



TOWN OF NORTON
SELECT BOARD
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Select Board
Meeting Minutes
October 4, 2021

I. Call to Order by Chair

The October 4, 2021 joint meeting of the Norton Select Board and Finance Committee was held remotely (Web: <https://us02web.zoom.us/j/6391519600>; Phone: 646-558-8656; Meeting ID: 639 151 9600, and the Finance Committee meeting was called to order at 7:01 P.M., by Ms. Aimee Sawyer, Chair of the Finance Committee. Finance Committee member(s) present: Ms. Bonnie Yezukevich, Ms. Paula Daniels, Mr. Kevin Snyder, Mr. Michael Fiore, Mr. Steven Evans, Ms. Yelena Gordon, Mr. Zack Tsilis, Mr. William Rotondi, and Mr. Frank Joe Parker, III. The Select Board meeting was called to order by Mr. John Conway, Chair of the Select Board, at 7:06 P.M. Members Present: Ms. Renee Deley and Mr. Michael Toole. Also in attendance: Mr. Michael D. Yunits, Town Manager.

2. New Business

Fall Annual Town Meeting Warrant Article Discussion and/or Vote, including but not limited to:

- Land Disposition – 0 King Philip Road, Assessors' Map 19, Lots 165 (Article 9).

Mr. Yunits explained that this is 10,000 square feet of property and back in 1970 there was a tax delinquency and a tax taking. He continued that the owner then paid what was owed and for whatever reason the redemption document was never recorded; so, it is still listed on the books as being owned by the Town of Norton in the Treasurer/Collector's Office. Mr. Yunits pointed out that in 1974 when the owner passed away, the heirs continued to pay the taxes. He stated that the Town's tax title attorney and the attorney for the owner both have recommended that the Town deed this property back over to the current owner and this is the way it has to be done. Mr. Yunits advised that the Select Board already voted to recommend this article. Mr. Yunits emphasized that the taxes that were due that caused the delinquency was \$20. The Town Manager brought to their attention that if the Town doesn't agree to do this, the owners of the property would need to be paid back with interest for the taxes they have paid.

MOTION was made by Mr. Rotondi to recommend Article 9 as presented in the warrant. Seconded by Mr. Evans. Vote: Ms. Yezukevich – Yes; Ms. Daniels – Yes; Mr. Snyder – Yes; Mr. Fiore – Yes; Mr. Parker – Yes; Mr. Evans – Yes; Ms. Gordon – Yes; Mr. Tsilis – Yes; Mr. Rotondi – Yes; and Ms. Sawyer – Yes. MOTION CARRIES.

- Amend Chapter 110, Article V, §110-20 and §110-31, of the Personnel Bylaws (Article 17).

Mr. Yunits explained that Article 17 is to Amend Chapter 110, Article V, §110-20 and §110-31, of the Personnel Bylaws. He explained that under number 1 it would change on the list of holidays to say: “as well as any other day defined as a legal holiday by the Massachusetts General Court or United States Congress.” The Town Manager advised that this came up when Juneteenth became a holiday and most of the contracts in Town already have this language in there with the exception of two. The second part of this article is to replace the preexisting longevity schedule with the updated version. Mr. Yunits pointed out that the longevity schedule hasn’t been changed since 2013; so, this proposed schedule would be equivalent to what SENA-A (the department head managers) have in their contracts. He explained that currently the longevity schedule has \$500 for after five years; \$650 for after 10 years; \$750 for after 15 years; and \$850 for after 20 years. The proposed longevity schedule would be as follows: \$800 for after five years; \$900 for after 10 years; \$1,000 for after 15 years; \$1,200 for after 20 years; and \$1,300 for after 25 years. Ms. Sawyer asked what the total impact would be with the proposed longevity schedule. Mr. Yunits replied that it would be \$2,400 total and advised that the Select Board at their September 30th meeting did vote to recommend this article.

