renee asked if the form presented to them was the final version because it appeared there was still template language in the document, but it had been signed. Mr. Yunits stated that it was not and that he would make sure the final version had the template language removed. Ms. Deley then asked what exactly is the "financial interest" referred to in the document. Mr. Yunits explained that because he gets health insurance through the Town and he is voting on the health insurance that this could be considered a "financial interest". Ms. Deley asked that in the document she would like to add in the determination by the appointing authority that

that is specified and that the financial interest is clarified that it is the monthly health insurance benefits.

MOTION was made by Mr. Jack Conway to determine that the Town Manager has no conflict of interest in negotiating the health benefits on behalf of the Town. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

2. Vote to Declare Surplus Property.

Mr. Flaherty explained that the Highway Superintendent, Mr. Keith Silver, is asking the Board to consider two John Deere riding lawnmowers and a 1974 LeRoi air compressor as surplus for the purpose of auction because parts are no longer available. Mr. Flaherty also read a list of items that were either abandoned or unclaimed that the Chief of Police would also like declared as surplus. He further explained that these items will go on MuniBid and the Town will get some money back.

MOTION was made by Mr. Conway to accept the property as presented and move it into surplus. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

Mr. Yunits provided data from MuniBid showing how much more beneficial this system is compared to previous auction processes where they would just be auctioning off items in the parking lot for minimal money. Ms. Deley asked where these funds go, which Mr. Yunits answered it becomes free cash.

3. Vote to Award Joint Purchase of 2019-2020 CC (Rock) Salt, Solar Salt, and Treated Salt.

Mr. Yunits explained that this is a joint bid with the Town of Medfield. He stated that the Town of Medfield does the bid for all of the area's towns. The Town Manager pointed out to the Board that the prices presented for this year are actually less than the previous year.

MOTION was made by Mr. Conway to award the joint purchase for the 2019-2020 CC (Rock) Salt, Solar Salt, and Treated Salt as presented in their packet. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

4. All Joint Meeting.

Mr. Flaherty explained that they are trying to coordinate a joint meeting with the School Committee and Finance Committee. He stated that the School Committee is proposing a date of Thursday, December 5th at 6:30 P.M. at the Norton Middle School. Mr. Flaherty asked the Selectmen to e-mail the Town Manager with their availability.

5. Vote to Accept Cost-Share Reimbursement in an Amount Up to \$1,963.00 from the Department of Conservation and Recreation FY20 Working Forest Initiative Program, re. Erikson Property.

Mr. Yunits explained that this a grant that Ms. Jennifer Carlino, Conservation Agent, obtained. He stated that there is 117 acres of land on that property off of Bay Road. Ms. Carlino will be hiring a forester to do a plan to look at the Forest Stewardship Plan. He explained that they would take out things that aren't supposed to be there that will hurt the forest, trim and cut trees where necessary to allow growth, and they will develop a complete plan for that property. Mr. Yunits stated it will be the same on the next one.

MOTION was made by Mr. Conway to accept the cost-share reimbursement up to \$1,963.00 for the Department of Conservation for the Working Forest Initiative Program for the Erikson property. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

6. Vote to Accept Cost-Share Reimbursement in an Amount Up to \$1,040.00 from the Department of Conservation and Recreation FY20 Working Forest Initiative Program, re. Camp Edith Read Property.

MOTION was made by Mr. Conway to accept the cost-share reimbursement up to \$1,040.00 for the Camp Edith Read property. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

B. Old Business

1. Review and/or Vote on Zoning Articles.

Mr. Yunits suggested tabling this topic to a later date because one of the petitioners was attending the Planning Board meeting that was going on at the same time of their meeting. So, he was going to come down if possible after that meeting.

2. Review, Vote, and/or Revote Articles for the October 21, 2019 Special Town Meeting and Fall Annual Town Meeting.

The Town Manager suggested starting with the Special Town Meeting articles first. He stated that there are two articles that require action be taken. Mr. Yunits explained that the first article was in regards to moving town elections to the fourth Saturday of April. He informed the Board that the Finance Committee voted at their meeting to take no action on this because they are waiting on the Selectmen's vote to see what Saturday they wanted; the Finance Committee did not want to vote on the fourth Saturday of April because it would interfere with school vacation week. Mr. Flaherty proposed the idea of moving the annual election of officers for the Town to the first Saturday in May. Ms. Deley stated that the way the Charter reads, the election must be held in April. Mr. Conway added that according to Massachusetts General Laws, the election could be held in March, April, May, or June, but the Charter says it must be held in April. Ms. Deley suggested having the article read something like "a Saturday in April with a date to be determined by the Board of Selectmen". Mr. Flaherty said he would be okay with that. Mr. Conway and Ms. Steele agreed. Mr. Yunits stated that he believes that according to Attorney Lauren Goldberg's e-mail, as long as the Selectmen made a decision by January 1, 2020 so people are aware it would be okay.

Mr. Yunits read the suggested language from Attorney Goldberg, which stated as follows: "to see if the Town will vote to amend Section 5.1 of the General Bylaws by deleting the text thereof requiring the annual town election occur on the last Tuesday in April and inserting in its place the following: the annual town election shall be held on a Saturday in the months of April, May, or June on a date to be established by the Board of Selectmen no later than January 1st preceding."

MOTION was made by Mr. Conway to recommend that Article 1 of the Special Town Meeting Warrant read that the annual town election shall be held on a Saturday in the month of April on a date to be established by the Board of Selectmen no later than January 1st preceding. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

The next article discussed was Article 5 of the Special Town Meeting Warrant where there was no action needed by the Finance Committee.

MOTION was made by Mr. Conway to take no action on Article 5 as written in the Special Town Meeting Warrant. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

Mr. Yunits stated that the last article is to appropriate \$140,000.00; \$70,000.00 for a conceptual layout and \$70,000.00 for a site selection study. Ms. Steele stated that the Board was going to change the language for this article (Article 6). Mr. Yunits explained that the first part of the article is to evaluate potential sites for a Town Hall and a Senior/Community Center, including all incidental and related expenses, and the other \$70,000.00 is to prepare a conceptual layout and graphical information for presentation to the public. Ms. Deley asked for Mr. Yunits to read the revised language, which read as follows:

“To see if the Town will vote to raise and appropriate, and/or appropriate, \$140,000.00 from available funds, including but not limited to, a transfer from the amount appropriated under Article 12 of the October 23, 2017, Fall Annual Town Meeting for the cost of engineering and design for a new Town Hall and Senior/Community Center to be used for the following purposes: (1) To evaluate potential sites for a Town Hall and a Senior/Community Center, including all incidental and related expenses; and (2) To prepare a conceptual layout and graphical information for a presentation to the public.”

Mr. Conway looked for clarification on Section 1. Specifically, if the Town found a site that they wanted to do a preliminary environmental testing or geographical surveys, that would fall within this article, which Mr. Yunits confirmed.

MOTION was made by Mr. Conway to recommend Article 6 as read into the record by the Town Manager. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

The Board of Selectmen moved on to discuss the Fall Annual Town Meeting Warrant.

