



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

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Select Board
Meeting Minutes
December 14, 2022

I. **Call to Order by Chair**

The December 14, 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 7:00 P.M., by Ms. Megan Artz, Chair. Member(s) present: Mr. Kevin Snyder, Mr. Michael Toole and Mr. Steven Hornsby. Also in attendance: Mr. Michael D. Yunits, Town Manager.

II. **Appointments/Resignations/Retirements**

1. Appointment of Sharon Rice as an Alternate Member to the Council on Aging Board of Directors.

MOTION was made by Mr. Hornsby to appoint Sharon Rice as an Alternate Member to the Council on Aging Board of Directors. Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.

2. Appointment of Nicholas Carvalho to the Civilian Traffic Control Unit.

3. Appointment of Dean Santangelo to the Civilian Traffic Control Unit.

MOTION was made by Mr. Hornsby to appoint Dean Santangelo and Nicholas Carvalho to the Civilian Traffic Control Unit with an effective date of 12/27/22. Seconded by Mr. Snyder. Vote: Unanimous. MOTION CARRIES.

III. **Minutes**

Approve Minutes, including but not limited to:

1. November 30, 2022.

MOTION was made by Mr. Toole to approve the minutes of November 30, 2022. Seconded by Mr. Snyder. Vote: Unanimous. MOTION CARRIES.

IV. **Licenses and Permits**

1. Application of Norton Golf Properties Inc. d/b/a Norton Country Club, 188 Oak Street, Norton, MA 02766, for a Change of Manager from Todd Green to Janice M. Mathews.

Mr. Greg Gelino of Norton Country Club appeared on behalf of Janice Mathews, proposed Manager of record. Ms. Artz asked if she was currently at the Norton Country Club. Mr. Gelino

answered that she is mainly in the corporate office, but will be in the establishment 30-60% of the time.

MOTION was made by Mr. Hornsby to approve the application of Norton Golf Properties Inc. d/b/a Norton Country Club, 188 Oak Street, Norton, MA 02766, for a Change of Manager from Todd Green to Janice M. Mathews. Seconded by Mr. Toole. Vote: Mr. Toole – Yes; Mr. Hornsby – Yes; Mr. Snyder – Yes; and Ms. Artz – Yes. MOTION CARRIES.

2. 2023 License Renewals.

The 2023 License Renewals specified on the “2023 License Renewals” document presented to the Select Board at the December 14, 2022 Select Board meeting were all approved as written, with the exception of Goosebrook Garage & Recycling LLC. 2 Sons Auto Brokers LLC was approved for a 90-day term with a list of conditions issued by the Select Board to adhere to.

CVAA, CVWM, RPAA, RPWM, CV:

Bog Iron Brewing, LLC
33 West Main St.

Malt Only Pouring Permit
Live Entertainment
MA S.E. for Live Entertainment

Fillmore-Nason Post #8049 V.F.W. of USA
38 Summer St.

CLUB AA
CV
Live Entertainment
Jukebox
Dancing
1 Coin-Operated Pool Table
MA S.E. for Live Entertainment;
Jukebox; Dancing; Coin-Operated Pool Table

Zheng’s International, Inc. d/b/a
Greatwoods Mandarin
175 Mansfield Ave.

CVAA
CV

Mac & Walt’s, Inc.
363 Old Colony Rd.

CVAA
CV
Live Entertainment
MA S.E. for Live Entertainment

MOTION was made by Mr. Snyder to approve/renew the above 2023 licenses as specified on document, 2023 License Renewals, Page 1 (liquor licenses), as presented to the Board on December 14, 2022. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

CV:

Ultimate Pizza, Inc. d/b/a Pizza Tyme
250 East Main Street

CV

Norton Subs, Inc. d/b/a Subway
130 Mansfield Ave.

CV

Chief Simmons mentioned that on February 24th and March 12th the Norton Fire Department will be doing CPR classes at the Fire Department. He clarified that it is an information course not a certification course.

2. Discussion and/or Vote on Veteran Banner Dates.

Mr. Toole explained that their original vote they had set dates to have the veteran banners up. Ms. Artz stated that her understanding is surrounding towns keep them up year-round. Mr. Toole said he would like to make a motion to extend this to year-round.

MOTION was made by Mr. Toole to approve the year-round veteran banners recognition. Seconded by Mr. Snyder. Vote: Unanimous. MOTION CARRIES.

1. 7:15 P.M. – Public Hearing of 2 Sons Auto Brokers, LLC to Determine Whether the Class 2 License for the Sale of Second-Hand Motor Vehicles Issued to 2 Sons Auto Brokers, LLC Should be Modified, Rescinded or Not Renewed.

Ms. Artz opened the hearing at 7:30 P.M.

