



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

NORTON TOWN CLERK

2024 FEB 16 AM 10:45

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

Select Board
Meeting Minutes
January 18, 2024

I. **Call to Order by Chair**

The January 18, 2024 meeting of the Norton Select Board was held at the Norton Housing Authority, Woodland Meadows Community Room, 120 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 7:02 P.M., by Mr. Kevin Snyder, Chair. Members present: Mr. Steven Hornsby, Mr. Alec Rich, III, Ms. Megan Artz and Ms. Denise Luciano. Also in attendance: Mr. Michael D. Yunits, Town Manager.

II. **Appointments/Resignations/Retirements**

There were no appointments, resignations, or retirements to discuss and/or vote on.

III. **Minutes**

Approve Minutes, including but not limited to: December 21, 2023.

MOTION was made by Ms. Luciano to approve the meeting minutes of December 21, 2023. Seconded by Ms. Artz. Vote: Unanimous. MOTION CARRIES.

IV. **Licenses and Permits**

1. 2024 License Renewals.

There were no 2024 license renewals to review and/or vote on.

2. Vote to Amend the Hours of Operation for HVR Inc. d/b/a The Cigarman Shop Section 12 General On-Premises All Alcoholic Beverages License to be Utilized at 181 West Main Street, Unit 2, Norton, MA 02766.

MOTION was made by Mr. Hornsby to amend the hours of operation for HVR Inc. d/b/a The Cigarman Shop to 10:00 A.M. to 11:00 P.M. Seconded by Ms. Artz. Vote: Unanimous. MOTION CARRIES.

V. **Announcements**

1. Vacancies on Town Boards and Committees.

Mr. Yunits read the Notice of Vacancies on Town Boards and Committees:

Commission on Disability (1)

Constable (1)

Cultural Council (15) – Mr. Yunits explained that there are 22 positions and that this council is unique because the State sets it up and you can only serve two consecutive terms and then you have to get off.

Economic Development Commission (Full Member and 2 Alternate Positions)

Gold Star Committee (1)

Historic District Commission (2 Permanent Positions and 2 Alternate Positions)

Historical Commission (4)

Norton Cable Access, Inc. (2) – Select Board Appointments

Open Space Committee (3 Full Positions and 2 Alternate Positions)

Recreation Commission (2 Alternate Positions)

Water Bodies (7)

Mr. Yunits stated that if anyone is interested, they can contact Michelle Brown at mbrown@nortonmaus.com.

Ms. Luciano state that they have been looking at consolidating some of the boards/committees that they are allowed to that have similar roles since the Town is having a hard time getting volunteers. Mr. Yunits responded that they would have to look at what they are statutorily required to have and what is required by the Charter.

2. Norton Parks & Recreation: Fridays, January 19th; February 2nd; and February 16th from 6:00 P.M. – 7:00 P.M., Got clutter? I can help! Annalise Thompson, Certified Organizational Specialist at the Norton Media Center.

Mr. Rich stated that this is a three-part series for \$35. He pointed out that the deadline to reserve a spot was January 12th, but suggested calling the Parks & Recreation Department at (508) 285-0228 to see if you still could sign-up.

3. Wreaths Across America.

Mr. Rich advised that this Saturday, January 20th, Ms. Patricia Tarantino of Wreaths Across America is having the pick-up of all wreaths on all of the veterans' graves at 10:00 A.M. at the Common Cemetery, Plain Street Cemetery, and Pine Street cemetery. Mr. Rich stated that Ms. Tarantino will be at the Common Cemetery, he and Ms. Ruth Schneider will be at the Plain Street Cemetery, and Mr. Robert Kimball and Mr. George Hast will be at the Pine Street Cemetery to direct volunteers. He suggested bringing something like a hockey stick because it makes it's much easier and more efficient collecting the wreaths.

VI. Business

A. New Business

1. 7:15 P.M.: Public hearing on the Petition of Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc. to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way: Pine Street – Install one JO Pole on Pine Street. National Grid to install new Pole #1203 125' +/- Northwest of Pole 1222 including anchor and guy.