Mr. Flaherty referred to Article 2 regarding separation expenses. He stated that the Finance Committee recommended that \$45,000 be appropriated to Free Cash. Mr. Yunits confirmed that the Finance Committee did vote to recommend this article.

MOTION was made by Mr. Conway to recommend Article 2 of the Fall Annual Town Meeting Warrant in the amount of \$45,000.00 to be taken from Free Cash. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

Mr. Flaherty then moved on to Fiscal Year '20 Operating Budget Amendments. Mr. Yunits explained that Article 3 the Finance Committee voted to recommend the transfer of \$660,184.00 from Free Cash.

MOTION was made by Mr. Conway to recommend Article 3 of the Fall Annual Town Meeting Warrant in the amount of \$660,184.00 to be taken from Free Cash. Seconded by Ms. Steele.

As part of the discussion of the motion, Mr. Conway referred to the School budget line item. He stated that the amount showing in the warrant is less than they had asked for. Mr. Conway asked for an explanation as to how they got to this budget figure for the School Department because this figure is \$166,000 less than what had been requested.

Mr. Yunits stated that this was correct and this figure is 0.05% of the School's budget. The Town Manager explained that \$305,000.00 is the amount being recommended by the Finance

Committee. He added that the School Department's budget has also increased by \$1,111,918.00 in May for a total of \$1,416,918.00. Mr. Conway replied that he still didn't understand why the School Department didn't get what they had asked for. Mr. Yunits replied that not everyone got what they requested. The Town Manager further stated that the Town was fortunate enough to have a substantial amount of free cash for this year, but they are probably not going to have as much free cash next year. Mr. Yunits stated that the excise tax revenue increased by \$500,000.00 and the Town had \$660,000.00 in new growth from the ALNYLUM project; so, next year you could take out at least \$1,000,000.00. The Town Manager said that the Town not only needs to put money away, but also needs to approve what is sustainable. Mr. Yunits informed the Board that he explained to the Finance Committee that the School Department's budget is just under \$30,000,000.00 and is increasing \$1,416,918.00. He emphasized that Mansfield, which has 1,400 more students than Norton and a budget that is almost \$52,000,000.00 went up by under \$1.2 million. He lastly noted that the School Department is getting a significant increase and it is probably the largest it has gotten at least since he has been the Town Manager.

Mr. Conway asked if the cost per student was the same, and Mr. Yunits replied that it is not, but the Town also can't make-up for what has happened in past years. Mr. Conway indicated this was not a direct comparison between Norton and Mansfield and undermines the point of their budget increase to Norton's increase. Mr. Yunits further emphasized that the amount of the increase the School Department has gotten is very significant for this town and that they need create a budget that is sustainable. Mr. Conway stated that he had listened to last year's Finance Committee meeting regarding this topic and explained that it was his understanding that the School Department was deferring the request of \$335,000.00 until the Fall Annual Town Meeting with the assumption that this amount would be fully funded, which it is not. Mr. Yunits explained that the School Department should not assume, just like he has told his other departments, that they will be getting funds that were requested at the Spring Town Meeting at the Fall Town Meeting. He further explained that he tells all of his departments to run their budget with the assumption that they are not getting additional funds in the fall and if they get it, they get it.

Ms. Deley said her understanding was that there was no assumption and that the School Department was told that they were to receive these funds. She stated she had another issue with the fact that this isn't being funded since this past fiscal year, the Town had almost \$1,000,000.00 come back. Mr. Flaherty asked Mr. Yunits what the recommendation was from the Finance Committee because they recommended to move the number as presented in the warrant. Mr. Yunits informed the Board that there wasn't any lengthy discussion around these figures. He stated that a couple of members asked about it and he gave the same response that he had given the Board this evening and then the committee voted.

Ms. Steele stated that she did remember the conversation from last year and expressed that she believes the Board should honor the \$335,000.00. However, as far as the \$130,000.00 deficit, she said she was not interested in discussing that at this point because she believes this is something that would have been done with the Finance Committee. Ms. Steele indicated given the "gentlemen's handshake" with the School Department in the spring the Board really needs to honor that agreement.

MOTION was made by Mr. Conway to approve Article 3 amending the account 001-300 School Budget Supplement from \$305,000.00 to \$335,000.00 for a total of \$690,184.00. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

Mr. Flaherty moved on to Article 4, FY 20 Water/Sewer Operating Budget amendment. He explained that the Finance Committee recommended an additional funding source of \$216,480.00

to come from Retained Earnings. Mr. Yunits clarified that this is not for adding anymore money to their budget for expenditures and that this was just left out as a funding source when they did the budget in May.

MOTION was made by Mr. Conway to recommend Article 4 in the amount of \$216,480.00 to come from Water Retained Earnings. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

Mr. Yunits explained that Article 5 is recommended as no action because they do not need to appropriate anything else for their budget.

MOTION was made by Mr. Conway to recommend no action on Article 5. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

Article 6 is for the Capital Improvements Account. Mr. Flaherty stated that the Finance Committee recommended that the article be supported in the amount of \$1,254,544.00 to come from Free Cash.

During the discussion of the motion, Ms. Deley pointed out a reference to an Article 7 within Article 6. Mr. Flaherty answered that this was regarding the Capital Plan. Ms. Deley asked if this was not approved if the money would stay where it is, and Mr. Yunits confirmed this. Mr. Conway asked what the balance of the Capital Improvements Fund was, which Mr. Yunits answered that the starting balance was \$170,304.00. The Town Manager further explained that after the recommendations from the Capital Committee, it would be \$540,840.00 and with adding the \$1,254,544.00, the balance will be \$713,704.00.

MOTION was made by Mr. Conway to recommend Article 6 in the amount of \$1,254,544.00 to come from Free Cash. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

Mr. Flaherty stated that Article 7 is the FY20 Capital Plan amendments. The Finance Committee recommended the article in the amount of \$1,123,544.00 with \$711,144.00 to come from the Capital Fund and \$412,400.00 to come from the ambulance fund. Mr. Yunits explained that there were a couple of items delayed from the May Town Meeting, such as upgrading the Town Hall and School's servers. He mentioned that another item is the E-Permitting to add the other departments onto the system. The Town Manager mentioned that the Highway Superintendent, Keith Silver, was also looking to get a tree truck. He explained that Mr. Silver put in for \$70,000 in May, but it was put off. In the meantime, Mr. Silver had found a tree truck and a five-year budget will come out to \$53,200 a year for the tree truck.

Ms. Steele questioned what "pictometry" is. Mr. Yunits explained that it is a program that will create 3D imaging of all the properties in Town. He stated that this will be used by Police, Fire, Building, and Assessors. Ms. Deley expressed concerns about confidentiality issues. She asked Mr. Yunits to run this by town counsel to make sure they are prepared to speak on this at town meeting if questions were to be asked on this topic. Ms. Deley referred to the new servers the Town was getting and asked if this was delayed from May due to the lack of funds, which Mr. Yunits stated was correct. Mr. Yunits explained that this is the VMware listed in the article amounting to \$139,101.00 for the Town and \$162,000.00 for the School Department. Ms. Deley then referred to the "professional services" part of this article. Mr. Yunits explained that this would be for the cost of someone setting up the servers.