Ms. Atiya Reed, owner of 2 Sons Auto Brokers LLC, and Terrence Guy (an associate of the company) were present. Attorney Gregg Corbo of KP-Law, town counsel, was in attendance to facilitate the hearing. He stated that this license is to sell second-hand motor vehicles and his understanding was that the establishment is allowed 5 cars on the lot (3 in the front and 2 in the back). He pointed out that the Building Commissioner was present to testify to the number of violations at 2 Sons Auto Brokers. Attorney Corbo mentioned that there are also additional allegations of individuals who have made complaints to the Norton Police Department with dissatisfaction from service they received at the establishment. He added that the building has also been condemned due to a lack of adherence to town codes. Attorney Corbo emphasized that the applicant needs to meet and continue to meet main criteria: proper person to conduct business; licensed business is their principal business; and proper place to conduct such business. Attorney Corbo explained that the Town needs sufficient evidence supporting the allegations and to meet the three criteria previously mentioned. He suggested that the Chair allow the licensee to make an opening statement and then allow the Building Commissioner a chance to speak and respond.

Mr. Guy asked if they could have copies of the allegations because this is the first time they are seeing this and have no record of it. Attorney Corbo shared the information and the licensees took time to review the records. In the meantime, Mr. Toole looked for clarification as to what the definition of a “proper person” was and Attorney Corbo replied that this could pertain to things such as transactions with consumers (including those who are subject to fraud).

Mr. Guy stated that the first incident recorded their establishment didn’t even have a license yet and they had a disagreement with the customer, Lauren Miller, who they ended up buying the car back from her, and made an allegation against the competition across the street stating that they were subject to bullying/harassment; for example, the competition across the street even alleged that they were drag racing down the streets, which he denied being true. He then moved on to address the allegation that 2 Sons Auto Brokers was exceeding the 5 vehicles they were allowed to have on their lot, which they owned up to that being their fault. Mr. Guy explained that the registry was backed up, the registry changed registration deals, and they have nowhere to put the cars because they can’t give them to customers until they are registered. Mr. Guy then addressed the cease-and-desist letter stating that the building was condemned. He informed the Board that they are currently looking for an alternative location on Pleasant Street where the gym is, but they haven’t gotten there yet because they have been going back and forth with their current landlord

and haven't had time to enter into the new lease prior to this meeting. Mr. Guy expressed that they are very upfront and transparent and mentioned that they have sold over 300 cars, have 40 reviews and only 6 or 7 of them were negative. The licensee's attorney, Attorney Adrienne LeCesne of Highland Street in Mansfield, MA suggested that the Select Board have their renewal be subject to having the Board's approval of a new location within 90 days of the issuance of the renewed license.

Mr. Toole advised that he sees two separate issues here: violations and then the transfer of the business location. Mr. Toole stated that he wanted to hear from the Building Commissioner too. Attorney Corbo replied that this was a suitable way to address this. Mr. Guy advised that they are looking to have the extension of 90 days because it will take at least 30-60 days to do what needs to be done, such as a site survey plan, per the instructions from the Building Commissioner. Ms. Artz clarified that it is an annual license, which was confirmed and Attorney Corbo said that if they choose to renew, they can do so with conditions.

Mr. Yunits stated that in his 17 years of experience as a Town Manager/Town Administrator, he has never received so many complaints about a business. He informed the Board that people are coming in and looking for the Town to do something and we refer them to the Attorney General's Office because there is nothing they can do because it is a civil matter. Mr. Guy responded that it was "news to him." Attorney LeCesne suggested that in the future, if there are complaints reported to the Town that they should be communicated to the licensee because the owners were not aware of these issues.

Mr. Toole asked if the cars they sell are cheaper cars, which they confirmed. Mr. Toole then asked if they do financing, and Mr. Guy answered that they do not. Mr. Toole addressed the fraudulent paperwork allegations and Mr. Guy said that it was someone he used to do business with that kept doing fraudulent paperwork, so they cut ties. Attorney LeCesne explained in regard to the cease-and-desist letter issued from the Building Commissioner that there were electrical issues in the building, no working bathrooms, signage for emergency exits lacking, and more. Mr. Guy said that because they can't go in the office, they have only been doing cash deals and if anything, they run inside to make copies quick and that is it.

The Building Commissioner, Mr. Nicholas Iafrate, explained to the Board that he was notified of some issues, so he, the Board of Health Agent, and the Deputy Fire Chief went down and the decision was to revoke the occupancy permit for that property and it serves a 3-unit building due to life-safety concerns. Mr. Iafrate continued explaining that there was also illegal work done with no permits, which was even more cause for them to revoke the occupancy permit. He advised that he has been working with 2 Sons Auto Brokers to get a new location, but in order to do so, they need to get a registered design professional to do a code review in order to see if he can occupy the premises for that use. The Building Commissioner added that they also need a parking site plan done of the building to see how many cars can be parked there. Mr. Iafrate stated that the property at 407 Old Colony Road is zoned to conduct such a business, but until all three units are back in compliance, he is not comfortable issuing an occupancy permit.

Mr. Snyder asked if their license is currently active, which was confirmed and Mr. Iafrate clarified that their license is valid through December 31, 2022. Attorney Corbo referred to the parking situation at the current location and Mr. Iafrate responded that there isn't really any parking at the current location. He reported that initially, they said there were three cars to be parked out front and 2 in the back and since their first day, there has been more than 5 vehicles on the property. The Building Commissioner emphasized to the Board that it has been stated multiple times at multiple visits that they are in violation of their license.

