



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

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Select Board  
Meeting Minutes  
March 16, 2023

I. Call to Order by Chair

The March 16, 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 7:05 P.M., by Mr. Kevin Snyder, Clerk. Member(s) present: Mr. Michael Toole, Mr. Steven Hornsby, and Mr. Alec Rich, III. Also in attendance: Mr. Michael D. Yunits, Town Manager.

II. Appointments/Resignations/Retirements

1. Appointment of John Patten as a Permanent Full-Time Lieutenant in the Norton Fire Department.
2. Appointment of Kyle Cameron as a Permanent Full-Time Fire Fighter/EMT-B in the Norton Fire Department.
3. Appointment of Robert Cormier as a Permanent Full-Time Fire Fighter/EMT-B in the Norton Fire Department.

**MOTION was made by Mr. Toole to appoint John Patten as a Full-Time Lieutenant, and Kyle Cameron and Robert Cormier as Permanent Full-Time Fire Fighters/EMT-Bs in the Norton Fire Department. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.**

4. Appointment of Corey Marsden as a Norton Town Constable.

During the discussion of the motion, Mr. Snyder asked Mr. Marsden why he would like to be a constable for the Town of Norton. Mr. Marsden answered that he is looking for a way to serve his town and help his town out. Mr. Toole spoke to Mr. Marsden's character and stated that he is a great citizen and is a partial owner of a business in town. He expressed that Mr. Marsden is a very diligent and hard-working individual.

**MOTION was made by Mr. Toole to approve Corey Marsden for the open position of Constable for the Town of Norton. Seconded by Mr. Hornsby. Vote: 3 – Yes; 1 – Abstention (Mr. Rich). MOTION CARRIES.**

5. Notice of Intent to Retire from Highway Superintendent.

Mr. Toole read Mr. Keith Silver's letter into the record giving his notice of retirement as the Highway Superintendent.

### III. Minutes

Approve Minutes, including but not limited to:

1. March 2, 2023.

**MOTION was made by Mr. Hornsby to approve the March 2, 2023 minutes. Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.**

### IV. Licenses and Permits

1. Vote to Approve the One-Day Beer and Wine Liquor License to Scott O'Rourke (Wheaton College) for a Private Event at the Watson Haas Concourse of Wheaton College from 7:00 P.M. to 9:00 P.M on Wednesday, March 29, 2023.

**MOTION was made by Mr. Hornsby to approve the One-Day Beer and Wine License to Scott O'Rourke. Seconded by Mr. Rich. Vote: Mr. Rich – Yes; Mr. Toole – Yes; Mr. Hornsby – Yes; and Mr. Snyder - Yes. MOTION CARRIES.**

2. Vote to Approve the One-Day Beer and Wine Liquor License to Kristina Gagne for a Private Event at the Everett Leonard Park from 10:00 A.M. to 7:00 P.M on Sunday, September 3, 2023.

**MOTION was made by Mr. Hornsby to approve the One-Day Beer and Wine Liquor License to Kristina Gagne for a private event at the Everett Leonard Park from 10:00 A.M. to 7:00 P.M on Sunday, September 3, 2023. Seconded by Mr. Rich. Vote: Mr. Rich – Yes; Mr. Toole – Yes; Mr. Hornsby – Yes; and Mr. Snyder - Yes. MOTION CARRIES.**

### V. Announcements

Mr. Toole provided the following announcements:

- Virtual Design Public Hearing for the improvements on Route 123 at the intersection of North and South Worcester Streets on Wednesday, March 29<sup>th</sup> at 6:00 P.M. You can attend at [massgov/massdot/highway/design/public/hearings](https://massgov.massdot/highway/design/public/hearings). The link will be available on the Town website.
- Fire Department had two great CPR sessions (one in February and one in March) and it was Deputy Fire Chief Michael Wilson that has been running these sessions. Another one will be held on April 16<sup>th</sup> and the information can be found on the Norton Fire Department's website.
- March 21<sup>st</sup> is World Down Syndrome Day. For more information, please go to [worlddownsyndromeday.org](https://worlddownsyndromeday.org). Their mission is to bring awareness and their request is for people to do random acts of kindness on that day.
- There are vacancies on almost every board/commission/committee within town, which are listed on the Town website. Specifically, there are two permanent member openings and two alternate member openings on the Economic Development Commission (EDC). There is a very simple form those interested can fill out on the Town website (under the Select Board's page) if you are interested in serving on any board/commission/committee and submit it either to the Town Manager or the Chair.

VI. **Business**

A. **New Business**

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.

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

Mr. Snyder explained that this was a follow-up to a meeting they had in December where the Board voted to renew the license for a 90-day period with a list of conditions the licensee had to adhere to.

Mr. Yunits advised that he had spoken with the Building Commissioner and he reported that there is an intent for this licensee to move to a new location, but a building permit has not been pulled yet. The Town Manager explained that the licensee will need to pull a building permit for renovations to be done at 41 Pleasant Street, a lease agreement for that location, and proof from them that they have hired a contractor to start that work.

Attorney Greg Corbo of KP-Law summarized that back in December, the Board decided to renew the local license for a temporary period of 90 days subject to the license holder transmitting an application to transfer the license to a new location due to the fact that the current location is not suitable for this type of business (building cannot be used by customers, there is not sufficient amount of parking, and during the term of the license there have been numerous violations of the conditions of the license that there only be a certain number of cars in the parking lot. Attorney Corbo expressed that the Board made it clear at the December hearing that they would not authorize the license to continue at its current location. He stated that now the Select Board has to determine whether they are going to not renew the license or if they are going to give the licensee more time to explore the option of transferring locations.

