



TOWN OF NORTON
BOARD OF SELECTMEN
MUNICIPAL CENTER,
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**Board of Selectmen
Meeting Minutes
May 20, 2020**

1. Call to Order by Chairman

The May 20, 2020 meeting of the Norton Board of Selectmen was held remotely (web: <https://zoom.us/j/6391519600>; dial in via +1 (646) 558-8656, Meeting ID 639-151-9600) and was called to order at 6:30 P.M., by Mr. Bradford K. Bramwell, Chairman. Member(s) present: Mr. Michael Flaherty, Mr. John Conway, *Ms. Mary Steele, and Ms. Renee Deley. Also in attendance: Mr. Michael D. Yunits, Town Manager.

**Ms. Steele was not present at roll call but participated later in the meeting.*

2. Discuss and/or Revote Date and Venue for Annual Town Meeting.

Mr. Yunits advised that the number of positive COVID-19 cases has gone down and in result, the Governor was able to start reopening the State with Phase I.

Mr. Zahner stated that the safety plan for holding a town meeting is still a work in progress. He gave an overview of what safety procedures will be used to hold a safe town meeting [within the gymnasium of the Norton High School] starting with outside where there will be cones set six feet apart with signage along with NEMA and volunteers facilitating keeping things orderly. Mr. Zahner emphasized that everyone will be wearing a mask. He also mentioned that there will be a police presence outside.

Next, there will be a pre-entry scan where the Public Health Nurse and School Nurses will be taking temperatures, asking if they are experiencing any symptoms and asking contact questions. Mr. Zahner stated that there will be an assistant to each nurse dispensing hand sanitizer.

The Board of Health Agent then moved on to the check-in phase of the safety plan. He explained that volunteers will be wearing masks, gloves, and face shields while sitting behind the plexiglass germ guard. Mr. Zahner explained that there will be baggies containing bracelets identifying residents from non-residents, a pen, red card, paper for written vote, and a handy wipe. He added that there will be cones in place in the hallways placed six feet apart to assist with social distance requirements as well as more signage for guidance.

Mr. Zahner moved on to explain that once participants entered the gym, there would be NEMA, CERT, and MRC in face masks, face shields, and gloves guiding residents to a socially distanced position in the gym, which will be pre-marked with chairs placed in a specific location to maintain the social distancing. He further stated that there would be

signage placed in multiple areas reminding participants to wear a mask at all times, maintain a social distance of six feet, and to please raise their hand if they need to leave their designated area for any reason so a volunteer can assist them. Mr. Zahner explained that during the meeting, residents must raise their hand in order to approach the microphone and MRC volunteers, who will have a Clorox wipe available to wipe down the microphone after each use, will assist the resident safely to the microphone. He stated that volunteers will also be monitoring the restrooms and limiting the amount of people using the restroom at one time. Mr. Zahner said there will be sanitizer wipes available to wash down surfaces and hand sanitizer at the door of the gym for re-entry. He explained that there will also be cones placed in the hall outside of the bathroom to maintain social distancing as well as signage.

The Board of Health Agent lastly stated that at the conclusion of the meeting, volunteers will escort the residents, while maintaining social distancing, out of the building in an orderly fashion. He pointed out that there will be waste receptacles available for used gloves and masks to be disposed of.

Mr. Bramwell asked what the capacity of the gym would be with social distancing taken into consideration. Mr. Zahner replied that the gym is just over 12,000 sq. ft., so with six-foot separation it would be about 330 people. Ms. Longhurst asked to meet with Mr. Zahner to go over ideas she has for checking-in at the election, which he agreed to.

Mr. William Gouveia, Town Moderator, suggested having portable microphones brought to those who would like to speak at the meeting by volunteers since there are already going to be wipes available for the volunteers to clean them with rather than trying to keep people six-feet apart to get to the microphone. Ms. Deley suggested also having specific direction of traffic signage as far as entering and exiting. Ms. Deley expressed that she would also rather hold the meeting outside versus inside the gymnasium. Mr. Zahner replied that at this point the sub-committee [for organizing a safety plan for town meeting] has only had two meetings, but they are looking to have it in the gym.

Mr. Bramwell suggested reviewing the questions on the warrants and deciding on what must be done and what can wait. Mr. Yunits voiced the concerns of the Planning Board holding their public hearings [on articles] and then them not being on the warrant at town meeting. The Town Manager asked town counsel, Attorney Lauren Goldberg, to advise when they would have to hold a town meeting after their public hearing.

