



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

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Select Board  
Meeting Minutes  
January 12, 2023

I. Call to Order by Chair

The January 12, 2023 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 7:01 P.M., by Ms. Megan Artz, Chair. Member(s) present: Mr. Kevin Snyder and Mr. Michael Toole. Mr. Hornsby attended the meeting virtually and joined the meeting at 7:18 P.M. Also in attendance: Mr. Michael D. Yunits, Town Manager.

II. Appointments/Resignations/Retirements

1. Resignation of Kerry Malloy Snyder from the Conservation Commission.

Mr. Snyder explained that Ms. Malloy Snyder was working part-time when she joined the Conservation Commission and has since started working full-time and doesn't feel that she has the time to dedicate to serving on the Commission anymore.

2. Appointment of Maggie Kinsella to the Economic Development Commission.

**MOTION was made by Mr. Toole to appoint Maggie Kinsella to the Economic Development Commission. Seconded by Mr. Snyder. Vote: Unanimous. MOTION CARRIES.**

3. Appointment of Michael E. Sweeney, Jr. as an Alternate Member to the Council on Aging.

Mr. Sweeney was present at the meeting to express his interest in being appointed to the Council on Aging. He expressed that he really enjoyed the opportunity to contribute and knows there is a lot of opportunity to move forward, such as the new Senior/Community Support Center. He acknowledged that there is more to it as well, including the human services aspect of it.

**MOTION was made by Mr. Toole to appoint Michael E. Sweeney, Jr. as an Alternate Member to the Council on Aging. Seconded by Mr. Snyder. Vote: Unanimous. MOTION CARRIES.**

III. Minutes

Approve Minutes, including but not limited to:

1. December 28, 2022.

**MOTION was made by Mr. Toole to approve the minutes of December 28, 2022. Seconded by Mr. Snyder. Vote: Unanimous. MOTION CARRIES.**

#### IV. Licenses and Permits

1. Transfer of the Common Victualler License 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.

**MOTION was made by Mr. Snyder to approve the transfer of the Common Victualler license 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. Toole. Vote: Unanimous. 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 28, 2022 Select Board meeting were all approved as written.

CV:

HH & SH Corporation d/b/a  
Main Street Pizzeria  
63 East Main Street

CV

**MOTION was made by Mr. Snyder to approve/renew the above 2023 licenses as specified on document, 2023 License Renewals, as presented to the Board on January 12, 2023. Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.**

#### V. Announcements

2023 Municipal Police and MBTA Transit Police Officer and State Trooper Examination – Last Day to Sign-Up is January 31, 2023.

Applications are currently being accepted for municipal police, MBTA transit police officers, and state troopers. The exam period begins March 18<sup>th</sup> and you need to apply by January 31<sup>st</sup> at [mass.gov/civilservice](https://mass.gov/civilservice). You can also visit the MassDOT website for more information on this.

#### VI. Business

##### A. New Business

1. Parks and Recreation Department Update.

Ms. Artz mentioned that Mr. Frank Durant, Director of Parks and Recreation, has a whole plan laid out of what he would like to see for the Parks and Recreation Department and would be at a future meeting to present to the Board.

*Mr. Yunits pointed out at 7:18 P.M. that Mr. Steven Hornsby was on the meeting at this point.*

2. Discussion and/or Vote to Approve the Tax Increment Financing Agreement Amendment Between the Town of Norton and Alnylam U.S., Inc. & Its Affiliates.

Mr. Yunits explained that back at the October of 2020 Town Meeting, the residents voted to amend the TIF Agreement with Alnylam. He reminded the Board that in the original agreement,

the dollar value of the project of \$100 million, but it turned out that the project came out to be \$200 million. Mr. Yunits continued explaining that what was also outlined in the original agreement was the creation of 150-200 new jobs and the new TIF Agreement says 125 jobs.

Mr. Toole asked what the date of the original TIF was and Mr. Yunits answered November 19, 2015. Mr. Toole then clarified that the 2020 TIF was amended by increasing the evaluation because of the building and they felt that they could not meet the condition of the agreement to create at least 150 new jobs, which the Town Manager confirmed.

Mr. Toole stated that this is the third time now they are coming to the Town looking for an amendment to their TIF Agreement. Mr. Yunits replied that the attorneys weighed in and they agreed that this is how the TIF should have been done in the first place. The Town Manager clarified that the Town is actually benefiting from the amendment because the tax valuation on the building is \$200 million rather than \$100 million; so, the Town is getting more tax revenue.