**MOTION was made by Mr. Hornsby to open the public hearing at 7:16 P.M.
Seconded by Ms. Luciano. Vote: Ms. Luciano – Yes; Ms. Artz – Yes; Mr. Rich – Yes;
Mr. Hornsby – Yes; and Mr. Snyder – Yes. MOTION CARRIES.**

Mr. Jeffrey Silva from National Grid explained that the pole is being installed to run power to the new houses underground for those new properties on Pine Street. Mr. Rich looked for confirmation that the power will all be run underground and Mr. Silva clarified that the wiring will be and the guy pole will be aboveground.

Mr. James Slattery stepped in and brought to Mr. Silva's attention that the Permanent Building Committee (PBC) has been trying to get two poles at the new Senior Center and for 6 months. He explained that the Town can't get a transformer assigned without a pole. Mr. Slattery pointed out that they plan to open the Senior Center in 18 weeks, but they won't have power at this rate. Mr. Slattery stated that now he's found out that they are waiting for not 1 pole but 3 poles. Mr. Slattery asked the Select Board to table voting on this pole hearing for a couple of weeks until they get answers from National Grid on these poles for the Senior Center.

Mr. Silva asked what the address is for the Senior Center and the Board and Mr. Yunits answered 120 Mansfield Avenue. Mr. Silva stated that there are several of his own projects that he has delayed because the 300 KVA transformers are backordered. He stated that he can have someone from National Grid reach out to the Town tomorrow. Mr. Slattery responded that they won't order the transformer without the poles and Mr. Silva replied that he didn't believe that was accurate and that it is usually based on how far along the project is and clarified that the pole isn't the issue it is the transformers. Mr. Silva asked if the Town has received a petition yet and Mr. Yunits answered that the Town received the abutters list, but not the petition yet and asked that if he knows the individual preparing it, to please tell them to get it in quick for their February 1st meeting. Mr. Silva replied that he would speak to that designer at 6:30 A.M. tomorrow and that he sits right next to him and will report back to the Town. Mr. Yunits provided his e-mail to Mr. Silva in order for him to submit the update.

**MOTION was made by Mr. Hornsby to close the public hearing at 7:30 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.**

Mr. Snyder questioned what the Board thought of tabling this until they have more progress. Mr. Rich expressed that he totally agrees with what Mr. Slattery stated, but he questioned if they can hold another project hostage just to get some action on the Town's project. Ms. Luciano agreed and further stated that she believes these are independent projects and shouldn't be held hostage for a Town issue and Mr. Hornsby agreed.

**MOTION was made by Ms. Luciano to install one JO Pole on Pine Street. National Grid to install new Pole #1203 Northwest of Pole 1222 including anchor and guy.
Seconded by Mr. Hornsby. Vote: Unanimous. MOTION CARRIES.**

Mr. Silva stated that he checked National Grid's system and researched the job queues and Ms. Emily O'Brien is in the process of getting the petition to the Town and she is also getting the State permits secured. He lastly advised that the transformer is a 300 KVA, which is on backorder.

2. Update on Flooding Situation on Barrows Court.

Fire Chief Shawn Simmons stated that on December 18th there was flooding, which was about 16" of water and he received a call of a vehicle being stuck in the road that day. He continued explaining that after that, the Conservation Agent, Mr. John Thomas, and the Highway Superintendent, Mr. Jared Ferrara, met with him to discuss possible solutions. On January 10th, Chief Simmons report that there was about 6 inches of water and the Fire Department ended up putting a fire engine down there and pumped about 200,000 gallons of water. Chief Simmons advised that this same night, it was up to 10 inches and that was the max height to really be able to get the shuttle bus through there. He stated that he talked to the Massachusetts Emergency Management Association and they offered equipment to assist with pumping. Chief Simmons lastly reported that on Sunday morning, there was hardly any standing water.