MOTION was made by Mr. Conway to approve Article 7 as discussed. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

Mr. Yunits advised that the Board skip over Article 8 for now because he has someone coming in to speak on it.

Mr. Yunits explained that Article 10 is in regards to the land next door to the Town Hall. He stated that the Finance Committee did not take any action on this because they wanted to wait until after the Board of Selectmen voted on this. Mr. Yunits explained that this article is for the possibility of purchasing the land next door located at 78 East Main Street. He stated that town meeting cannot purchase property, but rather can authorize the Selectmen to purchase property; so, if at town meeting it was voted to authorize the Board of Selectmen to purchase the property, it would still be up to the Board of Selectmen. The Town Manager advised that he would suggest this be done by borrowing and leave the money that is there for the Senior Center building project there now. Mr. Flaherty agreed with Mr. Yunits. Mr. Flaherty explained that there is no requirement even if the Board were to recommend or town meeting were to recommend this article because they don't have to spend the money this fiscal year and it could be at any point in the future. Mr. Flaherty asked if they have a recommendation for the level of funding. Mr. Yunits advised to take a vote on an amount "not to exceed \$1,000,000.00."

Ms. Deley argued that she thought at previous meetings the Board advised that they were not ready to make a decision to purchase this land and that if she recalled correctly Ms. Steele had asked for an assessed value of this property. She added that she also thought Mr. Flaherty had asked for more due diligence on the property, which Mr. Flaherty confirmed. Ms. Deley suggested that the Selectmen remove this article from the warrant. Mr. Yunits advised that at this time they cannot remove the article. Mr. Flaherty mentioned that the Board could take no action on the article. Ms. Deley expressed that there is no reason why the Board should be discussing the warrant after it is posted and they cannot remove articles or make changes. She added that at the last Finance Committee meeting they expressed that they were not comfortable with the process either as far as voting on whether or not to recommend an article without having the Selectmen's vote. Mr. Yunits replied that if he remembered correctly from the meeting Ms. Deley was referring to was that the Board was wondering whether or not the buildings would fit on the property, so they had reached out to the architect to prepare a sketch to show that, which was brought back to the Selectmen. Ms. Deley repeated that she really does not like the process [of reviewing the warrant and voting on articles], specifically referring to timing and a lack of information when asked to vote. Mr. Flaherty expressed that while he understands that this article is on the warrant simply to give the Selectmen the authorization to be able to purchase this land, he agrees that he is also not in favor of being "married" to this particular piece of land at this point. Mr. Flaherty stated that he wasn't comfortable with it and felt that they were rushed into and further stated the risk they run is that another buyer could come in and purchase the land and the Town potentially loses what could be an ideal location.

Ms. Steele expressed that she thinks the Board should take no action on this article especially where the Assessors value the property at \$179,000.00. She explained that while the assessed value is generally lower than the actual value, they do not have an appraisal done on the property yet to know the true value of the property. Ms. Steele stated that she was concerned that if the Board put \$1,000,000.00 out there that they are showing how much money they do have. She emphasized that this particular piece of land feels rushed because it wasn't presented to the Board until September. Ms. Steele said that by also recommending this article, it would be pushing the Town in that direction, which could result in the Planning Board not looking at other possible locations. She emphasized that if the Planning Board came back and said that this is the best

property then she would have a different attitude towards this, but they don't have enough money to fund their own departments and now they are talking about spending the money for the purchase of this land.

Mr. Flaherty agreed with Ms. Steele and wanted to make sure it was clear that again this article is just authorizing the Board to make the purchase up to a value of \$1,000,000.00 and that the money would be borrowed, so money would not have to be put aside, but his concern is that if they purchase the land and it sits vacant because they can't get support for it or it doesn't work out. Mr. Flaherty further stated the parcel has been for sale for quite some time and didn't anticipate someone else purchasing it. There was discussion on how the Board needed to vote for the article whether it is "recommended" or "no action." During the discussion, Mr. Conway expressed that when they do bring this topic up again to the public that it should have the full support of the Board of Selectmen.

MOTION was made by Mr. Conway to take no action on Article 10. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

Mr. Flaherty moved on to describe Article 12, which was for authorization for unexpended balance for the Reservoir Street Water Main Project Fund for other water main projects; so, this is to move unspent money to be available to other projects for the Water Department. Mr. Yunits further explained that this was money that was out of their retained earnings not money borrowed.

MOTION was made by Mr. Conway to recommend Article 12 in the amount of \$457,808.63. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

Mr. Yunits explained that the Building Commissioner, Mr. Christopher Carmichael, was there to discuss Article 13. The Town Manager informed the Board that the Finance Committee voted to recommend \$522,000.00 be used from Free Cash for the demolition of buildings on Elm Street and the hiring of an engineering and licensed site professional. Mr. Carmichael gave an overview of the history of the property and timeline for the demolition plans as follows:

- 2015 Reed & Barton declared bankruptcy; DEP establishes an escrow account through the bankruptcy court; DEP installed test wells, where low levels of contaminants were found; in result, contacted the EPA
- 2017 EPA cleans riverbank;
- Fall of 2018, finish up stages of cleaning riverbank; cleanup of oil sheen found on site
- November of last year, the buildings were deemed unsafe by Building Commissioner and again in June; had Board of Survey formed; Both Board of Survey and Board of Selectmen agreed to demolish the structures last June/July;
- Building Commissioner received an administrative warrant from Bristol County Superior Court on August 29, 2019; also received an Emergency Waiver from DCAM for the public bid procedures in September of 2019;
- EPA currently cleaning up the oil on the site.

Mr. Carmichael described to the Selectmen what they plan to do as far eliminating the imminent threat of the site, including the demolition of Buildings E, F, and G along Cross Street. As part of the presentation, Mr. Carmichael mentioned at previous meetings that he thought the Town could be eligible for emergency funding, but discovered that they could not do so because the Town has not taken ownership of the site. Mr. Carmichael provided the following link if people were looking for more information: http://ecaonline.eea.state.ma.us/DEP/wsc_viewer/main.aspx. When prompted, the tracking number is 4-0025855. At the end of the presentation, Mr. Conway asked

who would be responsible for removing the stockpiled material on the site. Mr. Carmichael stated that the Town doesn't own the site, but they will be hearing about it. He added that he had funding for the removal of the buildings on Cross Street and they will have to address this again later. Mr. Yunits advised that as part of the funding for the removal of the buildings on Cross Street is the removal of the material as well. Ms. Steele asked if they could put a lien on the property, which Mr. Carmichael confirmed and stated that this is what they are going to do.

