



TOWN OF NORTON
SELECT BOARD
MUNICIPAL CENTER
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NORTON, MA 02766

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Select Board
Meeting Minutes
February 9, 2023

I. Call to Order by Chair

The February 9, 2023 meeting of the Norton Select Board was held at the Norton Media Center, 184 West Main Street, Norton, MA 02766 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, Mr. Michael Toole, and Mr. Steven Hornsby. Also in attendance: Mr. Michael D. Yunits, Town Manager.

II. Appointments/Resignations/Retirements

Appointment of Select Board Representative to the Housing Production Plan Team.

Ms. Artz asked what the time commitment would be. Mr. Yunits replied that he didn't see this taking up too much time. Mr. Snyder advised that there will be three meetings beginning in March and ending in December. Ms. Artz volunteered to serve as the Select Board representative.

MOTION was made by Mr. Toole to appoint Meg Artz to the Housing Production Plan Team as the Select Board representative. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

III. Minutes

Approve Minutes, including but not limited to:

1. January 26, 2023.

MOTION was made by Mr. Toole to approve the minutes of January 26, 2023. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

IV. Licenses and Permits

Discussion and/or Vote to Approve the Special Events Application of Ragnar Events, LLC for the Ragnar Relay New England from 10:00 P.M. Friday, May 19, 2023 to 6:00 A.M. Saturday, May 20, 2023.

Ms. Amber Sadler gave an overview of the event stating that this is a 200-mile running relay that starts in Connecticut and ends in Massachusetts, specifically at the Henri A. Yelle Elementary School. Ms. Artz brought up a concern about this event being the same weekend as Wheaton College's Commencement weekend. Ms. Sadler commented that she believed it to also be Senior Night too, but all the traffic from the Ragnar Relay will be in the middle of the night and won't affect traffic or anything like that. Ms. Artz asked what the event is for and Ms. Sadler advised

that they give back towards the Schools' Booster Club. Mr. Snyder said this is the 3rd year for the event and he hasn't heard of any issues in the past.

MOTION was made by Mr. Toole to approve the Special Events application of Ragnar Events, LLC for the Ragnar Relay New England from 10:00 P.M. Friday, May 19, 2023 to 6:00 A.M. Saturday, May 20, 2023. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

V. **Announcements**

1. Special Town Election – Saturday, February 11, 2023 at the Norton Middle School from 8:00 A.M. to 3:00 P.M.

Mr. Hornsby pointed out that if people can't make it to the election on Saturday, they have until 12:00 P.M. tomorrow (Friday) to vote by absentee ballot. Mr. Toole emphasized that the 12:00 P.M. deadline is a state law.

2. Community CPR Classes (Non-Certification) – February 21, 2023 from 7:00 P.M. to 9:00 P.M. and March 12, 2023 from 9:00 A.M. to 11:00 A.M.

Mr. Snyder read the following e-mail from Fire Chief, Shawn Simmons, into the record regarding the CPR classes:

We will be hosting 2 community CPR classes (non-certification).

1. 2/21 7-9pm
2. 3/12 9-11am

The classes will be held in our classroom and taught by our members. Everyone is welcome to attend. Anyone interested should use the link below to register, as there is limited room available. If for some reason the classes fill up, we will add more classes. We hope to continue to offer this to our community moving forward. Please feel free to contact me with any questions.

<https://nortonfire.com/community-cpr-class/>

VI. **Business**

A. **New Business**

1. Discussion and/or Vote to Declare the Black 2018 Dodge Charger Sedan Police Vehicle (VIN 2C3CDXKT5JH139978).

2. Discussion and/or Vote to Declare the Highway Department's 2003 Chevy C4500 GVC Truck as Surplus.

MOTION was made by Mr. Toole to declare the Black 2018 Dodge Charger Sedan Police Vehicle (VIN 2C3CDXKT5JH139978) and the Highway Department's 2003 Chevy C4500 GVC Truck as Surplus. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

