

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

2020 OCT -7 A S. I.

Telephone (508) 285-0210; Facsimile (508) 285-0297 7 17

Board of Selectmen Meeting Minutes June 16, 2020

### I. Call to Order by Chairman

The June 16, 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 6:47 P.M., by Mr. Michael Flaherty, Vice-Chairman. Member(s) present: Mr. John Conway, Ms. Mary Steele, and Ms. Renee Deley. Mr. Bradford K. Bramwell arrived at 6:48 P.M. Also in attendance: Michael D. Yunits, Town Manager.

# II. Appointments/Resignations/Retirements

There were no appointments/resignations/retirements to discuss.

# III. Licenses and Permits

1. Review and Approve Amendments to Common Victualler and Alcohol Licenses.

Mr. Yunits advised that there were two applications for amending their licenses: Alberto's and Mac & Walt's. He continued explaining the seating arrangements for Mac & Walt's and then Alberto's.

MOTION was made by Ms. Deley to revise the licenses for Mac & Walt's. Seconded by Mr. Conway. Vote: Ms. Deley – Yes; Ms. Steele – Yes; Mr. Conway – Yes; Mr. Bramwell – Yes; and Mr. Flaherty – Yes. MOTION CARRIES.

MOTION was made by Ms. Deley for the revision to the license for Alberto's. Seconded by Ms. Steele. Vote: Ms. Deley – Yes; Ms. Steele – Yes; Mr. Conway – Yes; Mr. Bramwell – Yes; and Mr. Flaherty – Yes. MOTION CARRIES.

# IV. Announcements

Mr. Conway read the following announcements into the record:

- 1. Norton Recreation Department in conjunction with Norton Kayak Company will be holding a Sunset Kayak Outing on Sunday, June 28<sup>th</sup> at 5:30 P.M. and all proceeds are to benefit the Norton Recreation Dept.
- 2. Beginner Country Line Dancing Lessons will be held at the Everett Leonard Park under the pavilion located at 6 Parker Street, Norton, MA starting July 6<sup>th</sup>. The class is meant for beginners with little or no dance experience and are on Mondays from 7:00 P.M. 8:00 P.M. All five classes cost a total of \$40 and individual classes are \$10 each. People interested can

register for at the Norton Parks and Recreation website (www.nortonma.org/parks-and-recreation).

Ms. Deley announced that the Industrial Development Commission (IDC) will be having an information session tomorrow (June 17<sup>th</sup>) on the marijuana bylaw proposal and the application process along with a panel discussion. Mr. Flaherty clarified that those wishing to attend would be able to find the Zoom information to participate and Ms. Deley advised that the event information has been posted to Facebook and the Town Calendar.

# V. <u>Business</u>

# A. New Business

1. Review and/or Vote on 1/12 Budget.

Mr. Yunits advised that they needed to prepare a 1/12<sup>th</sup> budget in case something happens with town meeting being so late. He explained that departments were asked what they are actually going to spend in July, and the total is \$8,060,790.46. He advised that some of the major items the Town is hit with in July is Bristol County Retirement, health insurance, and insurances for the Town (property, liability, worker's comp., etc.). The Town Manager explained that if the Board approves the 1/12<sup>th</sup> budget, the Town Clerk will then certify it and the Town Accountant will send it to the Department of Revenue (DOR) for approval. Mr. Flaherty asked if the DOR didn't approve it if it would come back to the Town for revisions.

Mr. James Puello, Town Accountant, explained that if the DOR does deny it, they will ask him about the amounts that seem excessive or not enough, but he emphasized that he was pretty confident that if the Board approved the 1/12<sup>th</sup> budget tonight that they would be fine and it would be approved.

Mr. Conway asked what the total amount was again, and Mr. Yunits restated that it totaled \$8,060,790.46 and advised that figure included the Water and Sewer Department. Ms. Deley asked if the Town was going to be submitting just the document they were presented with at this meeting or if supplemental documentation would also be included. Mr. Puello responded that he is going to submit what the Board was presented with at this meeting to start because the DOR is swamped with reviewing 1/12<sup>th</sup> budgets. He explained that they are also going to have to make long-term debts in July. The Town Accountant repeated that he was pretty confident that the 1/12<sup>th</sup> budget prepared was going to be approved, but informed the Selectmen that he has the backup paperwork if needed. Mr. Yunits added that \$2.1 million is long-term debt that needs to be paid in July.