Mr. Snyder questioned the Town Manager as to when the Town started assessing and taxing Alnylam and Mr. Yunits answered that year one would have been Fiscal Year 2021. Mr. Snyder then pointed out that the TIF doesn't start until the building is completed and occupied because otherwise if you started taxing in 2016, they would have only been taxed on the land, which is next to nothing. Mr. Yunits clarified that the TIF begins one year after occupancy. Mr. Yunits added that the base value of the land is the \$871,900. Mr. Snyder commented that this is actually better for the Town because the Town is valuing the building at \$200 million; so, the Town is getting 50% of the \$200 million multiplied by what the tax rate is.

Mr. Toole argued that he sees this as completely separate where Alnylam agreed to the first TIF and the first amendment where they accepted that the land valuation would be part of the TIF/valuation. The Town Manager explained to Mr. Toole that his understanding was incorrect and that the original agreement was always to have the land as one thing and whatever is built on the land separate and what was built was to be what was applicable to the terms of the TIF Agreement. Mr. Yunits stated that the problem was the Town started already taxing Alnylam on portions of the building that were already built; then, what the TIF was on, the Assessors' excluded that value out of the building. Mr. Yunits continued that the attorneys agreed that while Alnylam was arguing that the TIF should only be on the portion of the building they originally planned to construct, however, it really should be from the bottom up (whatever was constructed). In response, Mr. Toole questioned why this wasn't brought up during the discussions of the first amendment to the TIF. Mr. Yunits replied that it was because they didn't know that was going to be happening because the TIF hadn't started yet. Mr. Toole stated to the Chair that he would like to see the original TIF Agreement, the EDC minutes [pertaining to this topic], and the second agreement with Alnylam along with the minutes from the town meeting. Mr. Toole explained that he had sat in on several meetings pertaining to this TIF Agreement and originally, they were told that there was a mistake made by a consultant, but something to him just isn't adding up. The Town Manager responded that the reason this isn't making sense to him from those original discussions is because those original discussions were based on the Town's interpretation of the TIF Agreement, which their attorneys have since told them was wrong.

After the discussions amongst the Board, Ms. Artz stated that because there is still confusion amongst the Board that needs to be cleared up, questions to be answered, plus documentation Board members are seeking prior to taking a vote, so they will table this to a future meeting when they have proper documentation and people present.

3. Review and/or Vote to Award Norton's Senior/Community Support Center Project to Seaver Construction.

Mr. Yunits advised the Board that they have a list of the bids the Town received in their packets and Mr. James Slattery, Chair of the Permanent Building Committee, has requested that the contract be awarded to Seaver Construction. He informed the Board that the bid came in at \$7,703,916 and the next lowest was \$8,249,000. Mr. Toole asked what the original estimated cost for this project was supposed to be and Mr. Slattery answered he was not sure and both Mr. Toole and Ms. Artz agreed that it was definitely much higher than this bid. Mr. Slattery agreed that the two lowest bids came in below their estimate and the other three were higher than their estimate.

Mr. Slattery provided full disclosure that the lowest bidder, after reviewing the other bids that came, got concerned and asked to withdraw his bid so he could review it further to make sure he wasn't missing anything and after he did so, he asked to resubmit his bid (which was exactly the same). Mr. Slattery advised that the OPM and architect both looked it over to make sure there wasn't anything major they were missing that could cause problems down the road and they didn't see an issue with the submitted bid. Mr. Snyder responded that the lowest bidder, like most would, probably saw he was significantly lower than the other bidders and out of an abundance of caution, wanted to make sure that the quote was reasonable, which Mr. Slattery confirmed. Mr. Hornsby questioned if it was the same bid and Mr. Yunits explained that what happened was is the bidder ultimately withdrew its request to withdraw its bid.

Mr. Toole asked when shovels would be in the ground and Mr. Slattery answered that they are hoping for in the Spring.

**MOTION was made by Mr. Toole to approve the Town Manager to sign any contract with Seaver Construction for the Norton Senior/Community Support Center project in the amount of \$7,703,916. Seconded by Mr. Hornsby. Vote: Mr. Hornsby – Yes; Mr. Toole – Yes; Mr. Snyder – Yes; and Ms. Artz – Yes. MOTION CARRIES.**

4. Discussion on the Position of Town Moderator.

Ms. Artz explained the current situation with the Town Moderator where he no longer lives in town, but still owns his property, which he is renting out. She pointed out that there is no business he would have to conduct between now and the next town meeting and that Mr. Bill Gouveia is the alternate Town Moderator. Mr. Toole advised that he thought that appointment is only good for one year, which Mr. Yunits clarified that every Spring Town Meeting a deputy is supposed to be appointed. Ms. Artz added that the Annual Town Election is coming up in April where the Town Moderator is up for re-election anyways.