3. Discussion on Bliss/Boudreau Cottage Street Property Right of Way/Easement Issues.

Mr. Yunits informed the Board that this issue pertains to the water tower in that area and concerns of a 40-foot right of way that the owners say was granted to their grandparents in 1957. The Town Manager explained that there is also a 20-inch main that the Water and Sewer Department put in without an easement. He advised that the town counsel that is handling this matter is out of the country, so when they return, they will take up the issue, but he just wanted to provide the board with this information. The Town Manager informed the Board that he advised the individual that they should contact the Inspections Department to make sure that what they are trying to do with the property is allowable within the zoning.

4. Discussion and/or Vote to Approve Increasing the Hours and Income Amount for the Senior Work-Off Program.

Ms. Denise Ellis, Director of Assessing, explained that the Town has a Senior Work-Off Program. She advised that seniors can currently earn up to \$1,000 per year and now the State is allowing the Town to increase that to \$1,500. Ms. Ellis pointed out that there are currently 20 slots that are available and right now they are only able to fill about 10 of those slots and part of the reason why is because the income eligibility set by the Town is low. She explained that the current income eligibility is \$47,000 for a single individual and \$62,000 for a couple. Ms. Ellis expressed that she would like to increase the income eligibility amount with \$55,000 for a single individual and \$70,000 for a couple to try and make more individuals eligible for FY25. Ms. Artz asked how Norton compares to other towns. Ms. Ellis said some towns are starting to increase it to \$1,500. Mr. Hornsby questioned why this was applicable to FY25 rather than FY24. Ms. Ellis answered that they are already in FY24 even though the current fiscal year is FY23; so, they work now and they can work until October because that is when they need to get all of the paperwork in by. Ms. Ellis pointed out that the people who work for this program don't get a check from the Town, but rather, it is a credit they receive on their tax bill; so, they will get a tax reduction on their third and further quarter tax bill. Mr. Toole asked for a synopsis of the process for those interested who may not know. Ms. Ellis explained that the positions will be ready by November and they start in January (it is a process because they have to have CORI check done and complete a packet). Ms. Ellis also pointed out that if there is a senior that qualifies, but can't do the work, they can have someone work for them (try instruct it to be someone 18 years-old or older).

MOTION was made by Mr. Toole to approve to increase the hours and income amount for the Senior Work-Off Program from \$1,000 to \$1,500 and the salary requirements from \$47,000 to \$55,000 for a single individual and \$62,000 to \$70,000 for a couple and increase the hours from 66 hours to 100 hours. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

5. Discussion on Spring Annual Town Meeting Articles List.

Mr. Yunits gave a summary of the list of articles as follows:

Articles 1 through 9 are typical articles that you see all the time.

Article 10 has to do with funds the Town has received as part of the Opioid Settlement. Still waiting on guidance from the Department of Revenue (DOR) on how these funds can be handled, but this would be an article to appropriate the funds that the Town has received for the Opioid Settlement to be used for a particular purpose.

Article 11 is for the traffic signal replacement for the light that was outside of the Fire Department that was damaged during a storm. Received insurance money that has since been turned into free cash.

Articles 12 to 15: The Water and Sewer Department has projects for water main upgrades and water tanks aeration system, which the Water/Sewer Superintendent explained to the Board the last time he was at the Board's meeting. Mr. Yunits pointed out that one of these articles [Article 15] is to exempt town-owned properties from water/sewer fees, but he doesn't know where this stands at this point and is on here as a placeholder article.

Article 16 is for any amendments made to the Personnel Bylaws.

Article 17 is a placeholder article to establish town trash pick-up and recycling services. This would require a vote from the Select Board as to whether or not they would like to put an article on to seek the town meeting approval to establish and go out to bid for trash pick-up and recycling services. Mr. Toole replied that he thought that this was going to be on the warrant for the Special Town Meeting. Mr. Yunits advised that they can take this placeholder off and put the article on the Special Town Meeting warrant.