Ms. Deley referred to a part of Mr. Carmichael's presentation discussing asbestos and asked if it is just in the exterior siding. Mr. Carmichael responded that this is where most of it is, but there is a small amount inside the buildings. Ms. Deley asked about the possibility of getting grant money to contribute towards this project. Mr. Carmichael stated that he is addressing the imminent threats the buildings pose, but they are applying for assessment grants. He informed the Board that he should be hearing back on the MassDevelopment grant in November and that they will be doing another round of funding in early December to do the EPA work. Mr. Carmichael informed the Board that they will be attending a grant writer's class in October, will be applying for a grant in December, and there will be another round of funding they will be applying for in March. He added that they will be applying for all applicable grants to supplement the costs of Reed & Barton. Ms. Deley asked what the plan is if they cannot get the necessary funding to take down the buildings. Mr. Carmichael answered that they would be putting fencing up along buildings 1, 2, and 3 and will probably have to add fencing also where Building K is. Ms. Deley asked what the abatement versus demolition costs are. Mr. Carmichael answered that he does not have those numbers in front of him, but "abatement/demolition" costs were itemized together. Mr. Flaherty asked the Town Manager if the policing has increased for the property since hearing that people are still trespassing on the property. Mr. Yunits replied that he knows the police are on Elm Street all of the time; they are either parked in the driveway or the parking lot across the street when the EPA is not there. Mr. Carmichael added that they have increased the patrolling in the past couple of weeks.

During the discussion of the vote, Ms. Deley pointed out that the article is not only for the amount, but also for the LSP and asked Mr. Carmichael to speak about that. Mr. Carmichael explained that the LSP is the "licensed site professional", which is mandated by the State to be onsite. He stated that they are needed to read the EPA's and DEP's reports and to give advice on how to proceed. Mr. Carmichael informed the Board that \$30,000.00 is budgeted for LSP work that was done the past six months and there is another \$30,000.00 for work to be done for the next six months. Ms. Deley asked what has changed as far as the scope of the project to require an additional \$30,000.00. Mr. Carmichael explained that CEC is heavily involved in the grant writing process and that he might have misspoke as far as the \$30,000.00 being for six months of work because it could be longer than this. Mr. Flaherty clarified that the Town is not just giving them a check for \$30,000.00, but it is allowing for work up to this amount, which Mr. Carmichael confirmed. Mr. Flaherty added that any money not spent will go back to the Town as free cash. Ms. Deley wanted it noted that this article should have been split into two articles (a cost for the demolition of the site and the cost for the services of CEC).

MOTION was made by Mr. Conway to recommend Article 13 in the amount of \$522,000.00 to be taken from Free Cash. Seconded by Ms. Steele. Vote: Unanimous.

Mr. Flaherty moved on to Article 14 regarding the general bylaws amending Chapter 135 Streets and Sidewalks. Mr. Carmichael stated that he asked for this to be inserted. He explained that this is to enforce no obstruction of streets and sidewalks using ten feet as the measurement to make sure sight lines are not obstructed by things such as fencing. The Building Commissioner said that this is very standard and typical. Mr. Carmichael stated that they try to enforce it, but there is nothing

in writing at this time to support it. Mr. Flaherty asked if anything that is currently within the ten-foot setback be grandfathered in or would it have to be moved. Mr. Carmichael replied that this would be a date moving forward. Mr. Conway asked if this would apply to plantings, which Mr. Carmichael answered that it could the way that town counsel has worded it.

MOTION was made by Mr. Conway to recommend Article 14 as written in the Annual Fall Town Meeting Warrant. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

The next article the Board discussed was Article 20. Mr. Flaherty stated that this article is regarding OPEB (Other Post-Employment Benefits). Mr. Yunits explained that this really pertains to the health insurance for retired employees. The Town Manager stated that the actuarials indicate that right now our OPEB liability is \$61,000,000.00 technically. Mr. Flaherty asked what the balance in the fund currently is. Mr. Yunits answered there is \$483,858.00 and that there is actually so much money in there now that they are earning interest (\$18,487.17 in interest this past fiscal year). Mr. Flaherty explained that there is only one town that has fully funded their OPEB liability in the Commonwealth and that is Wellesley and they did it with an override, so it is not abnormal to see the OPEB this far off and isn't unique to Norton. Mr. Yunits stated that the Finance Committee has made sure every year to have this amount increase slightly to show in the actuarial that the Town is making an effort to put money in.

MOTION was made by Mr. Conway to recommend Article 20 in the amount of \$95,000.00 to be taken from Free Cash. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

The Board then moved on to discuss Article 21 (Stabilization). Mr. Yunits explained that the Town should have 5% of their budget in a stabilization fund; so, Norton should be at about \$3,000,000.00. The Town Manager informed the Board that for a number of years, the Town was reluctant to put money into stabilization, but then in 2014 they [the Finance Committee] started to address this. Mr. Yunits stated that right now the Town has \$2,045,524 in their stabilization account. He mentioned that last year, they put in \$300,000.00 and this year the Finance Committee recommended putting in \$418,181.00, which would be ten percent of the Town's free cash. Mr. Flaherty asked what the benefit is of being at 5% of the budget for stabilization. Mr. Yunits answered that when the Town goes out to borrow the actuarials look at what is in the Town's stabilization account, they want to see them closer to that 5%. He added that they also want to see that the Town's unrestricted funds have about 5% to 11% every year.

MOTION was made by Mr. Conway to recommend Article 21 in the amount of \$418,181.00 to come from Free Cash. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

The Board then discussed Article 8 regarding Cemetery Rules & Regulations. Mr. Yunits mentioned that the Cemetery Commission hired a consultant to work with them. He explained that the regulations they had were very outdated, so when the new cemetery was put in, they decided to up to speed. Mr. Yunits advised that the Finance Committee took no action on this because they did not have anyone from the commission present at their meeting to explain and they were waiting on the Selectmen to vote. Ms. Deley asked if there was anyone present to speak on this article. Mr. Yunits advised that Mr. Robert W. Kimball, Jr. planned to speak on this, so the Board moved on to another topic until Mr. Kimball arrived.

Mr. Yunits gave a brief overview of the zoning articles beginning with Article 15. He stated that the Town Planner, Mr. Paul DiGiuseppe, put this article together. This article is adding definitions that were not in the Town's bylaws before, starting with the definition of "accessory buildings," "family childcare facilities," "group homes," and "nursing homes" and worked on the chart of

where these buildings can be located. Mr. Yunits stated that Mr. DiGiuseppe worked with the Planning Board on these. Ms. Steele asked why the Finance Committee took no action, and Mr. Yunits answered that it was because they did not have a report from the Planning Board at that time. Mr. Flaherty stated that he believed these definitions were very clear-cut and expressed that he thinks these would be valuable to have and defined in writing to provide more clarity. Ms. Deley stated that she would like to hear an overview from Mr. DiGiuseppe before they vote on this. Mr. Flaherty expressed that because a lot of the proposed definitions make reference to general laws that he felt comfortable with the definitions and voting, but that the Board could vote on these articles on Monday before town meeting if they felt more comfortable hearing from Mr. DiGiuseppe first. Mr. Conway said that he would be in favor of voting this evening rather than rushing before town meeting. Ms. Steele and Ms. Deley both expressed concerns about some definitions in the articles. For example, Ms. Deley pointed out that midway through the definition of “early education and care” it talks about including in-home care and homemaker services yet there is a “family childcare home” as one of the definitions. Ms. Steele added that “temporary shelter care programs” and asked if someone was a foster parent if they would then fall under this category. The Board decided to wait to vote on this article until Mr. Paul DiGiuseppe, Director of Planning and Economic Development, arrived.