Mr. Hornsby pointed out that just because the Town Moderator still owns property in town doesn't mean that he can still technically serve because even though he owns the property he doesn't live there and is renting out, so he wouldn't be registered to vote with the Town of Norton, making him not eligible to serve in his current position and Ms. Artz agreed with Mr. Hornsby.

**B. Old Business**

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

Ms. Artz stated that they will be moving this agenda item to a future meeting because the attorneys are not present.

## 2. Update on Select Board Town Report and Dedication.

Mr. Toole volunteered to prepare the Select Board's dedication. Ms. Artz questioned who prepares the town report and Mr. Toole answered it would be her as the Chair.

### C. Town Manager's Report

#### 1. Water and Sewer Updates.

Mr. Yunits informed the Board that Well 6A is up and running. He pointed out that the old Well 6 was in really poor condition (it was old and was down to 100 gallons per minute and the new one will be up to 600 gallons per minutes). Mr. Toole clarified that the shallow/low producing Well 1 was assisting Wells 5 and 6, which were also performing poorly. Mr. Yunits replied that the point of the new water treatment facility was to not have these wells relying on Well 1. Mr. Toole commented that this is very exciting news.

The Town Manager referred to the notice that went out to residents about the Trihalomethanes (TTHM) exceeded the drinking water standards (80 parts per billion is standard) and the readings at two locations within town were 83 and 91 parts per billion (ppb) in 2022. Mr. Yunits advised that the past 4 calendar quarters' readings had varied and the last quarter nothing was above 80 ppb. Mr. Yunits mentioned that for the long-term, the Water Department will be putting in aerators down some of the dead-end streets to help with this. He reported that there aren't any health concerns generally speaking, but caution those with compromised immune systems, that have infants, or women who are pregnant.

Mr. Toole asked to have at future meeting a representative from the Water/Sewer Department attend one of their meetings to provide an update and further information. He then asked if there have been any discussions recently on the topic of PFAS. Mr. Yunits replied that the Water Department tests for it and so far, they haven't had any issues arise.

#### 2. Update on Norton Economic Development Earmark Distribution.

Mr. Yunits thanked their State Senator, Paul Feeney, and State Representatives, Jay Barrows and Steve Howitt, for the work they did to receive this earmark grant in the amount of \$200,000 as part of the design study for water and sewer being installed down Elm Street. He stated that with this plus the \$280,000 the Town already received for this project it is going to be extremely helpful.

Ms. Artz asked about the Reed & Barton property and Mr. Yunits advised that there is someone moving forward on buying the property, who actually just went to court to work on acquiring the property. Mr. Toole asked if the Town ever put a lien on this property to recuperate the costs expended by the Town. Mr. Yunits responded that town counsel actually just asked for a breakdown of the expenditures to clean this property to get these funds back. The Town Manager stated that the question they will have to ask themselves is if the Town decides it wants this money back and it is going to be a killer for the deal, if it is just better to leave things as they are and proceed with having someone purchasing and taking over the property. Mr. Toole explained that he would like the lien on the property just so they can have the discussion because if it isn't, then it eliminates their ability to have the discussion, which Mr. Yunits agreed to his point. Mr. Yunits stated that Attorney Alex Weisheit and Attorney Mark Reich are working on this matter.

### 3. Update on Special Legislation for Additional Liquor Licenses.

Mr. Yunits presented to the Board the signed Special Legislation by the State for the additional two [retail package all alcohol] licenses. Mr. Toole clarified that these two licenses are assigned to designated areas within town. Mr. Yunits pointed out that the other difference with these licenses is that they come back to the Town and they can assign them to someone else rather than being an asset of the license holder that they can sell. Mr. Toole asked if this was the case for all special legislation licenses and Mr. Yunits answered that he didn't believe so because the Town has one other license obtained through special legislation and that language wasn't in there. Mr. Yunits mentioned that Representative Howitt worked very hard on this even though he was dead set against it.