Mr. Terrence Guy introduced himself as a co-owner and Ms. Atiya Reed introduced herself as the owner of the establishment and Mr. Guy stated that they recently turned in the paperwork to the Office Administrator for the transfer of the location. He stated that he is waiting for work on the door to be done. The Board confirmed that the application was included as part of their meeting materials. Mr. Guy informed the Board that he already purchased a door and the siding, so they just need to get a contractor to do the work and emphasized that is how badly they want to get out of their current location. Mr. Guy stated that they had another contractor that was going to do the work, but there was an issue with the contractor and the Building Inspector on a previous job, so this contractor backed out. Mr. Guy advised that his neighbor, who is a contractor and is mentioned in the lease, has some time available to get the work that is needed done. He stated that their plan is to have the work done at the latest by April 1<sup>st</sup>, but the contractor did say he could get the work done within the next 5-6 days.

Mr. Rich stated that he has spoken with the Building Commissioner and he told him that he had no issues with what was being proposed and the licensee had submitted everything that he had asked for. Mr. Rich further stated that the lease and worker's compensation affidavit have both been submitted now, so it appears they have checked all of the boxes and in result, he didn't see any issues from his standpoint.

Mr. Toole expressed appreciation for getting the work done that was requested of them by the Select Board and asked if they had thought of implementing a complaint process. Mr. Guy responded that they understand they can't make everyone happy and he has been in the business long enough where he can see when it is going to happen. In result, they have created a log and paper trail of each complaint they receive. Mr. Toole suggested creating a pamphlet or brochure of their complaint process to give out to customers if the situation arises because these vehicles are people's lifelines; it gets them to work and it is personal. Mr. Toole emphasized that when the Town Manager is receiving phone calls of complaints from customers, it is not good for the Select Board or the Town. Mr. Guy said that they have writing all over the walls explaining their rules/process that customers read while they are waiting for their paperwork, but some people they just can't satisfy.

Attorney Corbo pointed out that their current license is valid through March 31<sup>st</sup> and it does not sound like they are going to be able to get into their new location by April 1<sup>st</sup> and questioned the Board what the plan was for in the interim; is the license going to be granted for their current location or the new location? Attorney Corbo emphasized that the location will need to be specified in the license. Mr. Hornsby stated that this was going to be his question too because he doesn't want to have the license for the new location, something go wrong, and they can't get in there. Mr. Toole suggested extending their current license for 90 days and then come June, hopefully, they will be in there in time. Mr. Hornsby pointed out that if they extend the license for the current location and then they get into the new location, they don't have a valid license. Attorney Corbo explained that they couldn't do the 90-day extension because the licensee would have to come back to the Select Board anyways for the approval of the new location. He suggested that they put language within the motion approving "Address 1" until "Address 2" is ready and then "Address 1" is no longer valid. Attorney Corbo then referred to the new application included with the packet and asked how many vehicles were allowed on the property and Mr. Guy answered that there would be 12 vehicles allowed at the new location. Mr. Hornsby pointed out that it looked like 13 vehicles according to the plan.

**MOTION was made by Mr. Toole to close the public hearing at 7:36 P.M. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.**

Attorney Corbo asked the Board if they would like to keep the condition of the license where customer complaints are forwarded to the Police Department. Mr. Toole, Mr. Hornsby, and Mr. Snyder voiced their opinions that they didn't see that it was necessary to do so. Mr. Toole asked the Town Manager what his opinion was on this. Mr. Yunits expressed that if things can change, but his concern is that there have been so many people coming in about title issues and the way things worked out and there is nothing they [Town employees] can do about it, which is very frustrating. Mr. Yunits stated that all they can do is direct these individuals to contact the Attorney General's Office and file a report with the Police Department. Mr. Snyder pointed out that this is an annual license, so the Board will be voting on this again at the end of the year and they could always have the business owner(s) come back in front of the Select Board, if necessary. Mr. Toole agreed with Mr. Snyder. Mr. Rich stated that with the number of sales that the licensees state they have, the number of complaints only amounts to 5%.

**MOTION was made by Mr. Hornsby that the terms of the December 22, 2022 license shall remain in effect until March 31, 2023 or until occupancy is commenced at 41 Pleasant Street, whichever occurs later. After that time, the December 22, 2022 shall be null and void and a new license will take effect at 41 Pleasant Street subject to the condition that vehicles shall only be parked in the spaces designated on the plan submitted with the application. Seconded by Mr. Toole. Vote: Mr. Rich – Yes; Mr. Toole – Yes; Mr. Hornsby – Yes; and Mr. Snyder – Yes. MOTION CARRIES.**

2. Vote to Declare the School Department's 2004 Chevrolet Cutvan Mini-Bus and 2007 Chevrolet Cutvan Mini-Bus as Surplus.

**MOTION was made by Mr. Hornsby to declare the School Department's 2004 Chevrolet Cutvan Mini-Bus and 2007 Chevrolet Cutvan Mini-Bus as surplus. Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.**

3. Discussion Regarding the Public Distribution of Meeting Documents.

Mr. Snyder advised that he requested this agenda item and the reason why is because they currently post on the town website the agenda for meetings, but they do not post (and most boards and committees don't) the meeting materials. He clarified that he is not looking for the executive session materials, but just the public documents. Mr. Snyder used the example of sitting in on one of the Finance Committee meetings because he was trying to follow along, but he isn't provided with the budgets and he was left trying to see as Mr. Yunits scrolled, which made things much more difficult for him. Mr. Snyder proposed the possibility in the future of the Select Board creating a policy where the meeting materials are posted with the agenda on the town website.

