



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

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Select Board
Meeting Minutes
February 16, 2022

I. **Call to Order by Chair**

The February 16, 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. Renee Deley and Ms. Megan Artz. Also in attendance: Mr. Michael D. Yunits, Town Manager. Ms. Deveau arrived at the meeting at 7:05 P.M. and Mr. John Conway arrived at 7:43 P.M.

II. **Public Comment**

Mr. Peter Wiggins said he heard Mansfield is back to in-person meetings and hopefully Norton is too. He further commented that the pandemic is almost over.

III. **Minutes**

The Board agreed to vote on the February 2, 2022 (Open and Executive Session) minutes at their next meeting.

IV. **Appointments/Resignations/Retirements**

There were no appointments, resignations, or retirements to discuss or vote on.

IV. **Licenses and Permits**

1. Vote to Approve the Transfer of the Common Victualler License from KMPZ Inc. d/b/a Honey Dew Donuts to Honey Dew Operations, Inc. d/b/a Honey Dew Donuts to be Utilized at 61 West Main Street, Norton, MA 02766.

Mr. Yunits explained that Mr. Kevin Quirk ran Honey Dew for a number of years and thanked him for the time he has worked in the Town. He informed the Board that this license will be transferred to Honey Dew Operations, Inc. (Manager of record being Mr. Richard Bowen).

Mr. Don Leavitt and Mr. Jim Beland were also present on behalf of Honey Dew Operations, Inc. and explained that Mr. Quirk owned the franchisee in Norton for about 10 years and he will be taking over one in Norwood and Honey Dew Operations will be taking over this location. Mr. Toole asked if they are looking to turn this over to a future franchisee and Mr. Leavitt answered that it was to be determined, but it is likely it would.

MOTION was made by Ms. Deley to approve the transfer of the Common Victualler license from KMPZ Inc. d/b/a Honey Dew Donuts to Honey Dew Operations, Inc. d/b/a Honey Dew Donuts to be utilized at 61 West Main Street, Norton, MA 02766. Seconded by Ms. Deveau. Vote: Ms. Artz – Yes; Ms. Deveau – Yes; Ms. Deley – Yes; and Mr. Toole – Yes. MOTION CARRIES.

V. Announcements

There were no announcements to discuss.

VI. Business

A. New Business

1. 7:15 P.M. – Public Hearing on the Application of Exit Leasing LLC for a Class II License to Buy, Sell, Exchange or Assemble Second-Hand Motor Vehicles, or parts thereof, in accordance with the provisions of Chapter 140 of the Massachusetts General Laws, at 253 Mansfield Avenue, Norton, MA 02766.

MOTION was made by Ms. Deley to open the public hearing for the application of Exit Leasing LLC for a Class II License to Buy, Sell, Exchange or Assemble Second-Hand Motor Vehicles, or parts thereof, in accordance with the provisions of Chapter 140 of the Massachusetts General Laws, at 253 Mansfield Avenue, Norton, MA 02766. Seconded by Ms. Artz. Vote: Ms. Deveau – Yes; Ms. Artz – Yes; Ms. Deley – Yes; and Mr. Toole – Yes. MOTION CARRIES.

Mr. Aldo Ruscito was present to represent Exit Leasing LLC. He said that the maximum number of cars they would have is 6 vehicles, but he doesn't expect to have that many most of the time. The proposed hours are Monday – Friday 9:00 A.M. to 5:00 P.M. and Saturday-Sunday from 10:00 A.M. to 2:00 P.M. Ms. Deley asked if he anticipated to have any other cars on the property and he answered no, just the 6 proposed. Mr. Toole asked what kind of cars they would be selling. Mr. Ruscito said they would be newer high-end cars that are only 3 or 4 years old. He advised that this is more of a passion to do on the side and not their primary business. Mr. Toole informed Mr. Ruscito that the Town has an Economic Development Commission (EDC) and it is trying to help promote new businesses. Ms. Deley said she can send him an e-mail for dates to come before the EDC and go over the business. Mr. Ruscito welcomed the idea and said he would provide them with that information.

MOTION was made by Ms. Deley to approve the application of Exit Leasing LLC for a Class II License to Buy, Sell, Exchange or Assemble Second-Hand Motor Vehicles, or parts thereof, in accordance with the provisions of Chapter 140 of the Massachusetts General Laws, at 253 Mansfield Avenue, Norton, MA 02766 for a maximum of 6 vehicles. Seconded by Ms. Artz. Vote: Ms. Deveau – Yes; Ms. Artz – Yes; Ms. Deley – Yes; and Mr. Toole – Yes. MOTION CARRIES.