MOTION was made by Mr. Conway to approve the 1/12<sup>th</sup> budget to be submitted to the DOR. Seconded by Ms. Deley. Vote: Ws. Deley – Yes; Ms. Steele – Yes; Mr. Conway – Yes; Mr. Bramwell – Yes; and Mr. Flaherty – Yes. MOTION CARRIES.

### B. Old Business

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

Mr. Yunits asked a representative of the Water/Sewer Department to give a brief summary of the two well replacements (wells 5 and 6). Mr. Luke Grant, Chairman of the Water/Sewer

Commission, advised that two test wells were drilled per the advisement of the Hydrology Consultant of Weston & Sampson. He stated that they are looking to put in a primitive well at well 5 because this well has a lot of issues and added that they really need to get the other well going.

Mr. Frank Fournier, Water/Sewer Superintendent, advised that there has been a declining production of water from both wells. He advised that phases 1 and 2 have been completed (test drilling and permitting approval), but they still have to go through phases 3 (additional work has been completed during this phase including engineering and design), 4, and 5. Mr. Fournier advised that the money they are asking for is based off of an average plus additional funding that was approved at the May Town Meeting for remaining funds to be used for additional water improvements. The amount that was approved was \$457,808.63, which was leftover money from the Reservoir Street project. He advised that at the time of the Reservoir Street project, it was supposed to include Elm Street, but there was some miscommunication with the previous person in charge and they were unable to get Elm Street done as part of that project, which is where this additional funding is coming from. Mr. Fournier advised that the \$457,808.63 will be used in conjunction with the additional borrowing of \$850,000 that the Water/Sewer Depart is asking for in this article (Article 9: FY21 Capital Plan).

Mr. Flaherty asked if they are yielding the results as they were hoping for with the new treatment facility, which Mr. Fournier said it was. The Water/Sewer Superintendent advised that the iron and manganese levels have dropped significantly and as more flushing is done, that will also help.

Ms. Deley asked about a timeframe of getting well 6 up and running too. Mr. Fournier answered that they were trying to keep costs down since wells 5 and 6 are near each other and have them done at the same time. He explained that the problems that they are having at well 6 need to be resolved in a very short period of time in order to avoid major issues. He advised that they can only clean [well 6] and get that back to a certain percentage at this time. Mr. Fournier stated that they don't have the option to do further cleaning of well 5 because of its remaining life expectancy of 6-8 months. He stated that well 5 was on borrowed time and well 6 was right behind it, so it made more sense to get the same person to do these and move a matter of feet rather than having to remobilize cranes and other equipment. Mr. Fournier estimated that if they do the work for the two wells together, it would result in a savings of anywhere between 30%-50%.

Ms. Deley asked what work was involved in Phases 3, 4, and 5 in addition to wells 5 and 6. Ms. Tara McManus explained that phase 3 includes a drilling and pumping test and then approving that as an additional drinking water source. She stated that Phase 4 is the actual design of the construction work that would go to public bidding including the electrical work for the pipelines and valves to connect the wells to the existing pipeline that is out there. Ms. McManus lastly stated that Phase 5 is the actual construction of everything and it should take about 6 months to do the work for Phases 3 and 4 with also potentially bidding this winter. Ms. Deley pointed out that there is a potential risk if well 5 has a potential life expectancy of 6-8 months left, which Ms. McManus confirmed and added that the goal is to move as fast as possible with this work. Ms. Deley then asked what percentage well 5 covered currently in Town. Ms. MacManus replied that well 5 is their biggest and Mr. Fournier advised that it provides approximately 40%-50% of the yield for the Town.

Mr. Conway asked if there would be any cost impact to water/sewer rates in result of this work. Mr. Fournier clarified that this was part of the recent rate study and is covered under the adjustments recently seen in [the rates] in March. The Water/Sewer Superintendent informed the Board that as they move down the road, there is a 20 year comprehensive plan for upgrades in Town, which will have a percentage of an impact on the Town.