Mr. Hornsby stated that this is why he wanted Attorney Corbo to stay for this portion of the meeting because there is a question as to when a document becomes a public document. Attorney Corbo answered that as soon as a document is received or created by any town official, it is a public document. Mr. Hornsby agreed with the idea of posting the public hearing materials, but not so much the remainder of the packet. Mr. Yunits brought up letters of interest to serve on boards/committees, which contain personal information such as addresses, phone numbers, and e-mails and asked Attorney Corbo what they would do in that circumstance (are they allowed to redact the document and should they). Attorney Corbo answered yes to both parts of the question. The Board, Town Manager, and Attorney Corbo discussed options for providing meeting materials and Attorney Corbo emphasized that this is completely optional and not a requirement. Mr. Snyder stated that they can talk about this more at a future meeting, but his ultimate intention for this is to be able to facilitate the process for residents who would like to participate in meetings. Mr. Toole replied that he understood Mr. Snyder's intent and referred to his previous example of trying to follow along with the Finance Committee meeting without the budget documents and pointed out that the Finance Committee meeting materials don't really need to be redacted because they are more or less budget proposals. Mr. Toole asked if Mr. Snyder's intent was more so focused on the financial substance of the packets. Mr. Snyder said he was open to that idea or any of the ideas proposed by Attorney Corbo. Mr. Snyder noted that he didn't want to create more work either for the Town Manager's Office. Mr. Toole stated that the Town Manager gets over 250 e-mails a day while juggling 8 appointments a day, he has one administrator he works with plus the Assistant to the Town Manager who has 12 projects going on at once and he can't think of possibly inundating that office anymore without getting additional support. Mr. Toole emphasized that this would be a lot of additional work. Mr. Snyder suggested speaking with the Office Administrator in the Select Board's Office, Ms. Jennifer Reid, to see if this would be feasible. Mr. Toole replied that Ms. Reid, who he sees as the Select Board's administrator, is also an administrator to the Town Manager. Mr. Toole expressed that Mr. Yunits should have an administrator who goes through his e-mails and organizes his schedule. He commended how greatly Mr. Yunits promptness to responding to these e-mails, but emphasized that it is a huge task routinely to get through that takes up a major chunk of time. Mr. Toole stated that he believes this should be part of the discussion because it is a huge taxation on the Select Board's Office and Town Manager's Office, which Mr. Snyder agreed should definitely be part of the discussion. Mr. Rich expressed his opinion that he could see posting the budgetary information, but for example, posting the public hearing documents for 2 Sons Auto Brokers he did not see as necessary and said the same for the application for Quick Stop. Mr. Rich suggested that if there is an application for a license that the

Select Board get the permission of that party to post their application to the town website. Attorney Corbo suggested as a compromise that the Board could have someone, such as the Town Manager, share on his screen certain documents being discussed.

#### 4. Discussion on a Plan to Maximize Voter Turnout for the Annual Town Election Scheduled for April 29, 2023.

Mr. Snyder advised that he requested this agenda item as well and asked Mr. Yunits to speak to this more. Mr. Snyder mentioned that they did have the Special Election and the turnout was not great (only about 800 voters showed up and voted) and emphasized that he did not think that this was something specific to that election. Mr. Snyder asked Mr. Yunits specifically what the Town does currently to announce the elections. Mr. Yunits advised that they currently put the notice on the town website, the School Department puts an announcement on the signs in front of the schools, the Highway Superintendent, Mr. Keith Silver, uses one of the Highway Department's digital signs and puts it out on East Main Street, the Water/Sewer Department puts one on West Main Street, and he believed that there was now a third one digital sign they could put out around town now. Mr. Yunits mentioned that Mr. Silver also puts a metal sign at the entrance of town from Easton, Attleboro, Taunton, and Mansfield stating "Annual Town Election" with the date on them. Mr. Toole added that the Town Clerk also announces it on their Facebook page. Mr. Toole commented that people show up to vote on things that they find important and want to vote on; 10,000 voters show up for the Presidential Election, but only 1,700 voters show up for the Annual Town Election. Mr. Toole also pointed out that for congressional elections, there are approximately 3,500 voters and on overrides there are about the same number of voters. Mr. Snyder stated that he has seen that some other towns do flyers and leave them at local businesses and more signage throughout town and suggested maybe one at the Town Common. Mr. Yunits stated that the Town Clerk had some A-frame signs for the Annual Town Election and would look into that more when she returned from vacation. Mr. Snyder further suggested sending out a Norton Alert to residents notifying them of the Annual Town Election.

#### 5. Discussion and/or Vote to Open the Special Town Meeting for May 15, 2023.

Mr. Yunits provided a timeline for opening the Special Town Meeting and advised that the Special Town Meeting warrant would close on March 28<sup>th</sup>, which is the 5<sup>th</sup> business day following the newspaper advertisement, at 4:00 P.M. Mr. Toole asked why they were opening the Special Town Meeting warrant so early if it is only open for 5 business days. Mr. Yunits explained that the warrant would close on March 28<sup>th</sup>, a copy of the warrant would go the Finance Committee by no later than April 10<sup>th</sup>, April 28<sup>th</sup> you would have to post the warrant (16 days before the town meeting), and the warrant with recommendations needs to be posted by May 5<sup>th</sup>. Mr. Yunits pointed out that they also need to leave time for town counsel to review things.

**MOTION was made by Mr. Hornsby to open the Special Town Meeting warrant for May 15, 2023. Seconded by Mr. Rich. Vote: Unanimous. MOTION CARRIES.**

#### 6. Discussion and/or Vote to Put an Article on the Special Town Meeting Warrant to Request Funding for a Traffic Engineer to Redesign the Intersection at the Norton Center.