The Town Manager pointed out that Article 18 shouldn't be there because Article 15 and 18 are one in the same.

Article 19 is a request of the School Department for the creation of a Special Education Stabilization Fund.

Article 20 (Debt Exclusion for Projects) was submitted by the School Department. Mr. Yunits emphasized that this is something that he is trying to arrange a joint meeting between the Select Board, Finance Committee, and School Committee/Department to discuss. Mr. Yunits explained that this is a request for a debt-exclusion for the TRANE project. He advised that there is \$1 million payment due this year to TRANE and the Town is not receiving anything back as part of that project, so this will be a big hit to the Town budget. Mr. Hornsby looked for clarification that this project was something the Town should have been getting something back on. Ms. Artz responded that they are supposed to eventually and Mr. Hornsby corrected Ms. Artz stating that it was supposed to be this year. Mr. Toole agreed that they should have been receiving credits by now from rebates and Mr. Yunits added that they should have been receiving them from the solar as well. Mr. Yunits stated that this was correct and that they never thought they would spend the \$12 million all at once and that it was supposed to be staggered, but it all went in at once.

Article 21 is a usual article submitted by the Highway Superintendent for an increase to the budget for the collection and disposal of discarded items abandoned along roadways and throughout town that require special handling.

The Planning Board is working on two zoning amendments (Articles 22 and 23).

Article 24: OPEB.

Article 25: Stabilization Fund.

Article 26 is WPAT Fund.

Article 27: Prior Year Bills.

Article 28: Separation Expenses.

6. Update on Building Projects (Town Hall and Senior/Community Support Center).

Mr. Yunits mentioned that the Senior/Community Support Center project is moving along. He mentioned that the Town told the contractors to give the Town a heads up when taking down the garage on the property because they are going to have to find somewhere to store the items in there. He lastly mentioned that the Town Hall bids are due by March 1st.

7. Discussion on Vacant Finance Committee Position/Town Moderator.

Ms. Artz mentioned that there have been previous conversations about how the current Town Moderator was going to be traveling and moved to another town, but because he still owns property in town there was question of whether or not he had to resign. She continued explaining that since there were no town meetings or issues to take up between now and the Annual Town Election in April, the current Moderator would just stay in his position. Ms. Artz stated that now, with the vacancy on the Finance Committee, town counsel has instructed the Moderator that he should refrain from making any appointments because it could be challenged.

Mr. Walter Eykel, Town Moderator, joined the meeting at 7:44 P.M. He explained that he has been in contact with town counsel, Ms. Artz, and Mr. Yunits and one of the comments he heard was about residency. He said did some research before this meeting pertaining to the topic of change of residency and stated that it is very clear that you don't give up your residency until you have established a new one and since he doesn't plan on doing that, he still in fact has his residency in Norton. Mr. Eykel stated that he was at this meeting to look for direction and commented that he would like to complete his assignment through the remainder of his term, but he wants to do it with the support of the Town.

Mr. Toole stated that if Mr. Eykel didn't appoint anyone to the Finance Committee, it wouldn't be detrimental. Mr. Toole asked if Mr. Eykel had any concerns not appointing someone. Mr. Eykel spoke to the same reasoning the Select Board had with keeping a full board as rationale for holding a Special Election, although, having a full committee for the Finance Committee is not as important.

Ms. Artz expressed that she would rather leave things fresh and have things done in the Spring. Mr. Hornsby asked if Mr. Eykel was renting his property out yet, which he said he wasn't currently looking to. Mr. Hornsby questioned why Mr. Eykel rushed now when they had several candidates before and it was a lengthy process. Mr. Eykel responded that when there is an opening on the Finance Committee, he makes an announcement. Mr. Eykel said that there is no written policy about making the announcement, but when he got the letter of notice he made the announcement. Ms. Artz stated that when Mr. Eykel announced his plan, he came to the Select Board to see what the Select Board was comfortable with and they expressed their opinion, which was to have him serve out the remainder of his term since there were no town meetings or anticipated appointments that needed to be made to the Finance Committee.