Mr. Yunits advised that this was part of the Capital Plan previously reviewed by the Board. He explained that the recommendation as approved by the Finance Committee is \$416,150.00 coming from Capital; \$34,015.00 coming from Sewer, and \$850,000.00 being borrowed and paid back from Water receipts.

MOTION was made by Mr. Conway to support the Capital Improvement Plan as presented by the Town Manager. Seconded by Mr. Bramwell. Vote: Ms. Deley – Yes; Ms. Steele – Yes; Mr. Conway – Yes; Mr. Bramwell – Yes; and Mr. Flaherty – Yes. MOTION CARRIES.

Mr. Steve Petersen of Weston & Sampson spoke on Article 7 (Sewer Enterprise Budget) and gave a brief history of the project. He stated that the initial appropriations came with meeting with the with School Department and the Housing Authority; the Housing Authority was not noncompliant with their wastewater disposal. The Housing Authority tried collaborating with the Schools to make a connection with the treatment plant at the Middle School, but that was denied and the Schools were told that they actually had to do something with their treatment plant. So, the Housing Authority and School Department contacted the Sewer Commission when they were just wrapping up the Comprehensive Waste Water Management Plan which establishes the need areas of the Town. Mr. Petersen advised that they would not have been moving forward for 3-5 years with the plan at that time and everyone agreed that the timing was best to move forward then. He explained that part of the reasoning was the amount of money the Housing Authority was going to have to put towards this.

Mr. Petersen informed the Board that the initial appropriation came shortly after the meeting with the Housing Authority and the School Department, which was right before town meeting and they were able to put together an article, get it on town meeting floor, and move forward with the project. He explained that they then got into the design and the second appropriation was after the advance of the design where they had more information and clarity on the challenges this project would present. Mr. Petersen moved on to explain that they saw the costs of the project increasing, so they scheduled a bid opening for the project so they would have the contractors' prices in hand to see if they had enough money. He further advised that the third appropriation was based off of the bids that were received and gave them the ability to award the contract. Mr. Petersen advised that they have run into additional challenges that require additional funding. He pointed out that there are \$5.7 million in authorizations, but they are spending beyond this amount.

Mr. Petersen explained that the current project on West Main Street involves 54 connections (106 betterment units), 23 commercial properties that make up 52 of those EDUs, 15 single-family homes, and 12 multi-unit properties (39 EDUs), the Norton Housing Authority, and the Norton Public Schools (3). He pointed out that although there are only 54 properties involved currently, this project provides service for future expansion for established sewer needs areas for up to 700 connections. Mr. Petersen reported that the project involves the installation of 6,500 feet of gravity sewer; 3,000 feet has been completed and 3,500 feet are still remaining.

Mr. Petersen gave an overview of the issues driving the cost increase such as continuing to find additional rock beyond the estimated quantities as well as the means and methods of removing the rock. He added that another factor they have needed to address is the utilities in the road so they can find space to install the sewer. Mr. Petersen stated that the additional request of \$1.1 million is to cover \$500,000 in construction costs; safety detail costs of \$350,000; construction oversight in the amount of \$150,000; and a contingency of \$100,000 (10%). Mr. Petersen informed the Board that the Department of Housing and Community Development is providing \$1.8 million and further described project financing sources including the DHCD sewer connection fee, Norton Public Schools (taxes), sewer betterments, SRF principle forgiveness, annual payments to Norton (APN) and advised that there is a twenty-year payback for all of these combined sources.

Mr. Conway asked what the original project approval cost was and if that was the \$3.32 million referred to in the presentation, which Mr. Petersen confirmed. Mr. Conway pointed out that with all of the additional costs, they are now looking at adding more than the original estimated cost of the project (approximately \$3.4 million), which Mr. Petersen answered was correct. Mr. Petersen explained that the initial plan was done with little information and time. Mr. Conway asked what degree of confidence Mr. Petersen had that this would be the final number. Mr. Petersen said he is hoping production is better during this deep cut. Mr. Conway asked what the projected end date is and Mr. Petersen said that there is about 30 weeks of construction to go. Mr. Conway asked if there was a cost escalation fee worked into this figure or if that was what the contingency fund is for and Mr. Petersen answered that this would be covered with the contingency fund. Mr. Conway asked what Weston & Sampson was getting as a payment for this project for the construction oversight and Mr. Petersen replied \$470,000.00 and with the additional money it would be about \$600,000.00. Mr. Conway asked in reference to the way betterments were calculated if there was a better approach of doing so rather than the \$16,000.00 per home. Mr. Petersen said that residents have 20 years to pay it back. Mr. Grant said that once this project goes through, they will get more businesses in town and emphasized that this is an investment for the future.