Mr. Hornsby explained that this is coming from the Traffic Safety Committee that was put together, which Mr. Robert Kimball, Jr. is the Chair of. Mr. Kimball of 51 Pine Street introduced himself for the record. He stated that he had submitted a letter on behalf of the Traffic Safety Committee requesting that the Select Board place an article on the warrant. Mr. Kimball informed the Board that he sent a plea out to the two State Representatives (Jay Barrows and Steve Howitt) asking for their assistance to get someone from the MassDOT Division down to talk to them,

which they received confirmation that someone from MassDOT would be there. He stated that to their surprise, there were actually 3 members from MassDOT, a member from SRPEDD, along with their two State Representatives and a representative from the Senator's Office. He stated that this gives the Board an idea of the sense of urgency. Mr. Kimball stated that the concern the Traffic Safety Committee wants to address is the intersection of Route 123 and Route 140. After an extensive conversation about this intersection, which is Rated F by the Commonwealth. He explained that when doing a project such as this, the first step is to hire a consulting firm for engineering and the layout work and usually that is on the dime of the community that is trying to get it done. Mr. Kimball pointed out that they would like to start implementing the new visions of the plan for the center of town before any additional redevelopment occurs in that area because there is no way around it in that there are going to be property takings in order to reconstruct the center. He informed the Board that when MassDOT came in they presented four options: 1) leave it alone; 2) create a square intersection, which would involve taking down some homes near the library square; 3) go down Mansfield Avenue, take down the two Wheaton College buildings on the left and go through the center of the redesigned/redone common (which he chaired the committee for the Town Common revitalization and commented that this brings a pain to his heart); and 4) go to the right of the Unitarian Church and take as much property as needed (two of the properties are owned by one person and Mr. Kimball believed the rest were owned by Wheaton College). Mr. Kimball advised that the consultant will come up with two scenarios and present them and then once they decide what they want to do, the consultant will give them some direction on what they need to do. He emphasized that this is the best for the community. He pointed out that a lot of the planning work is already done from previous committees that were formed to review the center of town, so now an engineering company needs to come in and do the engineering work as far as the layout, have a number of public hearings to get community input, and then come up with a final plan. Mr. Kimball advised that once they have the RFP out there and engineering firm hired, the next step would be the eminent domain takings.

Mr. Hornsby clarified that in order to receive Mass. Highway funding, the Town would have to hire a consultant and engineering firm and the costs would be on MassDOT. Mr. Hornsby mentioned that from their meeting, the figure they were given for the estimated cost of the project was \$12-15 million at a minimum based off of today's costs and this wouldn't be happening for several years from now. Mr. Kimball clarified that what he is unsure of is who would be covering the eminent domain takings. Mr. Yunits replied that from what they did for the East Main Street eminent domain takings and the Rail Trail eminent domain takings, he would guess that it would be the Town that pays for them. Mr. Hornsby added that the estimate for the consultant was \$200,000, but where a lot of the work was already done in 2019, but it has to come through certain steps that have to be taken. Mr. Hornsby advised that they were going to put in something for around \$50,000 to go towards the consulting fee. Mr. Snyder questioned if they had ever had an article such as this put on a town meeting warrant, which Mr. Kimball confirmed they had for North and South Worcester Streets, but not this intersection. He continued that by hiring the consultant, they are then asking to be placed on the Traffic Improvement Program (TIP) and the Town has two years to react and start taking the next steps.

Mr. Toole commended Mr. Kimball for taking the lead on this, but also expressed a concern with budget concerns for FY24. Mr. Snyder expressed that he was torn because this is something that is going to impact everyone in town and is wondering if it should be put in front of residents at town meeting and let them make the decision. Mr. Snyder commented that it is a mess of an intersection. Mr. Kimball stated that he had served on the Finance Committee for 5 years before becoming a Selectman and the past 30 years there has been the same conversation regarding budget shortfalls and not having enough money, which he completely understands, but at some point, you have to say "Okay, I think it is time" and move forward.

**MOTION was made by Mr. Hornsby to put an article on the Special Town Meeting warrant to request funding for a traffic engineer to redesign the intersection at Norton Center. Seconded by Mr. Rich. Vote: Unanimous. MOTION CARRIES.**

7. Review and/or Vote to Refer All Zoning Articles to the Planning Board for its Non-Binding Recommendations.

Mr. Yunits explained that this is standard practice for the Select Board for articles that are on the warrant that involve Planning and Zoning, so they can go to the Planning Board for their review and vote and then these articles will come back to the Select Board with any suggestions and if they voted in support of the articles or not. He advised that one of them is a FEMA bylaw update. He explained that there is a need to change it because FEMA said that the Town's current bylaw is outdated, new definitions need to be added, add different interpretation of enforcement, and add the new National Floodway Insurance Program Administrator as the Building Commissioner.

Mr. Yunits moved on to explain the solar bylaw change that proposed changing the language to allow all sizes of solar projects in most areas of the Town through site plan review. He stated that their statement here is, "similar to the Dover Amendment, which says schools can be anywhere, now the State is more or less saying that with solar." The Town Manager explained that the proposed change has allowed two types of solar: commercial and residential; commercial solar is medium to large-scale developments whereas, residential solar is for very small developments that you may place in your backyard.

**MOTION was made by Mr. Hornsby to refer all zoning articles to the Planning Board for its non-binding recommendations. Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.**

8. Discussion and/or Vote to Award SERSG DPW Services Contracts for a Twelve-Month Period Commencing 3/1/23.

Mr. Yunits explained that this is the Southeastern Regional Services Group and before them are the items that the Highway Department may need during the year and the prices that came back.

**MOTION was made by Mr. Toole to approve the pricing for the SERSG quote for the DPW Services Award for March 1, 2023 through February 29, 2024. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.**

9. Review and/or Vote to Approve the Release Deed and Land Development Agreement and Affordable Housing Restriction Between the Town of Norton and Old Colony Habitat for Humanity, Inc.