Mr. Yunits explained that Article 16 is a petitioned article that is looking to allow duplexes on a commercial property and the Planning Board found a defect in the article itself. The Town Manager explained that where this was a petitioned article, they could not make any changes. Mr. Yunits informed the Board that the Planning Board voted to not recommend the article. Mr. Flaherty mentioned that the Finance Committee took no action.

Mr. Steve Hornsby, Chair of the Planning Board, advised that the Planning Board decided to take no action on Article 16 because they believed it was going to be amended at town meeting by the petitioner. Mr. Flaherty clarified that the petitioner still plans to move the article on town meeting floor, which Mr. Hornsby confirmed. Mr. Hornsby stated that the original article was very broad with no dimensional requirements or anything specific, and that was what the Planning Board was looking for.

During the discussion of the motion, Ms. Deley stated that it is referenced in the article that right now the Town has in residential use that they allow for duplex dwellings and multi-family [dwellings] and that this article is asking to have these types of dwellings in a commercial-zoned district by special permit, which Mr. Hornsby stated was correct, but there were no parameters provided. Ms. Deley asked why they would want to have these types of dwellings in a commercial-zoned area. Mr. Hornsby stated that this is more specific towards village-commercial.

MOTION was made by Ms. Steele to take no action on Article 16. Seconded by Mr. Conway. Vote: Unanimous. MOTION CARRIES.

The Board moved on to discuss Article 17, which was the petitioned article by Dylan J. Ribeiro to amend Chapter 175, Article 3 – Zoning Map and Districts and the Town of Norton Zoning Map. Mr. Flaherty explained that this would be changing the commercial zoning district to village commercial on an area of land along Mansfield Avenue. Mr. Hornsby clarified that the duplexes would be in Zone III. Mr. Paul DiGiuseppe, Planning Director, came before the Board explaining that this is a proposal to rezone a property along Smith Street from commercial to village commercial. Mr. DiGiuseppe mentioned that there are roughly 15 properties. The Planning Director pointed out that the big difference with village commercial is that it allows for residential by special permit whereas currently commercial does not allow residential. Mr. Flaherty questioned if the Planning Board was in support of this, which Mr. Hornsby confirmed they were.

Mr. Hornsby added that the current residences that are there are non-conforming, so they are actually in violation of what should be there and by making this change it would allow them to be there. He added that the Finance Committee asked if the [North Easton Savings Bank] was included in that, which Mr. Hornsby answered it was not, thus making the bank non-conforming as well. Mr. DiGiuseppe explained that when you look at the zoning maps from the '80s and '90s, it still had this area zoned commercial and stated that he believes a lot of these houses were just built before then, so they would have been grandfathered.

MOTION was made by Mr. Conway to recommend Article 17 as written in the warrant. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

The Board then referred back to Article 15. Mr. Flaherty stated that the Selectmen wanted to know what the intent was of adding the proposed definitions to the zoning bylaws, more specifically the definition of "family". Mr. DiGiuseppe explained that there were a lot of definitions missing from their zoning bylaws, which creates gaps between the zoning bylaw and the building codes and health codes. He explained that he worked with the Building Commissioner and Board of Health Agent on this. Mr. DiGiuseppe informed the Selectmen that a lot of the definitions came right out of State statutes. He mentioned that the Planning Board did make some amendments and modifications to these definitions. The Town Planner stated that once they added these definitions/uses, they then had to add them to the use table to determine if they are approved by right, by special permit, or are they not allowed in different zoning districts.

Mr. Flaherty replied that a lot of these definitions refer to structure or usage, but there was one definition that stood out, which was "family". Mr. DiGiuseppe explained that the State has a number of definitions out there, but the reasoning behind the definition is to set a threshold and if that threshold is exceeded then certain things would happen. He gave the example of if there were more than five non-related people beyond second of kin, then sprinklers would have to be installed. Mr. DiGiuseppe explained that there are similar health codes related to this such as septic systems.

Ms. Deley questioned why the definition of "nursing home" was much less detailed than "assisted living". Mr. DiGiuseppe replied that assisted living has less intensive needs for the residents there where if you are in a nursing home you need round-the-clock attention. He went on to explain that in an assisted living home, residents still have the ability to cook and don't require the same level of medical care as they would in a nursing homes. He added that these definitions come right from State statute. Mr. DiGiuseppe stated that a lot of these definitions also come from different State statutes within the State code, so that will be part of their process for adopting those particular statutes. He emphasized that the only reasoning for the difference in the level of detail between these definitions was because these definitions were copied and pasted from State statute. Mr. DiGiuseppe and Mr. Hornsby advised that these definitions and the implementation of them are to be enforced at this point forward.

MOTION was made by Mr. Conway to recommend Article 15 as written in the warrant. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

Mr. Flaherty moved on to Article 18, the petition of David Cohen to amend Chapter 175, Article 14 (Water Resource Protection District). Mr. David Cohen came before the Board to explain the article. Ms. Deley asked if they have a decision from the Planning Board. Mr. Cohen stated that they did vote and that Mr. Hornsby could provide more information. Mr. Cohen explained that the reason for this article was because the Town recognizes three watershed districts. He informed the Selectmen that the watershed districts are governed by the Massachusetts DEP. Mr. Cohen began

by pointing out that zones 1 and 2 are the most stringent by the DEP. He explained that Zone I would be a water district directly adjacent to a town body of water and Zone II would be adjacent to an underground wellhead. Mr. Cohen said that any town has the ability to create a Zone III watershed, which would not be maintained or governed by the DEP (it is up to the townspeople). He further explained that a potential risk factor is that water from Zone III could flood into Zone II or Zone I watershed. Mr. Cohen referred to a map he handed out to the Board stating that the map was created in 1996 and has never been modified. He pointed out that this topic is specific to gas stations and underground storage tanks). He made a comparative to underground storage tanks that were installed over 20 years ago to current storage tanks that have much more thorough monitoring and safety precautions, such as the tanks now being double-walled.

Mr. Cohen stated that his intent for modifying the bylaw was to allow the ability to install underground fuel storage tanks in a Zone III watershed. Mr. Cohen said that in the meantime he has met with the Water/Sewer Department, who governs and dictates the limits of the Zone III watershed. He mentioned that a few weeks ago he had met with the Water/Sewer Superintendent, Frank Fournier, III, and the Water/Sewer Commission where there was a presentation on the construction of the tanks. Mr. Cohen informed the Selectmen that Norton is the only town between Mansfield, Easton, Brockton, Plainville, Seekonk and other surrounding towns that does not allow underground storage tanks in Zone III; all of the previously mentioned surrounding towns do allow this as long as it is granted by their water department and fire department. He stated that at the presentation he gave to the Water/Sewer Commission, he provided the components and designs of the tanks that would be installed underground as well the Fire Department. Mr. Cohen advised that the big concern is the proximity to their underground wellheads and the proximity of their Zone III designation. He pointed out on the maps he provided to the Board that his site is on the fringe of Zone III and that MAS GAS is in a Zone III. Mr. Cohen stated that the Water Department would like this endorsement of the bylaw change and emphasized that this bylaw change is to allow the opportunity on a case by case and site by site basis within a Zone III watershed (in conjunction with the Planning Board).