Mr. Evans reiterated that there would only be an overall impact to this budget in the amount of \$2,400, which Mr. Yunits confirmed and added that there are only 9 to 11 employees that fall under this category (wage and salary employees). Mr. Evans emphasized that it has been a long time since this schedule has been updated. Ms. Sawyer asked if other towns have a set schedule that they review schedules like this. Mr. Yunits answered that there really isn’t, but would suggest reviewing this when the union contracts are being negotiated every 3 years. Mr. Rotondi asked how many employees fall under each category. Mr. Yunits advised that there is 1 employee at 30 years, 2 employees at 21 years, 3 employees at 6 years, 1 employee at 16 years, 1 employee at 11 years, 2 employees at 3 years, and 1 employee at 5 years. Mr. Evans asked how this schedule compares with other unions. The Town Manager listed off a range of longevity pay either at the same or significantly higher. He pointed out that some have a category for 30 years and it pays \$1,950 for longevity. Mr. Parker stated he was confused because it seems like there is a significant increase in these categories, but yet there is only a \$2,400 increase in the budget. Mr. Yunits explained that there are only so many people that are eligible for longevity out of the employees in this category. He used the example of 1 employee falling under the 25 years of service and that would be a \$450 increase, the next level would be a \$350 increase that would apply to two employees, and then there are 5 employees that would get a \$250 increase. Mr. Tsilis asked Mr. Yunits why these stipends aren’t just included within the salaries. Mr. Yunits stated that in municipal government, longevity has been a way to reward the employees who have been here longer. Mr. Evans asked if there has been a salary survey done to look at all these little variables to figure out what percent could all be put into a salary to streamline a salary base instead of all the stipends. Mr. Yunits replied that a salary survey is being done this year and explained that it will probably find that it is similar to all other communities, but they will find that out when the salary survey is done.

MOTION was made by Mr. Rotondi to recommend Article 17, Part 1 (the additional legal holiday language) and Part 2 (the longevity adjustment) as written in the article. Seconded by Mr. Evans. Vote: Ms. Yezukevich – Yes; Ms. Daniels – Yes; Mr. Snyder – Yes; Mr. Fiore – Yes; Mr. Parker – Yes; Mr. Evans – Yes; Ms. Gordon – Yes; Mr. Tsilis – Yes; Mr. Rotondi – Yes; and Ms. Sawyer – Yes. MOTION CARRIES.

- Amend Bylaws and Charter – Creation of Finance Appointing Committee (Article 15 and Article 16).

Ms. Sawyer read a disclosure statement provided by town counsel as follows:

“In my capacity as an appointed member of the Norton Town Finance Committee, I am expected to take certain actions in the performance of my official duties, specifically pursuant to both the Town Charter, Section 22-3b and the General Laws, G.L. Chapter 39, Section 16 and providing a recommendation on articles in the warrant for any town meeting where the matter under discussion is the process for selection of the Finance Committee members. It is a possibility that a reasonable person could conclude that Finance Committee members may act due to concern about their future appointment or for a financial reason other than that in the best interest of the Town.

I am filing this disclosure to disclose the facts about the situation and for the express purpose of dispelling the appearance of such a conflict. The Finance Committee will be discussing and voting on an article or articles that propose to change the manner of selection for members of the Finance Committee, including the creation of a new Finance Committee Appointing Committee. Ultimately, town meeting and the voters of the Town will decide whether the proposed change to the selection of Finance Committee members is in the best interest of the Town. See G.L. Chapter 43b, Sections 10 and 11.

All the Finance Committee is tasked with doing, and all the Finance Committee can do, is provide a recommendation to town meeting. Town meeting, however, retains the ability to act regardless of whether the Finance Committee is supportive of the proposed amendment. Each of the names checked above [Finance Committee members] are appointed members of the Town of Norton Finance Committee. In order for the Finance Committee to take action, a majority of those present and voting must be in agreement. As noted above, our action on this matter constitutes only a recommendation. Importantly, members of the Finance Committee receive no compensation in connection with their appointment to or service on the Finance Committee. Members of the Finance Committee are responsible for reviewing any matters that appear on the warrant and are not expressly or impliedly prohibited from considering members affecting the Finance Committee generally. This proposed amendment is not about any Moderator, any person now serving on the Committee, or any person that might serve on the Committee in the future.

Now, taking into account the facts I have disclosed above, I am going to ask each of you if you feel you can perform your official duties objectively and fairly.”