Mr. Yunits explained that the Land Development Agreement outlines that this home will be an affordable home for the life of the home and the Release Deed is selling that lot to the Habitat for Humanity for a dollar. He advised that the house that was falling down has been torn down, which the neighbors were very happy about. Mr. Toole mentioned that they [Habitat for Humanity] have a goal of \$300,000 to raise for this project.

*Mr. Hornsby stepped away from the meeting at 9:31 P.M. and returned at 9:33 P.M.*

**MOTION was made by Mr. Toole to approve the Release Deed and Land Development Agreement and Affordable Housing Restriction between the Town of Norton and Old**



**Colony Habitat for Humanity, Inc. at 16 Ridge Road. Seconded by Mr. Rich. Vote: Unanimous. MOTION CARRIES.**

**B. Old Business**

**1. 7:15 P.M.** - Public Hearing on the Application of NEHA CORP d/b/a Quick Stop, Manager: Ekta H. Patel for a Change of Category, from an Off-Premises Wine and Malt Beverages License to an Off-Premises All Alcoholic Beverages License at 250 East Main Street, Norton, Massachusetts.

**MOTION was made by Mr. Toole to open the public hearing for the application of NEHA CORP d/b/a Quick Stop, Manager: Ekta H. Patel for a Change of Category, from an Off-Premises Wine and Malt Beverages License to an Off-Premises All Alcoholic Beverages License at 250 East Main Street, Norton, Massachusetts at 7:41 P.M. Seconded by Mr. Hornsby. Vote: 3 – Yes; 1 – Abstention (Mr. Rich). MOTION CARRIES.**

*Mr. Rich recused himself and left the meeting during the duration of the public hearing.*

Attorney Arthur Pearlman was present on behalf of the applicant and explained to the Board that his client is seeking an All Alcoholic Beverage Package Store license. He advised that the corporation currently holds a Wines and Malts Beverage Package Store license. Attorney Pearlman informed the Board that if they and the ABCC (Alcoholic Beverages Control Commission) approves the All Alcohol Package Store license, the licensee will return the Wines and Malt Package Store license to the Town. He advised that his assistant submitted an affidavit and exhibits relative to the published notice and mailed notice to the abutters and showed the stack of the green cards (return receipts) for the abutters' notifications. Attorney Pearlman stated that NEHA CORP. is a Massachusetts' corporation and the Manager, Ms. Ekta H. Patel, is the President, Treasurer, Secretary, sole Director, and 100% shareholder of the corporation as well the Manager of record for the license. He pointed out that the hours of operation and floor layout of establishment will remain the same. Attorney Pearlman emphasized that nothing about the operation of the establishment is changing except the additional inventory they are hoping to add that customers have been requesting for years. He further stated that there has never been a violation of the law for this corporation pertaining to the law or rules governing the sale of alcoholic beverages and they have been in business since 1999.

Attorney Corbo mentioned that when the Town applied through special legislation to gain additional Retail Package All Alcohol Package Store licenses, that part of that statute was to authorize the Town to create a procedure for evaluating these applications through a Liquor License Review Committee and mentioned that a member of the Economic Development Commission (EDC) was present to speak to this. Mr. Toole questioned how this would affect the application in regard to the 30-day timeline. Attorney Corbo explained that in regard to M.G.L., the licensing authority is to vote on an application within 30 days of receipt and if it isn't voted on, the application is deemed not approved, and provides the applicant 5 days to file an appeal with the ABCC. Attorney Corbo stated that if the Board wished to have such Review Committee review this application, they could request to continue the hearing for an additional period of time and if they are unwilling to do so, you can take into account the lack of input from the Review Committee. Attorney Corbo expressed that in his opinion, the Board could reasonably deem that they do not have enough information to make a decision without the Review Committee's input. Alternatively, Attorney Corbo stated that the Board could take action this evening even though in a perfect world they would have liked the input of the Review Committee. Mr. Yunits pointed out that the Review Committee is an option within the special act and is not a requirement, which Attorney Corbo confirmed.

Ms. Renee Deley, member of the EDC, came before the Board and asked how the language that differed between the special act and the original warrant article language was going to impact them. Attorney Corbo stated that he worked with the Board in crafting this legislation and it originally had words to the effect that an application would not be considered complete unless it had first gone through the Review Committee and at some point, that language came out. Attorney Corbo stated that he was unsure of when that language came out, whether it was before or after town meeting and Mr. Yunits advised that the legislature did it. Attorney Corbo emphasized that typically when they prepare warrant articles for special legislation, they include language that authorizes the Select Board to approve changes that are within the general public objectives of the bill, which he assumed had happened here. He stated that the legislation as it has been granted is the legislation that is in effect. Ms. Deley thanked Attorney Corbo for the clarification. Ms. Deley mentioned that through discussions when preparing for special legislation and addressing concerns (about how the previous special legislation license was approved), one of the solutions they came up with was establishing a Review Committee much like what they implemented for the marijuana establishments so there was a fair and competitive process in place. Ms. Deley stated that this article was approved unanimously at town meeting, although there was an amendment at the time to remove the Review Committee, which did not pass. She stated that from a member of the EDC and as a town they are looking at this from a fair and reasonable process and that the Board consider that moving forward. Ms. Deley noted that they have been working on this with KP-Law and there is just one open question for KP-Law to validate and then that is it. She advised that it has been reviewed with the new EDC members as of January when they expected the licenses to come back just so that the EDC was aware as well as the Planning Director because the Review Committee is comprised of the EDC, the Planning Director, and the Town Manager. Ms. Deley summarized the process of the Review Committee stating that it is a Request for Application, the Select Board selects the window of time, it is put out for public notice, and then once that window closes, then the review process starts with the EDC; once the review process is completed by the EDC, a report is provided to the Select Board on recommendations, and then the Select Board is under no obligation to follow the recommendations, but they would hear each applicant according to the ranking from the scale the EDC used.