He explained that the way the zoning currently is, a gas station with underground storage tanks is allowed in a commercial zoned area with no requirement of a special permit and you could go right into site plan approval. Mr. Cohen asked the Board to refer to the letter from the Water/Sewer Department that he provided. Ms. Deley stated that if she was reading this article correctly, then it should include and read "located outside of Zone I, II and III," which Mr. Cohen replied that she was correct. He explained that this is why the Water/Sewer Department provided a letter correcting this language.

Mr. Flaherty asked what the Planning Board's position was on this article. Mr. Hornsby advised that the Planning Board denied it (2 in favor and 5 against). Mr. Hornsby advised that originally, he was for the article because aboveground storage tanks are allowed in Zone III; however, he was advised that aboveground storage tanks are allowed in Zone III, but gas stations are not. Mr. Hornsby said that he had asked for those who voted against the article their reasoning why and concerns for the water. He added that Zone III is also not like commercial or residential, but more so topographical. Mr. Hornsby advised that members of the Planning Board had concerns because of two new wells being drilled and not knowing where the new Zone III would be. Mr. Flaherty asked if there was potential for areas zoned III could be zoned I or II with the placement of the new wells. Mr. Hornsby answered that while there would be changes, he did not think they would be drastic in regards to Zone III. Mr. DiGiuseppe added that a factor that complicates things is that the zoning map has the overlay for the Water Resource Protection Districts; so, if DEP redraws the boundaries after the wells were moved, they would still have to amend the zoning map to reflect the new overlay district. Mr. Conway stated that he heard at the Finance Committee meeting that

there is a lot of conflation between the project and the zoning change. Mr. Conway pointed out that he believes that the moving of the wells is irrelevant to the intent of the article. Mr. Flaherty expressed that he does not see a major issue with this due to the protection of two boards needing to sign-off on this and the requirement of a special permit. Mr. Flaherty pointed out that it is also not the same kind of storage tanks used in years past where there would be leaks that weren't detected and said he did not have a problem with this article. Mr. Conway agreed by stating that it would be modernizing the Town's approach.

Ms. Deley asked if there was potential for Zone III to flow into Zone II, which Mr. DiGiuseppe answered there was and that is why it is zoned as Zone III. He further explained that Zone III watershed districts as defined by the State has the potential to flow into Zone II. Ms. Steele asked Mr. Cohen if the Water Department would be speaking on his behalf at town meeting. Mr. Cohen replied that he will have an environmental groundwater professional and the tank professional at town meeting. Ms. Steele asked if anyone would be speaking from the Planning Board on this at town meeting, and Mr. Hornsby answered that if someone were to speak it would be as an individual not a representative of the Planning Board. Ms. Steele expressed her view that she would be a "yes" on moving this question forward. However, she stated that she was not comfortable at this time voting for or against the article because she did not feel that she had enough time to understand the project.

Mr. Oren Sigal, a member of the Planning Board, came before the Selectmen and explained that he had a couple of reasons for voting against this article. He stated that the project they are proposing calls for a "minimizing contamination." Mr. Sigal added that the DEP requires the inspection of these tanks (old or new) every three years to keep everyone safe, which he expressed his opinion that these tanks are capable of not functioning. The second reason was because Mass. DEP in 2018 provided a summary of information that underground storage tanks (UST) covering the period of November/December of 2017 to September 2019 and the percentage of UST systems and significant operation compliance with release detention and release prevention requirements were 48%. Mr. Sigal further stated that they also had the number of confirmed releases, half of which were "causes unknown." He added that a resident stood up voicing a concern that the Town already has a water problem and asked why they would even pose a risk to contaminating the water. Mr. Sigal emphasized that this is not just being allowed for Cumberland Farms, but any gas station. He mentioned that there should also be other uses they should be looking into in Zone III that they are not. Mr. Sigal voiced his opinion that if the bylaw change is allowed, it will restrict what can and cannot go in.

Mr. Conway referred back to the reference Mr. Sigal made to the UST systems being "significantly operationally compliant" and asked if the other 52% were operationally compliant versus not compliant. He stated that this is very unclear and an inference is being made with that data gap. Mr. Sigal replied that he will provide him with a copy of what is on the website. Mr. Conway then pointed out that Mr. Sigal mentioned tanks failing, but did not provide a number on that. Mr. Sigal stated that there were 56 tanks that had failed, 31 of which had known causes. Mr. Conway asked out of how many tanks, which Mr. Sigal said approximately 3,000 tanks in the state of Massachusetts. Several of the Selectmen stated that the number of tanks in the State seemed like a low figure. Mr. Cohen asked if these figures were based off of single-walled tanks or double-walled tanks. Mr. Sigal replied that he was unsure.

Mr. Robert Kimball of 51 Pine Street came before the Board stating that he was a Selectman when they adopted the aboveground bylaw and that the reason they adopted the bylaw was because if any gas station were to come into a Zone III, at that time, it could be allowed. So, they had to decide if they were going to put in an aboveground or an underground. Mr. Kimball explained that

at that time they went with aboveground because they wanted to be able to see if there was a problem and that is the main reason why they did it. He added that this was done in 1996 and then 9/11 happened and he expressed that he does not want a gas tank exposed aboveground after that. He reiterated that DEP does not recognize a lot of the restrictions in Zone III. Mr. Kimball reminded the Selectmen that the Planning Board has the final say and it would require a special permit. He added that the Fire Department has a lot of rules and regulations they have to follow and monitoring systems that need to be put into place. Mr. Kimball expressed his confidence that the Fire Department will do a good job before they issue a permit and that the Water Department has already given the OK on their end. He referred to the Canoe River aquifer and stated that anywhere they drill for a well is going to be next to an existing well because they will not let the Town put a new one in anywhere else. Mr. Kimball stated that the village commercial concept was brought up and a lot of recommendations were made on that committee that haven't even been enacted yet, so this should not even be a part of this process. Mr. Kimball as part of the discussion addressed that if a gasoline leak were to happen today, the DEP would be at the site digging out every piece of contamination.

Mr. Conway informed the Board that he did some research and there are currently 3,600 registered UST facilities in use, but there are almost 9,400 tanks. Ms. Deley asked why the Town felt they needed to have a Zone III bylaw. Mr. Kimball replied that at the time they had a couple of gas stations coming into the area asking about putting gas stations up in a Zone I and a Zone II, specifically right off of I-495. He emphasized that gas stations should never be put in a Zone I or Zone II, which is why they started looking beyond that and into creating a Zone III to protect the wells. Mr. Kimball expressed that if someone owns a piece of property and by law they have the right to do something with that property, then they should be allowed to do it regardless of how the Board(s) feel about the project; it should not be challenged on other interests. Ms. Deley referred to comments about how the village center shouldn't be considered and expressed that she believes the problem the Town is having is that they keep reacting to one-use/case scenarios and it would be foolish to not look at the long-term.