Mr. Toole questioned if they could operate at their current location without an occupancy permit. Mr. Guy replied that his attorney said their business is with the parking of the cars. Attorney Corbo advised that the law says that you can have an internet-based Class II business, but have to look at the fact that potential clients still come there and they still have the parking limitations. Mr. Guy pointed out that they have sold 20 cars since the building was condemned and they don't need the building at all to conduct their business.

Mr. Toole stated that these town officials are willing and able to work with people, so when they are coming to the Board saying that they are concerned, the Board has to take that into consideration. Mr. Toole asked how much time they would need to get into their new location and Mr. Guy said they need a door put in for a separate egress and the process could take 60-90 days. Mr. Iafrate pointed out that the licensee has two separate issues: the license violations and the lack of a building to operate out of where they just happened to fall between issues with landlord.

Attorney Corbo voiced to Ms. Artz that they still are saying on the record that they are admittedly violating their license. He further pointed out that even on their website they are showing 12 cars for sale. Mr. Guy responded that there are now only 5 cars on their property and Attorney Corbo asked where the other cars are and Mr. Guy and Ms. Reid answered that they are at auction lots, mechanic shops' parking lots, etc. Attorney Corbo brought up again they have admitted to continuing to have more than 5 vehicles on the lot. The licensee's counsel stated that there was confusion on his clients' behalf because they thought the 5-car limit pertained to how many vehicles could be for sale not on the lot. Mr. Hornsby suggested giving them 90 days to get to their new location and in the meantime, adhere to their current license by having only 5 vehicles on the lot until they get to the proposed new location and if there are found in violation, the Board will schedule another hearing. Mr. Iafrate showed the original parking plan, which showed how many cars are allowed and where on the lot.

Mr. Snyder recommended that they speak amongst each other as a board now to make a determination because they have heard all the testimony they need to hear. Mr. Toole asked if they could do a short-term 90-day license and see if they can even adhere to that. Attorney Corbo asked where they are going to park the excess vehicles because they have on the record issues about parking. Mr. Guy brought up the issue with the owner of Oasis about unloading a car off a tractor trailer. Attorney Corbo pointed out again that they have repeatedly said that they have more than 5 cars on the lot.

Mr. Iafrate was asked by Mr. Toole what he thought of them operating without a building. Mr. Iafrate said it is a double-edged sword. The Building Commissioner clarified that it doesn't matter if the cars aren't on their lot, if they are garaged at another location within town, he needs to know where they are because it matters to him.

Mr. Hornsby expressed that they can all probably agree that their license renewal, if approved, won't be for 12 months. Mr. Toole recommended 90 days and number the spots where they can park. Mr. Snyder asked about the two items of proper person and proper property location. Mr. Snyder said to address the first one, for a license renewal he doesn't know if it is cut and dry or clear. Mr. Snyder stated that he is not particularly in favor of customer service complaints being a reason to not renew license; however, there may be customer service issues with behaviors that may be illegal, but expressed that he wasn't sure if he is necessarily seeing this here. Mr. Yunits informed the Board that he has had complaints of a back-dated title, lemons that they wouldn't deal with them on, and more. Mr. Yunits pointed out that the landlord could tell them they can't number parking spots. Attorney Corbo said he doesn't know how numbering the spots is going to help. Mr. Snyder said the next question is the suitable property location and expressed his opinion that he doesn't think it is a suitable property, but the idea of moving to a different location is a

different conversation. Mr. Snyder further expressed a concern with granting a 90-day license and monitoring the cars on the property during the 90 days, but acknowledged that this is also someone's livelihood to consider and wants the business to be successful.

The Board discussed with town counsel the following possible conditions to add to said license:

- 90 days
- 5 cars (parking spots numbered)
- Police monitoring
- Public hearing if there are too many cars
- Last January meeting invite back to come back with progress report

MOTION was made by Mr. Hornsby that the board vote to temporarily renew the license for period of 90 days subject to the following conditions: 1) receipt of application to transfer to new location shall be received prior to expiration of 90 days; 2) limit of 5 cars on the property (3 in the front and 2 in the back); 3) cars parked only in numbered spaces (either painted or with signs); 4) no customers allowed in the building; 5) police involvement in complaints with notice to business owner; and 6) written monthly progress reports on the status of the transfer to the Town Manager. These conditions may be modified by the Select Board after a public meeting and with notice that it is highly unlikely that the license will be approved with this as a permanent location. Seconded by Mr. Snyder. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Hornsby to close the public hearing at 8:37 PM. Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.

1. 7:45 P.M. – Public Hearing of Goosebrook Garage & Recycling L.L.C to Determine Whether the Class 2 License for the Sale of Second-Hand Motor Vehicles and the Class 3 License for the Sale of Junk Automobiles and Parts Issued to Goosebrook Garage & Recycling L.L.C. Should be Modified, Rescinded or Not Renewed.

