



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

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Select Board
Meeting Minutes
March 2, 2022

I. Call to Order by Chair

The March 2, 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 7:01 P.M., by Mr. John Conway, Chair. Member(s) present: Mr. Michael Toole and Ms. Christine Deveau. Also in attendance: Mr. Michael D. Yunits, Town Manager. Ms. Artz joined the meeting at 7:11 P.M. and Ms. Deley joined at 7:50 P.M.

II. Public Comment

Mr. Dan Pearson suggested putting the rendering of the new Town Hall and what it will look like on town resources, such as the town website.

III. Minutes

MOTION was made by Mr. Toole to approve the following minutes: February 2, 2022; February 2, 2022 (Executive Session); February 16, 2022; and February 16, 2022 (Executive Session). Seconded by Ms. Deveau. Vote: Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

IV. Appointments/Resignations/Retirements

1. Appointment of Bruno J. Giacalone as Full-Time Sewer Technician.

MOTION was made by Mr. Toole to accept the appointment of Bruno J. Giacalone as a Full-Time Sewer Technician. Seconded by Ms. Deveau. Vote: Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

2. Appointment of Jennifer Sroka as Full-Time Payroll/Benefits Coordinator in the Tax Collector/Treasurer's Office.

MOTION was made by Mr. Toole to accept the appointment of Jennifer Sroka as Full-Time Payroll/Benefits Coordinator in the Tax Collector/Treasurer's Office. Seconded by Ms. Deveau. Vote: Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

Mr. Yunits mentioned that Ms. Sroka has over 20 years of payroll experience and other relevant experience, such as human resources. Mr. Toole asked if there was potential to expand her position into the human resources capacity, which Mr. Yunits replied that it was a possibility they had already spoken about.

3. Appointment of Matthew Remick to the Recreation Commission.

Ms. Artz joined the meeting at 7:11 P.M.

Ms. Deveau mentioned that she is excited about this and they are still one position shy of being full.

MOTION was made by Mr. Toole to accept the appointment of Matthew Remick to the Recreation Commission as a full member. Seconded by Ms. Deveau. Vote: Ms. Deveau – Yes; Mr. Toole – Yes; Ms. Artz – Yes; and Mr. Conway – Yes. MOTION CARRIES.

IV. Licenses and Permits

Vote to Approve the Application of Tasty's Norton LLC d/b/a Tasty's Bagels, Cold Treats, and More for a Common Victualler License to be Utilized at 103 West Main Street, Norton, MA 02766.

MOTION was made by Mr. Toole to accept the application of Tasty's Norton LLC d/b/a Tasty's Bagels, Cold Treats, and More for a Common Victualler license to be utilized at 103 West Main Street, Norton, MA 02766. Seconded by Ms. Deveau. Vote: Ms. Artz – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

V. Announcements

Ms. Deveau mentioned that there are variety of positions open that are elected coming up at the next election (see below). She advised that you will need to pull papers in the Town Clerk's Office and return them by March 14th during business hours.

ELECTED BODY	TERM	POSTIONS AVAILABLE
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

VI. Business

A. New Business

Mr. Yunits explained that as he stated before, the Town is looking to use a portion of its American Rescue Plan Act (ARPA) funds (total funds \$3,874,665 allotted to the Town through Bristol County) towards water and sewer infrastructure projects. He advised that these projects, which the Water/Sewer Department will be speaking to the Board about this evening, will equal \$2,462,500 which would leave \$1,412,165 left in Bristol County ARPA funds and then adding those funds to the Town's allotment directly, the Town would have about \$3.5 million in ARPA funds to be spent. Mr. Yunits stated that one of the main areas they can spend ARPA funds on is water and sewer infrastructure projects.

Mr. Frank Fournier, Water/Sewer Superintendent, stated that South Worcester Street has been a problem area because the cast iron pipes are pretty old and they have received complaints in that area and most of the water service is far more brittle (part of the piping is lead piping, which is a cause of concern). Mr. Fournier advised that they are talking about a significant amount of infrastructure improvements and the installation of sewer generators is also part of the projects. He mentioned that in the Knollwood area, they constantly lose power, which is part of the reason why they want to install the sewer generators. Mr. Toole clarified that 4,900 linear feet and 2,100 linear feet of work to be done are both water projects (S. Worcester St. from Barrows Street to Parker Ct. & E. Hodges from Dean St. to Myra's Way), which was confirmed. Mr. Conway clarified that the requested ARPA funds now are \$2,687,500 and that he thought he heard a slightly lower number earlier in the meeting. Mr. Fournier replied that there has been a slight cost adjustment increase and Ms. Tara McManus of Weston & Sampson might have the most recent number based on cost per foot. Ms. McManus explained that this is the figure they had originally, but there were also two forms originally, but this is the final form.

