



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

Telephone (508) 285-0210; Facsimile (508) 285-0297

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Select Board
Meeting Minutes
September 14, 2023

I. Call to Order by Chair

The September 14, 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 7:07 P.M., by Mr. Steven Hornsby, Vice-Chair (acting Chair for this meeting). Member(s) present: Mr. Alec Rich, III and Ms. Denise Luciano. Ms. Megan Artz joined the meeting remotely at 7:11 P.M. Also in attendance: Mr. Michael D. Yunits, Town Manager.

Moment of Silence for Retired Chief George Burgess.

Mr. Rich stated that Retired Chief Burgess was a permanent fixture in his whole life and it is a tremendous loss to the Town. Mr. Yunits said his introduction to Retired Chief Burgess was on the Planning Board and recognized the great loss from his passing. The Board observed a moment of silence in his memory.

II. Appointments/Resignations/Retirements

1. Appointment of Select Board Representative to the Capital Improvements Committee.

MOTION was made by Ms. Luciano to appoint Alec Rich as the Select Board Representative to the Capital Improvements Committee. Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.

2. Resignation of Robert B. Medeiros Sr. from the Board of Health.

Mr. Yunits advised that Mr. Medeiros has moved out of town and can no longer serve on the Board of Health.

3. Appointment of Ellen Valentine as the At-Large Member to the Board of Health.

Mr. Zahner advised that Ms. Valentine attended one of the Board of Health meetings and liked what the Board does, what it stands for, and what they do. She was looking to serve the community and found this to be something she wanted to serve on. Mr. Zahner expressed his excitement.

MOTION was made by Mr. Rich to appoint Ellen Valentine as the At-Large Member to the Board of Health. Seconded by Ms. Luciano. Vote: Unanimous. MOTION CARRIES.

4. Appointment of Janel Twogood to the Alternative Transportation Committee.

Ms. Artz arrived at this point in the meeting at 7:11 P.M.

MOTION was made by Ms. Luciano to appoint Janel Twogood to the Alternative Transportation Committee. Seconded by Mr. Rich. Vote: Unanimous. MOTION CARRIES.

III. Minutes

Approve Minutes, including but not limited to: August 10, 2023 and August 30, 2023.

MOTION was made by Mr. Rich to approve the minutes of August 10, 2023 and August 30, 2023. Seconded by Ms. Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

IV. Licenses and Permits

1. Vote to Approve the One-Day Beer and Wine License to Robert Medas for a Public Event at 98A Burt Street, Norton, MA 02766 from 11:00 A.M. to 4:00 P.M on Saturday, October 7, 2023 (Rain Date: Sunday, October 8, 2023).

MOTION was made by Mr. Rich to approve the One-Day Beer and Wine License to Robert Medas for a public event at 98A Burt Street, Norton, MA 02766 from 11:00 A.M. to 4:00 P.M on Saturday, October 7, 2023. Seconded by Ms. Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

2. Vote to Approve the One-Day Beer and Wine License to Elias DaSilva for a Private Event at 185 North Washington Street, Norton, MA 02766 from 12:00 P.M. to 8:00 P.M on Sunday, October 1, 2023.

MOTION was made by Ms. Luciano to approve the One-Day Beer and Wine License to Elias DaSilva for a private event at 185 North Washington Street, Norton, MA 02766 from 12:00 P.M. to 8:00 P.M on Sunday, October 1, 2023. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

3. Review and/or Vote to Approve the Application for the Transfer of the Common Victualler License from MA PIZZA, Inc. d/b/a Roma Italian Pizza to Express Pizza, LLC to be Utilized at 360 Old Colony Road, Norton, MA 02766.

Mr. Osmin Ramirez spoke and explained that they are buying the business and Mr. Hornsby asked if they were doing any renovations or if they would just open. Mr. Ramirez answered that they would just open.

MOTION was made by Mr. Rich to approve the application for the transfer of the Common Victualler License from MA PIZZA, Inc. d/b/a Roma Italian Pizza to Express Pizza, LLC to be utilized at 360 Old Colony Road, Norton, MA 02766. Seconded by Ms.

Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

4. Review and/or Vote on the Application of Vital Voyage LLC (Manager: Olga V. Batista) for a Home Occupation Taxi Cab/Other Motor Vehicle for Hire License.

Ms. Olga Batista explained that her and her husband are residents of Norton at 7 North Washington Street. She advised that they will be taking those who can't drive to doctors' appointments. She said eventually they would like to provide transportation to MassHealth patients. She informed the Board that they have been in the transportation business for 15 years and have extensive experience in the field.

Mr. Rich noted that the letter from the Building Commissioner and Mr. Hornsby asked how many vehicles they have. Ms. Batista answered that they have 2 Priuses.

MOTION was made by Mr. Rich to approve the application of Vital Voyage LLC for a Home Occupation Taxi Cab/Other Motor Vehicle for Hire License for 2 vehicles at 7 North Washington Street. Seconded by Ms. Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

V. **Announcements**

1. Save the Date: Old Colony Habitat for Humanity 2023 Wine Tasting to be Held on Thursday, October 26, 2023 from 6:00 P.M. to 9:00 P.M. in the Tree Top Lounge of Lake Pearl Wrentham.

2. Norton Parks & Rec. Halloween Costume Exchange.

Mr. Rich read the announcement from the flyer provided by the Parks and Recreation Department as follows:

Drop off gently used kids Halloween costumes to the bin in the front lobby of Town Hall from Monday, September 11th through Friday, October 6th. Please put the costume in a bag with any accessories that go with it. You don't need to bring a costume to take a costume (this is a totally free event).

Hours for Drop-Off at Norton Town Hall are normal business hours (Monday – Wednesday 8:30 A.M. to 4:30 P.M., 8:30 A.M. to 7:30 P.M. Thursday, and Friday 8:30 A.M. to 12:30 P.M.).

Hours for Selecting New to You Costumes: 4:00 P.M. – 7:00 P.M. at Everett Leonard Park (6 Parker Street, Norton, MA 02766).

3. Explore Girl Scouts: New Member Sign-Up Event on September 21st from 5:15 P.M. to 7:00 P.M. at the Norton Public Library.

VI. **Business**

A. **New Business**

1. **7:15 P.M.** - Public hearing on the application of Yana Norton LLC d/b/a 123 Beer Wine & Smoke, Manager: Vishal Patel for a New Section 15 Off-Premises Wines and Malt Beverages License at 57 West Main Street, Unit C, Norton, Massachusetts 02766.

MOTION was made by Mr. Rich to open the public hearing at 7:19 P.M. Seconded by Ms. Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

Attorney Eliot Brais from Attleboro came before the Board to speak on the applicant's behalf. He advised that Mr. Patel is TIP trained, has never had any violations, has the latest technologies for scanning IDs, and he would very much like this license to be approved. He explained that this building has the appropriate entrances and exits.

Mr. Hornsby recalled that the last location was the problem, but his concern with this one is the distance from the schools, specifically the Yelle School. Attorney Brais stated that it is from property line to property line. Attorney Brais stated that no one from the elementary school would be going into this building and Board has discretion to approve this license. Mr. Rich said he spoke with School Superintendent today and there is a level of concern with this. Mr. Rich pointed out that there are a lot of middle school and high school kids that walk to this plaza. Attorney Brais stated that he has the card scanner that will be used on anyone under 40-years-old. Ms. Luciano clarified that there will be smoke products and snacks sold at this business and Attorney Brais answered that there are light snacks like chips. Ms. Luciano emphasized that there are little league games and things of that nature nearby and she expressed a concern with someone underaged grabbing items they shouldn't.

Ms. Carolyn Heim of 229 Mansfield Avenue suggested putting a sign outside of the establishment that no one under 21 years of age would be allowed, and all parties were open to the suggestion.

MOTION was made by Ms. Luciano to close the public hearing of Yana Norton LLC d/b/a 123 Beer Wine & Smoke Wines and Malt Beverages License at 57 West Main Street, Unit C, Norton, Massachusetts 02766. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby – Yes. MOTION CARRIES.

MOTION was made by Mr. Rich to approve the license for Yana Norton LLC d/b/a 123 Beer Wine & Smoke at 57 West Main Street, Norton. Seconded by Ms. Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby – Yes. MOTION CARRIES.

