



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

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Select Board
Meeting Minutes
January 5, 2022

I. Call to Order by Chair

The January 5, 2022 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 at 7:02 P.M., by Mr. Michael Toole, Vice-Chair. Member(s) present: Ms. Megan Artz, Ms. Renee Deley, and Ms. Christine Deveau. Also in attendance: Mr. Michael D. Yunits, Town Manager.

II. Public Comment

There were no public comments at this time.

III. Minutes

MOTION was made by Ms. Deley to approve the Minutes of December 9, 2021 (Open Session); December 9, 2021 (Executive Session); December 16, 2021 (Open Session); and December 16, 2021 (Execution Session). Seconded by Ms. Deveau. Vote: Ms. Artz – Yes; Ms. Deveau – Yes; Ms. Deley – Yes; and Mr. Toole – Yes. MOTION CARRIES.

IV. Appointments/Resignations/Retirements

1. Appointment of Ivette Mendoza to the Cultural Council.

MOTION was made by Ms. Deveau to appoint Ivette Mendoza to the Cultural Council. Seconded by Ms. Artz. Vote: Ms. Deley – Yes; Ms. Artz – Yes; Ms. Deveau – Yes; and Mr. Toole Yes. MOTION CARRIES.

1. Joint Meeting with the Water Sewer Commission to Appoint Steven L. Bernstein as a Water/Sewer Commissioner.

Mr. Steve Bishop of the Water/Sewer Commission called the Water/Sewer Commission meeting to order at 7:13 P.M. Also present: Mr. James Jardin.

Mr. Bishop explained that Mr. Steven L. Bernstein has served on a similar board in another town and has engineering experience. Mr. Bernstein stated that he is a registered professional engineer, specifically a Water/Sewer Engineer, for a consulting business.

Ms. Deley thanked Mr. Bernstein for volunteering to serve on the Water/Sewer Commission and recognized his experience and knowledge-base.

MOTION was made by Mr. Bishop to approve Steven L. Bernstein's appointment to the Water/Sewer Commission. Seconded by Mr. Jardin. Vote: Mr. Bishop – Yes; Mr. Jardin – Yes; Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; and Mr. Toole – Yes. MOTION CARRIES.

Mr. Frank Fournier, Water/Sewer Superintendent, explained that they had an informational session because back in November there was a sample that exceeded the Town's long-running annual average (chlorination in the system). He stated that due to the higher temperatures throughout the summer that continued through the end of November, they had to add a higher level of chlorine, which resulted in exceeding the long-running annual average. Mr. Fournier emphasized that this is not an emergency and MassDEP wanted the Water Department to make this clear.

Ms. Deley asked what the main concerns would be with the drinking water. Mr. Fournier stated that the letter that is going to go out explains that nothing needs to be done on the homeowner's side (no boil water mandate) and is isolated to a dead-end water main. Mr. Fournier explained that water naturally has bacteria in it and most communities, like Norton, use liquid chlorine and it is a balancing act for how much is allowed to be used to remove the bacteria and be safe to drink.

Mr. Ben Rollins of Weston & Sampson said the main concerns you will hear raised will be the long-term effects. Ms. Deley asked what residents should do to have their concerns heard. Mr. Rollins answered that residents should contact their local health professionals and instructed the Water/Sewer Department to do a lot of flushing. Mr. Rollins stated that bottled water is always an option as well for those who are concerned.

Mr. Bishop explained the Norton Water Department Filter Rebate Program. He advised that the Water Department effective, October 1, 2021, is giving a viable option to residents for those who are having sediment issues. He continued that any newly purchased and installed whole house sediment filter, installed in accordance with all state and local codes would be eligible (limit of one per household) for a rebate, which will be reflected on their bill. Mr. Toole asked if this is on the Water/Sewer Department's website. Mr. John Harrop, Assistant Water/Sewer Superintendent, stated that he wanted to make sure this program was acceptable to the Select Board first, but they will be putting it on the town website and have been providing it to residents who it may apply to/ask about it.

MOTION was made by Mr. Jardin to adjourn the Water/Sewer Commission meeting at 7:37 P.M. Seconded by Mr. Bishop. Vote: Mr. Jardin – Yes; Mr. Bishop – Yes; and Mr. Bernstein – Yes. MOTION CARRIES.

IV. Licenses and Permits

1. Discussion and/or Vote to Approve the Common Victualler Application for Yai's Kitchen, LLC to be Utilized at 63 East Main Street.

MOTION was made by Ms. Deley to approve the Common Victualler application for Yai's Kitchen, LLC to be utilized at 63 East Main Street. Seconded by Ms. Deveau. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; and Mr. Toole – Yes. MOTION CARRIES.