MOTION was made by Mr. Toole to open the Public Hearing of Goosebrook Garage & Recycling L.L.C to determine whether the Class 2 License for the Sale of Second-Hand Motor Vehicles and the Class 3 License for the Sale of Junk Automobiles and Parts Issued to Goosebrook Garage & Recycling L.L.C. should be modified, rescinded or not renewed at 8:37 P.M. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

Attorney Corbo explained that there are longstanding issues with this establishment and now the Department of Environmental Protection (DEP) issued a Notice of Non-Compliance. He informed the Board that the licensee purchased the business in 2011 and now it is 2022 and most if not, all conditions still exist and may be considered worse. Attorney Corbo advised that this is a junk and stockpiling business rather than the sale of junk parts. Attorney Corbo reiterated that they have to determine three things: proper person; principal business; and that they have a suitable place of business. Attorney Corbo explained that the Town acknowledges noncompliance, but now the question of the Town is what happens if the property is abandoned, which is understandable. He advised that if the Board votes to not renew the license(s), the items there cannot stay and the owner would have to move it and if they don't, they will be subject to further violations of law and fines.

Mr. Kenneth Gilchrist came before the Board and said he had to apologize because for the past two years. He informed the Board that he was in a motorcycle accident and then recently found out that his father, who they thought suffered from a stroke, actually has "herpes of the brain" and then

he had a heart episode in May. Mr. Gilchrist reported to the Board that he is in the works with addressing the septic issues and has a letter from an individual doing the work stating that due to his health issues, they haven't been able to connect. He added that he also contacted Safety Clean today. Mr. Gilchrist stated that he gets an uncomfortable feeling when town officials come onto his property and specifically has a problem with Deputy Fire Chief Jason Robbins because he felt like things were being pushed against him and even has incident reports with the Fire Department. He clarified that there wasn't a report from the day Mr. Iafrate came in with the confrontational issue. Mr. Gilchrist expressed that he is trying to move forward. He continued explaining that he has a contract with a company to take away some of the vehicles to be able to move things. Mr. Gilchrist lastly stated that this is a forward progression and apologized.

Mr. Toole said that he was looking at letters that dated back to 2007. Mr. Gilchrist replied that he got this property in 2006 and the plan was to get things going and the estate had a purchase agreement with someone else. He mentioned that he had the land tested. He informed the Board that there were over 30,000 tires that were there, a squatter was living in the garage who ended up killing himself, and he broke the electric so he had electricity in there even though they didn't. Mr. Gilchrist explained that the squatter was a drunk, so if people were willing to give him beer, he let them dump in there. He came to the Board with pictures of a large pile of tires, and he advised that he has spent most of his years there clearing out tires. Mr. Gilchrist admitted that the septic issue he forgot about and is working to get it straightened out. Mr. Snyder asked when Mr. Gilchrist got the license and Mr. Gilchrist answered that he got it in February 2012. Mr. Gilchrist gave a history of the property, including the taking of ownership, and mentioned that he just got the letter from DEP yesterday. Attorney Corbo asked if he was making sales from this property, which Mr. Gilchrist confirmed they do. Attorney Corbo asked if they have receipts of these sales, which Mr. Gilchrist confirmed they do.

Mr. Toole said he is pro-business and asked the licensee when he thought he could get this all cleaned up. Mr. Toole proposed giving him 6 months to get this cleaned up because this has been an ongoing battle. Attorney Corbo said to this point, they should hear from town officials to hear what has to be done from inspections' standards; he stated that he was looking at a list of conditions from 2016 that needed to be done and nothing has been done.

The Board of Health Agent, Mr. Christian Zahner, advised that there is a letter from 2011 with a list of violations/conditions. Mr. Zahner informed the Board that in 2011, the septic failed and his predecessor said the work needed to be done in July 2011, he didn't give a passing Title V, in August of 2011 a letter was sent saying the client didn't accept it, and then Mr. Gilchrist told him he would be replacing the septic within the year and that still hasn't been done. Mr. Zahner reported that the well water hasn't been tested in "god knows how long" (he asked two years ago and still nothing). The Board of Health Agent advised that their response was they drink bottled water, but that doesn't solve the problem. Mr. Zahner informed the Board that there is a port-o-potty on the property to solve the bathroom issue (or lack thereof) and told them they need to provide receipts showing that it is being pumped and that has yet to be serviced. Attorney Corbo asked when the last time they were there and Mr. Zahner replied that it was a while ago because DEP asked them to step back. Attorney Corbo asked if the well water there services residents and he said to be there they need to make sure they have running water. Mr. Toole asked if the port-o-potty is even usable at this point and Mr. Zahner answered that to be honest, he didn't think they were using it and were actually using the toilet in the garage.