2. Norton Police Community Service Program.

Chief Clark announced that the newest member of the Norton Police Department, Ryder, is an 11-week-old Golden Retriever. He advised that Ryder is currently in the puppy training academy and will be a service animal. Chief Clark reported that Ryder has proven to be a

great assistant in a recent investigation and requested that the Board appoint him to the Norton Police Department.

MOTION was made by Mr. Rich to appoint Ryder as a Full-Time Norton Police Community Service Canine. Seconded by Ms. Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

3. Update on Select Board's FY23 Town Report and Photo.

Mr. Hornsby asked if they just did this and Mr. Yunits answered that unfortunately they did, but it was because the Select Board was extremely late. Mr. Hornsby asked to have this on the next agenda to coordinate this better.

4. Home Market Foods Traffic Safety Update.

Mr. Hornsby stated that the Town has put together a few signs to direct the trucks a proper way and so far, the I-495 sign is working. He informed the Board that they are going to do a traffic study on that area and hopefully determine if they can make some of the roads in that area as "no truck" roads.

5. Discussion and/or Vote to Declare the Norton Police Department's 2019 Chevy Tahoe (VIN No. 1GNSKDEC0KR232441) as Surplus.

MOTION was made by Ms. Luciano to declare the Norton Police Department's 2019 Chevy Tahoe as surplus. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

6. Discussion and/or Vote to Approve the Request of Carolyn Heim for Use of the Town Common and Gazebo for Public Prayer of the Rosary on Saturday, October 14, 2023 from Approximately 12:00 P.M. to 1:30 P.M.

Ms. Carolyn Heim stated that they did this last year and they had 35 attendees and this year, they are hoping for 50 people. She advised that she spoke with the Norton Police Department and he doesn't feel that there is a need for a police detail because there will not be a lot of vehicles at this event.

MOTION was made by Mr. Rich to approve the request of Carolyn Heim for the use of the Town Common and Gazebo for public prayer of the Rosary on Saturday, October 14, 2023 from approximately 12:00 P.M. to 1:30 P.M. Seconded by Ms. Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

7. Discussion and/or Vote to Approve the Placement of Geocaches on Pheeny Island.

Ms. Evelyn McGrath spoke to this and stated that she canoes on the Reservoir and has been on Pheeny Island. She said that she participates in geocaching and has found about 500 and has placed about 6 in Norton. She explained that you hide a container (something as small as a prescription bottle or as big as a lunchbox) and you punch in the coordinates on geocache.com and you use the coordinates to find it and log it (and if you can't find it, label it that you can't

find it). Ms. McGrath explained that one of the rules is that you can't place geocaches within a quarter of a mile of another geocache; so, Pheeny Island probably couldn't have more than 2 geocaches.

MOTION was made by Mr. Rich to approve the placement of geocaches on Pheeny Island. Seconded by Ms. Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

8. Discussion and/or Vote to Exercise Right of First Refusal of Recreational Use Chapter 61A, Section 9 Regarding Assessor's Parcel ID 11-28-0, 0 Leonard Street.

Ms. Luciano questioned in regard to the stream along the back of the property if this land is not something usable by the Conservation Department. Mr. Yunits replied that the Conservation Director's thought process was the Town owns a lot of property to gain access to the stream back there, so it wouldn't really need this property for access.

MOTION was made by Mr. Rich to vote to not exercise its right of first refusal of Recreational Use Chapter 61A, Section 9 regarding Assessor's Parcel ID 11-28-0, 0 Leonard Street. Seconded by Ms. Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

9. Review of Fall Annual Town Meeting Article List.

Mr. Yunits referred to the Fall Annual Town Meeting article list (attached herewith) that was provided in the Board's packets and provided a brief overview of some of the articles.

He explained that in reference to Article 10: Opioid Funds, the funds can only be used for certain things, so they need to go to town meeting to vote to appropriate those for the use by the Norton Opioid Prevention and Education (NOPE) collaborative. He advised that it would be the same with the community impact fee with marijuana. Mr. Yunits expressed a concern where if the Town doesn't have any impact, then there is the potential that the Town would have to pay that money back; so, the purpose of this is to have the funds set aside.

