



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

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Select Board  
Meeting Minutes  
December 28, 2022

I. **Call to Order by Chair**

The December 28, 2022 meeting of the Norton Select Board was held in the Second Floor Meeting Room of the Norton Town Hall 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 Mr. Kevin Snyder, Clerk. Member(s) present: Mr. Michael Toole and Mr. Steven Hornsby. Also in attendance: Mr. Michael D. Yunits, Town Manager.

The Planning Board meeting was called to order at 7:00 P.M. by Mr. Timothy Griffin, Chair. Members present: Mr. James Artz, Mr. Allen Bouley, and Ms. Laura Parker. The following members were present in-person: Mr. Wayne Graf and Mr. Eric Norris.

II. **Appointments/Resignations/Retirements**

1. Joint Meeting with the Planning Board – Interview Candidate(s) and/or Vote to Appoint Member to the Planning Board.

Mr. Snyder explained that the boards received a letter of interest from Mr. Kevin O'Neil to fill the vacancy in the interim between now and the town election in April; however, in the meantime, the boards received a second letter of interest from Mr. Daniel Horgan.

Mr. Snyder asked Mr. O'Neil if he was still interested in the filling the position for the interim. Mr. O'Neil answered that he was interested, but if Mr. Horgan was willing and wanted to serve past the April election, he would agree to having Mr. Horgan fill the position. Mr. Horgan stated that he would like to serve on the Planning Board past the April election and explained that he and his wife moved to town in 2021 and they love it and would like to contribute towards maintaining the standards of the Town.

Mr. O'Neil pointed out that for special permits, it requires at least 5 members to vote; so right now, they can only have one member of the Board be missing from any given meeting. He further stated that for these special permits, you have to be there from the beginning to the end or you can't vote. Additionally, Mr. O'Neil pointed out that a lot of these special permits take multiple meetings, so consistent attendance is crucial. Mr. O'Neil emphasized that he didn't want to hold up any of the developers or projects by serving on the Planning Board only for a few months if they have a candidate willing to serve past the April election because he is not looking to serve long-term.

Mr. Toole asked if there was room for alternates where at least if they attended all the meetings, they could have some voting power when necessary. Mr. Hornsby answered that Planning Board members are allowed to miss one meeting, but they have to sign a form attesting that the member went back and watched the meeting in order to vote; however, if you miss two or more meetings, you can't vote. Mr. Griffin agreed with Mr. Hornsby and added that is through the legislation of

the Mullen Act where Planning Board members are allowed to miss one meeting per project (for lack of a better term) and if you watch the meeting you missed and signed the form stating as such that you can still participate in that decision. Mr. Griffin reiterated that if you miss more than one meeting, then you can't participate in that decision.

Mr. Toole asked whose vacancy this position would be filling and Mr. Griffin answered Mr. [Bill] Marr. Mr. Hornsby clarified that this wouldn't be to fill the remainder of Mr. Marr's term, but rather would just be until the April election, which Mr. Yunits confirmed.

Mr. Griffin asked Mr. Horgan why he would like to serve on the Planning Board. Mr. Horgan replied that he loves the town and wants to invest in its future. He shared a little about himself stating that he coaches three seasons of running for Mansfield High School. Mr. Hornsby stated that his only question was if he would be running again in April, but he already answered that. Mr. Horgan stated again that he would be and clarified that his original plan was to run in April, but when he saw this opportunity come up, he thought it would be a good learning experience prior to April. Mr. Griffin asked in reference to his coaching job for the Town of Mansfield if there would be any conflict with their meetings that are regularly scheduled for Tuesdays at 7:15 P.M. Mr. Horgan answered that there would absolutely be no conflict with his schedule.

Ms. Parker asked Mr. Horgan why he chose the Planning Board specifically to serve on. Mr. Horgan replied that he sees the impact this board has on the Town and that he has been following the meetings and he sees a lot of the decisions that are made, the signs around town, and knows the importance these decisions have for both residents and businesses alike.

