



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

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

Select Board
Meeting Minutes
September 28, 2023

I. Call to Order by Chair

The September 28, 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 6:36 P.M., by Mr. Kevin Snyder, Chair. Member(s) present: Mr. Steven Hornsby, Mr. Alec Rich, III and Ms. Denise Luciano. Ms. Megan Artz joined the meeting in executive session at 6:41 P.M. Also in attendance: Mr. Michael D. Yunits, Town Manager.

II. Appointments/Resignations/Retirements

1. Resignation of Vera L. Jordan from the Alternate Member Position on the Council on Aging.

2. Appointment of Lori S. Dombrowski to the Alternate Member Position on the Council on Aging.

MOTION was made by Mr. Rich to appoint Lori S. Dombrowski to the Alternate Position on the Council on Aging. Seconded by Mr. Hornsby. Vote: Ms. Luciano – Yes; Ms. Artz – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; and Mr. Snyder – Yes. MOTION CARRIES.

3. Appointment of David Kulikowski as Part-Time Local Inspector.

MOTION was made by Mr. Rich to appoint David Kulikowski as Part-Time Local Inspector. Seconded by Ms. Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Ms. Artz – Yes; and Mr. Snyder – Yes. MOTION CARRIES.

III. Minutes

Approve Minutes, including but not limited to: September 14, 2023 and September 14, 2023 (Executive Session).

MOTION was made by Mr. Hornsby to approve the minutes of September 14, 2023. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Ms. Artz – Yes; and Mr. Snyder – Yes. MOTION CARRIES.

IV. Licenses and Permits

1. Vote to Approve the One-Day Beer and Wine License to Mark Hesselbarth (on behalf of Wheaton College) for a Private Event at Wheaton College in the Diana Davis Spencer Café of the Mars Center for Science and Technology from 5:00 P.M. to 9:00 P.M on Friday, October 13, 2023.

MOTION was made by Mr. Rich to approve the One-Day Beer and Wine License to Mark Hesselbarth (on behalf of Wheaton College) for a private event at Wheaton College in the Diana Davis Spencer Café of the Mars Center for Science and Technology from 5:00 P.M. to 9:00 P.M on Friday, October 13, 2023. Seconded by Mr. Hornsby. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Mr. Snyder – Yes; and Ms. Artz – Yes. MOTION CARRIES.

2. Vote to Approve the One-Day Beer and Wine License to Mark Hesselbarth (on behalf of Wheaton College) for a Private Event at Wheaton College (Parking Lot 3) from 12:00 P.M. to 4:00 P.M on Saturday, October 21, 2023.

MOTION was made by Mr. Hornsby to approve the One-Day Beer and Wine License to Mark Hesselbarth (on behalf of Wheaton College) for a private event at Wheaton College (Parking Lot 3) from 12:00 P.M. to 4:00 P.M on Saturday, October 21, 2023. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Mr. Snyder – Yes; and Ms. Artz – Yes. MOTION CARRIES.

3. Review and/or Vote to Approve the Application for the Transfer of the Common Victualler, Automatic Amusement, and Sunday Entertainment Licenses from Alberto's Pub & Pizza, Inc. d/b/a Alberto's Pub & Pizza, Manager: Sheila A. MacPherson to Alberto's Pizza & Pub, Inc., Manager: Roberto Carlos Ortiz Moreno to be Utilized at 241 Mansfield Avenue, Norton, MA 02766.

MOTION was made by Mr. Hornsby to approve the application for the transfer of the Common Victualler, Automatic Amusement, and Sunday Entertainment Licenses from Alberto's Pub & Pizza, Inc. d/b/a Alberto's Pub & Pizza, Manager: Sheila A. MacPherson to Alberto's Pizza & Pub, Inc., Manager: Roberto Carlos Ortiz Moreno to be Utilized at 241 Mansfield Avenue, Norton, MA 02766. Seconded by Ms. Luciano. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Mr. Snyder – Yes; and Ms. Artz – Yes. MOTION CARRIES.