Mr. Toole emphasized that he really urges the Economic Development Commission (EDC) to seriously consider the impact on other liquor stores before recommending these licenses to anyone because these are licenses that do not have to be assigned to anyone. He pointed out that while he voted in favor of this, he really only wanted to see one additional liquor license and expressed his opinion that he really didn't see a need for an additional package store on the Attleboro side of town, but definitely on the Easton side of town. Mr. Yunits stated that he would send the final legislation to the EDC so they have it and Mr. Snyder responded that this is actually the only thing the EDC was waiting on at their last meeting. Mr. Toole informed the Board that he has been approached by several package store license holders on the Attleboro side of town who expressed concern about the additional liquor license on this side of town.

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

Mr. Toole mentioned that he has his first GATRA Advisory Board meeting coming up that he will be attending as the Select Board representative and encouraged anyone that has any concerns to reach out to him. He provided his cell phone number (617-849-0084) and e-mail (mtoole@nortonmaus.com) for those who would like to express any concerns. Mr. Toole mentioned one of the issues they would like to address is improving the bus service from Norton to Logan Airport in Boston. He further advised the Board that he called GATRA this morning and it appears that the dial-up service doesn't go into effect until after 8:00 o'clock. He suggested working on a flyer with GATRA that lists and explains the services it provides to the Town.

Mr. Snyder advised that one thing that is related to the EDC is they were going through the Master Plan recently and one of the items in there is making sure that they are working with Wheaton College on any economic development opportunities. Mr. Snyder asked if they have a Wheaton representative on the Select Board and what other opportunities they have to partner with Wheaton College on work moving forward. He said he would be happy to work with Mr. Yunits on creating some type of "restart" of a relationship with them. Mr. Toole commented that over recent years, there has been change with several different Presidents for Wheaton College, so that could be part of the reason for the disconnect. On the same topic, Mr. Toole expressed a concern where the EDC has started making moves towards more of a policy committee and wanted to make sure that they don't go too far off path from the original mission of the EDC. He further stated that he thinks what they are talking about now is great, but this is really what they want to see the EDC working on and not so much on policies. In response, Mr. Snyder pointed out that the past couple of years have been unique and there has also been a lot of turnovers on the EDC. Mr. Snyder stated that any time they can speak to goals of the Commission is beneficial and a lot of the most recent discussions had by the EDC have been about that rather than policies. Mr. Snyder pointed out that not having a Director of Planning was also a big contributor to a lack of direction with the EDC. Mr. Snyder advised that the new Director of Planning and Economic Development attended their

meeting and she has a lot of great ideas and it was extremely beneficial having her at their last meeting to get more ideas and direction as far as what the EDC should be focusing on.

IX. **Warrants**

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

- 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.
- D. Invoice Warrant AP23-27 dated January 5, 2023, in the amount of \$2,375,632.02.
- E. Payroll Warrant PR23-14 for the week ended January 7, 2023, Warrant dated January 12, 2023, in the amount of \$1,680,079.71.
- F. Invoice Warrant AP23-28 dated January 12, 2023, in the amount of \$1,091,853.18.

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** – Thursday, January 26, 2023.

XII. **Executive Session.**

There was no executive session.

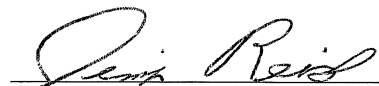
XIII. **Adjournment.**

*The Board discovered at this time that Mr. Hornsby had left the meeting prior to the motion to adjourn.*

**MOTION was made by Mr. Toole to adjourn the Select Board meeting at 8:19 P.M.  
Seconded by Mr. Snyder. Vote: Unanimous. MOTION CARRIES.**

URL Link: <https://www.youtube.com/watch?v=SpR-nA90MTw>

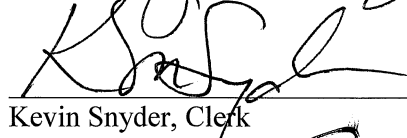
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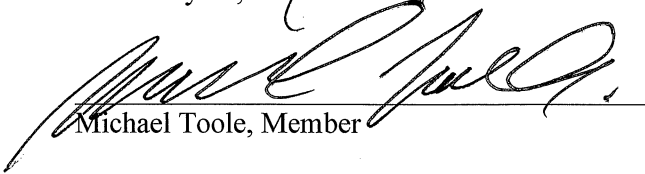


Jennifer Reid, Office Administrator

**SELECT BOARD  
MINUTES OF MEETING  
JANUARY 12, 2023**

  
Megan Artz, Chair

  
Kevin Snyder, Clerk

  
Michael Toole, Member

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

Minutes Approved by Board on: January 26, 2023