Article 13: at town meeting last year, the Town voted to file special legislation for the Prudent Investor Act. Mr. Yunits stated that he doesn't think they need it anymore because of the 203C Investor Act. He advised that if the Town votes to accept the statute, then they don't have a need for Prudent Investor special legislation.

Article 14 is about not having fees for residents over 70 licensing their dog.

Mr. Yunits noted that there are a lot of placeholders included on this list.

10. Discussion and/or Vote to Approve the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC, Local Union 9517 Unit 15, f/k/a SENA-A Contract.

MOTION was made by Ms. Luciano to table the approval of the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC, Local Union 9517 Unit 15, f/k/a SENA-A Contract

until their 9/28 meeting. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

B. Old Business

There was no old business to discuss at this time.

C. Town Manager's Report

1. Update on Migrant Housing and Report on Norton's Migrant Task Force.

Mr. Yunits reported that as of now, there are 6,200 families sheltered in Massachusetts, which has double what it was last year and the State expects 7,500 by mid-October. He pointed out that the numbers are increasing by 1,000 per month and in 2022, the average stay was 24 months. He continued explaining that the State currently is spending \$45 million per month and that the migrants that are here are legally seeking asylum. Mr. Yunits stated that as of yesterday, the National Guard was scheduled to be activated and handle non-staff facilities. He advised that their duties at the facilities will be to help to see that students are enrolled in school, food coordination and access to food, basic needs, connection to medical needs, and transportation. He advised that he had the Board of Health Agent go there today and there was nobody there. Mr. Yunits informed the Board that he was going to try and reach out to the State again because they are constantly trying to figure out who their contact is. Mr. Yunits reported that there are concerns with school enrollment numbers. He mentioned that the School Department has received no reimbursement for expenses. Mr. Yunits stated that the Lieutenant Governor did say this week to keep track of their expenses, if any, for possible reimbursement. The Town Manager explained that these students are on regular bus routes, so there will be no additional costs. He pointed out that the State is contributing \$1,000 per student, which is a payment of \$104 per day (\$18,000 for a full year). Mr. Yunits lastly stated that the School Superintendent advised that she will be filing the report quarterly.

2. Update on Town Projects: Bike Trail and East Main Street Projects.

Mr. Yunits told the Board that the Notice was given to the State Engineer to circulate to residents in order to make them aware that they will be doing work along their properties. He mentioned that right now, the bike trail work is moving right down the line (from Cobb Street down to Route 123 along North Washington Street).

Mr. Yunits reported that on East Main Street they are about to raise the structures, so hopefully they will be done soon.

3. Free Cash Update.

Mr. Yunits informed the Board that this year free cash was \$4,928,970. He provided a summary of the turn backs from departments and explained that a lot of the turn backs are because they never know what going to need on medical services.

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

Mr. Hornsby stated that he received an e-mail today from a resident about permit fees and asked for this to be on a future agenda.

Mr. Hornsby stated that they received an e-mail in the middle of August about the Host Community Agreement (HCA). He expressed that he wanted to make sure that this topic is on the agenda for September 28th. Mr. Hornsby stated that him and Mr. Rich sat in on the last negotiation and think they are pretty close to coming to an agreement.

MOTION was made by Mr. Rich to put the HCA discussion at the September 28, 2023 agenda. Seconded by Ms. Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

Mr. Rich read a letter sent by North Cottage thanking the Board for their support by denying the application for the package store with a proposed location of 63 East Main Street, which would have been next door to their establishment.

IX. **Warrants**

Mr. Hornsby reported that the following Payroll and Invoice Warrants were approved:

- a. Invoice Warrant AP24-07 dated August 17, 2023, in the amount of \$303,400.50.
- b. Invoice Warrant AP24-08 dated August 24, 2023, in the amount of \$830,983.28.
- c. Payroll Warrant PR24-04 for the week ended August 19, 2023, Warrant dated August 24, 2023, in the amount of \$759,476.25.
- d. Invoice Warrant AP24-09 dated August 31, 2023, in the amount of \$1,484,391.21.
- e. Invoice Warrant AP24-10 dated September 7, 2023, in the amount of \$1,217,753.06.
- f. Payroll Warrant PR24-05 for the week ended September 2, 2023, Warrant dated September 7, 2023, in the amount of \$1,750,966.56.
- g. Invoice Warrant AP24-11 dated September 14, 2023, in the amount of \$510,203.86.