V. Announcements

Norton Recreation Department Sunset Kayak Outing Sunday, October 1st from 4:30 P.M. to 6:30 P.M.

Mr. Rich announced that the Norton Recreation Department Sunset Kayak Outing will be held on Sunday, October 1st from 4:30 P.M. to 6:30 P.M. The cost is \$40.00 per person and all proceeds are to benefit the Norton Recreation Department. The trip includes a guided tour of the Norton Reservoir, kayak rental and all equipment including PFDs, paddles, and dry bag for gear, paddling and safety instruction from an ACA-certified instructor/guide. To reserve your spot, call (508) 740-7728, e-mail info@nortonkayakco.com, or go to the website at www.nortonkayakco.com.

VI. Business

A. New Business

1. **7:15 P.M.** - Public hearing on the application of Alberto's Pizza & Pub, Inc., Manager: Roberto Carlos Ortiz 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.

MOTION was made by Ms. Luciano to open the public hearing at 7:15 P.M. 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. Seconded by Mr. Hornsby. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Mr. Snyder – Yes; and Ms. Artz – Yes. MOTION CARRIES.

Attorney Henry Sousa stated that the applicants are present for the transfer of the liquor license and all associated licenses. Attorney Sousa heavily emphasized that nothing was going to change as far as the hours of operation or alterations to the premises and that they would be keeping things going the way they currently are. He also informed the Board that the new proposed manager, Roberto Carlos Ortez Moreno, has worked at Alberto's for 14 years.

MOTION was made by Mr. Hornsby to close the public hearing at 7:20 P.M. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Mr. Snyder – Yes; and Ms. Artz – Yes. MOTION CARRIES.

MOTION was made by Ms. Luciano to approve 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. Seconded by Mr. Hornsby. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Mr. Snyder – Yes; and Ms. Artz – Yes. MOTION CARRIES.

2. Presentation from Roger Marsan Regarding: a) the Desfosses/Petersen Food Drive Scheduled for Saturday, October 21st and b) Veterans' Participation in Upcoming Chartley Halloween Parade and Veterans' Day Parade.

Mr. Roger Marsan stated that they have doing this food drive for four years and it has become known as the Desfosses/Petersen Memorial Food Drive. He informed the Board that the Cupboard of Kindness distributes somewhere upwards of 2,500 pounds of food a month to 200 to 300 individuals in town. He advised that last year, their goal was to distribute around 2,000 pounds of food for this drive, but they came up a little short. Mr. Marsan stated that their goal this year is 4,000 pounds. He explained that there are many ways to help. He advised that Saturday, October 21st is the food drive and the drop-off window is 10:00 A.M. to 1:00 P.M. He continued explaining that they have recruited neighborhood volunteers to come and collect food for the neighborhood. These flyers will be included in the bag that they provide and people put them on their mailbox and on Saturday, October 21st, volunteers will come by at 1:00 P.M. to collect the donated items. He advised that police officers will be coming by in pick-up trucks to collect any bags of donated food for those who can't get there. Mr. Marsan advised that they are also trying to get local businesses to put collection bins in their establishments if they can for the first three weeks of October; if they do choose to do that, they can contact him on with the information listed on the flyer. He further mentioned that there will also be a collection bin at the location for town meeting for those who are interested in donating.

Mr. Snyder asked to have this as an announcement on their October 5th and October 19th agendas to get more exposure out there.

Mr. Roger Marsan mentioned trying to spread the word about the Halloween Parade and Veterans' Day Parade to get more veterans involved in the parades. If they can't march, they can ride the float and they can transport them to and from the float.

3. Discussion with Town Counsel on Contract Negotiation Process.

The Board didn't take up this topic because they were provided with this information via e-mail from town counsel.