Mr. Snyder advised that from what he read prior to the meeting, residency isn't a requirement, but being registered to vote within that Town to hold a town office is. His second point he made was that the Town Moderator is an elected position and while he appreciates that Mr. Eykel came to the Select Board for their opinion, he is under no obligation whatsoever to report to the Select Board as an elected official. Mr. Snyder further stated that the Town Moderator is answerable only to town meeting; so, until the Town has a town meeting and the town meeting speaks on this issue, which is not going to happen before the election, then the Select Board is going to have to decide

whether or not they are going to allow Mr. Eykel to do the job he was elected to do, but from what he is legally allowed to do, this is ultimately a decision that has to be made. Mr. Snyder emphasized again that ultimately this is not a decision for the Select Board to make.

Mr. Hornsby pointed out the potential for the appointment being contested and having to get into a legal matter over it, especially where there isn't a need at this point to make the appointment. He lastly stated that he thinks he should wait to have any appointments made by the Town Moderator. Mr. Eykel emphasized that residency is not a requirement for holding the position. Mr. Toole urged the Moderator to not make any appointments. Mr. Eykel said he was happy with the discussion.

8. Discussion and/or Vote on Request for Town Counsel Policy.

Mr. Toole advised that he looked at the Select Board policy binder and couldn't find anything pertaining to a Request for Town Counsel Policy. He expressed appreciation for Ms. Jennifer Reid, Office Administrator (and Secretary to the Select Board) for putting together a simple policy for requesting access to town counsel. Mr. Toole explained that he wanted to emphasize the reason for the policy and who should have access to town counsel. He stated that the Town Manager should have access to town counsel at all times and the Chair of the Select Board as well as the remaining members of the Board. Mr. Toole read the following preamble of the proposed policy into the record as follows:

"It is the intent of this policy to set forth general guidelines and expectations of accessibility to town counsel to town boards, commissions, and committees, Town Moderator, and employees' consistency of Town of Norton General Bylaws, the Town Charter, and state law. It is not the intent of this policy to explicitly or implicitly deny anyone access to town counsel, but rather to control and monitor accessibility to town counsel, thereby understanding and controlling the cost of legal services."

Mr. Toole informed the Board that he put together a policy himself and stated that he understood that this is the Board's first time seeing the policy, so they could put it off to next meeting. Mr. Snyder read the initial proposal to use as a starting point to what Ms. Reid provided.

Mr. Hornsby asked if the form in their packet is currently being used and Mr. Yunits answered that this is the form they currently have in place. Mr. Toole commented that it isn't really being used as it should be. Mr. Hornsby expressed a concern where chairs of other boards are accessing counsel without going through the Town Manager right now and they are racking up legal fees. Mr. Hornsby emphasized that chairs should be contacting the Town Manager prior to contacting town counsel and that it is very important. Mr. Snyder agreed that this is very good, but he wanted more time to read through it. Mr. Toole expressed that he tried to make it as simple as possible while still providing protections and commented that he primarily used the Town of Marshfield's policy. The Chair agreed to have this on their March 2nd agenda.

B. Old Business

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

The Board was informed that the attorney who was going to speak to this agenda item is sick, so this topic will be moved to a future meeting.

C. **Town Manager's Report**

1. Update from Fish & Game on Boat Ramp.

Mr. Yunits informed the Board that a draft plan was submitted. He asked that the Select Board review it and provide feedback. Mr. Yunits pointed out that the Conservation Agent was on vacation when this came in, so he hasn't had a chance to look at this yet. Mr. Toole asked if the depth research has been done. Mr. Yunits said he would check with them. Mr. Yunits stated that it took Fish & Game so long that now they are anxious to get an answer on this.