MOTION was made by Ms. Deley at 7:24 P.M. to close the public hearing for the application of Exit Leasing LLC. Seconded by Ms. Artz. Vote: Ms. Deveau – Yes; Ms. Artz – Yes; Ms. Deley – Yes; and Mr. Toole – Yes. MOTION CARRIES.

2. Presentation by the Auditors.

Mr. Yunits explained that every year the auditors for the Town prepare a financial report and Mr. Tom Scanlon was present this evening to speak to the report, Mr. Scanlon gave the following overview:

- No changes to financial procedure;
- Went really well;
- Main approach was to focus on substantive testing (bank statements and receivables);
- Town has control over this; can't say enough about how well financial reporting is
- Pages 18 and 19 of the report are the most important statements (2 government balance sheets);
- Unassigned is \$7.9 million; bond rating agencies want to see about 10%, which the Town is just over that percentage
- Page 22, Budget v. Actual Fund; can see where free cash comes from;
- Generated \$1.3 million in free cash (conservative on estimated receipts);
- Mr. Toole pointed out that a lot of free cash was kick-back from insurance, and Mr. Scanlon said it was just over \$800,000 (around \$820,000) and had to do with the health insurance holiday;
- \$4 million in federal funds;
- Be prepared to be filling deficits (such as COVID money that was received). The Town does have measures in place for that;

Mr. James Puello, Town Accountant, said he wants to make sure the Federal Emergency Management Agency (FEMA) reimbursements have all been received. He advised that they are waiting on one more reimbursement, but if there is a deficit, it wouldn't be no more than \$700 out of the \$2 million received from COVID and FEMA funds. Mr. Puello explained that this deficit, if applicable, would have been caused because FEMA kept changing what would be covered. Mr. Scanlon emphasized that this speaks volumes to the controls the Town/Accounting Department has in place.

Mr. Conway joined the meeting at 7:43 P.M.

Ms. Deley referred to the section on credit and interest rate risks and asked if any of this is concerning to mitigate a risk. Mr. Scanlon emphasized that the answer to her question was no because the Town highly monitors this. Ms. Deley asked about the custodial risk and if the Town needs to adopt one and Mr. Scanlon said they don't necessarily. Ms. Deley asked if this would be something proposed in the Town Financial Policy and he said it is part of it/spoken to.

The Board recognized that the audit is a testament to Mr. Puello's hard work.

3. Discussion and/or Vote to Approve and Enter into the Bristol-Norfolk Public Health Partners Inter-Municipal Agreement.

Mr. Yunits said KP-Law drafted and approved this agreement and all the town managers and counsel had a meeting on this. The Board of Health Agent, Mr. Christian Zahner, gave the presentation. Mr. Zahner said this is the start of the process of sharing services with Easton, Foxboro, Mansfield, Plainville, Sharon and Norton will be part of this. He informed the Board

that this would be fully funded for the first 3 years through two grants (Housing Inspector and Food Inspector shared) and the second part is for the Bureau of Infectious Disease and Laboratory Science for an epidemiologist and clerk to work with them. The Board of Health Agent expressed that he thinks it is a no brainer because they can be part of it for 3 years with no cost and can reassess at the end (and can push to get more grant money). He concluded that if they find there are great advantages to the Town, they may discuss how they will fund it after the 3 years.

Ms. Deley said there is a section that talks about the lead towns (being Foxboro and Mansfield) and asked what the benefits are to having that label. Mr. Zahner said because Foxboro did the initial grant application, they are responsible for the payments for the Food and Health Inspectors and when they come to your town, they are covered under the Town's liability insurance. He said he doesn't believe there is any benefit. He continued that Mansfield is the leader for the epidemiologist grant, so they will do the initial hire and payroll through their system. Mr. Conway pointed out that there is a clause in there stating that any employees that are employees of a municipality will remain employees of that municipality.

MOTION was made by Mr. Toole to enter into the Bristol-Norfolk Public Health Partners Inter-Municipal Agreement. Seconded by Ms. Deley. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

Mr. Zahner brought to the Board's attention that they are under a time constraint to get this signed and asked the Board to come by to sign between now and February 28th. Ms. Deley asked if it can be sent through Hello Sign. Mr. Zahner said he contacted Foxboro to ask, but if not, it needs to be done before February 28th.