4. Host Community Agreement Discussion, Including, But Not Limited To:

Mr. Snyder stated that he wanted to get the Select Board communicating better on this topic and thought it would be good to get everyone on the same page.

a) Report from Town Manager/Select Board Designee on Status of HCA Negotiations with Lucky Green Ladies;

Mr. Yunits stated that last Friday the Cannabis Control Commission (CCC) had a meeting and approved a lot of the issues they were looking at. He advised that after this week, they got together to review the Memorandum of Agreement (MOA). They have had good progress and will be sending it to the Lucky Green Ladies for their review. Ms. Luciano clarified that the amendments being made that are effective in November they don't know yet, which Mr. Yunits confirmed. Ms. Renee Deley, Select Board Designee for HCA negotiations, informed the Board that they will reach out next week and hopefully they hear something.

b) Discussion and/or Vote on Standing Agenda Item for HCA Negotiation Updates;

Mr. Snyder said they plan to leave this on so they get continuous updates, even if there is nothing to update.

MOTION was made by Ms. Luciano to have a standing agenda item for HCA negotiation updates. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Ms. Artz – Yes; and Mr. Snyder - Yes. MOTION CARRIES.

c) Discussion and/or Vote on Select Board Members Observing Negotiations; and

Ms. Luciano expressed that they want to keep Ms. Renee Deley where she is because she has been heavily involved with the negotiations from the beginning. She further expressed that less is more as far as how many of them are involved. Mr. Hornsby agreed that setting a committee would be taking it too far, but disagreed her that more people being in the room would complicate things. He clarified that his request is to be the second liaison/representative to all HCA negotiations and he had no intention of removing Ms. Deley from her role. Mr. Rich agreed that it would be beneficial to have a second Select Board member as part of the negotiations. Ms. Luciano disagreed and expressed that she believes it would just add more unnecessary complications. Mr. Hornsby stated that he didn't think him asking to be appointed should be a reflection of the work Ms. Deley has done and that having a Select Board member added wouldn't hurt the negotiation process. Ms. Luciano asked Mr. Hornsby what his understanding of the liaison role is and he responded as part of the negotiations and Ms. Luciano responded that this did not fall under the responsibility of the liaison. Mr. Hornsby clarified that he would like to be appointed as a second negotiator. Ms. Artz stated that the whole thing baffles her because they have a negotiator and ultimately, the Select Board has the final say and expressed that she thinks adding another Select Board representative might be overkill. Mr. Yunits clarified that with Open Meeting Law (OML), if they want to attend a Planning Board meeting for example, they can, they just can't deliberate; however, with these closed-door negotiations, they aren't open meetings, so they couldn't have more than two members present or they would have to post an agenda, which then makes them subject to the OML, which would be detrimental to the negotiation process.

d) Discussion and/or Vote to Appoint a Select Board Member as a Second Liaison/Representative to Negotiate Host Community Agreements on Behalf of the Select Board.

Mr. Snyder suggested having a more formal way of notifying the Select Board when there are meetings and Mr. Yunits stated that he can share any information as long as they don't respond as a group. Mr. Yunits emphasized that it is amongst the Select Board to coordinate not having a quorum show up not him. Mr. Hornsby pointed out that last meeting he had asked to be part of all negotiations and be notified of when the next Lucky Green Ladies meeting would be and he wasn't notified and when he showed up, there were already two members present. Mr. Yunits emphasized that he doesn't want to get in the middle of the Select Board coordinating who is attending and he thinks notifying the Chair and having the Chair coordinate who is attending would be the appropriate process. Mr. Snyder suggested having a rotation in place. Mr. Rich stressed that moving forward, more communication would make things a lot better. Ms. Deley stated that she will share the attorney's, Town Manager's, and her availability and then they will share it with the Select Board and based on that, see who will attend because the Select Board's availability shouldn't slow them down, which the Board agreed.

MOTION was made by Mr. Hornsby to be added as a second HCA negotiator. Seconded by Mr. Rich. Vote: Ms. Luciano – No; Mr. Rich – Yes; Mr. Hornsby – Yes; Ms. Artz – No; and Mr. Snyder – No. MOTION FAILS.

e) Discussion and/or Vote on Select Board Designee(s) for HCA Negotiations.

5. Discussion and/or Vote on Host Community Agreement Amendment and Memorandum of Agreement Regarding Lucky Green Ladies.