**MOTION was made by Mr. Bouley to appoint Danny Horgan to the Planning Board until the April 8<sup>th</sup> election. Seconded by Mr. Graf. Vote: Mr. Bouley – Yes; Ms. Parker – Yes; Mr. Artz – Yes; Mr. Norris – Yes; Mr. Graf – Yes; and Mr. Griffin – Yes. MOTION CARRIES.**

**MOTION was made by Mr. Toole to appoint Danny Horgan to the Planning Board until the town election in April. Seconded by Mr. Hornsby. Vote: Mr. Toole – Yes; Mr. Hornsby – Yes; and Mr. Snyder – Yes. MOTION CARRIES.**

2. Appointment of Brian Spangler to the Zoning Board of Appeals.

Mr. Spangler advised that he has lived in town since 2014 and has been involved with the Town's Emergency Management Agency for the past few years and most recently on the Board of Surveyors. He informed the Board that he has been a licensed architect in Massachusetts since 2016, which ties into his interest in serving on the Zoning Board of Appeals (ZBA).

**MOTION was made by Mr. Toole to appoint Brian Spangler to the Zoning Board of Appeals for the open seat. Seconded by Mr. Hornsby. Vote: Mr. Toole – Yes; Mr. Hornsby – Yes; and Mr. Snyder – Yes. MOTION CARRIES.**

3. Resignation of Frank Durant as the Director of Parks and Recreation.

Mr. Snyder announced the unfortunate resignation of Mr. Frank Durant as the Director of Parks and Recreation. He mentioned that the part-time position has been posted for anyone interested. Mr. Toole added that for those interested, they can submit their resume to the Town Manager and asked Mr. Yunits to give a brief description of the position. Mr. Yunits acknowledged the great

work Mr. Durant has done and expressed appreciation for all his hard work. The Town Manager explained that the position is right now budgeted for 25 hours per week, although, there are more hours during the summer when the pool is open, which entails more supervisory hours. Mr. Yunits advised that for those interested, the position is posted on the Town website as well as the Massachusetts Municipal Association's (MMA) website. Mr. Toole also acknowledged the hard work that Mr. Durant contributed towards the Town.

4. Resignation of Paula Raneri from the Council on Aging.

Mr. Snyder announced the resignation of Ms. Paula Raneri from the Council on Aging (COA). Mr. Toole thanked Ms. Raneri for all her years of service.

III. **Minutes**

Approve Minutes, including but not limited to:

1. December 13, 2022; and
2. December 14, 2022.

**MOTION was made by Mr. Toole to approve the minutes of December 13, 2022 and December 14, 2022. Seconded by Mr. Hornsby. Vote: Mr. Toole – Yes; Mr. Hornsby – Yes; and Mr. Snyder - Yes. MOTION CARRIES.**

IV. **Licenses and Permits**

1. 2023 License Renewals.

Before the Select Board voted on the 2023 license renewals, Mr. Toole wanted to take the time to thank Ms. Jennifer Reid, the Select Board's administrator, for all the work she has done with the license renewals of the Select Board's Office. He explained that this used to be a real "Herculean task," and clarified that while it still is, but she makes it look easy. He expressed that she tackles it. Mr. Toole pointed out that they are wrapping up voting on these where in prior years, they would be going some time into January, so now that doesn't happen. He thanked Ms. Reid again for the work she has done.

The 2023 License Renewals specified on the "2023 License Renewals" document presented to the Select Board at the December 28, 2022 Select Board meeting were all approved as written.

CV:

New England Rodeo  
185 N. Washington St

CV  
Live Entertainment

Swamp Donkeys LLC  
113 Mansfield Avenue

CV

**MOTION was made by Mr. Toole to approve/renew the above 2023 licenses as specified on document, 2023 License Renewals (common victualler licenses), as presented to the Board on December 28, 2022. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.**

CLASS I, II, AND III:

Exit Leasing LLC  
253 Mansfield Avenue

Class II

N.E. Autos Inc.  
350 Old Colony Road

Class II

**MOTION was made by Mr. Toole to approve/renew the above 2023 licenses as specified on document, 2023 License Renewals (class I, II, and III licenses), as presented to the Board on December 28, 2022. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.**

V. **Announcements**

Mr. Snyder announced that the Town has a part-time Assistant Animal Control Officer position opening for those who may be interested. He advised that the position requires a high school diploma, a working knowledge of animals, especially dogs, Associate's Degree in Science or Animal Science is preferred, and an ability to communicate well with the public under a variety of conditions is necessary. Mr. Snyder advised that the position is part-time and pays \$20 per hour. He stated that for those interested, they can contact the Town Manager. Mr. Yunits advised that the person who was previously in the position did a great job, but the part-time firefighting job she had just became full-time for her.