4. Discussion on Mask Mandate and In-Person Meetings.

Mr. Zahner informed the Board that the State has lifted the mask mandate for the schools effective February 28th, but it is up to each district as far as if they want to keep or get rid of it. He advised that Dr. Joseph Baeta, Superintendent of Schools, expressed that they would be on board to end the mask mandate. He said back in mid-January, the Town's positivity rate was 21.5% and right now it is only 2.8% range (once you hit 5%, that is when you start to panic). He stated that the cases are low enough where they should consider removing masks in Town Hall and municipal buildings and return to in-person meetings. Mr. Zahner expressed a concern of where to meet (the Library would be acceptable because there is space to social distance, but he stated that he didn't know what they planned to do with the Norton Media Center). Ms. Deley asked if he is still recommending social distancing. Mr. Zahner said they should try, but it also shouldn't be a full restriction. Mr. Zahner said that the only enforcements are that you still have to wear a mask on public transportation, medical facilities, and congregate buildings; so, students still need to wear masks on buses. Mr. Zahner said they should move from mandates to recommendations at this point. Mr. Conway pointed out that hybrid and virtual meetings are still in place and have been extended to July.

MOTION was made by Mr. Toole to revise the mask guidance for municipal buildings to make a recommendation to wear a mask rather than a mandate and recommend that unvaccinated individuals and fully vaccinated individuals with weakened immune system or those that have someone at home with a weakened immune system or an

increased risk for severe disease and for those with a heightened risk for severe disease because of age or underlying medical condition wear face coverings when indoors.

Seconded by Ms. Deley. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

5. Discussion and/or Vote to Approve and Enter into a Grant Agreement with Bristol County (ARPA).

Mr. Yunits explained that the Town has been allotted just over \$3 million in ARPA funds from Bristol County and this agreement has to be in place in order for the Town to access these funds. The Town Manager advised that because these are federal funds, they are subject to the audit and they will need to report quarterly to Bristol County on what the Town is spending the funds on. He advised that the Water Department is looking to replace water mains on South Worcester and East Hodges Street (this would also get rid of some lead goosenecks that they have). He informed the Board that this would cost \$2,687,500. Mr. Yunits continued that they also need to do work on Holly Road at the intersection of Reservoir Street and at the Knollwood sewer pump station and \$225,000 would be used for that. Ms. Deley asked if KP-Law looked at this, which Mr. Yunits confirmed they have.

MOTION was made by Mr. Toole to enter into a Grant Agreement with Bristol County (ARPA) as presented tonight. Seconded by Ms. Deley. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

Mr. Yunits said they could have this as a future agenda item and have employees of the Water/Sewer Department attend and go from there. Mr. Conway expressed a concern with using so much of the funds for water/sewer projects and asked to have them available to discuss this topic at their next meeting and the remaining Board members agreed.

6. Discussion and/or Vote to Approve the Regulatory Agreement Regarding the 40B Project Located at 195 Mansfield Avenue Known as Norton Crossing.

Mr. Yunits pointed out that this is similar to what they did with 274 East Main Street where it establishes a use restriction and 25% of the housing is required to remain affordable. Mr. Yunits advised that the construction obligations go through plans and specifications through the Town. He further stated that there are restrictions as well, such as if someone who is in an affordable housing unit has their income go beyond 140% of the maximum income permitted, they wouldn't qualify as such and the next unit would have to be affordable. Mr. Yunits pointed out that there are 101 units and Attorney Freeman drafted the agreement and KP-Law reviewed it. Mr. Yunits suggested having the Board authorize him to sign it. Ms. Deley asked to have "September 2, 2016" taken out of the footer and Mr. Yunits said that would be done.

MOTION was made by Mr. Toole to approve the Regulatory Agreement regarding the 40B Project located at 195 Mansfield Avenue known as Norton Crossing and authorize the Town Manager to sign on behalf of the Select Board. Seconded by Ms. Deley. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

Ms. Deveau brought to the Board's attention concerns she received from residents about how much development is going on in town resulting in trees being taken down. The Conservation

Agent, Mr. John Thomas, replied that while they want to preserve what the Town has, they also want to be open to development. He advised that if people have questions or concerns, they can contact him at (508) 285-0275.

