

**TOWN OF NORTON
FALL ANNUAL TOWN MEETING
OCTOBER 20, 2014**

The Annual Town Meeting was called to order by Moderator William A. Gouveia at 7:00 PM at the Norton High School Auditorium. He led the crowd in the Pledge of Allegiance.

The Moderator recognized some distinguished guests:

Jay Barrows, State Representative
Steven Howitt, State Representative

The Moderator reviewed some pre-meeting rules:

- If you are not a registered voter in the Town of Norton, you are welcome to visit but must sit in the section marked Non Voter. If you are a registered voter, please sit anywhere except there, because your vote will not be counted if you are sitting in the non-voting section.
- If you wish to address this meeting, you must do so only after being recognized by the Moderator. There is a microphone located up front here and in the back of the room. Please move to one of those if you wish to speak and wait to be recognized. When speaking, please identify yourself by name and address for the record. Please try and keep your remarks brief and to the point, and confine them only to the matter under consideration at the time.
- All speakers at this meeting will be treated with courtesy by the Moderator and everyone else in the room. No speaker will be allowed to use the meeting for personal attacks on any individual. All remarks will be directed towards the Moderator, and while I will allow questions to be asked of individuals, I will not allow cross-examination type discussions from the floor.
- In recognizing people to speak, the Moderator will endeavor to call upon those who have not yet spoken on a topic before recognizing those who have already spoken. I will recognize motions to move the question, but if in my opinion there are still people waiting to speak who may add to the discussion, I will exercise my authority to not accept a motion to reconsider under those circumstances.
- If a standing vote is required, you will be instructed to stand at your seats until your vote is counted. If a ballot vote is required, you will be given instructions by the Moderator as to how to proceed.
- If you wish to make an amendment to any motion, you must do so in writing and present it to the Moderator.
- I remind you all that no motion to reconsider any article will be accepted by the Moderator until at least three articles following the article being reconsidered have been acted upon by this meeting. If the article is one of the last three on the warrant, I will accept any motions to reconsider them prior to adjourning. Please be aware that any article you act upon tonight can be reconsidered as few as three articles later, so keep that in mind before you rush out after your article.

The Town Clerk read the call and return of service as written in the warrant.

ARTICLE 1 (Requires 4/5 Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to transfer \$24,407.51 from Free Cash for the following unpaid bills for which obligation was incurred in prior fiscal years:

\$ 225.00	Municipal Building	Town of Norton Water and Sewer Department
\$ 27.00	Municipal Building	ABC Disposal Service, Inc.
\$ 297.50	Legal (40B)	Kopelman and Paige, P.C.
\$ 594.25	Communications	Chambers Advisory Group
\$ 588.07	School	Verizon
\$ 150.69	Miscellaneous	University of MA Medical School
\$22,525.00	Miscellaneous	MEGA Property & Casualty Group, Inc.

\$24,407.51

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 2 (Requires Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to transfer the total amount of \$86,568.00 from Free Cash, as specified, to fund and implement Collective Bargaining Agreements between the Town and various Unions, and authorize the Town Accountant to allocate amounts to appropriate departments, [all as recommended by the Finance Committee under Article 2 in the October 20, 2014, Warrant for the Annual Town Meeting with Finance Committee Recommendations, and further, that

The sum of \$58,551.00, to be added to that already appropriated for such purposes under Article 17 of the May 12, 2014, Annual Town Meeting, to fund the cost increases for the first year of a three-year contract for the period beginning July 1, 2014, through June 30, 2017, for International Association of Fire Fighters, Local 2678.

As printed in the Warrant with Finance Committee Recommendations:

1. The sum of \$6,338.00, to be added to that already appropriated for such purposes under Articles 13 and 17 of the May 12, 2014, Annual Town Meeting, to fund the cost increases for the first year of a three-year contract for the period beginning July 1, 2014, through June 30, 2017, for United Steelworkers of America, AFL-CIO-CLC, on behalf of S.E.N.A., Salaried Employees of North America, Local Union 9158-A,;
2. The sum of \$12,076.00, to be added to that already appropriated for such purposes under Articles 13 and 17 of the May 12, 2014 Annual Town Meeting, to fund the cost increases for the first year of a three-year contract for the period beginning July 1, 2014, through June 30, 2017, for United Steelworkers of America, AFL-CIO-CLC, on behalf of S.E.N.A., Salaried Employees of North America, Local Union 9158-B; and,

3. The sum of \$9,603.00, to be added to that already appropriated for such purposes under Articles 13, 14, and 17 of the May 12, 2014 Annual Town Meeting, to fund the cost increases for the first year of a three-year contract for the period beginning July 1, 2014, through June 30, 2017, for Local 1702, State Council 93, American Federation of State, County and Municipal Employees, AFL-CIO (Highway and Water/Sewer Employees).

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 3 (Requires Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to transfer \$54,144.00 from Free Cash to pay all outstanding separation expenses associated with the retirement of various employees from the Town of Norton and to authorize the Town Accountant, in consultation with the Town Manager, to allocate amounts to appropriate departments.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 4 (Requires Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to appropriate \$2,472.00 from the Dog Fund and transfer \$218,852.00 from Free Cash for a total of \$221,324.00 to supplement the Fiscal Year 2015 operating budget by increasing appropriations for certain line items appropriated under Article 17 of the May 12, 2014, Annual Town Meeting, [all as recommended by the Finance Committee under Article 4 in the October 20, 2014 Warrant for the Annual Town Meeting with Finance Committee Recommendations].