Ms. Deley said that she understands the need to invest to get businesses in town and make the Town more attractive, but it comes at what cost. She pointed out that at this point they are over double their costs on this project and asked why they haven't sought other expertise to understand what their costs are going to be. She emphasized that this is a big underestimate. Mr. Grant said he understood the question and it is justified. Ms. Deley asked for the initial timeline on the project and Mr. Petersen said they would have been finishing up now (June/July 2020). Ms. Deley asked how many phases there are and Mr. Petersen answered 7 and they are currently in Phase 2. Mr. Grant clarified that there are 5 phases of the Cost of Waste Management Plan (CWMP) and are in Phase 1 where there will be 5 phases later on down the road. Ms. Steele asked in regards to Phases 3, 4, and 5 if they will be coming in separate and Mr. Grant said yes, one project at a time.

Ms. Steele pointed out a few observations. She said they can't not move forward with the project, but the original project when presented to them was at \$3.2 million and that included at the time the \$1.8 million or \$1.9 million coming from the Housing Authority, which made this project very attractive and sold them on it. Ms. Steele stated that the information presented tonight was not encouraging. She referred back to the comment Mr. Petersen made about when the project initially started that it was based off of not a lot of information and

with not a lot of time. Ms. Steele pointed out that Weston & Sampson is the company that has guided this project from the beginning and knows the Town well and posed the question of why the unknown variables weren't considered further. She further stated that on top of it, the company who was contracted to guide the Town on this is the one that underestimated the costs and now the Town has to pay the 15% change order. Ms. Steele lastly commented that [the situation] was annoying and Mr. Flaherty agreed.

Mr. Conway asked about the water dispenser coming back on. Mr. Grant said at their last meeting they decided to delay opening the water dispenser for another two weeks. Mr. Grant pointed out that there is no oversight at the machine and someone could contaminate it and potentially expose other people. Ms. Deley asked what the requirements from the State are to maintain a clean filling station so they can reopen it. Mr. Flaherty said this was not an agenda item and the Water/Sewer Commission was not prepared to speak on this at this time. Mr. Grant suggested that the Selectmen attend their meeting next time to get their updates.

Ms. Steele suggested during the discussion of the motion to have within the motion itself a cap on what they are spending on the consultant firm for any future borrowing. Mr. Yunits advised that he didn't see how they could do that. Ms. Deley questioned if this contract has to be negotiated and Mr. Petersen replied only if the project goes beyond the 30 weeks. Mr. Grant said he feels there is animosity towards Weston & Sampson coming from the Selectmen, but Weston & Sampson is being conservative and trying their best. Mr. Grant said if the Board cuts the engineering budget, which he said he felt the Board was alluding to, then no one will be "watching the hen house." Mr. Conway pointed out that the delays that have occurred and that the Town is 105% above the budget, which goes back on Weston & Sampson.

During the vote, Ms. Steele expressed that while she was voting "yes", she was doing so reluctantly because they are so far into the project and a lot of people are depending on this right now and emphasized that she is not happy about it. Mr. Conway agreed with Ms. Steele and was voting "yes" with "a bitter taste in his mouth." Mr. Bramwell agreed with Ms. Steele and Mr. Conway and said at this point, voting "no" would be "like flushing money down the toilet." Mr. Flaherty expressed that he agreed with Ms. Steele, Mr. Conway, and Mr. Bramwell and that at this point they have to see the project through.

MOTION was made by Mr. Bramwell to authorize the borrowing for \$1.1 million for the overrun on the West Main St. sewer project. Seconded by Mr. Conway. Vote: Ms. Deley – No; Ms. Steele – Yes; Mr. Conway – Yes; Mr. Bramwell – Yes; and Mr. Flaherty – Yes. MOTION CARRIES.

