



TOWN OF NORTON
SELECT BOARD
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Select Board
Meeting Minutes
August 24, 2022

I. Call to Order by Chair

The August 24, 2022 meeting of the Norton Select Board was held in the Community Room of the Norton Public Library as well as remotely (Web: <https://us02web.zoom.us/j/83225589285>; Phone: 646-558 8656; Webinar ID: 832 2558 9285), and was called to order at 7:02 P.M., by Ms. Megan Artz, Chair. Member(s) present: Ms. Christine Deveau, Mr. Kevin Snyder, Mr. Michael Toole, and Mr. Steven Hornsby.

II. Appointments/Resignations/Retirements

1. Appointment of Michael Wilson as a Permanent Full-Time Deputy Chief in the Norton Fire Department.

MOTION was made by Mr. Toole to appoint Michael Wilson as a Permanent Full-Time Deputy Chief in the Norton Fire Department effective September 11, 2022. Seconded by Ms. Deveau. Vote: Unanimous. MOTION CARRIES.

2. Appointment of Christopher Ferreira as a Permanent Full-Time Captain in the Norton Fire Department.

3. Appointment of Joshua Jorge as a Permanent Full-Time Lieutenant in the Norton Fire Department.

MOTION was made by Ms. Deveau to appoint Christopher Ferreira as a Permanent Full-Time Captain and Joshua Jorge as a Permanent Full-Time Lieutenant in the Norton Fire Department both with an effective date of September 11, 2022. Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.

4. Deputy Fire Chief Benton Keene, III Proclamation.

Mr. Toole read the Proclamation for Deputy Fire Chief Benton Keene, III for the record (see attached).

5. Appointment of Nancy Robbins Federici as a Permanent Member to the Historic District Commission.

MOTION was made by Ms. Deveau to appoint Nancy Robbins Federici as a Permanent Member to the Historic District Commission. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

III. **Minutes**

MOTION was made by Ms. Deveau to approve the Minutes of April 28, 2022 and August 10, 2022. Seconded by Mr. Snyder. Vote: 4 – Yes; 1 – Abstention (Mr. Hornsby). MOTION CARRIES.

IV. **Licenses and Permits**

There were no licenses or permits to approve.

V. **Announcements**

There were no announcements to be made at this time.

VI. **Business**

A. **New Business**

1. **7:15 P.M.** – Public Hearing on Petition of Massachusetts Electric Company d/b/a National Grid to remove (2) tree guy wires per customer at 306 Taunton Avenue's request due to trees needing to be cut in poor condition.

MOTION was made by Mr. Hornsby to open the public hearing at 7:15 P.M. Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.

A representative of National Grid, Mr. Michael Parent, Senior Designer, explained that the first pole hearing is for a stub pole located at 306 Taunton Avenue. He explained that there are currently tree guy wires that are bound to fail that they don't do anymore and there is a tree dying that the customer would like to remove. He stated that in order to provide the same service. The stub pole would go across from Pole No. 2255.

Mr. Toole posed the idea of taking these poles and just burying the wires underground. Mr. Parent replied that it is very costly to do so. Mr. Parent pointed out that some of the equipment has to be aboveground and can't go underground and all the transformers have to sit aboveground, so you need to find space for these items.

Mr. Dennis Levine of 307 Taunton Avenue asked if with the removal of the pole if any power was going to be cut, which Mr. Parent answered it would not. Mr. Levine mentioned that the pole on his property is supposed to be replaced and asked if they would completely remove the pole or if they would take off a portion of it and then put the new pole next to it. Mr. Parent replied that he was not sure because it depends on the scenario. Mr. Levine stated that his pole has a transformer on it. In response, Mr. Parent stated that they would put another pole next to the existing one, transfer all the wires over, and then cut the pole down to the next set of utilities. Mr. Parent explained that they have an agreement with these utility companies where they agree to put in the new pole and their company is responsible for removing the replaced poles.