Vote: Ms. Yezukevich – Yes; Ms. Daniels – Yes; Mr. Snyder – Yes; Mr. Fiore – Yes; Mr. Parker – Yes; Mr. Evans – Yes; Ms. Gordon – Yes; Mr. Tsilis – Yes; Mr. Rotondi – Yes; and Ms. Sawyer – Yes. MOTION CARRIES.

Mr. Toole explained that he is proposing the creation of the Finance Appointing Committee. He stated that the idea came to mind when this was originally proposed by the Charter Commission. Mr. Toole expressed that he thought it would be a great idea getting some members of the elected boards involved in the process of appointing Finance Committee

members. He informed the Finance Committee that this would have to go to town meeting as well as on the ballot.

Mr. Parker commented that it is misinformation to say that the Charter Commission had any plans to implement what was being proposed by Mr. Toole. Mr. Toole responded that while there weren't any formal votes taken on this, he did recall there being discussions on the topic.

Mr. Fiore said he has had the pleasure of serving under 5 Moderators in this town and expressed his full confidence in their abilities to make the best possible choices for Committee members. He also pointed out that the Finance Committee recommends budgets for all departments that are going to be added to this selection committee (not only budgets, but supplemental budgets, warrant articles, capital improvements funding, as well as reserve fund transfers) and he expressed that in his opinion this would be a conflict of interest, so he would be voting no on this. Mr. Evans stated that he would echo Mr. Fiore's opinion and commented that he believes there would be a conflict of interest here with implementing such a committee and he would also be voting to not recommend this article.

Ms. Daniels asked Mr. Toole what other towns have appointing committees such as this. Mr. Toole said he does not have that information readily available, but he does know that there are other communities that do have a committee aside from just the Moderator that appoints the Finance Committee members. Ms. Daniels said she would also be leaning towards voting no on this article because of the potential conflict of interest. Mr. Toole responded that by having five members included in the appointing process is more of a safeguard, but did acknowledge that these sub-committee members would be responsible for appointing Finance Committee members that will be voting on their budgets. Ultimately, Mr. Toole emphasized that while there are valid concerns pertaining to conflict of interest, it is more important to have more than one person responsible for appointing Finance Committee members. Mr. Toole clarified that he personally does not believe there would be a conflict of interest.

Ms. Sawyer refuted that comment because at the beginning of this discussion she had to read a two page letter from town counsel clearly stating that there wouldn't be a conflict of interest because none of the Finance Committee members are financially impacted by decisions they make. She stated that she was optimistic after the Spring Town Meeting when the debt-exclusion passed for the athletic complex, Town Hall, and Senior/Community Support Center that they were finally going to be able to move past this kind of chronic town versus schools issues that they have had over the years. She expressed that now she is concerned that Mr. Toole thinks it is beneficial to give the School Committee, who is over 60% of the total budget, input into whose names should be approved to be appointed to the Finance Committee and approve that budget. Ms. Sawyer further stated that no member of the Finance Committee may serve on any other Town board or committee or be elected to any other Town office, and no Town employee may serve on the Finance Committee. She pointed out that all these rules are in place in order to keep members of the Finance Committee impartial and above reproach. She emphasized that now they would be giving the committees that are tied closely to departmental budgets the authority to select members to the Appointing Committee that reviews their budget. Ms. Sawyer stated that while it was even said by Mr. Toole that the Finance Committee is the most important committee, they have also heard that they are "just another rubber stamp." She explained that the Finance Committee reviews the budget and makes sure it is balanced, but they do not set the priorities (that is what the Select Board does) and they don't make sure that it is spent (that is what the Town Manager does). She pointed

out that the Town has an issue finding volunteers to serve on boards/committees and they are already having an issue trying to fill the current vacancy on the Finance Committee and expressed that she doesn't see how going from a one-on-one conversation of why you would be interested in serving on the Finance Committee and your qualifications to sitting in a room with five people explaining the same thing while also having it broadcasted would help.

Mr. Tsilis advised that what is being proposed here is not unusual and added that he had spoken with his friend, who is a Selectman for the Town of Berkley, and they have a three-member sub-committee comprised of the Moderator, a Selectman, and one other member (he couldn't recall specifically). Mr. Tsilis said he would be abstaining from the whole thing, but he didn't think it looked good. He stated that if the Select Board wants to move this article, then let them do so on the town meeting floor, but expressed his opinion that the Finance Committee should stay away from this.

