



TOWN OF NORTON
SELECT BOARD
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Select Board
Meeting Minutes
May 18, 2021

I. Call to Order by Chair

The May 18, 2021 meeting of the Norton Select Board was held remotely (Web: <https://us02web.zoom.us/j/6391519600>; Phone: 646-558-8656; Meeting ID: 639 151 9600, and was called to order by Mr. John Conway, Chair of the Select Board at 7:04 P.M. Members Present: Mr. Michael Toole, Ms. Renee Deley, and Ms. Megan Artz. Also in attendance: Mr. Michael D. Yunits, Town Manager.

II. Business.

1. Discuss and/or Vote to Approve and Sign the TIF Agreement with Home Depot U.S.A., Inc. and Approve Submittal to the Economic Assistance Coordinating Council (EACC).

Mr. Yunits went over the redlined version of the TIF Agreement with the Board. He stated that the first redline item to add "and Landlord" on Page 2 (5th paragraph). Mr. Conway clarified that his understanding was correct that the way the TIF is setup is between the Tenant and the Landlord just the way that the property taxes are setup through the lease; i.e., Condyne pays the property taxes and then with the triple net lease, Home Depot would pay that to Condyne, which Mr. Jeff O'Neil of Condyne confirmed was correct and added that all the benefits pass through the Town. Mr. Toole asked if this was part of the original lease or an addendum and Mr. O'Neil answered that it is a provision of the original lease.

Mr. Yunits moved on to the next redlined item on Page 4, specifically to Paragraph 7, where Ms. Deley asked to have it read "within the Town and ETA." Ms. Deley asked about item "d" on the same page where she asked that they also consider hiring qualified local for the construction of the building. Mr. Yunits stated that the Office of Mass. Development's feeling was where this paragraph references "Contractors" that would be anyone that was working on the building (contractors, vendors, and suppliers). Ms. Deley clarified that her original question was more around if this should read in connection with the construction and operation of the land parcel and asked if Mr. Yunits was saying that this would be covered under "contractors, vendors, and suppliers." The Town Manager mentioned that Mr. O'Neil also had an issue with this. Mr. O'Neil advised that on Condyne's side, it is related to the operation, which is the property management afterwards; so, any of the landscapers, snow plow workers and things like that they are making their best efforts to hire locally or within the ETA. Mr. O'Neil added that as far as the construction goes right now, he would say 75% of their subcontractors are based south of Boston. Mr. O'Neil stated that one of their largest suppliers, which is steel, is not even coming from the U.S. Ms. Deley responded that she understood that, but the language is more for Condyne to consider hiring local with their biggest understanding knowing that it wouldn't be guaranteed. Mr. O'Neil pointed out that the construction of the building has already commenced and the subcontractors have already been

contracted for the actual construction. Mr. Yunits informed the Board that the Town did already get that \$166,000 check. Ms. Deley expressed that this TIF Agreement should have been done before all of this started and advised Mr. Yunits that she expects (in the future) to see a template contract and within item “d” to be updated in connection with the construction and the operation so they have this for future contracts. Mr. Conway as a point of clarification asked Ms. Deley that her request is solely for a non-binding consideration of using local labor in both the construction and operation of the building to reinforce the ties for the local community, which she confirmed. Mr. Conway expressed that he understands that the ship may have already sailed for this TIF due to the complexities involved with the building, but he agreed that this should be included in their boiler plate template for the future and emphasized again that it is not a requirement but rather a consideration. Mr. Yunits stated that if they put this in future TIF templates, they will have to see what the State has to say. Mr. O’Neil commented that he didn’t think they would have a problem with it. Ms. Deley noted the other change was also on Page 4, Paragraph 7 to have it read the “Town and ETA” for consistency (and have it capitalized).