VI. **Business**

A. **New Business**

1. Discussion and/or Vote to Approve the Amended Settlement Agreement with Carroll Advertising.

Mr. Yunits explained that since the Select Board and Planning Board voted to approve the Settlement Agreement with Carroll Advertising, American Outdoor came back and they amended the agreement. He advised that it would be the same amount of money (\$250,000 for the next sign and \$450,000 if they put up a third sign), but rather than get the payment in a lump sum, they will be spreading the payments out over 10 years; so, it will be \$25,000 a year for 10 years for the \$250,000 and for the other sign it would be \$40,000 a year with \$50,000 in the last year. Mr. Hornsby asked if there was a reasoning behind this and Mr. Yunits answered that it was just for financial reasons. Mr. Toole advised that he did speak with the Town Manager and Town Accountant about the placement of these funds upon receipt, and the Town Accountant stated that the Town could ask for it as a donation because then the Select Board could designate that these funds be put in a separate account for what they see fit.

Mr. Yunits asked that when taking the votes that each respective board include in that vote to designate the Chair to sign the Settlement Agreement.

**MOTION was made by Mr. Toole to have Mr. Snyder, acting Chair, sign the agreement for Carroll Advertising, while the Chair is absent. Seconded by Mr. Hornsby. Vote: Mr. Toole – Yes; Mr. Hornsby – Yes; and Mr. Snyder – Yes. MOTION CARRIES.**

**MOTION was made by Mr. Bouley to authorize the Chair of the Planning Board to sign the amended Settlement Agreement with Carroll Advertising. Seconded by Ms. Parker. Vote:**

**Mr. Bouley – Yes; Ms. Parker – Yes; Mr. Artz – Yes; Mr. Graf – Yes; Mr. Norris – Yes; and Mr. Griffin – Yes. MOTION CARRIES.**

2. **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.

The public hearing was opened at 7:30 P.M. by Mr. Snyder.

Attorney Ann Marie Johnnene, counsel for the applicant, and Mr. Jin Lu, proposed Manager of Norton Jade LLC, along with her husband were present. Attorney Johnnene explained that this was a very straightforward transaction where the licenses were being transferred from Greatwoods Mandarin to Norton Jade LLC and they would be keeping the same footprint and hours of operation. She advised that they do have an assignment of the current lease that is good through 2037, which begins February 1<sup>st</sup>. Attorney Johnnene explained that Ms. Lu is the proposed manager of the establishment and is the sole manager and member of the limited liability company (LLC). She informed the Board that Ms. Lu has been running restaurants since approximately 2007 and her husband will be working at the establishment with her.

**MOTION was made by Mr. Hornsby to close the public hearing at 7:35 P.M. Seconded by Mr. Toole. Vote: Mr. Toole – Yes; Mr. Hornsby – Yes; and Mr. Snyder – Yes. MOTION CARRIES.**

**MOTION was made by Mr. Toole to approve the application of the 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. Seconded by Mr. Hornsby. Vote: Mr. Toole – Yes; Mr. Hornsby – Yes; and Mr. Snyder – Yes. MOTION CARRIES.**

3. Review and/or Approve Lucky Green Ladies HCA Amendment 1.

Mr. Snyder advised that there were still some details being worked out with this amendment and they are not ready to come before the Board and Mr. Yunits confirmed this. The Town Manager advised that they will put this on a future meeting agenda when it is ready.