Deputy Fire Chief Robbins stated that there were oil tanks allowing water to get in them, propane bottles, etc. He told the Board that if they looked at the Order of Conditions, most of them date back to his writing in 2010 and he hasn't done what he said he was going to do, with the exception of moving the tires, which he confirmed was done, but now they have police escorts when visiting

the site because they have good visits and not so good visits. He spoke from the Fire Department's side with the open oil and propane tanks, and advised that the only thing he has done is have the propane tank and oil tank outside inspected. Deputy Chief Robbins pointed out that there are still issues from burning sludge from waste oil tanks that they take on the wood stove inside the building, which he expressed is certainly not what it is made for. He added that the heating system inside the building needs to be inspected. He added that if there was ever a fire issue they had to respond to there, they will have a problem with the wading river and drainage runoff. Deputy Chief Robbins advised that Mr. Gilchrist was supposed to (and to the best of his knowledge the work has still not been done) was he was supposed to put some of these things into corrals to easily identify them and this still hasn't been done as far as he has heard.

Mr. Iafrate stated that his main concern is the garage. He advised that there was a fire in that garage before where people had a hard time getting out of there. He mentioned that the heating system vent was done with no permit. The Building Commissioner referenced the original letters written in 2010 and 2011 where there was a list of conditions, which they were working on 2 years ago and haven't seen anything and finally DEP came in said they were going to take it and run with it. Mr. Iafrate noted that they haven't been to the site in quite some time, but that is because DEP was taking over. Mr. Toole asked about the concern with the occupancy permit and Mr. Iafrate replied that they are not far off from the last visit (gave them benefit of the doubt with the port-o-potty) and without proper sewer disposal system, that is enough grounds to shut them down.

Deputy Chief Robbins pointed out that while Mr. Gilchrist is claiming that he just got DEP's letter, they have had an open Order of Conditions for 2 years and nothing has been done. Attorney Corbo asked if there were any Conservation issues they were aware of. Mr. Iafrate replied that the prior Conservation Director went to the property and the current Conservation Director, but he can't speak on their behalf.

Attorney Corbo explained that both the Class II and Class III are businesses with the understanding of buying and selling second-hand motor vehicles and buying and selling of parts. Attorney Corbo questioned what the actual business is after reviewing the pictures of the property (what is being bought or sold). He added that if there isn't anything being sold, then the property is being used as a junkyard. Mr. Snyder agreed that he doesn't see motor vehicles being sold out of this property.

Mr. Toole stated that with this one, he can't even get to thinking this is a proper place of business because this has been going on for far too long and improvements are being made to try and make it better, but it has gotten to the point where DEP is involved. Attorney Corbo pointed out that the septic issue dates back to 2011 and that still is not solved.

Ms. Artz asked if they don't renew what happens. Attorney Corbo answered that Goosebrook Garage & Recycling LLC would no longer have a right to keep anything, particularly junk, on the property. Mr. Toole said they have the best inspectors and work to get to a "yes" and when they come to them and say that they are done, the Board has to listen. Mr. Snyder pointed out that if the Town doesn't do something, someone could get hurt. Mr. Snyder expressed that he doesn't think that they can issue a license to an unsuitable business plus the location is not suitable.

MOTION was made by Mr. Toole to deny the licenses based on the fact that this is not a suitable location for the licensed businesses based on numerous violations of Building, Health, and Fire and Environmental Codes as testified to with this hearing, that said violations create a serious risk to public health and safety, that these conditions have existed and not been corrected in more than 10 years, and the fact that the property is being used for the storage and stockpiling of junk and debris rather than for the sale of second-hand

motor vehicles and/or parts thereof for Class II license for the sale of second-hand motor vehicles and Class III license for the sale of junk automotive and parts issued to Goosebrook Garage & Recycling LLC. Seconded by Mr. Hornsby. Vote: Mr. Toole – Yes; Mr. Hornsby – Yes; Mr. Snyder – Yes; and Ms. Artz – Yes. MOTION CARRIES.

MOTION was made by Mr. Toole to require Goosebrook Garage & Recycling of Dean Street to remove all junk debris and vehicles from the property within one year. Seconded by Mr. Hornsby. Vote: Mr. Toole – Yes; Mr. Hornsby – Yes; Mr. Snyder – Yes; and Ms. Artz – Yes. MOTION CARRIES.

Mr. Toole requested through the Chair that in the letter being sent to Goosebrook Garage & Recycling LLC that it includes that the Board encourages the them to come back if they address the issues that they have spoken to this evening and bring a business plan, and the Board would be open to revisiting issuing a license to him if these conditions were adhered to.

MOTION was made by Mr. Hornsby to close the public hearing at 9:36 P.M. Seconded by Snyder. Vote: Unanimous. MOTION CARRIES.

2. Special Election:

- a) Discussion and/or revote to set hours from 9:00 AM – 3:00 PM; and
- b) Discussion and/or vote to opt out of vote by mail.

Mr. Snyder asked what the reasoning was behind it and the Town Clerk, Ms. Lucia Longhurst, answered that it was to cut costs, which she anticipated to be a savings of \$1,000. She added for further comment that she didn't anticipate a huge turnout. Mr. Snyder said he had concerns with this and limiting voting for any reasons. Mr. Snyder said he knows it is only an hour, but if it is going to be a result of less people voting, he wouldn't be voting in favor of that. He said this was going to come up with the mail-in discussion as well.