MOTION was made by Mr. Toole to close the public hearing at 7:25 P.M. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Toole to approve the petition. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

2. 7:20 P.M. – Public Hearing on Petition of Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc. d/b/a Verizon along Cobb St. for MA DOT “Norton Rail Trail” project. Relocate 4 poles on North Washington St., relocate 3 poles on Cobb St. and install new Stub pole on Cobb St.

MOTION was made by Mr. Hornsby at 7:25 P.M. to open the public hearing. Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.

Mr. Parent explained that these four poles need to be moved five feet off of the road for the Norton Rail Trail project. Mr. Warren Grant stated that he owns the property at 166 and 186 on North Washington Street (on the corner) and suggested that for this stretch National Grid should put the electrical wires underground. Mr. Grant expressed a concern because one of the poles they are moving fell on his building years ago and now they are moving it even closer. Mr. Parent replied that they look for what is in the best interest of the customer and in this case, it is the Town for this project and it wouldn't be the most cost-effective to do what Mr. Grant was suggesting. Mr. Grant stated that the most cost-effective way isn't always the best way and emphasized that safety is more important.

Mr. Hornsby pointed out after much back and forth between Mr. Grant and Mr. Parent that questions should be directed to Board members and they can ask National Grid any questions they may have. In response, Mr. Grant asked Mr. Hornsby if he thought the wires should be underground and Mr. Hornsby replied that while he would like to see all the wires underground, but they are being told it isn't the most cost-effective option. The Board deferred to Mr. Yunits as the Town Manager and Select Board representative to the MFN (Mansfield-Foxboro-Norton) Regional Wastewater District. Mr. Yunits advised that even if National Grid moves the poles back five feet they are still going to be within the layout. Mr. Toole suggested possibly burying the first pole due to safety concerns and Mr. Parent stated that they do have the opportunity to do a guardrail or berm of some sort there.

Mr. Mike McGraw of 164 North Washington Street expressed that in this area it gets very dark at night and emphasized that they should really put streetlights on those poles for the safety of pedestrians and bikers. Mr. McGraw also pointed out that right after the bridge before taking a right onto Cobb Street, there should really be a stop sign there. Mr. Yunits advised that he spoke to the Highway Superintendent who was in that area earlier in the day and there are plans to put a light there (but not on every pole). Mr. Toole asked if Mr. Yunits had spoken with Officer Turcotte about putting a stop sign in the location referenced by Mr. McGraw. Mr. Yunits replied that he hadn't yet, but he would check-in with him on that.

Mr. Snyder stated that with this project, safety concerns such as what has been discussed this evening are going to continue to come up and asked Mr. Yunits if there is a process by which residents could express these concerns. The Town Manager answered that they can e-mail him and he can forward the concerns to the engineers.

MOTION was made by Ms. Deveau to close the public hearing at 7:44 P.M. Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Ms. Deveau to approve the petition for National Grid for the relocation of the poles. Seconded by Mr. Snyder. Vote: 4 – Yes; 1 – No (Mr. Toole). MOTION CARRIES.

Mr. Yunits asked Mr. Parent to contact him with a timeframe of when National Grid schedules moving these poles to coordinate the next steps.

Mr. Toole questioned if residents weren't satisfied with how the pole hearing went how they would go about being heard and having their issues addressed. Mr. Yunits advised that they can e-mail him and he will share what he receives with the Board.

3. Review and/or Discuss Fall Annual Town Meeting Articles including, but not limited to:
 - a) Petition Article: Solar in R-40 District; and
 - b) Finance Appointing Committee.

Finance Appointing Committee

Before Mr. Toole started his presentation on the Finance Appointing Committee, Ms. Deveau pointed out that the meeting materials are supposed to be provided in advance of the meeting to give members time to review the materials and asked Mr. Toole to keep the summary brief in order to keep their meeting moving timely and efficiently.