4. Discussion and/or Vote on Select Board Policies and Procedures.

Mr. Snyder advised that he asked for this agenda after a couple of questions about this came up, such as the reorganization of the Board (when they should and should not be doing them) and again when it came to Select Board members' access to town counsel. Mr. Snyder advised that he did some research with surrounding towns that have explicit policies when it comes to these items. He stated that he was informed by the Town Manager that there is a binder of written policies and procedures in the Town Hall, which Mr. Toole confirmed. Mr. Toole mentioned that it is in a blue binder in the Select Board's Office, but is a bit outdated. Mr. Snyder suggested that at some point, members review their policies and pick a few that they think are the most important to review and/or update, which the other members seemed agreeable to.

The Board moved on to address the policy of Select Board members reaching out directly to town counsel. Mr. Snyder stated that he has seen this handled in several different ways by other towns.

Mr. Hornsby expressed that, and not to put Mr. Snyder on the spot, that this came up when he reached out to town counsel about the Select Board representative negotiating Host Community Agreements (HCA) with the Town Manager. Mr. Toole said that it would have been better if after he made the inquiry to town counsel that he shared the information with the Board as part of the meeting materials, rather than spring it on them during the meeting and not have an opportunity to ask any follow-up questions they have had and Mr. Snyder acknowledged the other Board members' comments.

5. Discussion and/or Vote to Approve the Intermunicipal Agreement Between the Towns of Norton and Easton and the Intermunicipal Agreement Between the Towns of Norton and Foxboro for Emergency Motor Vehicle Technician Services.

Fire Chief, Shawn Simmons, explained that he is basically asking the Board to vote to authorize the Town Manager to sign and enter into these two intermunicipal agreements with Foxboro and Easton. He advised that each of these towns have maintenance services for hire available. Chief Simmons advised that they have a bay where they can do about 90% of the repairs right at their facility and is significantly cheaper pricing than what they are paying now. He pointed out that they are currently paying anywhere from \$170 to \$200 an hour for labor at Greenwood Fire Apparatus and with these agreements, the hourly rate will be about \$95 to \$99 per hour. Chief Simmons informed the Board that another problem they run into is the maintenance facilities they go to for their apparatus are sometimes really busy, resulting in their truck(s) sitting there for several weeks before they can get to it/them.

**MOTION was made by Mr. Toole to approve the Intermunicipal Agreement between Norton and Easton and Norton and Foxboro for the emergency motor vehicle technician services for a three-year term and to allow the Town Manager to sign both agreements. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.**

Chief Simmons mentioned that the Fire Department just received a \$6,500 SAFE grant from the State, which is for student education, fire safety, as well as elderly fire safety education. He further stated that they received a \$25,000 federal grant to hire a consultant to develop a mitigation plan for the Fire Department. He advised that once they have a hazardous mitigation plan in place, that opens them up for a lot more federal grant money for infrastructure.

6. Budget Timeline and Preliminary Financial Information.

Mr. Yunits advised that he provided the Board with some preliminary budget timelines and that departments already have submitted their Capital plans. He stated that the department heads are working on preparing their budgets for fiscal year 2024. He continued explaining that on February 9<sup>th</sup>, he will have received all of the budget requests back from the department heads. Mr. Yunits informed the Board that in February they will also be holding their Capital Improvements Committee meetings and the five-year plan will go to Capital, the Select Board, and the Finance Committee on February 22<sup>nd</sup>. He advised that on March 1<sup>st</sup>, he will be providing an update on estimated revenues and expenditures to the Select Board, Finance Committee, and School Committee. Mr. Yunits reported that the final budget of the School Department is due on March 13<sup>th</sup>. Then, on March 15<sup>th</sup>, the Town Manager will give another update on estimated revenues and expenditures to the Select Board, Finance Committee, and School Committee. On March 27<sup>th</sup>, the Capital recommendations from the Town Manager are due. Mr. Yunits stated that the Town Manager's budget recommendations are due to the Finance Committee and Select Board on March 27<sup>th</sup>. He mentioned that they will again get an update on estimated revenues and expenditures on March 29<sup>th</sup> to the Select Board, Finance Committee, and School Committee. Also on March 29<sup>th</sup>, the budget books will be given to the Finance Committee. On April 17<sup>th</sup>, the Capital Improvements