Mr. Michael Bissanti of Yai's Kitchen, LLC explained that he and his wife started doing pop-up Thai food booths during COVID-19 then rented a food truck (both in Sharon) and it took off really well. He stated that his wife is Thai and this food will be nothing like anyone has ever tasted before. The Board expressed excitement for the new establishment. Mr. Bissanti explained that Yai means "grandmother" in Thai and his wife learned everything from her grandmother in regard to cooking, which is where their establishment's name came from and expressed how authentic the food is. Mr. Bissanti stated that they are doing minor changes (new floors, paint, and menu sign) and they are hoping to be open as of March 1st. Mr. Toole asked Mr. Bissanti to reach out to the Economic Development Commission (EDC) so they can help promote the business.

V. **Announcements**

Ms. Artz informed the Board that due to COVID-19, the Eagle Scouts ceremony scheduled for January 9th is being postponed indefinitely.

Ms. Deveau announced that the Knights of Columbus will be sponsoring a Blood Drive at St. Mary's on Saturday, January 8th from 8:00 A.M. to 2:00 P.M. (link available on Facebook to sign-up). She emphasized that if you are willing, able, and healthy, please consider donating.

Ms. Deveau also announced that Norton Youth Baseball/Softball will be doing a FUNDrive at the Burchill Complex (38 Plain Street, Norton, MA) from 9:00 A.M. to 10:30 A.M. on Saturday, January 8th; Saturday, January 22nd; and Saturday, January 29th. Please gather clothes and household textiles in bags including men's, women's, and children's clothes, coats, shoes, scarves, handbags, wallets, fashion accessories, ties, belts, backpacks, bedding, comforters, blankets, sheets, towels, linen, tablecloths, curtains, and pillows.

VI. **Business**

A. **New Business**

Discussion on Finance Appointing Committee.

Mr. Toole expressed that he just wanted to share a few things with the Board on this. He stated that it would be a change to the bylaw and the Charter, and would require a town meeting vote and ballot vote and would have to adhere to Open Meeting Law (OML). Mr. Toole read an overview of the FAQ sheet (see attached). Mr. Toole stated that 43% of the 100 towns he looked at have a Finance Appointing Committee. He expressed to the Board that this method of appointing the Finance Committee seems to be the way things are going due to a demand for transparency and OML. Mr. Toole stated that the change to the Charter would change the appointing authority from the Moderator to the Finance Appointing Committee. He continued that the bylaw change is more in depth where the current bylaw would be removed entirely and replaced with the following proposed language:

Bylaw Original

§ 20-8 **Appointment; vacancies.**

Members of the Committee shall be appointed by the Moderator to serve for rotating terms of three years, expiring on the 30th day of June. The Moderator shall appoint a successor for any member of the Committee whose term expires that year and shall, after any vacancy occurs in the Committee, appoint a successor to fill that vacancy for the unexpired term of his predecessor.

Bylaw Proposed

To see if the Town will vote to amend the Town Bylaws, Chapter 20, Article II, §20-8 Appointment; Vacancies, by deleting the existing language in its entirety and replacing it with the following:

A. There shall be a 5-member Finance Appointing Committee, with the Town Moderator serving as Chair, and four additional members, each to be a member of, and designated by, respectively, the following boards: Select Board, School Committee, Planning Board, and Board of Assessors. No later than May 15, in any year, each such board must file with the Town Moderator and Town Clerk the name of their respective designee; notwithstanding any provision of this section to the contrary, however, if, by the close of business on May 15 in any year the boards listed herein fail to designate a member to serve on the Finance Appointing Committee, or fail to file such designation with the Town Clerk, the remaining members of the Finance Appointing Committee may appoint any registered voter of the Town to serve as a member of the Finance Appointing Committee for a period of one-year, at which time, the respective board can designate one of its members to serve for the remainder of the unexpired term.

Ms. Deveau asked for Mr. Toole to explain how the Finance Committee isn't transparent. Mr. Toole explained that the Finance Committee itself is transparent, but the appointing process is a designation of the Town Moderator and he isn't required to have an open meeting. He stated that what this would do is create an appointing committee that would deliberate in open meeting and adhere to the OML. Ms. Deveau expressed a concern with getting volunteers to serve, especially on one of the most important committees in town.

Ms. Artz stated that this goes back to the first time this was brought up where the concern was having people lobbying to be on the Finance Committee and not knowing how this would impact the Finance Committee since they are having a hard time getting volunteers to serve.