Mr. Toole summarized that the key points for the changes is to create a more inclusive and transparent process for selecting and renewing Finance Committee members who oversee an approximate town budget of \$69 million. Mr. Toole advised that the committee he is proposing would be chaired by the Town Moderator and has four elected boards within the town (the Select Board, the School Committee, the Planning Board, and Board of Assessors), who will nominate representatives annually to appoint and renew members of the Finance Committee. He pointed out that with the current format, the Moderator solely does this. Mr. Toole posed the question of why change something that isn't broken and then pointed out that back in 1990 the Town budget was approximately \$17 million dollars.

Mr. Toole stated some of the cons of the current format, such as not being transparent and tough to recruit members. He then moved on to discuss some of the pros, including creating a more transparent process that would have to adhere to Open Meeting Law (OML) requirements and possibly improve the recruitment process. He informed members that the new trend for municipalities is they are moving to these appointing committees. Mr. Toole advised that he evaluated Bristol County, Plymouth County, Norfolk County, and Middlesex County of the 129 cities/towns, 21 one of them do not have Finance Committees, 10 towns elect, 51 use the Moderator to appoint, and 46 are using a committee to appoint, and 1 town the Town Manager appoints them. Mr. Toole explained that in order to form such a committee, there would need to be changes to the Town Charter and bylaw, and an affirmative vote at a town election. Mr. Toole went over the two scenarios (Select Board supported article vs. a citizen's petition) and explained that if the Select Board were to submit this article, they would be able to work on it and make friendly amendments as needed and at town meeting. He advised the Board that he has been approached by residents that if the Board were to not move forward on this that they would like to see it as a citizen's petition. Mr. Toole went over a few frequently asked questions, such as how many towns are moving to this format, which he answered was 43%.

Ms. Deveau expressed a concern where they are also forming a Traffic Safety Commission and are trying to pull from different committees already and expressed that this will only be stretching out the Select Board and other committees/commissions more that will need to provide representatives. Ms. Deveau further stated that she wasn't in favor of this also because she feels like there could be volunteers who want to serve on the Finance Committee that have more financial or municipal finance experience than the representatives Mr. Toole was proposing serve on the Finance Appointing Committee. Mr. Toole clarified that the board/committee/commission members would just be on the appointing committee and appointing residents who would like to serve on it and they would just be appointing someone to the Finance Committee.

Mr. Snyder stated that he has several concerns and questions pertaining to this article. He stated that one question he has posed in the past was from when he served on the Finance Committee, which was what problem is it that they are trying to solve with this proposed Finance Appointing Committee. Mr. Hornsby responded that he wasn't going to answer for Mr. Toole, but wanted to comment that he had the same sort of question and currently the Finance Committee is appointed by one person (the Town Moderator, who is elected by the Town) and by creating this Finance Appointing Committee it would open the process up to more elected officials having a say as far as who is appointed to what he sees as one of the top two committees in town. Mr. Hornsby expressed that having more eyes on something such as this and more transparency is fantastic. Mr. Toole responded that they need to eliminate the mentality of "fixing something that is broken" because at this point it is already too late and he would rather say this is improving a process and getting more transparency. Mr. Snyder said he doesn't understand how bringing people whose budgets are being reviewed by the Finance Committee improves the process. He stated that he rather saw that this would be injecting the possibility of people on the Finance Committee being influenced by the boards on which they are deciding whether or not to recommend their budgets for town meeting. Mr. Snyder stated that they would be injecting the potential for corruption and unscrupulous behavior, and backroom deals. Mr. Snyder emphasized that the advantage of having the Moderator be the appointing body is that the Moderator is independent; he doesn't have a budget. Mr. Snyder then posed the question of if these towns that have moved to this new form like it or if they do not like it and if it is working for them. He stated that he would like to hear from these towns as far as if they like it and if it is working.