Committee will submit their recommendations to the Finance Committee. Mr. Yunits advised that the Budget Public Hearing Notice will be posted on Cable. The Town Manager stated that their will be another update on estimated revenues and expenditures on April 12<sup>th</sup> to the Select Board, Finance Committee, and School Committee. The Finance Committee's Public Budget Hearing will be held on April 19<sup>th</sup> and April 26<sup>th</sup> will be the last update on estimated revenues and expenditures to the Select Board, Finance Committee, and School Committee; then, Town Meeting is on May 15<sup>th</sup>.

Mr. Toole asked the Town Manager if he has given any preliminary guidance to all town departments of where he would like to see the budgets. Mr. Yunits provided the Board with budget information with their meeting materials and summarized the following:

Proposition 2.5% levy limit: \$1,095,694  
New Growth: \$650,000  
State Aid (approximately): \$90,000  
Local Receipts (just plugged in a figure for now): \$319,000  
Ambulance Fund: \$100,000  
Hicks Fund: \$100,000 (reduction from \$200,000)

**Total Estimated Revenue Increases: \$2,154,694**

Mr. Yunits informed the Board he has spoken with the School Superintendent and they are aiming for a target increase of 3%. He stated that a 3% increase on the General Government side would be \$430,818 and for the School Department it would be \$1,051,034; bringing the overall increase for the Town to \$1,481,852. Mr. Yunits stated that if they stuck to these figures, they would be in pretty good shape; however, he pointed out on one of the budget documents the concern with TRANE and the School Department. He advised that he addressed the other concern listed and explained that they got a grant to hire four firefighters and this grant will run out in March of 2024. He estimated for 2024 \$100,000 and in 2025 an additional \$250,000. Mr. Yunits advised that with the ambulance receipts, they are able to cover the \$100,000 out of that for FY 2024. The Town Manager pointed out that they have a \$1,000,050 payment to TRANE for work that was done for the School Department. Mr. Yunits expressed that he would really like to schedule a joint meeting between the Select Board, Finance Committee, School Committee, and TRANE to get an update on the scheduling to figure out when they are going to see savings come back to the Town. Mr. Toole stated that last year, they were told to expect an expenditure of \$300,000 initially for the TRANE project and hoped that some of that would be covered by rebates, but that rebate nor those savings hit the Town budget; so, last year the Town had to expend an additional \$300,000 to TRANE and now this year it is over a million dollars, which the Town Manager confirmed.

During the budget discussion, Mr. Toole asked that the Select Board receive a summary of mandates to be funded by the School Department, Police Department, and Fire Department. Mr. Yunits mentioned the revenue that has come in from some of the retail marijuana establishments, and that about \$27,500 per quarter is coming in as revenue.

Mr. Toole asked to have the School Department's Budget Hearing being more publicly known and making sure that the Board is aware. He emphasized the importance of figuring out what is going on with the TRANE project as well. Mr. Toole expressed that he is heavily concerned with this contract. The Board thanked Mr. Yunits for the information he provided this evening concerning the budget and commented that it was extremely helpful.

## 7. Discussion on Important Upcoming Dates.

The Board agreed that the discussion during the budget overview included the important dates and no further discussion was necessary.

### B. Old Business

### C. Town Manager's Report

## VII. Select Board's Report and Mail

Permanent Building Committee Select Board Representative Update.

Mr. Hornsby, as the Select Board Representative to the Permanent Building Committee (PBC), provided the following information:

- He will be doing office hours at the Town Hall from 5:00 P.M. to 7:00 P.M. on January 12<sup>th</sup>;
- Discussion on contractors for the Senior/Community Support Center (SCSC) and is now called the Community Center;
- Out of the 5 competitive bids, 2 came in under budget (first one was approximately \$1 million under budget). He stated that this bidder told them they were going to have to review their bid, but Mr. Yunits provided an update stating that they are going move forward with the bid they submitted;
- The PBC is meeting on January 3<sup>rd</sup> to vote and vest this bid;
- A concern brought up during the meeting was the audio/visual (AV) for the Select Board's meeting room. Mr. Hornsby explained that right now there is a large table for the Select Board members (table large enough to seat 11 people for any board/committee/commission, such as the Finance Committee) and behind the table is a large projector for any presentations and then another one to the left of the table, but they are talking about eliminating that and putting screens in front of them with spacing of about every third person. He stated that there are still ongoing discussions on that;
- There are discussions on using a material on the exterior of the Town Hall that has the same durability as wood that can be painted, but there is only one company that makes this specific material. He advised that the cost of this material would be the same as what was previously discussed/budgeted.

Mr. Toole advised, in regard to the Opioid Settlement, that he was not able to attend the last meeting, but the problem was the money that the Town was entitled to for this settlement couldn't be used due to the rules surrounding it, so there are still discussions being had as far as figuring out that out.

Mr. Toole then mentioned that he reached out to GATRA to let them know he was appointed as the Select Board representative and their response was they were very shocked to hear from someone from Norton. He advised that they were looking to schedule a meeting the third Wednesday in January (believed to be January 18<sup>th</sup>).

Mr. Toole stated that he caught up with a woman he met at the Veterans' Day Parade, Ms. Trista Cassini, who has been working with Ms. Estelle Flette (Veterans' Agent), on bringing awareness to veterans' suicide programs.

Mr. Hornsby wanted to thank the individuals and companies that came out to help clean up the mess from the Town Gazebo that fell down during one of the recent storms and mentioned a few he knew



offhand including Archer Electric, Ray Roofing, and Mr. Alec Rich and his crew from Advanced Waste came out there and spearheaded the cleanup.

IX. **Warrants**

Mr. Snyder advised that they would table reporting on the following Payroll and Invoice Warrants until the Chair, Megan Artz, was present.

- A. Invoice Warrant AP23-25 dated December 22, 2022, in the amount of \$107,703.64.
- B. Payroll Warrant PR23-13 for the week ended December 24, 2022, Warrant dated December 29, 2022, in the amount of \$1,592,588.78.
- C. Invoice Warrant AP23-26 dated December 29, 2022, in the amount of \$464,430.37.

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** – January 12, 2023.

XII. **Executive Session.**

There was no executive session.

XIII. **Adjournment.**

**MOTION was made by Ms. Parker to adjourn the Planning Board meeting at 7:23 P.M. Seconded by Mr. Graf. Vote: Mr. Bouley – Yes; Ms. Parker – Yes; Mr. Artz – Yes; Mr. Graf – Yes; Mr. Norris – Yes; and Mr. Griffin – Yes. MOTION CARRIES.**

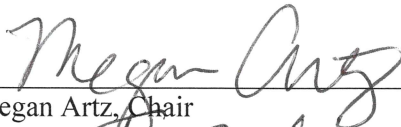
**MOTION was made by Mr. Hornsby to adjourn the Select Board meeting at 8:37 P.M. Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.**

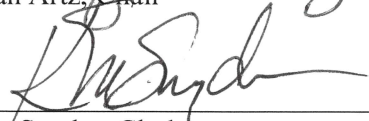
URL Link: <https://www.youtube.com/watch?v=fvd7q5OtnDU>

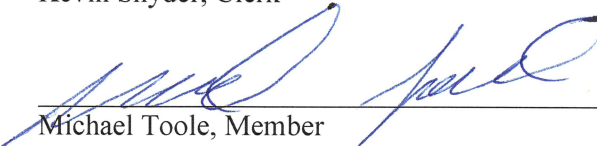
Respectfully Submitted by:

  
\_\_\_\_\_  
Jennifer Reid, Office Administrator

**SELECT BOARD  
MINUTES OF MEETING  
DECEMBER 28, 2022**

  
\_\_\_\_\_  
Megan Artz, Chair

  
\_\_\_\_\_  
Kevin Snyder, Clerk

  
\_\_\_\_\_  
Michael Toole, Member

\_\_\_\_\_  
Steven Hornsby, Member

Minutes Approved by Board on: January 12, 2023