Ms. Deley stated that the position of the Moderator is an elected position and follows a formal process. She added that there are also not a lot of volunteers to serve on boards/commissions/committees. She stated that it goes back to the Moderator who was elected and given the power to appoint the Finance Committee members. Ms. Deley expressed a concern with the Finance Appointing Committee members' having their own agendas (for example, the School Committee being concerned with school items). She pointed out that the Moderator doesn't have an interest in the school or municipal budget and creates that individuality. She agreed with Ms. Artz point about having difficulty finding volunteers. Ms. Deley suggested implementing a process that the Town Moderator adheres to when appointing members to the Finance Committee, but expressed that her opinion is the accountability and authority should remain with the Moderator.

Ms. Deveau questioned if Mr. Toole was presenting this on behalf of the Select Board or on his own behalf. Mr. Toole replied that his hope is that the Select Board takes this on and moves it forward to town meeting, but if the Board opts not to, he will judge it from there. He informed the Board that he has had several residents approach him saying it is a great idea and would hand it off to them if necessary.

Mr. Toole asked the Board if he could put the Finance Appointing Committee and Public Works Department on the next agenda for an update. Ms. Deveau suggested not stacking the next agenda. Mr. Toole asked to have the Public Works Department on for January 19th and an update on the Finance Appointing Committee on the February 2nd agenda, which the Board agreed to.

Ms. Laura Parker, resident of 4 Allen Drive, offered some background on this article. She stated that in 2019 at one of the Charter Commission meetings, they discussed this topic, and quoted M.G.L. c. 39, §16 as follows:

“Every town whose valuation for the purpose of apportioning the state tax exceeds one million dollars shall, and any other town may, by by-law provide for the election or the appointment and duties of appropriation, advisory or finance committees, who shall consider any or all municipal questions for the purpose of making reports or recommendations to the town; and such by-laws may provide that committees so appointed or elected may continue in office for terms not exceeding three years from the date of appointment or election.

In every town having a committee appointed under authority of this section, such committee, or the selectmen if authorized by a by-law of the town, and, in any town not having such a committee, the selectmen, shall submit a budget at the annual town meeting.”

Ms. Deley asked Ms. Parker to send the information she spoke to on this topic this evening to the Select Board for future reference, which she agreed to.

B. Old Business

Review and/or Vote to Approve the Mitigation Grant Agreement with American Outdoor Advertising II, LLC.

Mr. Yunits explained that town counsel wasn't available tonight and would like to continue this subject to a future meeting. Mr. Toole added that there is still a hearing before the Planning Board on this topic that the Board would like heard before the it makes a decision. Attorney David Manoogian, counsel for the applicant, said he had no objection to moving this to a future meeting so the Planning Board has sufficient time to act on approving a special permit. The Board agreed to move this to a future meeting.

C. Town Manager's Report

1. Acceptance of Grant Awarded Regarding MassDEP Electric Vehicle Charging Stations at 68 East Main Street, Norton, MA.

Mr. Yunits advised that the Town received \$40,515.35 grant for 2 electric vehicle stations at the Library, which will hopefully be installed within the next 90 days.

Ms. Deley asked who pays for the electricity for the charging stations if the Town can't charge for it. Mr. Yunits answered that it would be part of the Library's budget.

2. Mr. Yunits advised that Station 1 will be opening on Friday at 3:30 P.M. and will be staffed by an ambulance and engine.

VII. **Select Board's Report and Mail**

There was no Select Board's report or mail to discuss.

IX. **Warrants**

Report of Vice-Chair, Michael Toole, on the following Payroll and Invoice Warrants:

- A. Payroll Warrant PR22-14 for the week ended December 25, 2021, Warrant dated December 30, 2021, in the amount of \$1,511,830.25.
- B. Payroll Warrant PR22-14A, Warrant dated December 31, 2021, in the amount of \$960.00.
- C. Invoice Warrant AP22-26 dated December 23, 2021, in the amount of \$1,138,139.14.
- D. Invoice Warrant AP22-27 dated December 30, 2021, in the amount of \$2,281,742.14.
- E. Invoice Warrant AP22-28 dated January 6, 2022, in the amount of \$318,986.95.

X. **Other Business**

There was no other business to discuss.

XI. **Next Meeting's Agenda** – January 19, 2022.

Ms. Deley requested to have updates from the marijuana retailers regarding their Host Community Agreements (HCAs) at their next meeting including Solar Retail Norton and Exit 10 LLC.

XII. **Executive Session.**

There was no execution session scheduled for this meeting.