Ms. Artz commented that they can't even get people to serve on the Recreation Commission and how changing the process is going to get better candidates or get more scrutiny of creating more bureaucracy that they really don't need right now. On that same note, Mr. Snyder said they can't even get people to serve on the Planning Board let alone get representatives of that board to serve on this proposed Finance Appointing Committee. Mr. Snyder emphasized that he thinks they are going to get a lot fewer people to volunteer. Mr. Toole retorted that these are elected officials that have gone through training, including ethics training required by the State, and are sworn in; so, if they are doing anything scrupulous, they would all be [subject] to that comment of being "scrupulous." Mr. Toole pointed out that right now, they do not know what questions are asked or the criteria being used by the Moderator when appointing individuals to the Finance Committee.

Mr. Hornsby referred to a comment that Ms. Artz made as far as adding more bureaucracy, which he said normally he is against, but in this case he is not. He further stated that right now there is no transparency going on with the current process, but made it clear that he didn't believe there was anything nefarious going on at this time or previously, and when he first moved to Norton and found out that was how the Finance Committee was selected, he was appalled by it. He emphasized that he thinks creating this Finance Appointing Committee is something that is desperately needed at this point. Ms. Artz said regardless of if the Select Board presents this article or if it is through a citizen's petition, it should be up to the residents of the Town to decide if they want this or not. Mr. Hornsby added that he has an accounting background and has been an accountant since he was 17-years-old and stated that the current Town Moderator and the previous one would not have selected him to serve on the Finance Committee and he wanted to apply for a position for several years and didn't strictly because he knew they wouldn't appoint him. Mr. Hornsby asked Mr. Toole how different his proposal is versus what the Charter Commission was trying to do. Mr. Snyder answered that with the Charter Commission's proposal, the Finance Committee would have been eliminated.

Mr. Toole asked the Board if there was anything in particular they would like to see changed if this were to be submitted as a citizen's petition that is causing them to not agree with the idea. Mr.

Snyder responded that his biggest issue is he is really uncomfortable with individuals staffing a board on which they would have influence or be expecting influence perhaps from people on the board that they are nominating and renewing appointments. Mr. Toole addressed Mr. Snyder's concern by stating that the three major boards that would be part of this appointing committee (Board of Assessors, Planning Board, and Town Moderator) don't have a budget, but the Select Board and School Committee have to be on this committee, so by adding representatives from the other three elected boards that don't have a budget being voted on balances this out. Mr. Toole added that by having this article submitted by the Select Board, amendments and changes can be made on the town meeting floor unlike a citizen's petition where no changes can be made.

MOTION was made by Mr. Toole for support from the Select Board for the proposed article, as is, to go onto the warrant. Seconded by Mr. Hornsby. Vote: 2 – Yes; 3- No. MOTION FAILS.

Petition Article: Solar in R-40 District

Mr. Yunits explained that there is a petition article to allow solar in R-40. Mr. Toole said he spoke to this individual and R-40 is 40,000 square feet minimum, but also if you have 13 acres and your land is still considered R-40 and it limits you in this type of situation. Mr. Toole added that R-60 and R-80 both allow solar and what the petitioner is looking to do is allow for it in R-40, but go through the same process as R-60 and R-80, which is through a special permit with the Planning Board.

B. Old Business

1. ARPA Funding Requests.

Mr. Yunits reported that there are three ARPA requests to vote on this evening. One is from the Norton Business Association Assistants for \$15,000. He advised that the Superintendent of Schools said that they now have asbestos issues in the JCS Elementary School and the L.G. Nourse Elementary School. Mr. Yunits advised that the last request is from the Norton Police Department, which is looking to install a solar carport in the back parking lot; so, this would be to have a consultant work with the Town on a procurement to develop the RFP.

Mr. Hornsby spoke to the Norton Business Association Assistants' request. He stated that they have been working with consultants and the process is moving forward and they created the Norton Business Association (NBA). Mr. Hornsby advised that they are looking for funds to create a website, governing documents, recruitment, political businesses, legal assistance, and eventually they are going to file for the 501(c)(3), but that all takes time, money, and effort.