Mr. Snyder explained that he was initially ambivalent to the article, but he is now leaning more against it. He mentioned a few points, one being that he doesn't see a problem with the way the process is done now. Mr. Snyder further stated that if an article such as this is going to be presented to the Finance Committee, then you should have done your homework and been able to say that you have looked at this and what other towns are doing and give the Finance Committee something to go off of. He stated that he was really taken back that the Committee is being asked to vote on something such as this without outlining what the benefits are, if any, of changing the process. Mr. Snyder concluded that ultimately, they need more information and that this is a solution in search of a problem as far as he is concerned, and in result he would be voting against this article.

Mr. Conway clarified that the Select Board has not voted on this yet and during the discussion at their last meeting, one of the things they wanted to know was what the board members that would be involved in this process felt about this adjustment. He added that Mr. Toole would be presenting this article to the Planning Board and Board of Assessors this week before the Select Board reconvenes.

Mr. William Gouveia gave his point of view as someone who has both served on the Finance Committee and the Moderator responsible for appointing the Finance Committee members. Mr. Gouveia referred to Mr. Toole's argument that this is a safeguard and refuted that it isn't a safeguard, but rather "an attack" and a "power grab." He supported Mr. Snyder's comment that this would be a solution in search of a problem. Mr. Gouveia emphasized repeatedly that this article is just all politics. He urged the Finance Committee to vote this article down and commented that the maker of this article is saying, "well, I hope you don't vote no and I hope you just let it go to town meeting." Mr. Gouveia further stated that this article shows a lack of understanding of town government and the process. He emphasized that this is a bad article and an attack on the integrity of the Finance Committee.

In response, Mr. Toole stated that while he is being accused of corrupt politics, this is the exact reason why he is presenting this article. He stated that if he sees an area that can be improved, he is going to make a recommendation to do so. Mr. Toole emphasized that he believed the more people that are part of making the selections to the Finance Committee the better and if the Finance Committee chooses to not recommend the article that is their choice, but it is easier for one person to spin the Finance Committee the way they want to spin it than 5 people as being proposed by this article. Mr. Toole pointed out that for Mr. Gouveia to start

attacking his integrity is inappropriate and he can laugh all he wants (which Mr. Toole pointed out was what he was doing at that time). Ms. Sawyer told Mr. Toole that if he was going to come back to the Finance Committee with this again to be sure to have what communities have this type of appointing committee, what the makeup of those committees are, and to be prepared to answer questions. Ms. Sawyer advised that they would be tabling discussing or voting on this article until their next meeting after the Select Board meets. In response, Mr. Evans stated that he doesn't know what is going to change between now and then; there has been a discussion this evening and he thinks the Finance Committee should vote on the article and if they need to reconsider at a later date they can. Mr. Conway also clarified that the Select Board wouldn't be meeting this Thursday, but the following Thursday. Ms. Sawyer replied that the Finance Committee would be taking a vote then because she doesn't want to send this to the town meeting floor without the Finance Committee's vote.

MOTION was made by Mr. Evans to recommend Article 15 as written. Seconded by Mr. Rotondi. Vote: Ms. Yezukevich – No; Ms. Daniels – No; Mr. Snyder – No; Mr. Fiore – No; Mr. Parker – No; Mr. Evans – No; Ms. Gordon – No; Mr. Tsilis – Abstain; Mr. Rotondi – No; and Ms. Sawyer – No. MOTION FAILS.

MOTION was made by Mr. Evans to recommend Article 16 as written. Seconded by Mr. Rotondi. Vote: Ms. Yezukevich – No; Ms. Daniels – No; Mr. Snyder – No; Mr. Fiore – No; Mr. Parker – No; Mr. Evans – No; Ms. Gordon – No; Mr. Tsilis – Abstain; Mr. Rotondi – No; and Ms. Sawyer – No. MOTION FAILS.

- Separation Expenses.