A resident asked for an explanation as to why this happened. Mr. Yunits explained that part of it was historical rain; the storm that was the worst there was an unbelievable amount of water flowing into the Wading River and then the water shed on the Summer Street side flows to Barrows Court. Mr. Yunits continued explaining that when the river is high, there is nowhere for the water to go because the river is above the drain pipe. He pointed out that there is 67 square miles of water shed that goes through that area. Mr. Yunits explained that the long-term plan to try and help alleviate these issues in the future is the Town will apply for any grants for the expenses to take down the dam and let the river settle to the height that it was, but again, that is a long-term solution.

Residents that have lived in the area for 10 years and 22 years expressed that they have never seen flooding like this. The Highway Superintendent, Mr. Ferrara, explained that between the water table and the dam, it contributed to the significant flooding. A resident asked about the dam and who owns it and Deputy Fire Chief Jason Robbins explained that it is Barrows Street LLC owns it, so any alterations or adjustments need to be done through the owner. Deputy Chief Robbins advised that the Town is working on serving the owners of the dam to get them to be more responsive and get them to do things that need to be done. He emphasized that the Town cannot make any adjustments because it is not the Town's property. Deputy Chief Robbins pointed out that the Chartley dam, which the Town does own, they did make adjustments to make it higher to retain more of the water in hopes of alleviating some of the water Barrows Court would get. Mr. Snyder explained that the dam was being used for power generation and is part of that facility that they have there. Mr. Rich asked if there is a problem with the dam itself and Mr. Yunits replied that the State has deemed it a hazard.

A resident expressed extreme frustration that they can't walk their kids to the buses, get to work, and have to park their cars on Fordham Drive. She questioned if there was damage to their property who is going to pay for it. A resident of 3 Barrows Court spoke of long-

term solutions, but questioned why the Town cannot go in now with the water level being high in order to see if it is open. Mr. Ferrara answered that they were up there after the first storm and it was functioning, but it was just functioning so slowly and there is a camera there to monitor the levels, but once it is submerged, they can't see much. She asked if they could do it now or if they have to wait until the Spring and Mr. Ferrara explained that they have to wait for the water table to go down. Mr. Yunits advised that the Governor's Office did contact him on Sunday to check-in, which he expressed appreciation for.

A resident asked if there were going to be more of these meetings to address more questions and concerns. Mr. Yunits advised that if there are any questions or feedback, they can contact him to find solutions and get answers. Mr. Snyder agreed that communication was going to be crucial for this process.

A resident asked if the hours for the shuttle could be extended. She recognized the driver from Sunday, whose name was Ben and stated that he was amazing and helped bring groceries into her house. Chief Simmons stated that they could try and set up the shuttle for set hours and for an on-call pick-up to call and request a shuttle pick-up because they are up at all hours responding to calls anyways.

3. Discussion and/or Vote to Accept a Private Monetary Donation for the Benefit of the Norton Cultural Council and to Establish an Account to Accept Future Donations to the Norton Cultural Council.

MOTION was made by Mr. Hornsby to accept the private donation and setup an account. Seconded by Mr. Rich. Vote: Unanimous. MOTION CARRIES.

4. Discussion on Town Meeting Articles.

The Select Board didn't have any articles to put on the Spring Town Meeting warrant.

5. Update on Host Community Agreement (HCA) Negotiations.

Mr. Yunits thanked town counsel, Ms. Renee Deley, Ms. Alissa Nowak, and her counsel for all the work they have put into this agreement, which they have come to terms with.

Ms. Deley explained that Ms. Nowak was asked to go before the Economic Development Commission (EDC) because there were some changes made, which she did. She informed the Board that there were a lot of challenges like all of the changes to the Cannabis Control Commission (CCC) guidelines. She expressed that she believed they came to a good agreement and asked Ms. Nowak to present her business.