XIII. **Adjournment.**

MOTION was made by Ms. Deveau to adjourn the Select Board meeting at 8:32 P.M. Seconded by Ms. Deley. Vote: Ms. Artz – Yes; Ms. Deveau – Yes; Ms. Deley – Yes; and Mr. Toole – Yes. MOTION CARRIES.

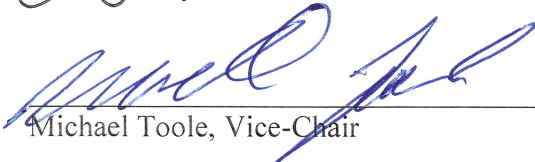
URL Link: <https://www.youtube.com/watch?v=ZKdLqkz7TOU>


Respectfully Submitted by:


Jennifer Reid, Office Administrator

**SELECT BOARD
MINUTES OF MEETING
JANUARY 5, 2022**


John Conway, Chair


Michael Toole, Vice-Chair


Christine Deveau, Clerk

Renee Deley, Member


Megan Artz, Member

Minutes Approved by Board on: January 19, 2022

***The Finance Appointing Committee Overview and FAQ's
Proposed by Select Board Member Michael Toole***

Overview: Currently the Norton Town Moderator is the only person to appoint members to the Town Finance Committee. This is done without public meetings, and the decision is the Town Moderators alone at their sole discretion. The goal of the proposed article is to create a Finance Appointing Committee to bring more transparency and more review process to what arguably could be the most important committee Town. This article if accepted will create a 5- member appointing committee made up of elected officials in town which will be chaired by the Town Moderator. The Committee will be required to follow all Open Meeting Laws.

Q: Is this proposal a power grab?

A: No the opposite the decision would be made by a group of elected officials in town.

Q: Does this add bureaucracy to the process?

A: No it implements a fair review process to the finance committee.

Q: Who is on the Committee?

A: Moderator – Chair, Appointed members of the Selectboard, School Committee, Board of Accessors, and Planning Board.

Q: Is this a conflict of interest for the board members?

A: No as all meetings are open and all members of the board are elected officials. Additionally, a group decision is less likely to be spoiled by one individual making the decision.

Q: Is the current process broken?

A: No this change brings more transparency to a process that currently has none.

Q: Do other towns have Fin Com Appointing Committees?

A: Approximate 43% of towns in Massachusetts have some appointing process for Fin Coms. A sample list is attached that list is from Bristol, Plymouth, Norfolk, Middlesex

Q: Is this change in other towns new?

A: My research has shown that most towns are moving to an Appointment process, due to the need for more transparency.

Background on how Finance (or Advisory) committees are appointed as excerpted from a 2019 meeting with Town Counsel, Lauren Goldberg:

Massachusetts General Law Chapter 39, §16 provides towns the ability to create a Finance Committee by bylaw - but it is silent on how that committee is appointed. This is a policy decision. The question of what is in the best interest of and in fitting with the town needs to be answered.

Historically, the idea has been that Finance Committees are appointed by the Moderator because the Finance Committee answers to Town Meeting and not a particular board or committee. Meaning, towns want the Finance Committee to be independent of other boards and committees. This is also the reason towns dictate (by bylaw) that members of the Finance Committee cannot be employees of the town nor sit on any other town boards or committees.

With regards to the proposed article:

While it's true that some towns in the state are adopting an appointing committee, it's hardly rare to have a single person elect the Finance Committee in towns with our government structure. If we are to compare ourselves to what other towns are doing, it's important to look at similarly sized and structured towns. Of the 35 towns with an OTM form of government, 5 Select Board members and a population >15,000 (where Norton is the mean), Finance Committees are seated in the following manner:

Appointed solely by Moderator	22	62.8%
Appointed by a Committee*	8	22.8%
Elected by voters	2	5.7%
Select Board Appointed	2	5.7%
Mix of elected and appointed	1	2.8%

*See accompanying spreadsheet for who most commonly comprises these appointing committees.

Setting aside the question of *who* appoints the Finance Committee, the question of *why* the proposed change has been brought forth deserves further scrutiny. If there have been no issues with any appointees to the Finance Committee nor any of the Committee's decisions, then why bother? This needs to be answered with more than the somewhat dubious tenet that the Finance Committee is the 'the most important committee' in town government. As a reminder, the Finance Committee is an advisor to the Town Meeting. It is a deliberative, not decision-making, body. It holds little to no real power.