Attorney Daniel Rich spoke and stated that he and his brother Alec Rich, Jr. are the landlords for Quick Stop. He provided history on the property and stated that he and his brother started Quick Stop back in 1976 because there was nothing down on that side of town (no highway and there was actually a cow pasture right there). Attorney Rich mentioned that two years later, Anne's Place went out of business and they got their liquor license, which is the license Quick Stop currently holds. He continued explaining that the liquor license quota for municipalities is based off of population, so shortly after they obtained their license, Produce Barn opened up and petitioned for a special act all alcohol license. Attorney Rich informed that they went all the way up to Boston at the time to speak against the granting of such a license, not because of Produce Barn or the owners which he emphasized are great people, but because it would deter them from getting such a license when they became eligible again, but the liquor license was granted. He stated that when the next one became available, it went to the Chartley side of town instead. Attorney Rich stated that back when I-495 was being put in, he predicted that this was going to change that whole side of town, which he was say is right using the example of the development of housing and that the traffic through there went from about 2,000 cars per day to now probably 25,000 cars per day. He expressed his opinion that what this town doesn't need is another board reviewing an application that this Select Board can decide on this evening. Attorney Rich pointed out that there is nothing on that end of town except the Quick Stop and it serves a lot of people. He suggested that the Board vote tonight and emphasized that the Town has too many committees as is; the Select Board is comprised of intelligent people and asked the Board what that Review Committee is going to tell them (i.e. that there isn't a use for it down there). Attorney Rich pointed

out that when the Produce Barn got their All Alcohol license the next liquor store was only a quarter of a mile down the street. Attorney Rich respectfully asked the Board to vote on this application this evening because it is only going to create more problems if they don't because they are just going to go to court. He lastly pointed out that since he and his brother opened that Quick Stop on December 19, 1976 it has only been closed for one day and that was the Blizzard of '78; the storm happened on a Monday, they were closed Tuesday, and opened for Wednesday, Thursday, and Friday and they were the only store to have milk (they went and got milk and brought that into town, including the nursing home because they didn't have milk). To follow-up to what Attorney Rich said, Attorney Pearlman stated that Quick Stop was open throughout COVID-19 when a lot of the other stores weren't. Attorney Pearlman posed the question of if there was a Review Committee that wanted to review this why they hadn't, especially with the two-week continuance, which was due to a lack of a quorum. Ms. Deley stated that the EDC is under the direction of the Select Board and the only reason she knew of the hearing was because of the public hearing notice that was posted by the Select Board's Office.

**MOTION was made by Mr. Toole close the public hearing at 8:02 P.M. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.**

Mr. Toole expressed his opinion that he wanted to vote on this application at this meeting and further stated that he wants to control the process. He explained that he believes the Review Committee process proposed kind of puts the applicant in limbo as well as the Select Board and the ABCC may ultimately in the end decide that the local licensing authority (LLA) has neglected the application and take it as a denial. He also noted that within both the town meeting warrant article and the special legislation, it already identifies which areas of town these licenses are allowed in and Quick Stop qualifies in that aspect of it. Mr. Toole also noted that there is only one applicant and stated that if there were say 5 applicants he would be in favor of forwarding the applications to the review process discussed, but that isn't the case. He stated that the EDC was originally designed to promote business and so forth, however, it was not designed to be a policy committee even though they created this process. Lastly, Mr. Toole pointed out that all the posting requirements were done fully and believes they should vote this evening. Mr. Hornsby agreed with everything Mr. Toole stated and then asked when this license was made available. Attorney Corbo answered that this license was approved by the legislature on January 4, 2023. Mr. Snyder stated that where he is struggling is town meeting took a vote and gave the Select Board a directive to follow, which is to use this Liquor License Review Committee (LLRC) to review all new licenses, so in this situation they would be voting on something that town meeting didn't vote for them to do. Mr. Snyder did point out that the process was put into place in order to make the application process fair and to Mr. Toole's point, there is only one applicant. Mr. Toole acknowledged what Mr. Snyder was saying and stated that he takes town meeting very seriously, as does the legislature, who put the language in there to give the Select Board the power to issue licenses on circumstances such as this. Attorney Corbo added to the discussion that through town meeting and the legislature, they were granted two additional licenses and by granting this license, you would also be getting back a beer and wine license. He added that now the LLRC could use the all alcohol license and beer and wine license to start promoting to local businesses and by voting tonight the Select Board wouldn't necessarily be defeating the will of the Town. Mr. Hornsby recognized the great reputation of Quick Stop and referred back to Mr. Toole's comment that there is only one applicant and clarified that the reason he asked when the legislature approved these additional licenses is because it has been about 2 ½ almost 3 months now and they have had only one applicant.

**MOTION was made by Mr. Toole to approve the application of NEHA CORP d/b/a Quick Stop, Manager: Ekta H. Patel for a Change of Category, from an Off-Premises Wine and Malt Beverages License to an Off-Premises All Alcoholic Beverages License at 250 East**

**Main Street, Norton, Massachusetts. Seconded by Mr. Hornsby. Vote: Mr. Toole – Yes; Mr. Hornsby – Yes; and Mr. Snyder – Yes. MOTION CARRIES.**

*Mr. Rich returned to the meeting at the conclusion of the vote at 8:18 P.M.*

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

Mr. Toole stated that the purpose of this policy is to set forth general guidelines and expectations to the accessibility of town counsel to town boards, commissions, committees, town moderator, and employees consistent to the 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 the accessibility to town counsel, thereby understanding and controlling the cost of legal services.