Mr. Hornsby pointed out to the Selectmen that the way the current proposed bylaw is, it does not mention the approval of the Water Department and that was one of the concerns of the Planning Board. Mr. Conway referred to the recommendation from the Water/Sewer Commission stating that the "Commission is not opposed to gasoline stations being allowed in a zone three" and that they "suggest that the special permit granting authority do so on a case-by-case basis in cooperation with the Board of Water and Sewer Commissioners." Mr. Conway expressed that it seems like they do want to insert themselves [in the process]. Mr. Hornsby said he had no problem with this, but it does not state in the proposed bylaw that it is required. Mr. Conway asked Mr. Cohen if he plans to have a modified motion on the floor at town meeting, which Mr. Cohen stated he does. Mr. DiGiuseppe clarified that the special permit granting authority is the Planning Board, but as a practice when they receive applications they distribute to the different departments, so the Water Department would definitely get it and would provide their comments. Ms. Deley clarified that the Planning Board did not recommend this, which Mr. Hornsby confirmed.

As part of the discussion of the motion, Ms. Steele said she was not comfortable with this at all. She explained that on one hand they are being told to trust the Water/Sewer Department and Fire Department, but on the other side they have the Planning Board that has invested a lot of time into this that did not recommend the article. She further expressed that she does not feel she has put in enough time and effort to recommend this to town meeting. However, Ms. Steele said she does not have a problem with town meeting votes on this. She said she hopes, if it gets to town meeting, that they have experts present to hear from. Ms. Steele stated that her gut tells her that she trusts the Planning Board that has the best interest of the Town, but does not know Mr. Cohen. Ms.

Deley expressed that she holds a similar position to Ms. Steele and is going to defer to the Planning Board's decision and not recommend this article. Mr. Conway stated that he has heard concerns from both the Planning Board and the Finance Committee, but he does not have an issue with the proposed bylaw itself. Mr. Flaherty expressed that he understood Ms. Steele's and Ms. Deley's point of view, but ultimately agreed with Mr. Conway's position. Ms. Steele mentioned that this article is also going to be amended on town meeting floor.

MOTION was made by Mr. Conway to recommend Article 18 as written in the warrant. Seconded by Ms. Steele. Vote: 2 – Yes (Mr. Flaherty and Mr. Conway); 2 – No (Ms. Steele and Ms. Deley). MOTION LOST.

The Board moved on to discuss Article 19, petition of Robert Kimball for a town school enrollment assessment study for the Norton Public Schools through June 2025.

Mr. Robert Kimball of 51 Pine Street came before the Board and read the proposed article into the record as follows:

"To see if the Town of Norton will vote to raise, appropriate and/or transfer from the General fund, Free Cash or any other appropriate fund a sum of money not to exceed \$45,000 for a Town School Enrollment Assessment Study through June of 2025. The town will retain an independent/qualified Educational Consulting Firm to conduct a feasibility study as to the current and future space needs of all the existing Norton Public Schools. This assessment will be under the direction of the Town Manager and Superintendant of Schools This request will include, but will not be limited to, creating an RFQ, long range enrollment forecast through the year 2030, a survey of existing buildings to determine the need for the districts capacity in relation to planned educational programs, an annual cost analysis assigned to each of the schools, along with a cost assessment to consolidate school buildings if possible. The School Enrollment Assessment Study will be completed by March 31, 2020."

Mr. Kimball wanted to start off by explaining that he was not suggesting that the school be closed. He mentioned that there was talk amongst the Finance Committee about larger classroom sizes and that there are a lot of teachers, but this is not the intent of the article. He stated that the intent is to look at each building and assess whether or not the Town still needs five school buildings. Mr. Kimball pointed out that enrollment has dropped by approximately 800 students in the past ten years and is going to continue to drop until the year 2030. Mr. Kimball advised that part of the reason he is asking for this to be done is because none of the numbers seem to match when you start looking at everything. Mr. Kimball provided that as of the end of the school year for 2019, the HAY had 382 students, the JCS had 488 students, the LGN had 265 students, the Middle School had 587 students, and the High School had 716 students. He then gave a brief overview of the top populations each school had thus far. For example, the HAY one year had 559 students whereas currently there are only 395 students with a school capacity of 1,890. The highest student enrollment the JCS had was 747 and this year there are 462 enrolled with a capacity of 1,080. Mr. Kimball referred to page 2 of his handout with a table provided by the New England School Development Council where there was also information hand-written on the side that conflicts with figures provided by NESDC. He also pointed out that the birth rates are different every year as well and is information from the Annual Town Reports and are certified by the Town Clerk; everyone of the birth rates provided were higher than what was actually reported. Mr. Kimball provided that there are 236 less students expected between the years 2019 and 2029. He also gave examples of cases where there were inconsistent and conflicting numbers provided by the schools with state agencies, such as the NESDC and Department of Education. Mr. Kimball lastly referred to the Educational Program Plan that he believes was generated by a number of parents and backed

up by a number of educators also. He pointed out that grades K-5 at the HAY had 236 students as “partial building available to Town of Norton” and that there is also partial space available to the Town of Norton at the JCS. Mr. Kimball emphasized that he did not want to spend the \$45,000 on this petition, but just wants a clear and honest assessment of the five existing schools to determine whether or not the Town still needs all five. He added that if it results that the Town does still need the five schools, he would accept that, but he also wants to know if they will need them in two, three, five, etc. years from now. Mr. Kimball stated that the reason he would like to know this information is in relation to the building project for a new town hall and community center that needs to be built someday.

Mr. Kimball mentioned that he had spoken with the Chair of the Finance Committee and stated to him that the Finance Committee has a right to investigate. He stated that he asked that they just look at the questions he had presented to them and ask them. Mr. Kimball advised getting the Board of Selectmen, School Committee, and Finance Committee to sign-off that all of the information is as honest as they can make it. He said if that were to happen, he wouldn't move the article because he doesn't want to spend the \$45,000.00. Mr. Kimball stated that if he can't get the boards/committees to do this, then he has no other alternative, but to move this article on the town meeting floor.

Ms. Deley responded that she attended the last Finance Committee meeting that Mr. Kimball presented at and that there were statements he made that raised concerns for her. She referred specifically to the comment he made with respect to the potential for using one of the buildings for a town hall. She stated that as far as the HAY possibly being used as a town hall if it is deemed that the school does not need that this should be left up to the Permanent Building Committee as part of their site selection. She pointed out that in her opinion there was an inference that information provided from 2017 was not accurate or intentionally false. Mr. Kimball replied that “intentionally false” are not the words that came out of his mouth. Ms. Deley expressed that she thought it was a good idea to have the School Committee in conjunction with other boards look at these numbers so they wouldn't have to spend the \$45,000.00. Mr. Kimball reiterated that he would not move the article if he could get the Board of Selectmen, School Committee, and Finance Committee to look into getting this information. He added that if it is determined that they need the school he will tell the Permanent Building Committee to move on from the idea, but mentioned that the HAY School has never been brought to the Permanent Building Committee's attention as a possible site. Mr. Yunits corrected Mr. Kimball by clarifying that he wouldn't say this option was never brought to the Building Committee's attention because it was approximately 2 or 3 years ago when the Building Committee was first created and one of their first tasks was to see if there was any space available there, which they said there wasn't.