Mr. Yunits stated that this is Article 2 and requires \$225,274.00. The Town Manager explained that this is for retirements in the Treasurer/Collector's Office, the Police Department, Fire Department, and they Highway Department. Ms. Sawyer clarified that there is usually a certain amount in this fund, which Mr. Yunits answered was correct, but it was getting low, which is why the Town Accountant wanted to do this. Mr. Yunits informed the Committee and Board that this would cover sick leave, vacation unused, and vacation earned. The Town Manager explained that the Treasurer/Collector falls under Wage & Salary, so she could accumulate 150 sick days and with the sick time buy-back, she will get paid 50% of those days; the Police Department can accumulate up to 360 days and is entitled to get paid for 50% of those days; and the Fire Department 360 shifts can be accumulated and paid back for 50% of those shifts. Mr. Evans asked for clarification as to how many people this pertained to per category and Mr. Yunits stated that it is one for the Treasurer/Collector, one for the Police Department, three for the Fire Department, and one from the Highway Department.

MOTION was made by Mr. Rotondi to recommend Article 2 as presented, including the chart, for a total of \$225,274.00 from Free Cash. Seconded by Mr. Evans. Vote: Ms. Yezukevich – Yes; Ms. Daniels – Yes; Mr. Snyder – Yes; Mr. Fiore – Yes; Mr. Parker – Yes; Mr. Evans – Yes; Ms. Gordon – Yes; Mr. Tsilis – Yes; Mr. Rotondi – Yes; and Ms. Sawyer – Yes. MOTION CARRIES.

MOTION was made by Ms. Deley to recommend Article 2 as written. Seconded by Mr. Toole. Vote: Ms. Deley – Yes; Mr. Toole – Yes; and Mr. Conway - Yes. MOTION CARRIES.

- OPEB.

Ms. Sawyer explained that OPEB stands for “Other Post-Employment Benefits.” This is to fund all the post-retirement expenses. Ms. Sawyer emphasized that the goal for this account is \$53 million and right now there is around \$2 million. In reference to the proposed Town Financial Policy, Ms. Sawyer questioned if she was understanding correctly that included in OPEB is Town assets. She used the example of the new Town Hall and Senior/Community Support Center as assets included in this fund that would lower the Town’s liability threshold. Mr. Yunits responded that he would look into that more, but his understanding of assets would be any investments/anywhere they invest money is what that is referring to.

Mr. Yunits advised that what he is going to recommend this evening for Capital, OPEB, and Stabilization is \$2 million in Free Cash. The Town Manager pointed out that he did speak with the Fire Chief, Police Chief, and the Superintendent of Schools and they all agreed that they do want to leave enough Free Cash for issues that may arise during the year. Mr. Yunits informed the Committee and Board that within the Financial Policy, it outlines that the goal is to put \$200,000 a year into OPEB, but this year he is proposing \$110,000. He stated that hopefully the Town can gradually work up to the \$200,000 figure. Mr. Yunits advised that if they put \$400,000 into Stabilization to add to the current balance, they will be at \$2,564,579; thus, it would be \$567,797 below the ideal, but the Town would be working towards it. He pointed out that if they keep adding \$400,000 into that account, the interest will continue to build and mentioned that last year this account accrued \$56,000 in interest.

MOTION was made by Mr. Rotondi to recommend Article 18 in the amount of \$110,000 from Free Cash. Seconded by Mr. Tsilis. Vote: Ms. Yezukevich – Yes; Ms. Daniels – Yes; Mr. Snyder – Yes; Mr. Fiore – Yes; Mr. Parker – Yes; Mr. Evans – Yes; Ms. Gordon – Yes; Mr. Tsilis – Yes; Mr. Rotondi – Yes; and Ms. Sawyer – Yes. MOTION CARRIES.

Mr. Yunits moved on to discuss Article 19: Stabilization. He stated that he was recommending \$400,000 be put into Stabilization. Mr. Tsilis referred to previous discussions about Stabilization where he thought they would be discussing a seven figure number and clarified that the Town Manager is going to leave that balance in Free Cash, which Mr. Yunits answered was correct. Mr. Yunits stated that they can always add more money to Stabilization in May at the Special Town Meeting. Mr. Yunits stated that with COVID-19, they don’t know what is going to happen in the winter, so if any expenses come up for the Schools or the Town that they make sure they have the funds to cover them. Mr. Tsilis asked that 5% of the overall budget should be Stabilization, which Mr. Yunits stated was correct.