Mr. Toole has previously stated that the process of appointing the Finance Committee could be improved by adding more checks and balances. One could argue that a board consisting of 11 members already provides a good, built-in mechanism of checks and balances. But there's another, even better mechanism; a time-tested process called 'voting'. We can vote down the article at town meeting if we don't agree with the Finance Committee's recommendations and we can vote out the Moderator if we don't like their appointments. The proposal, in my opinion, is just adding another level of government (comprised of inappropriate members), via a complicated procedure. It does nothing to improve the process.

Finally, my feeling is that charter changes such as these should be addressed by a formal Charter Review Committee (as provided for in the Charter), and not by a single individual. You'll recall that the scheduled 2020 review committee appointment was held by the Select Board pending the outcome of the Charter Commission's vote in April 2021. We are long overdue to put a committee in place to address those areas of the Charter where change may be warranted.

Community	County	Type	Policy Board	Count of Policy Board	Legislative Body	FinCom Appointed by	Committee Makeup	Population a/o 2010	
Westport	Bristol	Town	Selectmen	5	OTM	Moderator		15532	
Northbridge	Worcester	Town	Selectmen	5	OTM	Moderator		15707	
Longmeadow	Hampden	Town	Select Board	5	OTM	Committee	1. Moderator 2. Chair of FinCom 3. Finance Director	15784	
Abington	Plymouth	Town	Selectmen	5	OTM	Moderator		15985	
Bellingham	Norfolk	Town	Selectmen	5	OTM	Moderator		16332	
Ashland	Middlesex	Town	Selectmen	5	OTM	Moderator		16593	
Webster	Worcester	Town	Selectmen	5	OTM	Voters (3), SB (3), Moderator (3)		16767	
Foxborough	Norfolk	Town	Selectmen	5	OTM	Moderator		16865	"Advisory" Committee vs. "Finance"
Holden	Worcester	Town	Selectmen	5	OTM	Moderator		17346	
Rockland	Plymouth	Town	Selectmen	5	OTM	Moderator		17489	
Sudbury	Middlesex	Town	Selectmen	5	OTM	Moderator		17659	
Concord	Middlesex	Town	Select Board	5	OTM	Moderator		17668	
Grafton	Worcester	Town	Selectmen	5	OTM	Committee	1. Moderator 2. Chair of FinCom 3. Town Clerk	17765	
Pembroke	Plymouth	Town	Selectmen	5	OTM	Committee	1. Moderator 2. Member of Advisory Committee 3. Chair of SB	17837	"Advisory" Committee vs. "Finance"
Scituate	Plymouth	Town	Selectmen	5	OTM	Moderator		18133	
Westborough	Worcester	Town	Selectmen	5	OTM	Moderator		18272	
Norton	Bristol	Town	Select Board	5	OTM	Moderator		19031	
Hudson	Middlesex	Town	Selectmen	5	OTM	Committee	1. Moderator 2. Chair of FinCom 3. Chair of SB	19063	
Bourne	Barnstable	Town	Selectmen	5	OTM	Moderator		19754	
Marblehead	Essex	Town	Selectmen	5	OTM	Selectmen		19808	
Sandwich	Barnstable	Town	Selectmen	5	OTM	Moderator		20675	
Stoneham	Middlesex	Town	Selectmen	5	OTM	Moderator		21437	
Canton	Norfolk	Town	Selectmen	5	OTM	Moderator		21561	
Wareham	Plymouth	Town	Selectmen	5	OTM	Committee	1. Moderator 2. Chair of FinCom 3. Chair of SB	21822	
Acton	Middlesex	Town	Selectmen	5	OTM	Moderator		21924	
Westford	Middlesex	Town	Selectmen	5	OTM	Moderator		21951	
Wilmington	Middlesex	Town	Selectmen	5	OTM	Committee	1. Moderator 2. Chair of FinCom 3. Chair of SB	22325	
Easton	Bristol	Town	Selectmen	5	OTM	Voters		23112	
Middleborough	Plymouth	Town	Selectmen	5	OTM	Voters		23116	
Mansfield	Bristol	Town	Select Board	5	OTM	Select Board		23184	
Yarmouth	Barnstable	Town	Selectmen	5	OTM	Committee	1. Moderator 2. Chair of FinCom 3. Chair of SB	23793	
North Andover	Essex	Town	Selectmen	5	OTM	Moderator		28352	
Tewksbury	Middlesex	Town	Selectmen	5	OTM	Committee	1. Moderator 2. Chair of FinCom 3. Chair of SB	28961	
Dracut	Middlesex	Town	Selectmen	5	OTM	Moderator		29457	
Andover	Essex	Town	Selectmen	5	OTM	Moderator		33201	
35 towns with OTM form of government, 5 Select Board members and a population >15,000. Norton = mean population in this parameter									