Mr. Snyder stated that they weren't going to take this up tonight. Mr. Hornsby stated that Ms. Alissa Nowak, owner of Lucky Green Ladies, was present and asked if they are going to let her speak. Mr. Snyder advised that he had already responded to her stating that they are just trying to stick to Select Board business this evening. Mr. Snyder stated that he is the one who allows people to speak at these meetings, he told them no, and it will be put on a future meeting agenda.

B. Old Business

1. Discussion and/or Vote of Fall Annual Town Meeting Article List.

Mr. Yunits provided the following summaries on the Fall Annual Town Meeting articles:

Article 9 is to appropriate \$2,000 out of Free Cash to purchase an AED for Everett Leonard Park (ELP).

MOTION was made by Mr. Hornsby to endorse Article 9 as written. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Ms. Artz – Yes; and Mr. Snyder – Yes. MOTION CARRIES.

Article 10 is to appropriate \$201,801 from Free Cash for the use of Norton Opioid Prevention Education (NOPE) for education, care, prevention to deal with opioids. Part of settlement the Town is going to get around \$1 million, but they can only be spent on things listed in the settlement.

MOTION was made by Mr. Hornsby to endorse Article 10 as written. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Ms. Artz – Yes; and Mr. Snyder - Yes. MOTION CARRIES.

Article 11 is to appropriate \$85,000 from Free Cash to the Cannabis Community Impact Mitigation Funds.

MOTION was made by Mr. Hornsby to endorse Article 11 as written. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Ms. Artz – Yes; and Mr. Snyder - Yes. MOTION CARRIES.

Article 13 there is no need for special legislation, so it just needs town meeting approval.

MOTION was made by Mr. Hornsby to endorse Article 13 as written. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Ms. Artz – Yes; and Mr. Snyder - Yes. MOTION CARRIES.

Article 12 is to appropriate \$10,000 out of Free Cash to hire the actuarial that does the Town's study for the Other Post-Employment Benefits (OPEB) Fund.

MOTION was made by Mr. Hornsby to endorse Article 12 as written. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Ms. Artz – Yes; and Mr. Snyder - Yes. MOTION CARRIES.

Article 14 was put forward by the Town Clerk and would make residents over 70-years-old exempt from dog licensing fees. The Finance Committee recommended this article.

MOTION was made by Mr. Hornsby to endorse Article 14 as written. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Ms. Artz – Yes; and Mr. Snyder - Yes. MOTION CARRIES.

Articles 15 and 16 the Select Board was presented with from the Historical Society. Mr. Robert Kimball got estimates and made a recommendation for someone to install the sewer. The first article is for the removal, replacement, and expansion of the parking lot at the Historical Society's back driveway.

MOTION was made by Mr. Hornsby to endorse Article 15 as written. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Ms. Artz – Yes; and Mr. Snyder - Yes. MOTION CARRIES.

MOTION was made by Hornsby to endorse Article 16 as written. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; Ms. Artz – Yes; and Mr. Snyder - Yes. MOTION CARRIES.

2. 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.

Mr. Yunits advised the Board that he would bring their proposal back to the union and then put it back before the Select Board.

3. Discussion and/or Vote to Approve the Norton Police Superior Officers Association (NPSOA) Contract.

Mr. Yunits stated that he would bring their proposal back to the union and then put it back before the Select Board.

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

Mr. Yunits stated that the Select Board is late in submitting its FY23 Town Report and advised that the Board needs to start coordinating having the Select Board photo taken for the Town Report. Mr. Snyder stated that he would coordinate with the Assistant to the Town Manager, Ms. Michelle Brown, to get the report prepared.

C. **Town Manager's Report**

1. Migrant Housing Update.

Mr. Yunits advised that they finally have a contact person and it is working out really well. He reported that with the liaison, they are going to have a Zoom meeting next week. Mr. Yunits informed the Board that he was asked by a resident about their vaccination status and he advised that they are working on that. Ms. Luciano suggested putting together a donation list. Mr. Snyder wanted to thank everyone for their work on this especially Mr. Yunits and Mr. Rich, who jumped right on this and brought this to the Board's attention.