Mr. Toole pointed out that last year when the Select Board saw an itemization of the legal fees accrued by department/board/committee it was very eye opening to see who was reaching out to town counsel. He pointed out that the Town Manager and the Chair of the Select Board having unlimited access to town counsel as well as Select Board members requesting ethics opinions. Mr. Toole explained that the policy would make it so that all boards, committees, and commissions (with the exception of the Select Board) shall request access to town counsel from the Town Manager to obtain legal advice, including a request of the written opinion or to the request of town counsel to attend a meeting of such board. Mr. Toole continued reading over the proposed Request for Town Counsel Policy (attached herewith). Mr. Toole stated that this is a cost control measure as well as a disclosure of who is using town counsel.

Mr. Hornsby asked if this policy was already in place and Mr. Toole answered that it was not and clarified that it is something that he is looking for the Select Board to adopt. Mr. Snyder added that there is currently a form to request to contact town counsel that isn't really being used or implemented at this time because there isn't any real formal policy behind it. Mr. Hornsby stated that this was his point because they have members of boards and committees texting and calling town counsel and the Town Manager isn't even aware of it. Mr. Hornsby expressed that he believed Mr. Toole brought to the Board a good solution to this problem. Mr. Snyder commented that he thinks the policy presented is good because there is flexibility within what is being proposed, such as designating a liaison of the Select Board for town counsel and that as the Select Board they need to start getting more policies in place for boards and committees to follow.

Attorney Corbo expressed that he was fully in favor of this policy because it benefits KP-Law as much as it benefits the Town. He stated that by having the Town Manager be the point of contact, it creates a consistency in the relationship and that while they don't want to discourage anyone from contacting town counsel, they also don't want it to be the knee-jerk reaction. Attorney Corbo pointed out that they also don't want a member of the board calling him for an answer while another member of the same board contacting Attorney Lauren Goldberg for the same answer and then another board member contacting Attorney Joe Fair for the same answer. He further explained that by doing so, then the Town Manager could say in some circumstances that town counsel has already been contacted and an opinion has been received. Mr. Snyder noted for viewers watching that within the policy it does outline that if you have an ethical question, you are allowed to contact town counsel directly or go to the Town Manager.

**MOTION was made by Mr. Toole that the Select Board adopt and pass the Town Legal Counsel Request Policy as printed and proposed and the policy and current request form to become one policy. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.**

**C. Town Manager's Report**

### 1. FY24 Budget Update.

Mr. Yunits stated that when he enters what he calls the “wish list” of what everyone from each department, including the School Department, would like in their budget, the Town would be short \$4,578,170. The Town Manager summarized as follows what comprises the overages:

- Fixed and Shared Expenses increased this year \$1,556,336 and \$1,000,000 of which is a payment on the TRANE project. The Board commented that they have a meeting to discuss the TRANE project next week, which Mr. Yunits stated he had requested and heard back from the Chair of the Select Board and the Chair of the School Committee approving changing the meeting place to the Norton Public Library so that the meeting could be broadcasted live and there is a bigger screen available for those who need to participate remotely. Mr. Hornsby stated that the meeting is Tuesday, March 21<sup>st</sup>;
- Southeastern Regional \$135,000;
- All the departments’ requests, \$989,964;
- School Department \$3,032,533.

Mr. Yunits pointed out that the Town only has a little over \$2 million (\$2,155,000 roughly) available to fund the FY24 budget.

### 2. FY24 Earmark Requests.

Mr. Yunits thanked Representatives Steve Howitt and Jay Barrows for reaching out on that. He informed the Board that with the earmark grants, nothing is guaranteed; they can even be approved through the legislature, but the Governor has to sign-off. Mr. Yunits referred to a comment Mr. Kimball made about not all of the ARPA funds being spent and stated that there is so much money available the government has that needs to be spent.

Mr. Yunits summarized the list of earmark requests as follows:

- Everett Leonard Park: \$65,000 in improvements, which includes the purchase and installation of a new chairlift for the pool and structural repairs to the concession stand;
- Engineering and design for the intersection of improvements for Route 123 and Route 140 at the Town Center \$225,000;
- Engineering design for installation of sidewalks on Pine Street and Plain Street as part of the Town’s Safe Routes to School Program \$175,000.

Mr. Yunits explained that the Congressman was very specific as to what type of projects these funds could be used for and with the Water/Sewer Department there was a tight time frame of around 4 days of having an answer back. The Town Manager emphasized that the Water/Sewer Department worked very hard on this and put in for the Cottage Street elevated water tank. He explained that they want the agitators and mixes at all four of the water storage tanks (two elevated, two underground) and the Plain Street water main improvement from the Town forest to South Washington Street to tie into the new wells.

### 3. Update on Carnival.

Mr. Yunits informed the Board that they did have another meeting this week with the VFW, the School Department, and all the department heads that are involved along with Rockwell Amusements that will be running the carnival. Mr. Yunits commented that it seems to be moving

forward and Mr. Toole asked if they had set the dates yet, which Mr. Yunits confirmed and Mr. Rich stated that the carnival will be from June 15<sup>th</sup> to June 18<sup>th</sup>.

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

**1. Update on Select Board Town Report and Dedication.**

Mr. Snyder asked Mr. Toole if he had an update on this. Mr. Toole clarified that he is just responsible for the dedication. He stated that he has been working on a draft with the Assistant to the Town Manager, Ms. Michelle Brown, and should have it wrapped up by this week. Mr. Toole acknowledged that he has put Ms. Brown up against a very tight deadline to meet. Mr. Hornsby stated that he doesn't believe Ms. Artz has had time to work on the report, so he will work on the Select Board's town report as well.