Mr. Conway asked what geo testing will be done to measure for ledge. Ms. McManus explained that the benefit is there is an existing water main and the Water Department has already explored them and are aware of areas of concern. Ms. McManus reported that there was no ledge along the project (water projects only go 5' unlike sewer, so they are less likely to run into ledge). During the discussion, questions were raised about how to supplement the cost if the ARPA funds don't cover it and Mr. Yunits said the funds would probably come from the Water Enterprise Fund or they would go back to town meeting for the supplemental funds, but they shouldn't have to worry about that according to Ms. McManus.

MOTION was made by Mr. Toole to accept the application for the ARPA grant to cover the water main replacement along South Worcester Street and East Hodges Street as reviewed. Seconded by Ms. Deveau. Vote: Ms. Artz – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

MOTION was made by Mr. Toole to endorse the ARPA grants requests for Holly Road and Knollwood Street pump station improvements with new generators. Seconded by Ms. Deveau. Vote: Ms. Artz – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

2. Discussion and/or Vote on Spring Annual Town Meeting Articles (Including Department of Public Works).

Mr. Yunits reminded the Select Board that the warrant closes on March 7th and wanted to see what the Board wanted to put on as placeholders. Mr. Toole mentioned the previous discussions about putting the DPW article on the warrant and Mr. Conway mentioned the additional liquor license(s) placeholder(s) article to be put on the warrant.

MOTION was made by Mr. Toole to place two placeholder articles on the Spring Annual Town Meeting Warrant for the DPW and the second for liquor license(s) request (specific language to be developed). Seconded by Ms. Deveau. Vote: Ms. Artz – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

Mr. Conway asked if they will have a draft list of the warrant articles at their next meeting, which Mr. Yunits answered absolutely. Mr. Conway asked how Capital went on Monday and Mr. Yunits said they did a financial review and agreed to do hybrid meetings in the future.

Mr. Conway brought up the fact that with minimum wage rising addressing properly reflecting this and fairly adjusting pay rates/salaries. Mr. Yunits mentioned that the salary study they plan to do should help address this and Mr. Toole asked if there were some target towns they plan to use because what might be surrounding towns geographically to Norton might not be fairly comparable to the Town and Mr. Conway agreed. At the next meeting, Mr. Toole stated that he would like to bring up what the properly comparable towns are and Mr. Conway agreed. In result, Mr. Toole said he would have something for the Board at their next meeting.

3. Discussion and/or Vote on GATRA Advisory Board Liaison Appointment.

Ms. Deveau explained that when she took the position, she was told that it meets only once a year and since she has taken the position, there have been at least 7 meetings during normal business hours, which has been extremely difficult as someone who works a typical 9:00 A.M. to 5:00 P.M. job. She proposed someone who works for the Town taking on this role rather than someone on the Select Board who may work regular full-time jobs. Mr. Yunits said what they should do is see if someone who is retired in town is interested and if someone doesn't step forward, they can do what was done before and see if someone who works for the Town will be the representative. Mr. Conway asked what the output is of the representative of this Board. Ms. Deveau said the Advisory Board member is supposed to represent the town as a user and the interest of the Town. Mr. Yunits added that the Advisory Board is also responsible for the budget for GATRA and any changes they want to make.

Ms. Deley joined the meeting at 7:50 P.M.

Mr. Conway agreed that having someone more available during the daytime would be beneficial and asked if he could talk to Mr. Yunits offline about this more, which Mr. Yunits agreed to.