2. Kick-Off Meeting: Hazard Mitigation Plan Development.

The Town Manager stated that the Fire Chief, Shawn Simmons, did the work to get a \$25,000 grant to develop a Hazard Mitigation Plan. He explained that the Fire Chief has a committee established and they are working with a consultant to identify areas in town that could be deemed hazardous during storms. Mr. Yunits advised that the plan should be done by May and should help the Town when seeking grant money.

3. Update on Route 123 Project.

The Town Manager explained that they are now raising the structures. He expressed that he hopes that the weather holds out because next Thursday they will start with the street sweeper and go from I-495 to Carpenter Street and will start paving at 6:00 P.M. Mr. Yunits advised that they will be paving all through the night and that everyone should be aware to avoid this intersection of North and South Washington Streets and Route 123. He informed everyone that they will be doing one lane at a time, so the road won't be shut down.

4. Town Hall Construction Update.

The Town Manager stated that the contractor for the new Town Hall will be starting work in the back parking lot next Monday, so the back parking lot of the Town Hall isn't going to be available and will be fenced off for utility work and septic work. He stated that he will have to notify the Cupboard of Kindness.

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

Mr. Hornsby mentioned that he planned to do office hours from 5:00 P.M. to 7:00 P.M. on Thursday, October 12th.

IX. **Warrants**

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

- a. Invoice Warrant AP24-12 dated September 21, 2023, in the amount of \$1,327,037.67.
- b. Payroll Warrant PR24-06 for the week ended September 16, 2023, Warrant dated September 21, 2023, in the amount of \$1,896,068.52.
- c. Invoice Warrant AP24-13 dated September 28, 2023, in the amount of \$1,350,805.20.

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, October 5, 2023.

Mr. Yunits mentioned that the Treasurer/Collector requested to have short meeting on October 12th or October 13th to approve a borrowing. The Board advised that they would coordinate which date and time works best.

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).

DECLARATION BY THE CHAIR:

I declare, under General Laws Chapter 30A, §21(a)(3) and §21(a)(1), that the purposes 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); and
- To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual,

because a discussion in open session could compromise the purposes 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. Hornsby at 6:38 P.M. that the Board go into executive session under G.L. c.30A, §21(a)(3) and §21(a)(1) for the purposes and reasons declared by the Chair and with the Board to return to open session thereafter. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; and Mr. Snyder - Yes. MOTION CARRIES.

XIII. **Adjournment.**

MOTION was made by Ms. Luciano to adjourn at 8:32 P.M. Seconded by Mr. Rich. Vote: Ms. Luciano – Yes; Ms. Artz – Yes; Mr. Rich – Yes; Mr. Hornsby – Yes; and Mr. Snyder - Yes. MOTION CARRIES.

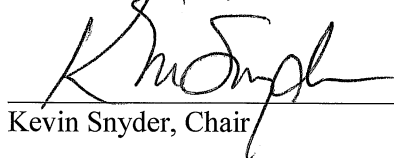
URL Link: <https://www.youtube.com/watch?v=6ehHTP-5tBo>

Respectfully Submitted by:



Jennifer Reid, Office Administrator

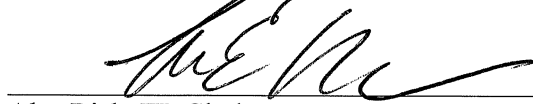
**SELECT BOARD
MINUTES OF MEETING
SEPTEMBER 28, 2023**



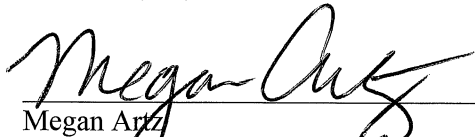
Kevin Snyder, Chair



Steven Hornsby, Vice Chair



Alec Rich, III, Clerk



Megan Artz



Denise Luciano

Minutes Approved by Board on: October 19, 2023