2. VFW Carnival.

Mr. Yunits reported that they had a meeting with representatives from the VFW, School Department, Police Department, Fire Department, and Building Commissioner to go over the logistics of holding a carnival June 16th, 17th, and 18th. He stated that they are starting to work out all of the details on that now. He mentioned that from that meeting, they wanted him to ask the Select Board if it would be ok to park the carnival employees' trailers across the street. Mr. Toole asked to check with Bog Iron to make sure they don't have any events during that time like "Beer Fest" because he wants to make sure they don't end up in a situation where they don't have the parking they may need.

3. Town Gazebo

Mr. Yunits informed the Board that he met with the Town Common Committee (including Mr. Robert Kimball, Mr. Keith Silver (Highway Superintendent), and Mr. Nicholas Iafrate (Building Commissioner) and will have a meeting with the Historical District Commission to go over plans with them.

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

1. Mr. Hornsby stated that the Traffic Study Committee met yesterday and wanted to make the Board aware that one of their main focuses right now is tackling the center of town. He mentioned that back in 2018-2019, there was a complete study done on how to alleviate the congestion and traffic created at the center of town, whether it was taking land from the church or the other side through Wheaton College and there were four different options. He explained that he was on the Planning Board at the time and they made a decision and then its momentum stopped there.

2. Ms. Artz mentioned that the Town of Easton is done with the hybrid meeting model (completely in person). Mr. Toole mentioned that a lot of the COVID temporary orders are ending April 1st.

3. Mr. Yunits mentioned that the Board's next meeting dates in March are the 2nd, 16th, and 30th. Ms. Artz expressed that she didn't want to do three meetings in March. Mr. Snyder suggested doing March 2nd and 16th, which the remainder of the Board agreed to.

4. Update on Select Board Town Report and Dedication.

Mr. Toole advised that he started working on the dedication and that he should have a draft for the Board to review at their next meeting. Ms. Artz reported that she still has work to do on her end as far as preparing the Select Board's town report, but she will be working on this.

IX. **Warrants**

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

- A. Invoice Warrant AP23-31 dated February 2, 2023, in the amount of \$873,873.89.
- B. Payroll Warrant PR23-16 for the week ended February 4, 2023, Warrant dated February 9, 2023, in the amount of \$1,579,338.37.
- C. Invoice Warrant AP23-32 dated February 9, 2023, in the amount of \$1,373,423.00.

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, March 2, 2023.

XII. **Executive Session.**

There was no executive session.

XIII. **Adjournment.**

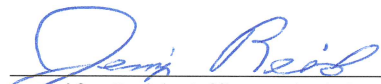
DECLARATION BY THE CHAIR:

I declare, under General Laws Chapter 30A, §21(a)(3), that the purposes of the executive session will be to discuss strategy with respect to litigation, i.e., Zanoski vs. the Town of Norton – Norton Public Schools, where discussion in an open meeting would have a detrimental effect on the Town's litigation position, and with the Board to not return to open session at the conclusion of the executive session.

MOTION was made by Mr. Snyder at 8:16 P.M. for the Board to go into executive session under G.L. c.30A, §21(a)(3) for the purposes and reasons declared by the Chair and with the Board to not return to open session thereafter. Seconded by Mr. Toole. Vote: Mr. Toole – Yes; Mr. Hornsby – Yes; Mr. Snyder – Yes; and Ms. Artz – Yes. MOTION CARRIES.

URL Link: <https://www.youtube.com/watch?v=V--w3Q4KWj0>

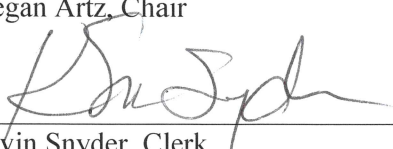
Respectfully Submitted by:



Jennifer Reid, Office Administrator

**SELECT BOARD
MINUTES OF MEETING
FEBRUARY 9, 2023**

Megan Artz, Chair



Kevin Snyder, Clerk

Michael Toole, Member



Steven Hornsby, Member



Alec Rich, III, Member

Minutes Approved by Board on: March 2, 2023