**2. Special Recognition Presentation.**

Mr. Toole presented Lieutenant/EMT Andrew Burgess with a Certificate of Recognition on behalf of the Select Board for over 27 years of service on the Norton Fire Department and congratulated him on his retirement.

**IX. Warrants**

Mr. Hornsby, as the alternate designee, reported that the following Payroll and Invoice Warrants were approved:

- A. Invoice Warrant AP23-36 dated March 9, 2023, in the amount of \$835,688.01.
- B. Payroll Warrant PR23-18 for the week ended March 4, 2023, Warrant dated March 9, 2023, in the amount of \$1,679,495.75.
- C. Invoice Warrant AP23-37 dated March 16, 2023, in the amount of \$418,436.04.

**X. Other Business**

Other Business: Topics Not Reasonably Anticipated 48 Hours in Advance.

Mr. Toole advised that the Select Board has speaking for years in regard to the Hicks Fund moving away from the set investment schedule in order to have a more open plan. He explained that the Town has to be approved by the State to what is called the Prudent Investor Clause. Mr. Toole emphasized that although the Hicks Fund is separate from the Town, when they are going through this process, the Town should go through the process as well so they can invest in their stabilization fund. Mr. Toole continued explaining that within that stabilization fund, they would have the same company that manages those funds would have the ability to look at other investment means. He stated that the reason that they do this is the list for investments are very antiquated and gives them a little bit of flexibility.

**MOTION was made by Mr. Toole to place on the Special Town Meeting Warrant to approve the Town to petition the State for Prudent Investor. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.**

**XI. Next Meeting's Agenda – Thursday, April 13, 2023.**

**XII. Executive Session.**

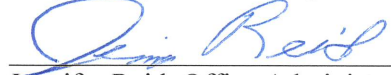
There was no executive session.

XIII. **Adjournment.**

**MOTION was made by Mr. Hornsby to adjourn the Select Board meeting at 9:45 P.M.  
Seconded by Mr. Toole. Vote: Unanimous. MOTION CARRIES.**

URL Link: [https://www.youtube.com/watch?v=s\\_T0I-MwyZM](https://www.youtube.com/watch?v=s_T0I-MwyZM)

Respectfully Submitted by:



Jennifer Reid, Office Administrator

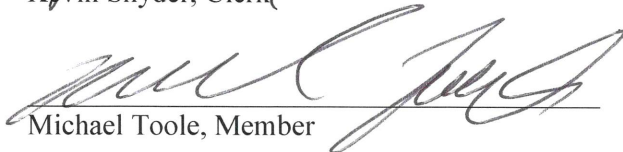
**SELECT BOARD  
MINUTES OF MEETING  
MARCH 16, 2023**



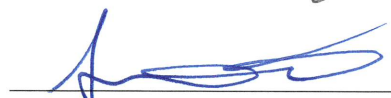
Megan Artz, Chair



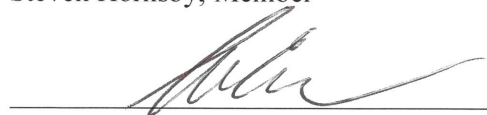
Kevin Snyder, Clerk



Michael Toole, Member



Steven Hornsby, Member



Alec Rich, III, Member

Minutes Approved by Board on: April 13, 2023

Town Legal Counsel Request  
Draft Policy

It is the intent of this policy to set forth general guidelines and expectations on the accessibility of Town Counsel to Town boards, commissions and committees, Town Moderator and employees, consistent with the 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.

A. Town Manager

1. The Town Manager shall have direct access to Town Counsel at all times in relation to her/his duties as Town Manager.

B. The Select Board

1. The chair of the Select Board shall have direct access to Town Counsel to obtain legal advice, including a request for a written opinion, or to request Town Counsel to attend a meeting of the board. Any member of the Select Board shall have direct access to Town Counsel to obtain legal advice or request a written opinion. Such requests shall be submitted in writing using Request For Legal Services Form to Town Counsel with a copy to the Town Manager and the chair of the Select Board for notification purposes. The chair of the Board shall ensure that other Board members are informed of such requests and legal opinions.
2. All members of the Select Board requesting Ethics Opinions (Conflict of Interest Law) shall have direct access to Town Counsel. They do not need to request access from the Town Manager on such inquiries.

C. Boards, commissions, and committees of the Town of Norton.

1. Chairs of all boards, commissions, or committees, other than the Select Board, shall request access to Town Counsel from the Town Manager to obtain legal advice, including a request for a written opinion, or to request Town Counsel to attend a meeting of such board, committee or commission through the Request For Legal Services Form. Any member of a board, commission or committee may request a written opinion from Town Counsel, provided that said member obtains a majority vote of said board, committee or commission at a public meeting authorizing the request of such opinion. Said request shall be submitted to the Town Manager for approval.
2. The Town Manager will refer all requests for opinions received from individual members of boards, commissions or committee to the chair of said committee, who will schedule the request for a vote of the board, commission or committee on the matter of approving such a request at the next meeting of said committee, when feasible.



Town Legal Counsel Request  
Draft Policy

3. Boards, commissions or committees may vote to authorize one member of the board, commission or committee to communicate directly with Town Counsel on a specific matter they have explicitly voted for that member to have responsibility for. For example, if a board appoints one member of the board to work on a policy item to be considered by the board, the board may include in their designation that this includes the ability to seek an opinion from Town Counsel as part of the work to be undertaken by that board member. Such vote of the board, commission, or committee must clearly reflect an authorization for the Town Counsel to speak directly with less than a quorum of the board, commission, or committee on the specific matter. Such access to Town Counsel must be approved by the Town Manager.

D. Other Town Counsel Requests

1. All other requests of Town Counsel not mentioned in this policy should be submitted to the Town Manager and the Select Board Chair Using the Request for Legal Services Form.