B. Old Business

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

Attorney Greg Corbo of KP-Law spoke to the fact that they have one liquor license available, which is for a Retail Package Wines and Malts (RPWM) license and also may be thinking also about petitioning for special legislation to obtain additional licenses above and beyond the Town's quota. He stated that the question posed is if the Town has multiple parties interested for available licenses, how to award them fairly. Attorney Corbo explained that Massachusetts General Laws concerning liquor licensing does not address this issue. He did point out that there are detailed procedures for what to do when it does receive a completed application, but there is nothing that says you have to decide applications in any particular order or method. However, Attorney Corbo informed the Board that what the courts have said is when there are multiple applicants for a mutually exclusive benefit, i.e., two or more licenses for one license, both applicants are entitled to a fair evaluation of their application and some reasonable comparison based on the purposes of the statute. He continued that the purpose of the licensing is that licenses are issued to serve the public good (include things like nature of business, reputation of applicant, location of license to be granted); so, when comparing more than one, these are all things to consider and weigh in. Attorney Corbo advised that what he has seen occur in other aspects like with marijuana licenses, municipalities have issued Requests for Application and they would follow something along the line of a Request for Proposals (RFP) process and creating ranking of applicants (most and least advantageous based on criteria the Town creates). He explained that one town he saw them include the potential for job creation, ability to contribute to the social life and economics of the town, the location, the viability of the business and would give a score of 1-5 and then a total score, and then the candidates would be ranked based off of their total scores. Attorney Corbo emphasized that at the end of the day, this can be done by the Select Board solely or they can appoint an advisory or screening committee and then that work would be turned over to the Select Board and a hearing would be heard on each application and consider the scoring based on those applications. He stated that the scores wouldn't be necessarily be binding, but are expected to have a reasonable or rational basis on the decision reached. Attorney Corbo informed the Board that with Chapter 138 licenses, there is a limited window to do this because within 10 days of receipt of an application, a publication must be put in the newspaper and the hearing has to be held at least 10 days after that application and the application has to be heard within 30 days of receipt. He pointed out that nothing is to stop the town either from putting a notice in the paper saying there is a license available, first come first serve, and see what you get and vote upon what they receive.

Mr. Toole said he specifically spoke more to the available licenses and asked if Attorney Corbo had experience with special legislation. Attorney Corbo said usually this is where there is new development in town where the developer or potential tenant wants to open a restaurant or package store, and they will file for special legislation and it will say the license is only transferable at that specific location but can be transferred to a different owner. He advised that because it is special legislation, there is more discretion and choice of what they want to do.

Mr. Conway questioned that within the 30 days they have to hear a completed application and asked if they can put a specific date that the applications are to be submitted by so they enough time in accordance with M.G.L. Chapter 138. Attorney Corbo said he hasn't been able

to find any case law decisions or anything with the Alcoholic Beverages Control Commission (ABCC). Mr. Conway asked if a license has to exist for an application to be submitted, which Attorney Corbo said it does and any application received for a license that doesn't exist is simply rejected. Mr. Toole asked if they receive a letter of intent if that starts the clock and Attorney Corbo answered it does not because they have to submit a completed application.

Mr. Yunits suggested if they are going with the RFP process to have letters of intent submitted then rank them and have those that ranked highest submit an application. Ms. Deley asked if they have to do any notice that they are going to do an RFP process and Attorney Corbo answered no. He said you can put a notice in the paper saying a license became available and this is the license procedure put in place to follow. Ms. Deley asked about the special act language and Attorney Corbo said that the article will be placed in the special act. Mr. Conway clarified when town meeting was and Mr. Yunits answered June 7th and the final language is due within 7 days of the Annual Town Meeting. Mr. Conway asked the Board about their opinion on the RFP process and Mr. Toole and Ms. Deveau expressed they were in favor and think this would be the fairest approach.

2. Discussion and/or Vote on Charter Committee.

Mr. Conway explained that he wanted this back on the agenda to get the Select Board's opinion on this. He asked if there were any smaller scale changes that they want to see rather than wait 8 years. Ms. Deveau said it was a good idea and Ms. Artz agreed, but pointed out that they are also having a hard time getting volunteers to serve on the current existing boards. Ms. Deley expressed that she was in favor of this, especially after reading certain areas of the Charter that seem outdated (also areas not about changing government, but making improvements that could be beneficial). Mr. Toole said he was a little indifferent on this, but ultimately doesn't think the Town has the stomach to go through another Charter change discussion at this point. Mr. Conway agreed that the Charter Commission did present big changes to the current Charter, but this wouldn't be the same as the Charter Commission's mission as far as changing the form of government and that this is more of reviewing processes and bylaws. Mr. Yunits said he thought the Charter Committee could make administrative changes not government changes, but he would look for Attorney Lauren Goldberg's opinion she gave and get back to them. Mr. Conway said he would feel more comfortable with members voting with eyes wide open and would rather table the vote until Mr. Yunits provided clarification with Attorney Goldberg's opinion.