7. Discussion and/or Vote on the Process of How to Issue Available Liquor Licenses.

Mr. Yunits said they have talked about this briefly before and want to start discussing ideas. He explained that currently people submit letters of interest every year. Mr. Yunits stated that they should really explore what parameters they are going to look at and how they are going to decide who will get a license when one becomes available. Mr. Yunits suggested having Greg Corbo on the call to give possible suggestions. Ms. Deley suggested using the same process they have in place for the marijuana retailers and have the EDC review applicants of various criteria and provide recommendation for consideration. Mr. Conway said it would be nice to have a process formally finalized before they have one available so there isn't any confusion. Mr. Conway and Mr. Toole agreed with the idea of having this go before the EDC. Mr. Yunits informed the Board that there are individuals that have expressed an interest in a Retail Package Wines and Malts (RPWM) license that became available and this process could come into play for that. Mr. Yunits brought to the Board's attention that the RPWM license that is now available was previously issued to Pinecrest Beer and Wine, but they chose to not renew this year.

Mr. David Wluka said that his people remain interested in getting a Retail Package All Alcohol (RPAA) license to be utilized at the Blue Star Business Park and Condyne is still interested as well. The Board discussed adding this to the warrant and on the next agenda to discuss further the language.

B. Old Business

1. Review, Discussion, and/or Vote to Amend Exit 10, LLC's Host Community Agreement.

Mr. Alex DiPietro explained that the last time he was before the Board, they discussed having MariMed partner with them. He updated the Board by advising that the property at 407-411 Old Colony Road is being appraised and moving forward very quickly and efficiently. Ms. Deley said the business structure right now is he has 49% and his wife has 51%, which he confirmed. He said that his shift of his shares to his wife is a preference of the bank for funding, so the new ownership would be Lindsey DiPietro 90.1% and MariMed Inc. 9.9%. Ms. Deley pointed out that the title of the document refers to the "Third Amendment" but the first sentence of the agreement says it is the "Second Amendment." Mr. DiPietro said he would make the correction and mentioned that he wasn't sure if they were going to want MariMed to sign the agreement too, which they confirmed they did. Ms. Deley suggested adding another "Whereas" paragraph to reflect the change of address from the Blue Star Business Park to the new location of 407-411 Old Colony Road, which he agreed to doing.

MOTION was made by Mr. Toole to approve the Third Amendment to Exit 10 LLC's Host Community Agreement with the modifications as discussed (adding the signature of MariMed, changing the reference to the "Second Amendment" to "Third Amendment," and adding the additional "Whereas" paragraph to reflect the location change). Seconded by Ms. Deley. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

2. Discussion on Department of Public Works.

Mr. Toole explained that the idea is to combine the Highway Department and Water/Sewer Department to create a Department of Public Works. He stated that the Water/Sewer Commission would go from an elected position to an appointed position, but members would still be working with the Water/Sewer Superintendent. Mr. Toole informed the Board that one thing that came from the meeting with these affected departments and commission was the responsibilities where they noticed nothing would change. He pointed out that the Board of Health, Conservation Commission, and Zoning Board of Appeals (ZBA) are all appointed by the Select Board. He advised that this does require changing the Charter and would need town meeting approval and be voted on at the town election. Mr. Toole stated that at their next meeting, he would like to send an updated presentation and have the Select Board vote to put this on the warrant for the Spring Town Meeting. Ms. Deley suggested adding more to the last "Frequently Asked Questions" portion of the presentation. The Board agreed to discuss this at their next meeting and vote to have this at the very least as a placeholder on the warrant for the Spring Town Meeting. Mr. Conway expressed his support.

C. Town Manager's Report

1. Potholes

Mr. Yunits explained that with the winter they are having, there are going to continue to be potholes. He advised that he has been contacted by some people who have hit potholes and damaged their vehicles, but under Massachusetts General Law, if you hit a pothole that the Town is not aware of, the Town is not responsible for damage to your vehicle; if the Town is notified and doesn't repair it within 24 hours, then the Town is liable. Mr. Yunits said that while people can contact the Town, they are going to be instructed to contact their insurance company, who will contact the Town's insurance. Ms. Artz notified that there is a pothole on Reservoir Street near the Mansfield line. Mr. Yunits said he would make note and advised people to contact the Highway Department to report potholes.

2. Snowstorm

Mr. Yunits recognized the Highway Department for the great work they did with the most recent unexpected storm.