Ms. Bonnie Yezukevich, resident and member of the Finance Committee, referred to the study done in 2017 and said that it was the Board of Selectmen at the time that asked the schools to do this evaluation. Ms. Yezukevich mentioned that there were three options within the study and they went with option 3, which was to keep things the same. She stated that the Superintendent and the School Committee should be able to provide the numbers Mr. Kimball was looking for, but she agreed that at the last Finance Committee meeting they did notice the numbers were off. Ms. Yezukevich said that there was about a 13% or 14% decline in enrollment over the last 10 years. She informed the Selectmen that at a later Finance Committee they voted to not recommend the article. Mr. Yunits requested that she provide the date of the meeting this was voted at. Mr. Kimball pointed out that the study done in 2017 did not include future enrollments in the Middle School and the High School, but it did address the three elementary schools.

Ms. Steele commented that from the material presented to them, there did appear to be some discrepancies between the numbers the Department of Education and Norton provided. She proposed either having the Permanent Building Committee or the Town Accountant and the School Business Manager put these numbers together for all five schools. Mr. Flaherty agreed and added that he thought it was a great idea.

Mr. Yunits referred to the study in 2017 and pointed out that as part of the evaluation it included the costs of rearranging the schools, but as far as he was aware, he was never presented with any savings. Ms. Deley stated that in addition to the operational costs for the schools she believes that they should know the operational costs of the town buildings across the board and Ms. Steele agreed. Ms. Steele indicated this information should be known as part of the project to invest in two new buildings and suggested putting a strong deadline on when they need this information; so that the Permanent Building Committee has all of the data they need to make a recommendation at the Spring Town Meeting as planned. Mr. Kimball agreed with Ms. Steele stated and advised that he is just looking for information and if he can get answers to the questions he has he will “back off.” Ms. Steele expressed that they are also going to be looking at different numbers at town meeting if this is presented because Mr. Kimball is going to have one set of numbers and the Schools will have another. Ms. Deley stated that this is also because the difference in numbers is a result of different criteria and that ultimately, they should decide on one set of criteria to determine the actual number. Mr. Conway suggested possibly breaking out the number for School Choice as a separate line item to get a more accurate picture. Mr. Conway added that while both sides can agree the numbers are off, both sets of numbers show the same trend of declining enrollment. Mr. Flaherty emphasized that he thought Ms. Steele’s plan was a fantastic idea that they should take under advisement to have a discussion with the Town Accountant and the School Business Manager. Mr. Kimball reiterated that all he is looking for is answers and that if the Town Accountant and School Business Manager can get him those answers he would be happy with that, but right now he is not getting a straight answer, which he emphasized was nobody’s fault.

MOTION was made by Mr. Conway to take no action on Article 19 as written in the warrant. Seconded by Ms. Steele. Vote: 3 – Yes; 1 – No (Ms. Deley). MOTION CARRIES.

**The above article was reconsidered and voted on again later in the meeting.*

Mr. Robert Kimball went over the cemetery rules for Article 8. He stated that they hired an outside company, BSC Group, to review draft rules and regulations. Mr. Kimball advised that once they were done putting together the recommendations, they forwarded them to town counsel for review; so, the rules and regulations presented before the Selectmen are with the feedback of a consultant and town counsel along with the Cemetery Commission. Mr. Kimball informed the Selectmen that the only thing to take out at the recommendation of town counsel was the amended prices because that is up to the Board of Selectmen and does not require town meeting approval. He asked that at their next meeting the Selectmen vote on the amended prices and commented that the Town is still on the low to middle range for fees.

MOTION was made by Mr. Conway to recommend Article 8 in the warrant. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Ms. Deley to reconsider Article 19. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Ms. Deley to recommend Article 19. Seconded by Ms. Steele. Vote: 0 – Yes; 4 – No. MOTION LOST.

Mr. Flaherty stated that he did not see a need to discuss a draft Purchase and Sales Agreement regarding 78 East Main Street at this time based on the Selectmen's prior conversation. He also expressed that he did not see a need to discuss remote participation because of the lack of time to review the documentation regarding the rules.

C. **Town Manager's Report**

V. **Selectmen's Report and Mail**

Mr. Conway announced that Alex Noel won the Topsfield Fair with his 2,294.5-pound pumpkin, which is the eighth largest ever in the world.

Mr. Conway asked for an update from the Town Manager on the traffic lights. Mr. Yunits stated that the bids went out and should be awarded either this month or the beginning of the next month. Mr. Yunits clarified that these are the lights on Route 123 and I-495 and North Washington Street and South Washington Street. The Town Manager informed the Selectmen that this project is scheduled to begin in the spring of 2020. Mr. Conway asked if it would be both sets of lights and Mr. Yunits stated that the lights for the off-ramps will definitely be this spring. Mr. Conway asked when the light would be put in at Leonard Street, which Mr. Yunits answered probably the spring also.

Mr. Conway lastly addressed a lot of pump-flow testing occurring by the Water Department creating "horrific" water conditions and asked that Mr. Yunits ask the Water Department to use the Norton Alert system so that residents can be notified. Mr. Yunits agreed and mentioned that the Water Department had been putting notices on the Town website.

VI. **Meeting Minutes**

There were no Minutes approved at this meeting.

VIII. **Warrants**

Report of Vice-Chairman, Michael Flaherty, that the following Payroll and Invoice Warrants have been approved:

A. Payroll Warrant PR20-08 for the week ended October 5, 2019, Warrant dated October 10, 2019, in the amount of \$1,423,158.88.

B. Invoice Warrant AP 20-15 dated October 10, 2019, in the amount of \$1,011,743.08.

C. Invoice Warrant AP20-16 dated October 17, 2019, in the amount of \$5,214,007.65.

IX. **Other Business**

There was no other business to discuss.

X. **Next Meeting's Agenda** – October 21, 2019 at 6:00 P.M. in the High School Cafeteria.
The following meeting will be on November 14, 2019.

XI. **Executive Session**

There was no executive session.

XII. **Adjournment**

MOTION was made by Mr. Conway to adjourn the Board of Selectmen meeting at 11:15 P.M. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.

URL Links: <https://www.youtube.com/watch?v=Ghdz4YCDIKk> (Part 1)

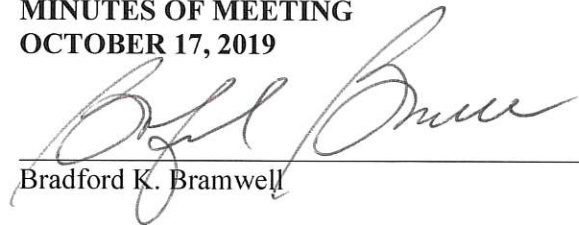
<https://www.youtube.com/watch?v=hzZU1G5cumo> (Part 2)

Respectfully Submitted by:



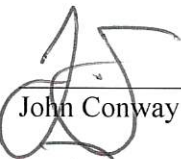
Jennifer Reid, Office Administrator

**BOARD OF SELECTMEN
MINUTES OF MEETING
OCTOBER 17, 2019**



Bradford K. Bramwell

Michael Flaherty



John Conway



Renee Deley



Michael Toole

Minutes Approved by Board on: July 9, 2020