Ms. Deveau mentioned that she has never seen the town more divided as with the Charter Commission and would like to start fresh with the Charter Committee with members of existing boards/commissions serving where they have already been entrusted. Ms. Artz agreed with the divide and negativity that occurred through town in result of the Charter Commission's proposals and expressed that if it is an open wound, right now might not be the best time to resurface this and maybe wait 6 months or so. Ms. Deley asked if there is something in the opinion of Attorney Goldberg that if a recommendation is made to the Select Board by the Committee that they don't have to accept it and Mr. Conway asked Mr. Yunits to ask Attorney Goldberg if the Select Board can set any boundaries for them as well.

3. Update on Select Board's Submissions for Town Report (i.e., Cover Photo, Dedication, and Select Board Annual Report).

Mr. Conway apologized for the delay and promised to have it by the end of this week. Mr. Conway acknowledged that while the cover photo is usually the Board, he wouldn't mind a scenic view. Ms. Artz expressed that she likes the Zoom photo idea. Ms. Deley said she still liked the idea of the submission of individual photos. Ms. Deveau said she would like the scenic picture, but gets that this is so residents can recognize who the Board members are and if they are to be approached around town by residents. Ms. Deley said it represents the Board and is tradition and with things being lifted, they could try to setup an in-person photo, but likes the idea of Ms. Artz about the Zoom photo. Mr. Toole said there is a history here with this and would like to have a group photo done. Ms. Deveau said since it seems hard to get the group together even to sign documents, she would be in favor of the Zoom photo. Mr. Conway addressed the dedication being to individual(s) who have done service for the Town within the last year. He spoke to how this past year has been extremely difficult and possibly recognizing front line workers and specific individuals and if there were any volunteers to write that. Ms. Artz said she would be happy to write the dedication and will have it by Sunday 11:59 P.M. as would Mr. Conway with the Annual Report.

C. **Town Manager's Report**

S.A.F.E Grant.

Mr. Yunits informed the Board that the Norton Fire Department has been awarded \$5,175.00 for Student Awareness of Fire Education (S.A.F.E.) and \$3,055.00 for Senior SAFE grants and provided the following overview:

- The moneys from the SAFE grant allow them to pay firefighters to teach fire and life safety to young children;
- To buy supplies for handouts;
- Conduct tours for classrooms and civic organizations;
- Do demonstrations for the public;

- The senior grant money is used to provide senior citizens in-home safety inspections;
- Smoke and carbon monoxide alarm installations;
- Testing and replacing batteries in their detectors; and
- Installation of house numbers.

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

Mr. Toole expressed thoughts and condolences to the people of Ukraine. Mr. Conway said he didn't know what displays would be appropriate at the front of Town Hall for this and Mr. Toole said he would look into it and present options for their next meeting.

IX. **Warrants**

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

A. Payroll Warrant PR22-18 for the week ended February 19, 2022, Warrant dated February 24, 2022, in the amount of \$1,537,581.87.

B. Invoice Warrant AP22-35 dated February 24, 2022, in the amount of \$1,190,867.98.

C. Invoice Warrant AP22-36 dated March 3, 2022, in the amount of \$1,589,730.44.

X. **Other Business**

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

There was no other business to discuss.

XI. **Next Meeting's Agenda** – Wednesday, March 16, 2022.

Mr. Conway asked if the Board should schedule to do joint meetings with the Finance Committee yet and Mr. Yunits said members are welcome to attend and they are going to start reviewing submittals next week, but won't be doing recommendations until later in the month. In response, Mr. Conway said they will wait to do joint meetings.

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).

Mr. Conway announced that they would not be addressing or discussing the second executive session item this evening.

XIII. **Adjournment.**

DECLARATION BY THE CHAIR:

I declare, under General Laws Chapter 30A, §21(a)(3), that the purpose of the executive session will be to discuss strategy with respect to litigation, i.e., Bella Music, because a discussion of the strategies in open session could compromise the purpose 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 8:51 P.M. for the Board to go into executive session under G.L. c.30A, §21(a)(3) for the purpose and reason 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.

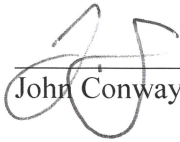
URL Link: <https://www.youtube.com/watch?v=TiD0AkKS6fE>

Respectfully Submitted by:



Jennifer Reid, Office Administrator

**SELECT BOARD
MINUTES OF MEETING
MARCH 2, 2022**



John Conway, Chair



Michael Toole, Vice-Chair

Christine Deveau, Clerk

Renee Deley, Member



Megan Artz, Member

Minutes Approved by Board on: March 16, 2022