Mr. Toole said he would support the Town Clerk and what she thinks is best, but he understands his concerns. Mr. Snyder expressed that he already felt like the hours were limited and wanted to think about again giving as much opportunity to vote and pointed out that a typical voting day is usually 13 hours.

MOTION was made by Mr. Toole to take the Town Clerk's recommendation for the Special Election at the Norton Middle School to be from 9:00 A.M. to 3:00 P.M. Seconded by Mr. Hornsby. Vote: 2-2. MOTION FAILS.

MOTION was made by Mr. Toole to reconsider the question. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Toole to approve the time change from 9:00 AM – 3:00 AM. Seconded by Mr. Hornsby. Vote: Unanimously opposed. MOTION FAILS.

Mr. James Slattery expressed his opinion to the Select Board that there wasn't due consideration of holding a special election with the argument being that you are going to give someone only 3 more meetings and spend \$10,000 to do so. He further stated that the prospective individuals interested in running in April could simply watch or attend the Select Board meetings until then. Mr. Slattery lastly requested that the Board reconsider the special election.

In response, Mr. Toole stated that he understands Mr. Slattery's concerns that he voiced from residents, but at this point it is a little late to cancel a special election.

Mr. Snyder added that while he understands it will cost money and the costs associated with that, the vote by mail option is another way to get more voters to vote and it is a safe process. Mr. Toole said at this point, he didn't think the Town Clerk's Office is going to have the time to get the ballots out. Mr. Yunits said that residents can always contact the Town Clerk's Office requesting an absentee ballot and vote that way.

Ms. Longhurst informed the Board that with the mail-in ballots, she is going to have to hire more manpower in order to get these out and emphasized that she fully intends to have the vote by mail option for the April election, but to get all these requests and keep manpower and counting and tabulation done for the special election and getting the staff in there and the costs, it is just going to be higher plus the cost for postage.

MOTION was made by Mr. Toole to vote to opt out of vote by mail. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

5. Update from the Chair of the Permanent Building Committee on the New Town Hall and Senior/Community Support Center.

Mr. Slattery reminded the Board that in a letter sent to them back in March, it listed 5 things that the Permanent Building Committee (PBC) were not responsible for. He advised that the first one was the sewer line. The second item was to start working on the fiberoptic network for the new buildings. The third responsibility was digital access to the office files and addressing the storage issues. Mr. Slattery then listed off the shredding of some materials. Lastly, he mentioned the Police Department's fencing and pointed out that they currently don't have fencing. He suggested that this be taken out of the Police Department's budget, not the Town Hall project's budget.

Mr. Slattery reported that the last PBC meeting, they were changing the plans and it came up that the Fire Department wants locked scissor gates for the entrance(s) and exit(s). He advised the Board that when the PBC asked about it, they were told that it was because the architect suggested it. Mr. Slattery mentioned that he went to the Water/Sewer Commission meeting last night, and the immense amount of paperwork that came to the surface between the OPM, the Water/Sewer Superintendent, and Water/Sewer Commission was immense.

6. Discussion and/or Vote on Meeting Day and Location.

Mr. Snyder voiced his concern of having enough space for attendees in the proposed Second Floor Meeting Room. Mr. Yunits said there are chairs up there that they setup for the meetings. Ms. Artz stated that as far as the days of the week, earlier in the week was easier for her. Mr. Toole said he knows that some of the staff asked to switch to Thursdays because they are already there later, so they don't have two late nights and moving back to the second floor in Town Hall makes the Select Board more visible in the building to residents, patrons, and employees. In support of switching to Thursday evenings, Mr. Hornsby pointed out that Fridays are their short days too. Mr. Hornsby advised that he would prefer Thursdays. Mr. Toole said he enjoyed Wednesdays, but he would do whatever worked best for everyone. In the end, the Board agreed that starting at their first meeting in January, they would switch to Thursdays and holding their meetings in the Second Floor Meeting Room.

MOTION was made by Mr. Snyder to change the Select Board meeting days to Thursday nights and to move them to the Second Floor Meeting Room of the Town Hall starting the first quarter of 2023. Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.

8. Marijuana Establishment Updates, Host Community Agreement (HCA) Updates:
 - a) Exit 10
 - b) Queens Bridge
 - c) Lucky Green Ladies LLC
 - d) Marijuana Delivery Operator License
 - e) Review and Discuss previous Select Board Vote (11/19/2020) on option to reengage with Lucky Green Ladies on a retail license
 - f) Update on recent legislation
 - g) Discussion and/or vote on Select Board member to represent the Board in HCA negotiations.

Mr. Yunits reported the following:

- Exit 10 LLC's license expired in November and the limited liability company was dissolved.
- Queensbridge's license was approved in December of 2021. They had a good meeting this week with department heads to review and prepare to finalize their plans.
- Lucky Green Ladies (LGL) is moving forward with their delivery and operator license. Included a copy of the vote taken on November 19, 2020 that if another retail license were to become available, then they would like to see Lucky Green Ladies get that license. They are attending the Economic Development Commission's (EDC) meeting on Monday.