The Board moved on to discuss Article 12 (Water Bodies Management Costs). Mr. Yunits advised that the Finance Committee voted no action on this article. The Town Manager advised that they have enough money budgeted to cover this year and any money needed would be next spring, so they can wait until the fall to put more money into this account.

Ms. Steele expressed that at the time when they voted on this, they agreed that if they were faced with hard times that they wouldn't pay for the weed control. Ms. Steele clarified that there is enough in the budget to treat through the year, which Mr. Yunits confirmed. Mr. Yunits advised that they are coming up with a three-year plan to address this in the fall and the town meetings following. Ms. Steele said that this could never not be funded after spending over a million dollars to treat the water bodies.

Mr. Flaherty asked to address this at the fall town meeting. Ms. Deley asked if this was being taken off of the warrant. Mr. Yunits stated that would be up to the Board.

MOTION was made by Ms. Deley to remove Article 12 (Water Bodies Management Costs) from the warrant. Seconded by Mr. Bramwell. Vote: Ms. Deley – Yes; Ms. Steele – Yes; Mr. Conway – Yes; Mr. Bramwell – Yes; and Mr. Flaherty – Yes. MOTION CARRIES.

The Board moved on to discuss Article 13 (Prior Year Bills). Mr. Yunits advised that they had one prior year bill from the Planning Board for advertising in the Sun Chronicle in the amount of \$605.30 and this would come out of their existing budget. He explained that because this a prior year bill, it has to be authorized.

MOTION was made by Mr. Bramwell to support Article 13 in the amount of \$605.30. Seconded by Ms. Steele. Vote: Ms. Deley – Yes; Ms. Steele – Yes; Mr. Conway – Yes; Mr. Bramwell – Yes; and Mr. Flaherty – Yes. MOTION CARRIES.

Mr. Yunits moved on to discuss Article 3 (Retirement Expense). He informed the Board that the Finance Committee recommended to use \$185,735.00 from free cash to fund retirement costs. Ms. Deley asked how their funds for free cash look after this and Mr. Yunits replied that there would be \$221,169.00 in free cash left. Ms. Deley asked what the balance for stabilization was and Mr. Yunits answered \$2,535,168.00.

MOTION was made by Ms. Deley to approve Article 3 (Retirement Expense) in the amount of \$185,735.00 from free cash. Seconded by Ms. Steele. Vote: Ms. Deley – Yes; Ms. Steele – Yes; Mr. Conway – Yes; Mr. Bramwell – Abstained; and Mr. Flaherty – Yes, MOTION CARRIES.

Mr. Yunits explained that the next article was Article 4 (Collective Bargaining), but he would have to wait to speak on that because they don't have any [agreements] approved yet. The Town Manager advised that the only other article left to discuss was Article 8 (FY21 Operating Budget).

Mr. Conway asked where they ended up with Southeastern Regional. Mr. Yunits stated that the budget as voted was what they are recommending. He added that he believes this amount will be reduced, but he is waiting to hear back on State legislature. The Town Manager advised that there are ten more students at Southeastern Regional this year. Mr. Conway asked about the section referred to as "Miscellaneous (940)" and Mr. Flaherty informed Mr. Conway that this is for insurance.

MOTION was made by Mr. Bramwell to support Article 8. Seconded by Ms. Deley.

Ms. Deley questioned if they need to include the amount within the motion, which Mr. Yunits confirmed.

MOTION was made by Ms. Deley to support Article 8 FY21 Operating Budget in the amount of \$60,818,873.00. Seconded by Ms. Steele. Vote: Ms. Deley – Yes; Ms. Steele – Yes; Mr. Conway – Yes; Mr. Bramwell – Yes; and Mr. Flaherty – Yes. MOTION CARRIES.