Attorney Goldberg explained that typically town meeting has to be held no later than 65 days after the date of the public hearing. She explained that many communities are worried that if a zoning article appears on the warrant, it will constitute as failing to take action because it has been more than 65 days since the date of the hearing. Attorney Goldberg informed the Board that one of the new bills that is out right now with the legislature extends that deadline; so, if more than 65 days have gone by since the public hearing, the article is still able to be acted upon. She stated that the language also suggests that not acting on zoning is not “unfavorable action” for purposes of Chapter 40A, §5. She explained that if the 65 days is not an issue, they can have in the motion “refer to

committee” rather than pass over zoning opinions and that would address the two-year ban on zoning amendments that are acted upon negatively. Mr. Bramwell responded that the Planning Board would probably be receptive to holding off voting on planning articles until the fall town meeting to give more time for the COVID problems to subside and suggested having them taken off the warrant for this meeting. Ms. Deley disagreed because one of the zoning articles isn’t coming from the Planning Board.

Mr. Gouveia referred to a town bylaw where if an elected board puts an article on the warrant or if there is a petitioned article that the Selectmen must include it. He added that the Town has a bylaw that any article that does not receive a motion, it is then declared lost by the Moderator. He asked Attorney Goldberg with that being said if that has an effect on the two-year time limit. Attorney Goldberg recommended that if those articles stay on the warrant and it fails for a lack of a motion, more specifically zoning articles, that they get referred to committee for further action. She mentioned that one of the draft bills that is pending is if a town votes to reduce a quorum it would act only on essentially financial articles pertaining to the current fiscal year or the following fiscal year. Attorney Goldberg clarified that they still have a few weeks before they know if any of this is made official.

Mr. Gouveia expressed a concern with petitioned articles because if there is a wide enough interest it could draw people. He referred to one of the zoning articles and stated that he thought this was a petitioned article and emphasized that he does not want to run into a situation where someone sees this meeting, realizes that there probably is not going to be a lot of people, and people go and gets the article passed because there wasn’t a fair representation at Town Meeting.. Mr. Yunits responded to Mr. Gouveia’s concerns and clarified that he doesn’t believe there is a petitioned article on the warrant. Mr. Paul DiGiuseppe, Director of Planning and Economic Development, confirmed this and explained that one article was submitted by the Planning Board and the other by the Industrial Development Commission (IDC).

Attorney Goldberg advised that one of the versions of the bill being proposed says that a petitioned article, whether it is submitted by an individual or a board or a committee under a local charter, that that article automatically goes on the warrant for the next town meeting and this impediment under zoning be brushed aside and treated as an a nullity. She repeated that if there is an issue on the warrant that they don’t want to address, they should “refer to committee for further study” and this will not be negative action for the purposes of Chapter 40A, §5 so it could come back before town meeting with or without the support of the Planning Board.

Mr. Conway asked for clarification from town counsel that if the warrant hasn’t been posted yet that they have the ability to still remove articles from the warrant at this time. Attorney Goldberg emphasized that if they are trying to reduce the number of people attending the meeting that they should limit the warrant to what has to be acted upon versus what someone would like to act upon. Mr. Yunits clarified that the warrant has closed for submittal of articles, but the Board of Selectmen have not yet finalized the

warrant. Attorney Goldberg replied that if this is the case, articles cannot be taken off of the warrant at this point.

Ms. Deley replied that she thought Attorney Goldberg said in the past that as long as the warrant is not posted that they can still remove articles. Attorney Goldberg said that she would review the Town's Charter and get back to them on that. The Board agreed to move on to discuss the venue.

Mr. Bramwell said he thought the High School gymnasium would be a good location. He voiced concerns about people being able to hear and mosquitos if the meeting was held outdoors, which could disturb the meeting or prevent people from wanting to attend.

Ms. Deley said she thought they would have less of a risk of that if the meeting was held earlier in the day rather than the evening. She informed the Board that the Governor said in respect to houses of worship to hold mass/congregate outside, so she thought similarly that this would be a good idea for town meeting. Ms. Deley voiced a concern about the susceptible population. Mr. Bramwell responded that the susceptible population is usually the crowd that makes up the majority of the people that attend town meeting and he would rather hold the meeting in the gymnasium.

Mr. Flaherty questioned accessibility as far as holding the meeting outside. Mr. Bramwell said that there probably would be an issue [with accessibility] if they had it on the field with getting wheelchairs out there. Mr. Zahner explained that when this was brought up earlier, originally the venue proposed was the gymnasium, so they haven't even looked into outside as an option yet. Mr. Zahner stated that if the Board is looking to hold the meeting outdoors, they will have to look at ADA compliance. He added that getting the sound system setup is going to be a lot of work, but they could take the plan for the gym they created and slightly modify it for outdoors.

Mr. Conway stated that really no option is going to be perfect and that outdoors has issues as well as indoors. He stated that this goes back to when they wanted to have town meeting while still trying to work through phases or hold off and work with 1/12 budget.