Ms. Deley reminded the Board that the vote that was previously taken by them was that if they have enough retail or if one of the companies didn't come to fruition within a few years, which Exit 10 LLC did not, or if more retail licenses became available through special legislation, then rather than engage in the Request for Information (RFI) process and put together a subcommittee, the license would go to Lucky Green Ladies for Host Community Agreement (HCA) negotiations.

Ms. Deley asked if the Board would be taking a vote this evening. Mr. Toole said he would be in favor of doing so based off of the prior vote. Mr. Hornsby asked who would be involved in those negotiations, which Mr. Yunits said he would.

MOTION was made by Mr. Toole for the Town Manager to enter into HCA negotiations with Lucky Green Ladies. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

Ms. Deley informed the Board that the Town has been in negotiations with LGL for the past 8 months and hopefully they will be wrapping this up within the next month and will provide information once it is available. She expressed her opinion that she thinks this would be a good move for the Town. Ms. Deley reiterated that LGL mentioned that they are going to be on the EDC's agenda. She pointed out that due to the location change of the license, they will need to go through the proper steps with Police Chief Brian Clark, prepare traffic and parking plans, etc. Ms. Deley lastly reported that the owner of LGL did close on the property this month.

- Discussion and/or vote on Select Board member to represent the Board in HCA negotiations:

Ms. Artz stated that the last time they spoke, she thought that they said that any board member could be present to these negotiations. Mr. Toole said that it is in the bylaw that it is the executive body that is responsible for negotiating HCAs. Mr. Yunits advised that it would be good to have someone from the Board, so they can come back with a draft HCA to be approved. Mr. Toole advised that he was on the EDC when they developed the process and Mr. Snyder has been

involved a little bit as well. Mr. Toole volunteered himself as the Select Board representative for the initial negotiations of HCAs. Mr. Hornsby reported that there has been confusion amongst residents because they thought the EDC was responsible for this, but it is actually the Select Board.

Ms. Deley said that she thinks that the interpretation isn't entirely accurate because they have had conversations with Attorney Amy Kwezell of KP-Law about this because ultimately the Select Board has to be the approving body. She stated that the interpretation is that the Board doesn't negotiate, but ratifies. Mr. Snyder said that was his understanding as well.

Mr. Hornsby stated that he didn't think it would hurt to have a Select Board member appointed as a representative, especially if they have a member willing to participate. Mr. Toole said that these HCAs are important and a member of the Select Board should be involved in the negotiations. Mr. Hornsby pointed out that attending the negotiation meetings versus having a say in the meeting are two different things. Mr. Hornsby stated that the bylaw clearly says it and again, they have a Select Board member willing to do it and questioned why it is an issue or a problem to appoint him. Mr. Snyder replied that he was worried about slowing the process and getting less work done.

MOTION was made by Mr. Hornsby to nominate Mr. Toole as the Select Board representative to the HCA negotiations and have Ms. Deley remain on for an additional 6 months.

Mr. Hornsby withdrew his motion.

Mr. Snyder asked if the Board's intent would be to remove Ms. Deley from negotiations with doing this, and Mr. Hornsby and Mr. Toole clarified that it would. Ms. Deley said that this isn't from her as Chair of the EDC, but as the Select Board representative. Ms. Deley suggested adding Mr. Toole, keeping herself and Mr. Yunits in their current positions in negotiations to allow for a transition period, and then eventually she would be removed. Mr. Toole said he had no problem with that, but he asked that he be the appointee from this Select Board. He acknowledged the great work Ms. Deley has done, but also recognized that this has to be a living process. Mr. Toole emphasized that the bylaw says "The executive body of the municipality is responsible for negotiating the host community agreement on behalf of the municipality." He stated that they are tied by their bylaws and their Charter and emphasized that they are setting a bad precedent.

The Board agreed to revisit this after the special election and have town counsel involved to get more information. Mr. Hornsby said he still doesn't understand why this was such a point of contention and that it should have been a five-minute conversation. Mr. Snyder responded that it was because they have someone involved in the negotiations that is doing an "extremely great job" and to take her out of the equation has serious consequences.

B. Old Business

1. Discussion and/or Vote to Accept Donation from Heather McKibben.

Captain Michael Wilson gave an overview of Nero's Law and the donations made by Heather McKibben of K9 muzzles. He informed the Board that every year she comes through to donate to the Police Department and the Fire Department for the dogs. Ms. McKibbin said she started Heather Fest back in 1994. Now, she has had 9 bands, who have either won Grammy awards or other types of music awards. She said at first it was first responders (police and fire) and also dogs.

MOTION was made by Mr. Hornsby to accept the donation from Heather McKibben. Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.

2. Discussion on Letter to Moderator Regarding the Appointment Process of the Finance Committee.

The Board approved the letter, agreed to send it to the Moderator, and read it into the record as follows:

Dear Mr. Moderator,

The Selectboard wishes to follow up with you regarding the discussions of transparency raised at the Monday, October 19th Fall Town meeting during debate on “Article 12 Creation of a Finance Appointing Committee”. While the article failed to capture the required votes for adoption, debate by citizens and post meeting discussions of the Selectboard all seem to favor improving the transparency of the current appointing process.