X. **Other Business**

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

There was no other business to discuss at this time.

XI. **Next Meeting's Agenda** – Thursday, September 28, 2023. Public hearing on the application of Alberto's Pizza & Pub, Inc., Manager: Roberto Carlos Ortez Moreno for a Transfer of the Section 12 On-Premises Common Victualler All Alcoholic Beverages License, at 241 Mansfield Avenue, Norton, MA 02766, from Alberto's Pub & Pizza, Inc. d/b/a Alberto's Pub & Pizza, Manager: Sheila A. MacPherson.

XII. Executive Session.

To discuss strategy with respect to collective bargaining, i.e., United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC, Local Union 9517 Unit 15, f/k/a SENA-A, and the Norton Police Superior Officers Association (NPSOA), pursuant to G.L. c. 30A, §21(a)(3).

XIII. Adjournment.

DECLARATION BY THE CHAIR:

I declare, under General Laws Chapter 30A, §21(a)(3), that the purpose of the executive session will be to discuss strategy with respect to collective bargaining concerning the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC, Local Union 9517 Unit 15, f/k/a SENA-A, and the Norton Police Superior Officers Association (NPSOA), because a discussion of the strategy in open session could compromise the purpose of the executive session and with the Board to return to open session at the conclusion of the executive session.

MOTION was made by Mr. Rich at 8:14 P.M. that the Board 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 Ms. Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Ms. Artz – Yes; and Mr. Hornsby - Yes. MOTION CARRIES.

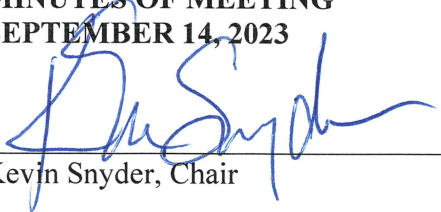
URL Link: <https://www.youtube.com/watch?v=6953boVhgXw>

Respectfully Submitted by:




Jennifer Reid, Office Administrator

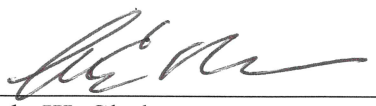
**SELECT BOARD
MINUTES OF MEETING
SEPTEMBER 14, 2023**



Kevin Snyder, Chair



Steven Hornsby, Vice-Chair



Alec Rich, III, Clerk

Megan Artz



Denise Luciano

Minutes Approved by Board on: September 28, 2023

FALL ANNUAL TOWN MEETING
OCTOBER 23, 2023

Article Number	Article
1	Unpaid Bills
2	Separation Expenses
3	Collective Bargaining Agreements
4	FY24 Operating Budget Amendments
5	FY24 Water Operating Budget Amendments
6	FY24 Sewer Operating Budget Amendments
7	Capital Improvements (Funding)
8	FY24 Capital Plan Amendments
9	Automated External Defibrillator (AED) for Everett Leonard Park
10	Opioid Settlement Funds
11	Cannabis Community Impact Mitigation Funds
12	GASB
13	Acceptance of M.G.L. Chapter 203C - Massachusetts Prudent Investor Act
14	Acceptance of M.G.L. Chapter 140, Section 139(c) - Dog Licensing Fees
15	Removal, Replacement, and Expansion of the Rear Parking Lot at the Norton Historical Society - 18 West Main Street
16	Municipal Sewerage - 18 West Main Street (Norton Historical Society)
17	Petition to Adopt a Town Motto (Daniel A. Pearson)
18	Petition to Waive Water and Sewer Tie-In Fees 16 Ridge Road Map 16 Parcel 180 (Michael Toole)
19	Cottage Street Access
20	Bylaw Amendment - Personnel Bylaws
21	OPEB
22	Stabilization
23	Placeholder: Police Department - Withdrawal from Civil Service
24	Placeholder: Fire Department - Withdrawal from Civil Service
25	Placeholder: Street Acceptance

NORTON TOWN CLERK
2023 AUG 31 PM 4:03