Mr. Toole asked if the School has their own capital budget line and asked if they push their capital items back to the Town's capital budget plan or do they manage their own maintenance/capital budgets. Mr. Yunits said that it would be like any of their capital requests and the School Department would submit their capital requests with the Town's. Mr. Toole then asked in reference to the solar carport if they could increase the requested amount and put a safety fence around the Police Department that has been a point of reference on several occasions. Mr. Yunits advised that he has spoken with the Police Chief and he plans to put that into his capital plan for next year.

MOTION was made by Mr. Toole to approve the proposed ARPA funding requests. Seconded by Mr. Snyder. Vote: 4 – Yes; 1 – Abstention (Mr. Hornsby). MOTION CARRIES.

C. **Town Manager's Report**

1. Athletic Complex and TRANE.

Mr. Yunits informed the Board that the Superintendent of Schools offered to Select Board members for either next Tuesday or Wednesday to do a walk-through of the Athletic Complex and TRANE project since the originally scheduled one was during their meeting this evening. The Board members agreed to Tuesday.

2. Update on Rail Trail Project.

Mr. Yunits advised that they have moved on to the next phase of the taking process and all of the notices have been sent out. They expect to go out to bid by the end of the month.

3. Update on Senior/Community Support Center.

Mr. Yunits stated that they plan to go to bid in the middle to the end of October.

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

1. Bristol County Advisory Board Meeting Update.

Mr. Toole advised that they approved a budget of \$27 million. He explained that they have 4.14% of responsibility of that budget and paying towards that. The Bristol County Agricultural School is just completing their renovation projects and they have an additional 100 students attending this year and plan to have an additional 100 students in the years to follow. He reported that this increased the school's budget by almost \$1 million. Mr. Toole informed the Board that he asked if this was going to be a reoccurring increase and he was told that this was a one-time expense. Lastly, he reported that they have reached an agreement with the Teachers Association, which would have a 3% increase year over year and when you average it out, it is about a 5% increase. Mr. Toole stated that he informed the Chair of the Finance Committee that he was attending as he stated he would do when he attended their last meeting.

Mr. Toole mentioned that 2023 will commence negotiations with Police, Fire, and the School Departments and asked if they have started this process yet, which Mr. Yunits answered they have not. Mr. Toole asked if removing the Town from the Civil Service is something that will be part of negotiations. The Town Manager replied that he would love to do that, and he knows Police and Fire would love to do it, but they will work on it. Mr. Yunits mentioned that the Town is actually losing a firefighter to a non-civil service town and this is the second person that the Town has lost that it has trained to a non-civil service town.

IX. **Warrants**

Report of Chair, Megan Artz, on the following Payroll and Invoice Warrants:

- A. Payroll Warrant PR23-03 for the week ended August 6, 2022, Warrant dated August 11, 2022, in the amount of \$704,076.01.
- B. Invoice Warrant AP23-06 dated August 11, 2022, in the amount of \$4,339,707.47.
- C. Invoice Warrant AP23-07 dated August 18, 2022, in the amount of \$213,844.70.

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** – September 7, 2022 – Mr. Yunits advised that Attorney Lauren Goldberg will attend this meeting to go over in executive session any pending litigation the Town is involved in.

XII. **Strategic Planning.**

Mr. Mark Elfman, Selectman of the Town of Foxboro, was in attendance as a guest speaker to assist with best practices. Mr. Elfman stated that one thing that they do is try to get input from everybody when it comes to the budget process going forward for the upcoming year. He mentioned that they have a timeline marked on their calendars of when things need to get done and one of the first things that they do is have a tri-board meeting which consists of their Advisory Committee, Board of Selectmen, and School Committee. Ms. Artz asked who would set the agenda for that meeting. Mr. Elfman said for them it is the Chair of the Board of Selectmen and the Town Manager. He advised that they usually schedule their tri-board meeting for the end of September or beginning of October and their Finance Director and Accountant are part of this meeting. Mr. Elfman mentioned that they also speak to a five-year plan at these meetings. He mentioned being proactive and transparent so they aren't scrambling last minute.