3. Volunteers

Mr. Yunits emphasized that the Town really needs volunteers for the boards/commissions in town. He stated that anyone who wants to get involved, he strongly encourages them to. Ms. Deley asked if this has been posted on the electronic signs and Mr. Yunits said that Charlene did on the electronic sign out front. Ms. Deley suggested asking the schools to put it on their board as well, which Mr. Yunits said he would ask. The following are a list of vacancies as discussed by the Board:

SELECT BOARD	3 YEAR	2
BOARD OF ASSESSORS	3 YEAR	1
BOARD OF ASSESSORS	1 YEAR	1
HOUSING AUTHORITY	2 YEAR	1
HOUSING AUTHORITY	3 YEAR	1
HOUSING AUTHORITY	5 YEAR	1
PLANNING BOARD	3 YEAR	3
SCHOOL COMMITTEE	3 YEAR	2
WATER/SEWER COMMISSIONER	1 YEAR (EXP 2023)	1
WATER/SEWER COMMISSIONER	3 YEAR	1

VII. Select Board's Report and Mail

Mr. Toole stated that he had received an e-mail and phone call regarding Home Market Foods about lights that were out in the front. Mr. Yunits reported that he spoke to Home Market Foods and they said they turned on those lights because all the streetlights in front of the building were out, so the Town has contacted the Town's contractor to have that corrected. Mr. Yunits explained that they said someone fell in the parking lot because it was so dark out there, so they had to turn on those lights until the streetlights are fixed and once they are fixed, the lights on the building will go off.

IX. Warrants

Report of Chair, John Conway, on the following Payroll and Invoice Warrants:

A. Payroll Warrant PR22-17 for the week ended February 5, 2022, Warrant dated February 10, 2022, in the amount of \$1,516,652.81.

B. Invoice Warrant AP22-33 dated February 10, 2022, in the amount of \$549,875.16.

C. Invoice Warrant AP22-34 dated February 17, 2022, in the amount of \$108,402.29.

X. Other Business

Other Business: Topics Not Reasonably Anticipated 48 Hours in Advance.

- EDC Resignation and Appointment.

Ms. Deley stated that she was notified by a member of the EDC of a resignation and have an individual willing to step into the permanent position who is currently in the alternate position. Deley asked for the Board to consider this. Ms. Deley explained that Ms. Sharon Rice resigned and Mr. Cody Thompson is currently filling an alternate role, so they would put him in the permanent position and have 2 alternate positions open.

MOTION was made by Ms. Deley to accept the resignation of Sharon Rice from the Economic Development Commission and appoint Cody Thompson as a Permanent Member of the Economic Development Commission. Seconded by Mr. Toole. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

XI. **Next Meeting's Agenda** – Wednesday, March 2, 2022.

Mr. Conway asked Mr. Yunits to make sure the Library/Community Room was available for that night.

XII. **Executive Session.**

1. To discuss strategy with respect to litigation, i.e., Bella Music, pursuant to G.L. c. 30A, Section 21(a)(3).
2. To discuss litigation with respect to the property located at 20 Commerce Way, Norton, MA 02766 where discussion in an open meeting would have a detrimental effect on the Town's litigation position and the chair so declares, pursuant to G.L. c. 30A, Section 21(a)(3).

XIII. **Adjournment.**

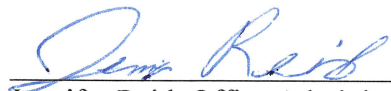
DECLARATION BY THE CHAIR:

I declare, under General Laws Chapter 30A, §21(a)(3), that the purposes of the executive session will be to discuss strategy with respect to litigation, i.e., Bella Music, and to discuss litigation with respect to the property located at 20 Commerce Way, Norton, MA 02766 because a discussion of the strategies in open session could compromise the purposes of the executive session and with the Board to not return to open session at the conclusion of the executive session.

MOTION was made by Mr. Toole at 9:21 P.M. for the Board to go into executive session under G.L. c.30A, §21(a)(3) for the purposes and reasons declared by the Chair and with the Board to not return to open session thereafter. Seconded by Ms. Deley. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

URL Link: <https://www.youtube.com/watch?v=zEL5ac6KkaU>


Respectfully Submitted by:



Jennifer Reid, Office Administrator

**SELECT BOARD
MINUTES OF MEETING
FEBRUARY 16, 2022**

John Conway, Chair

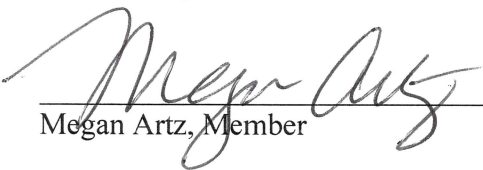


Michael Toole, Vice-Chair



Christine Deveau, Clerk

Renee Deley, Member



Megan Artz, Member

Minutes Approved by Board on: March 2, 2022