Mr. Yunits advised that one of the questions he wanted to ask Attorney Goldberg was regarding one of the areas towns was talking about holding a town meeting and they were only going to address the financial articles by doing a consent warrant. He explained that there would be one motion for several financial articles, which would greatly speed up the time of town meeting. Attorney Goldberg said that there are several different concepts on how to approach the warrant, the action of warrant, and where the meeting should be (inside or outside), but they can't hold a town meeting that doesn't have accessibility. Attorney Goldberg mentioned that several other towns are holding an "intro town meeting" or "mini town meeting" or "pre-town meeting" and the motions made at town meeting would be limited based upon the type of feedback that was received during the call.

Mr. Gouveia commented that while the Town hasn't used a consent warrant in the years he has been Moderator, consent warrants are commonly used around the Commonwealth. He asked the Board what their intent of holding town meeting was; if it was to have a traditional town meeting with discussion and debate or was the goal to simply have the mechanism where can they could get the budget and the basic financials done. The Town Moderator suggested a 1/12 budget for now and postpone the "real" town meeting until July or August. He strongly objected to having a consent warrant at town meeting and said that it would be "a joke."

Mr. Robert Kimball, Jr. agreed with Mr. Gouveia and voiced a concern about the portable microphones working outside. He stated that if the meeting was held inside, they should have seating that has a couple of chairs next to each other for those who can sit together, such as a husband and wife living in the same household.

Dr. Baeta advised that earlier that day, Mass. Public Health said that they are not allowing using school buildings until the Governor says so, which is the end of June. Mr. Bramwell asked how that would work with the town election. Mr. Yunits said there was a Senate election held yesterday in Plymouth County and that they probably used schools for that, but he will check on that. Dr. Baeta clarified that he had heard this information from Mass. Public Health more specifically regarding hold graduations and that the Board of Health Agent has more of a say on allowing events such as elections and town meeting as long as a safety plan is put in place and approved. The School Superintendent expressed his support on whatever the Board of Selectmen decide and commented that he would have to run it by the School Committee, but that it was the Selectmen's decision to make.

Ms. Deley asked in reference to a comment Attorney Goldberg made about being able to use neighboring towns' venues and asked when they might have an answer on that. Attorney Goldberg said that the Senate passed this and it is sitting at House of Representatives at this time. Ms. Deley asked if they could pick a date without a venue. Attorney Goldberg answered that there is not an absolute need for picking a location at this meeting, but they will need to know soon to come up with a safety plan.

Mr. Yunits said that he hopes the Board would entertain Thursday, June 25th for the date of town meeting. Ms. Deley said that they should look at a date in phase 3 (three weeks after June 29th) to ask for additional opportunities. Mr. Yunits said if that was the point, then they might as well wait until the end of July. The Town Manager emphasized that the point of holding town meeting on June 25th was to put a budget into place. Ms. Deley expressed that they should work with 1/12 budget and move town meeting to the end of July. Mr. Yunits voiced that both the Town governance and the Schools were hoping to not have to do a 1/12. Mr. Gouveia shared understanding of what Mr. Yunits was saying but expressed that he would rather look at the safety of residents, move on with 1/12 budget, and have the town meeting at the end of July.

Mr. Bramwell advised that he would be more comfortable postponing town meeting. Ms. Steele asked why they couldn't plan for town meeting being held on June 25th and then postpone it if necessary and Mr. Yunits agreed. Mr. Bramwell asked what the deadline

would be for the Selectmen to cancel it, and Mr. Yunits answered they would need to do it ten days prior (really seven days, but ten days would allow for more leeway) before town meeting or the moderator could reschedule it that night. The Town Manager explained that by charter, for town meeting (if there isn't a special town meeting) the annual gets posted with recommendations seven days before town meeting; so, as long as the Board changes the date before then they can reschedule it.

Attorney Goldberg clarified that if the warrant hasn't been posted, then the Selectmen hold the power to schedule town meeting. However, if the warrant has been posted, then this power has been shifted to the Moderator. Mr. Bramwell pointed out that either way the Town Manager is going to have to work on a 1/12 budget in case the town meeting does have to be cancelled. Mr. Yunits agreed with Mr. Bramwell's point, but that this would give a date for the Finance Committee to work with and work on budgets that need to be prepared.

Mr. William Rotondi, Chair of the Finance Committee, voiced his opinion that he is in favor of an outdoor town meeting. He then asked why they are picking the date of June 25th that would force them to hold town meeting indoors at night rather than the date of Saturday, June 27th where they would have the option of inside or outside (weather permitting). Dr. Baeta informed the Board that they won't know more about the Chapter 70 funding until at best August, so if they go with a 1/12 budget, he is going to have to lay off more people, which would increase the unemployment line item.