MOTION was made by Mr. Tsilis to approve Article 19 in the amount of \$400,000 from Free Cash. Seconded by Mr. Rotondi. Vote: Ms. Yezukevich – Yes; Ms. Daniels – Yes; Mr. Snyder – Yes; Mr. Fiore – Yes; Mr. Parker – Yes; Mr. Evans – Yes; Ms. Gordon – Yes; Mr. Tsilis – Yes; Mr. Rotondi – Yes; and Ms. Sawyer – Yes. MOTION CARRIES.

MOTION was made by Ms. Deley to support Article 18 as written. Seconded by Mr. Toole. Vote: Ms. Deley – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

MOTION was made by Ms. Deley to support Article 19. Seconded by Mr. Toole. Vote: Ms. Deley – Yes; Mr. Toole – Yes; and Mr. Conway - Yes. MOTION CARRIES.

Mr. Yunits moved on to discuss Article 6: Capital Fund Appropriation. The Town Manager advised that he was recommending \$800,000 be put into the Capital Fund. Ms. Sawyer explained for new members that they have one article that will move funds into the Capital Fund and a second article where the Finance Committee will say how the Town is going to spend those funds. Mr. Yunits informed the Committee and Board that they are trying to schedule a Capital meeting, but they aren't there yet due to conflicts of times and hours, but hopefully they will have it scheduled for October 13th.

MOTION was made by Mr. Tsilis to recommend Article 6 in the amount of \$800,000 from Free Cash. Seconded by Mr. Rotondi. Vote: Ms. Yezukevich – Yes; Ms. Daniels – Yes; Mr. Snyder – Yes; Mr. Fiore – Yes; Mr. Parker – Yes; Mr. Evans – Yes; Ms. Gordon – Yes; Mr. Tsilis – Yes; Mr. Rotondi – Yes; and Ms. Sawyer – Yes. MOTION CARRIES.

The Select Board agreed to hold off on voting on Article 6 until after the Capital meeting.

Mr. Yunits advised that in regard to the Rail Trail project, they are waiting on the appraisal from the appraiser, so they will have a better idea of the cost of the takings that are needed and then they will come back at their next meeting.

Ms. Sawyer informed the Committee that after discussions with Mr. Yunits, they decided that they are in good shape and need to wait for the Select Board to meet amongst other things, so they will no longer need to meet this Wednesday (October 6th) and will be meeting the following Wednesday (October 13th).

Mr. Rotondi asked for an update on getting the Finance Committee minutes done in a timelier manner, so when they are approving them they have a better recollection of what they are approving. Mr. Yunits said he would check with the recording secretary and get back to him on that. Mr. Evans said he would get all the minutes that are outstanding from when he was Chair collected.

Mr. Evans asked for an update on Reed & Barton and Mr. Yunits mentioned that he was contacted by a realtor who has a client who may be interested in acquiring the property. He informed the Committee that he gave him town counsel's information as far as how to proceed in doing so.

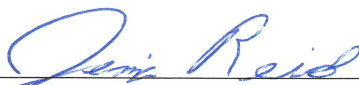
3. Adjournment.

MOTION was made by Ms. Deley to adjourn at 8:21 P.M. Seconded by Mr. Toole. Vote: Ms. Deley – Yes; Mr. Toole – Yes; and Mr. Conway - Yes. MOTION CARRIES.

MOTION was made by Mr. Rotondi to adjourn at 8:25 P.M. Seconded by Mr. Evans. Vote: Ms. Yezukevich – Yes; Ms. Daniels – Yes; Mr. Snyder – Yes; Mr. Fiore – Yes; Mr. Parker – Yes; Mr. Evans – Yes; Ms. Gordon – Yes; Mr. Tsilis – Yes; Mr. Rotondi – Yes; and Ms. Sawyer – Yes. MOTION CARRIES.

URL Link: <https://www.youtube.com/watch?v=6qpLOOxwP3s>

Respectfully Submitted by:




Jennifer Reid, Office Administrator

**SELECT BOARD
MINUTES OF MEETING
OCTOBER 4, 2021**


John Conway, Chair



Michael Toole, Vice-Chair



Christine Deveau, Clerk



Renee Deley, Member

Megan Artz, Member

Minutes Approved by Board on: December 9, 2021