Ms. Nowak thanked everyone that has been involved throughout the process including Ms. Deley, Mr. Yunits, and the Select Board. She acknowledged that the process was challenging because the law changed, but expressed her happiness for being where they are now and that she was looking forward to doing business within the Town. She informed the Board that her business is located at 408 Old Colony Road and the whole

vibe is “a little mom and pop shop.” Ms. Nowak emphasized that they will be checking IDs at the door and register because patrons need to be 21 years-old or older.

B. Old Business

1. Discussion and/or Vote to Approve the HCA Agreement and Memorandum of Agreement Between the Town of Norton and Lucky Green Ladies.

MOTION was made by Mr. Hornsby to approve the HCA Agreement between the Town of Norton and Lucky Green Ladies 408 LLC. Seconded by Ms. Luciano. Vote: Unanimous. MOTION CARRIES.

2. Review and/or Vote on Town of Norton Code of Conduct Policy for Appointed and Elected Board/Committee Members.

The Board agreed to table this to a future meeting.

C. Town Manager's Report

1. Update on 9C Cuts.

Mr. Yunits advised the Board that there was a reduction in grant money that the Town is receiving. He pointed out that \$25,000 was dedicated to fund part of the cost to pave the Library parking lot and that amount was cut in half. The Town Manager stated that the study for Route 123 and Route 140 was also cut in half and that was what was done across the board.

2. FY25 Budget Update.

Mr. Yunits stated that the Governor reported that revenues are down for the State and next year it will be down even further. He expressed that luckily, the Town doesn't rely heavily on State aid. Mr. Yunits stated that hopefully they are looking at being level-funded next year.

3. Update on Community Electricity Aggregation Program.

The Town Manager advised that the Community Electricity Aggregation Program will be sending a notice out to people in town for those who just moved in or to those who haven't joined yet to let them know about the program. Mr. Yunits announced that anyone that wants to join can opt in or out at any time.

VII. Select Board's Report and Mail

Ms. Artz asked to have on the next agenda the topic of the old location for Norton Liquors because she believed it looked “absolutely terrible.”

IX. **Warrants**

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

- a. Invoice Warrant AP24-28 dated January 11, 2023.
- b. Payroll Warrant PR24-14 for the week ended January 6, 2024, Warrant dated January 11, 2024.
- c. Invoice Warrant AP24-29 dated January 18, 2024.

X. **Other Business**

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

There was no other business to discuss.

XI. **Next Meeting's Agenda** – January 25, 2024 – Joint Meeting with the Finance Committee and School Committee.

XII. **Executive Session.**

1. To discuss litigation with respect to Robert Cronin and Christine Cronin v. Town of Norton and MFN Regional Wastewater District where a discussion in an open meeting may have a detrimental effect on the Town's litigation position and the chair so declares, pursuant to G.L. c. 30A, §21(a)(3).
2. To discuss possible litigation concerning Article 97 – Disposition of Land Regarding Kingsbury Hill Conservation Restriction where a discussion in an open meeting may have a detrimental effect on the Town's litigation position and the chair so declares, pursuant to G.L. c. 30A, §21(a)(3).

XIII. **Adjournment.**

DECLARATION BY THE CHAIR:

Mr. Snyder declared, under General Laws Chapter 30A, §21(a)(3), that the purposes of the executive session will be:

1. To discuss litigation with respect to Robert Cronin and Christine Cronin v. Town of Norton and MFN Regional Wastewater District; and
2. To discuss possible litigation concerning Article 97 – Disposition of Land Regarding Kingsbury Hill Conservation Restriction.

because a discussion in open session could compromise the purposes of the executive session and with the Board to not return to open session at the conclusion of the executive session.

MOTION made by Mr. Hornsby at 8:54 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 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=IWmXjCxhcX0>

Respectfully Submitted by:



Jennifer Reid, Office Administrator


**SELECT BOARD
MINUTES OF MEETING
JANUARY 18, 2024**




Kevin Snyder, Chair



Steven Hornsby, Vice-Chair



Alec Rich, III, Clerk

Megan Artz


Denise Luciano

Minutes Approved by Board on: February 1, 2024