Ms. Artz asked him to speak to the day-to-day Board of Selectmen meetings they have, specifically how they conduct their meetings as business meetings while also serving as a resource to the residents that elected them. Mr. Elfman said that they are big on their website as a point of resource. He also informed the Select Board that during their meetings in Foxboro, the first five minutes are open to public comment. Ms. Artz said they used to do that and then got away from that, but she stated that this is something that he recommended. He noted that since this isn't an agenda item, it cannot be a two-way conversation, but if something comes up that is important, the Chair can say that they can have this as an agenda item and bring it up at their next meeting or the Town Manager replies that it is something that he can take and to give him a call the following day. Mr. Hornsby stated that this is something he was hoping would happen at their Select Board hours on Thursday evenings from 5:00 P.M. to 7:00 P.M. Ms. Artz asked how they are conducting business with residents and he said that they can e-mail the Board secretary or you can Zoom in because they are still using Zoom, but contact the Selectmen's secretary and let he/she know that you would like to speak. Ms. Artz asked when they have their meeting dates arranged and he answered that they should have their dates set within the next 4 weeks to have them ready for their tri-board meeting in case any date changes have to be made.

Mr. Toole replied that this is something that Mr. Yunits already does, which Mr. Yunits confirmed. He stated that the School Committee has to have their budget in 8 weeks before town meeting and his budget has to be submitted 6 weeks before town meeting. The Town Manager mentioned that the Board has to appoint a Select Board representative to the Capital Improvements Committee at their next meeting and capital requests need to be in the first week of March and then he will submit all the requests that came in to the Select Board and the Finance Committee. Ms. Artz stated that this is where having the joint meetings would be helpful because last year they were presented separately. Mr. Toole mentioned that during their Select Board meetings, Mr. Yunits presented the budgets and the increases per line item. In response, Mr. Yunits said to Mr. Elfman that he was sure he would agree with him that the Select Board/Board of Selectmen

doesn't get involved in reviewing line-item budgets; you have a meeting at the beginning and say what your priorities are. He added that the Board members can attend the Finance Committee meetings throughout the budget process without having to post joint meeting agendas. Mr. Elfman asked if the Finance Committee still goes line by line over the budgets, which Mr. Yunits confirmed they do. Mr. Yunits emphasized that the department heads go to the Finance Committee meetings to present their budgets. The Select Board can attend any meeting that they want, they can't deliberate, but they can attend. Mr. Yunits emphasized that the department heads should not be coming to the Select Board meetings to present their budgets again line item by line item.

Mr. Snyder asked how Foxboro handles participation from attendees. He said that they try to let them get involved as much as possible (within reason). Mr. Yunits highly emphasized to please not put Spring Town Meeting off until June again because the the School Department has to send letters by a certain time to teachers and it becomes a burden to the financial team (have to close out fiscal year budget and send out budgets for new fiscal year). Mr. Elfman agreed that this is hugely important.

XIII. Adjournment.

**MOTION was made by Mr. Snyder to adjourn the Select Board meeting at 8:56 P.M.
Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.**

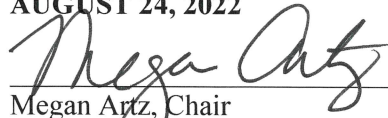
URL Link: <https://www.youtube.com/watch?v=VzpE7MToaBk>

Respectfully Submitted by:



Jennifer Reid, Office Administrator


SELECT BOARD MINUTES OF MEETING AUGUST 24, 2022



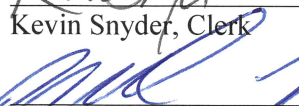
Megan Artz, Chair




Christine Deveau, Vice-Chair



Kevin Snyder, Clerk



Michael Toole, Member



Steven Hornsby, Member

Minutes Approved by Board on: September 7, 2022