Mr. Yunits moved on to the next requested change on Page 5, first paragraph. He advised that they deleted the words “at the next annual town meeting.” Ms. Deley and Mr. Conway thought that they needed to have town meeting approval. Mr. Yunits replied that they will leave that phrase in there and include that the Select Board’s approval is required as well. The last thing to go over was also on Page 5, Paragraph 10. He advised that this is something that they were going back and forth on with Home Depot’s attorneys. Mr. Yunits read the following: “This AGREEMENT shall be binding upon all parties to it, and shall be binding upon and inure to the benefit of any subsequent affiliates of the TENANT in the event of the assignment of the AGREEMENT to an affiliate of the TENANT....” He explained that the reason for that is because they may have a different entity own the stores at some point depending on how they run the business. Mr. Toole stated that he has an issue with this because if this place were to sublet it would be transferred to the subletter. Mr. Conway disagreed because it has to be an affiliate and Mr. Yunits supported Mr. Conway’s point.

Mr. Toole stated that while the Board may have just reviewed the TIF residents, never saw the paperwork or had a chance to review it even though they voted on it at Town Meeting. Mr. Yunits told Mr. Toole that this was inaccurate because there is always a draft TIF available that has all of the major items outlined in it. Mr. Yunits added that the draft TIF was the same one provided to the Select Board for their joint meeting with the Finance Committee and it is always on file with the Town Clerk’s Office. Ms. Deley clarified that the draft TIF the Town Manager was referring to being available really just showed the tax incentives, which Mr. Yunits confirmed and noted that the vote at Town Meeting was to authorize the Select Board to negotiate the final TIF. Ms. Deley suggested possibly having a draft of the TIF in this form earlier in the process even if it is just a draft so those who are involved in the process have a more specific knowledge base and to have more time to review the document. Ms. Deley stated that she wasn’t sure if the Finance Committee would want to see it or if they were more so interested in the financial details of it, but restated that she would prefer to see it. Mr. Yunits advised that the Finance Committee did have this document for their first Monday meeting in April. Mr. Conway reiterated Ms. Deley’s suggestion to have the TIF out earlier in the process. Ms. Deley expressed that she did appreciate everyone addressing this urgently especially her e-mail that she sent out this morning that she meant to get out earlier and apologized. Mr. Yunits recognized Zina being great going back and forth with him to make the requested changes.

MOTION was made by Mr. Toole to approve the TIF Agreement as presented and revised this evening. Seconded by Ms. Deley. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

III. Adjournment.

MOTION was made by Ms. Deley to adjourn at 7:24 P.M. Seconded by Mr. Toole. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

URL Link: <https://www.youtube.com/watch?v=rgBKEABpyV8>

Respectfully Submitted by:



Jennifer Reid, Office Administrator

**SELECT BOARD
MINUTES OF MEETING
MAY 18, 2021**

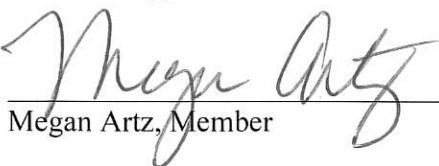
John Conway, Chair

Michael Toole, Vice-Chair



Christine Deveau, Clerk

Renee Deley, Member



Megan Artz, Member

Minutes Approved by Board on: June 10, 2021

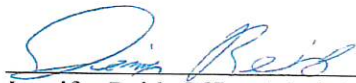
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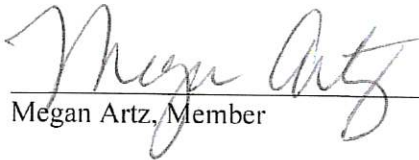
John Conway, Chair

Michael Toole, Vice-Chair



Christine Deveau, Clerk

Rence Deley, Member







Megan Artz, Member

Minutes Approved by Board on: June 10, 2021

TITLE	Minutes
FILE NAME	4.14.21 Minutes.pdf and 6 others
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Document History

 SENT	06 / 30 / 2021 13:50:09 UTC	Sent for signature to John Conway (jconway@nortonmaus.com), Michael Toole (mtoole@nortonmaus.com) and Renee Deley (rdeley@nortonmaus.com) from jreid@nortonmaus.com IP: 173.162.149.1
 VIEWED	06 / 30 / 2021 14:39:55 UTC	Viewed by John Conway (jconway@nortonmaus.com) IP: 76.119.206.231
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