# C. Town Manager's Report

Mr. Yunits informed the Board that he had received a request from a gas company to close Leonard Street to put in 4,000 feet of gas line. The Town Manager explained that it would be more productive to shut down the road in order to do the work. He advised that the Police Chief and Fire Chief don't have an issue with doing so and that there would still be access for emergency vehicles. Ms. Deley said that she assumed the gas company would be paying for the officers to be there and that signs would be present, which Mr. Yunits confirmed. Ms. Deley asked for the dates and times that Leonard Street will be closed. Mr. Yunits responded that the work would start the following day (Wednesday, June 17<sup>th</sup>) from 7:00 A.M. to 4:00 P.M. Ms. Deley asked when this would be going until to which Mr. Yunits replied he was not sure at this time.

MOTION was made by Ms. Deley to close Leonard Street for the duration of the project from 7:00 A.M. to 4:00 P.M. Seconded by Ms. Steele. Vote: Ms. Deley – Yes; Ms. Steele – Yes; Mr. Conway – Yes; Mr. Bramwell – Abstain; and Mr. Flaherty – Yes. MOTION CARRIES.

# V. <u>Selectmen's Report and Mail</u>

Mr. Conway acknowledged that Roche Bros. would be closing at the end of the month and wished the company and workers well. Mr. Bramwell suggested that the Board send a letter to their corporate headquarters thanking them.

Ms. Deley thanked Ms. Steele for her years and decades of service. She also thanked her for welcoming her to the Board, mentoring her, and for everything she has done for her and for the Town.

Mr. Bramwell expressed how much he is going to miss Ms. Steele and thank her for all she has given to the Town and for also welcoming him to the Board when he came on.

Mr. Bramwell suggested letting local businesses use 5-10 minutes of their meeting to have them tell the public if they are open, how they are conducting business, etc. Ms. Deley said the Industrial Development Commission (IDC) is putting together a list of the businesses that are open now as well.

Mr. Flaherty thanked Ms. Steele for everything she has done for the Town and being a mentor to his girls. He recognized that she has always been able to listen to all of the information and come to decision based off of the facts.

Ms. Steele expressed that leaving the Board was bittersweet. She thanked the townspeople who supported her over the years. She thanked Mr. Yunits, the town employees, and volunteers of boards and committees for all of their help and support over the years, Ms.

Steele said it was such a pleasure working with Mr. Bramwell, Mr. Flaherty, Mr. Conway, and Ms. Delev.

# VI. Meeting Minutes

There were no meeting minutes discussed or approved.

# VIII. Warrants

There were no warrants to review or discuss.

# IX. Other Business

There was no other business to discuss.

X. Next Meeting's Agenda – To be determined.

# XI. Executive Session

To discuss strategy as it relates to collective bargaining with union and non-union personnel.

### XII. Adjournment

Declaration by the Vice-Chairman, Michael Flaherty, 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 with union and non-union personnel, because a discussion of the strategy in open session could compromise the purpose of the executive session and with the Board to return to open session at the conclusion of the executive session.

MOTION was made at 9:18 P.M. by Ms. Deley to have the Board go into executive session under G.L. c.30A, §21(a)(3) for the purposes and reasons declared by the Vice-Chairman and with the Board to return to open session thereafter. Seconded by Mr. Bramwell. Vote: Ms. Deley – Yes; Ms. Steele – Yes; Mr. Conway – Yes; Mr. Flaherty – Yes; and Mr. Bramwell - Yes. MOTION CARRIES.

MOTION was made by Ms. Steele to reopen the open session at 10:12 P.M. Seconded by Ms. Deley. Vote: Ms. Deley – Yes; Ms. Steele – Yes; Mr. Conway – Yes; Mr. Bramwell – Yes; and Mr. Flaherty – Yes. MOTION CARRIES.

MOTION was made by Ms. Steele to adjourn the Board of Selectmen meeting at 10:15 P.M. Seconded by Ms. Deley. Vote: Ms. Deley – Yes; Mr. Conway – Yes; Mr. Bramwell – No; Mr. Flaherty – No; and Ms. Steele – Yes. MOTION CARRIES.

Mr. Flaherty thanked Ms. Steele again for everything.

URL Link: https://www.youtube.com/watch?v=\_5rUaDQtx-I

# Respectfully Submitted by: Jennifer Reid, Office Administrator BOARD OF SELECTMEN MINUTES OF MEETING JUNE 16, 2020 Bradford K. Bramwell Michael Flaherty Renee Deley

Minutes Approved by Board on: September 17, 2020

Michael Toole