The Select Board would like to make the following recommendations:

1. When a Finance Committee position opens, The Moderator will post and share the vacancy online and town website and will request that the vacancy be announced at the next 1 or 2 meetings of Selectboard, School Committee, and Planning Board.
2. The vacancy be posted and remain open for a minimum of 30 days to allow for citizens to consider applying for the vacancy.
3. Once the moderator completes his/her interview and a selection is made, he/she will come to the next scheduled Selectboard meeting to inform the board of his/her selection and allow questions to be asked by the Selectboard or Public.

By implementing these changes, the Selectboard feels it keeps The Moderators “power” intact, and raises the visibility of the vacancy, and allows a public discussion on the selection.

While the Selectboard’s recommendations are not binding, we hope you work to improve the process and implement the proposed suggestions. If you would like to discuss further, we invite you to a future Selectboard meeting so we can discuss.

C. Town Manager’s Report

1. Special Legislation Liquor License Update.

Mr. Yunits advised that it has moved from the House to the Senate.

2. Grant Update.

The Town Manager informed the Board that the Fire Department received a \$18,595 grant. He stated that Deputy Fire Chief Michael Wilson did the work for the writing of the grant. This is for a testing machine to make sure the masks they wear fit properly.

3. Rail Trail Update.

Mr. Yunits stated that the first preconstruction conference they awarded the contract to Ricon Construction and the anticipated completion date is that June 13, 2025.

Mr. Yunits mentioned to the Board that the Town got a housing update from the Department of Housing and Community Development (DHDC) and the Town is above the 10% threshold.

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

Mr. Toole reported the following:

- Message from a Mr. Kearns about paving Peckham Street and Bishop Street in Attleboro inquiring about the traffic flow. He stated that he has spoken with Mr. Yunits and that doesn't seem to be a big issue.
- It was brought to his attention by residents that there was a squatter or homeless person staying near I-495. He stated that if anyone sees this individual, they should contact the Police Department. He advised that he spoke with Chief Clark and the Police Department works with people in these situations and they don't just kick people out, and they try to transition them.
- There was an article in yesterday's Sun Chronicle, which he stated he wasn't going to get into, but he wanted to say a few things. He said that the Board is not a mess; they are going to dissent and are not always going to agree, but their "dirty laundry" is required to be aired in order to adhere to Open Meeting Law (OML). Mr. Toole commended the Chair because she has taken what she heard and has made some changes.

IX. **Warrants**

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

- A. Invoice Warrant AP23-23 dated December 8, 2022, in the amount of \$1,851,986.97.
- B. Payroll Warrant PR23-12 for the week ended December 10, 2022, Warrant dated December 15, 2022, in the amount of \$1,738,840.38.
- C. Invoice Warrant AP23-24 dated December 15, 2022, in the amount of \$3,649,508.73.

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** – December 28, 2022 – 2023 License Renewals; Budget timeline and preliminary financial information; Joint meeting with Planning Board. **7:15 P.M.** – Public hearing on the application for a transfer of the Common Victualler License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises, at 175 Mansfield Avenue, Suite 4, Norton, MA 02766, from Zheng's International, Inc. d/b/a Greatwoods Mandarin, Manager: Feng Zheng, to Norton Jade LLC d/b/a Norton Jade, Manager: Jin Lu, same address.

XII. **Executive Session.**

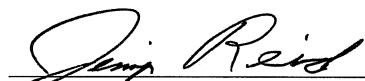
There was no executive session.

XIII. Adjournment.

**MOTION was made by Mr. Hornsby to adjourn the Select Board meeting at 11:02 P.M.
Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.**

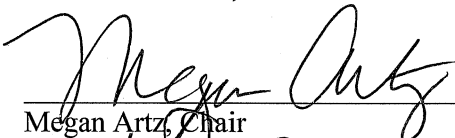
URL Link: <https://www.youtube.com/watch?v=Corr8qWjAVk>

Respectfully Submitted by:

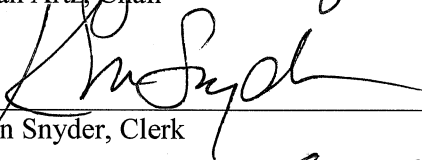


Jennifer Reid, Office Administrator

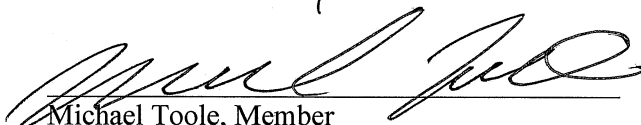
**SELECT BOARD
MINUTES OF MEETING
DECEMBER 14, 2022**



Megan Artz, Chair



Kevin Snyder, Clerk



Michael Toole, Member

Steven Hornsby, Member

Minutes Approved by Board on: December 28, 2022