Mr. James Puello, the Town Account, advised that if the Town does 1/12 budget and holds town meeting on July 25th, then they would need to do a 1/12 budget for August too. He pointed out that if people aren't comfortable with June 25th then they aren't going to be comfortable four weeks later with a date of July 25th for town meeting either. Mr. Puello stated that he would be more comfortable with a date of June 27th for town meeting regardless of if it was held outside or inside. Mr. Brian Clark, Chief of Police, agreed with Mr. Puello and reiterated that another four weeks isn't really going to matter. Mr. Puello commented that if his parents were vulnerable or sick, he wouldn't let them go to a town meeting in July either and that while they would like to accommodate everyone they cannot. The Town Accountant emphasized that the later they postpone this, the more difficult it will be to calculate free cash and closing out the fiscal year. Mr. Puello added that they could also run into the problem of setting the tax rate in time and that there are lots of possibilities of things going wrong. Mr. Puello lastly pointed out that there is more of a risk going to the grocery store or the gas station than attending a town meeting that was planned a month in advance and following the procedures that the Board of Health was suggesting earlier.

MOTION was made by Ms. Deley for the Board to support that the annual town meeting be held on Saturday, July 25, 2020. Seconded by Mr. Conway. Vote: Ms. Deley – Yes; Ms. Steele – No; Mr. Conway – Yes; Mr. Flaherty – No; and Mr. Bramwell – No. MOTION FAILS.

Mr. Bramwell said that he still likes the idea of having the town meeting in June and that while holding it outdoors would be difficult, they should look into this more before eliminating the option. Mr. Zahner said that he would relay this to his group and pointed out that they are also going to be wearing masks, which is only required if people are not able to do social distancing, which wouldn't be the case. Mr. Zahner commented that people are more at risk going to Lowes than town meeting.

Mr. Yunits pointed out that based on the Governor's timeline for reopening the State, restaurants and theaters are going to be open on June 29th; so if they decide to hold a town meeting on either June 25th or June 27th and having 100 people in an open area that can hold 300 people, it would appear according to the Governor's plans that things are going to be better by then. Mr. Conway said that he absolutely understands what Mr. Yunits is saying about better visibility about the virus and State, but they also have to be cognizant of people who won't feel comfortable with attending town meeting in June.

Mr. Bramwell said he has no problem with setting a date of June 25th for town meeting and if need be, move the date and saying "I was wrong". Mr. Flaherty agreed with Mr. Bramwell and added that they are trying to do what is best for everyone involved. Mr. Flaherty expressed that there is no harm for a Saturday date in June for town meeting although he was not wild about an outdoor venue and that if it doesn't come to fruition for Saturday, June 27th, then it doesn't come to fruition. Mr. Bramwell suggested setting the date of town meeting for Saturday, June 27th outside and having the Board of Health look into the possibilities and requirements of doing so.

MOTION was made by Ms. Deley to set Saturday, June 27th for the date of the annual town meeting. Seconded by Mr. Flaherty. Vote: Ms. Deley – No; Ms. Steele – Yes; Mr. Conway – No; Mr. Flaherty – Yes; and Mr. Bramwell – Yes. MOTION CARRIES.

3. Vote to Open Special Town Meeting.

Mr. Yunits referred back to the Board's earlier discussion about the lack of a need for a special town meeting, and thus there would be no need to open the special town meeting, which Mr. Bramwell confirmed.

4. Executive Session

To discuss strategy with respect to collective bargaining.

5. Adjournment

Declaration by the Chairman, Bradford K. Bramwell, was made as follows:

I declare, under General Laws Chapter 30A, §21A(a)(3), that the purpose of the executive session will be to discuss strategy with respect to collective bargaining, because a discussion of the strategy in open session could compromise the purpose of the executive session and with the Board to not return to open session at the conclusion of the executive session.

Motion was made at 8:05 P.M. by Mr. Flaherty to have the Board go into executive session under G.L. c.30A, §21(a)(3) for the purposes and reasons declared by the Chairman and with the Board to not return to open session thereafter. Seconded by Ms. Steele. Vote: Ms. Deley – Yes; Mr. Conway – Yes; Mr. Flaherty – Yes; Ms. Steele – Yes; and Mr. Bramwell - Yes.
MOTION CARRIES.

Next Meeting: May 28, 2020


URL Link: <https://www.youtube.com/watch?v=cU3yPymzCG0>

Respectfully Submitted by:



Jennifer Reid, Office Administrator

**BOARD OF SELECTMEN
MINUTES OF MEETING
MAY 20, 2020**



Bradford K. Bramwell


Michael Flaherty



John Conway



Renee Deley



Michael Toole

Minutes Approved by Board on: July 9, 2020