As printed in the Warrant with Finance Committee Recommendations:

Account	Department	Use	Amount
001-123-510	Town Manager	Wages	\$ 6,380.00
001-123-570	Town Manager	Expenses	\$ 600.00
001-141-570	Assessors	Expenses	\$ 1,495.00
001-155-570	Data Processing	Expenses	\$ 11,000.00
001-162-570	Elections	Expenses	\$ 1,068.00
001-210-510	Police	Wages	\$ 64,200.00
001-210-570	Police	Expenses	\$ 4,771.00
001-220-510	Fire	Wages	\$ 54,756.00
001-292-570	Dog Officer	Expenses	\$ 1,704.00
001-300-570	School	Expenses	\$ 75,000.00
001-510-570	Board of Health	Expenses	\$ 350.00
TOTAL:			\$221,324.00

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 5 **LOST FOR LACK OF MOTION** (Supplement Water Enterprise Budget)

ARTICLE 6 (Requires Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to amend the Fiscal Year 2015 Sewer Enterprise Operating Budget appropriated under Article 14 of the May 12, 2014, Annual Town Meeting, by raising the additional amount of \$270,000 from FY2015 Sewer Enterprise Receipts (including but not limited to fees, charges, interest, and miscellaneous revenues), and appropriating such additional amount to the budget line item entitled “Other Charges and Expenditures”, so that the amended FY2015 Sewer Enterprise Budget shall provide as follows:

\$ 158,336.00	Personal Services
\$ 1,082,650.00	Other Charges and Expenditures
<u>\$ 67,493.00</u>	Indirect Costs* (*Charged to Enterprise Fund from General Fund and raised under Article 17 of the May 12, 2014, Annual Town Meeting)
\$1,308,479.00	Amended Total for Fiscal Year 2015 - Sewer

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 7 (Requires Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to transfer \$622,000.00 from Free Cash for the Capital Improvements Fund established by the By-Law entitled “Capital Improvements Fund,” from which appropriations may be made by a two-thirds vote at any Town Meeting.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 8 (Requires 2/3 Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to transfer \$321,150.00 from the Capital Improvements Account to supplement the Fiscal Year 2015 capital improvements budget appropriated under Article 16 of the May 12, 2014, Annual Town Meeting to pay costs of purchasing, or leasing with an option to purchase for periods of time up to or in excess of three years, new and/or replacement capital items for various Town Departments and for the payment of all costs incidental and related thereto [, all as recommended by the Finance Committee under Article 4 in the October 20, 2014 Warrant for the Annual Town Meeting with Finance Committee Recommendations]

As printed in the Warrant with Finance Committee Recommendations:

Police Cruiser (One)	Police (210)	\$ 34,000
Tasers	Police (210)	\$ 23,150
Ladder 1 (Refurbish)	Fire (220)	\$ 20,000
Laptops	Schools (300)	\$ 164,000
Technology Carts	Schools (300)	\$ 40,000
Convert Truck to Hook & Lift	Highway (420)	\$ 40,000
TOTAL:		\$ 321,150

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 9 (Requires Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to transfer \$4,691.26 from Overlay Surplus Account to supplement the Fiscal Year 2012 Overlay Account relating to a recent settlement in a matter before the Massachusetts Appellate Tax Board.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 10 (Requires Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to support the decision of the Board of Selectmen to reject the provisions of G.L. Ch. 59, §2D, which imposes a supplemental property tax assessment on certain improvements to real estate constructed after January 1 once an occupancy permit is issued, for fiscal years that begin on or after July 1, 2014.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 11 (Requires Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to transfer \$60,000.00 from Free Cash to the “Other Post Employment Benefits Liability Trust Fund” established to cover the unfunded actuarial liability for retirees’ health care and life insurance benefits.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 12 (Requires Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to transfer \$20,000.00 from Free Cash for the preparation of a Pre-Disaster Mitigation Plan, including all costs incidental and related thereto.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 13 (Requires 2/3 Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to accept a portion of Plain Street as a town way, as heretofore laid out by the Board of Selectmen and shown on a plan entitled “Road Acceptance Plan in Norton, MA,” dated August 27, 2014, prepared by Hancock Associates, and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain, and/or grant, the fee to and/or easements in said portion of Plain Street for all purposes for which public ways are used in the Town of Norton, and any and all drainage, utility, access, and/or other easements related thereto, which easements are shown approximately on the foregoing plan, as said plan may be amended, and to transfer from Free Cash the sum of One Dollar for such purposes.

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 14 (Requires 2/3 Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, to approve Article 14 as printed in the October 20, 2014, Warrant for the Annual Town Meeting with Finance Committee Recommendations.

As printed in the Warrant with Finance Committee Recommendations:

To see if the Town will vote to transfer the care, custody, and control of portions of the parcels of land shown on Assessors Map 18 as Lot 63-01 (for such purposes for which it is currently held, which may include town forest purpose), Assessors Map 19 as Lot 3 (currently held the Board of Water and Sewer Commission for water supply purposes), and Assessors Map 18 as Lot 128 (from the board or officer with custody of the property for such purposes for which the parcel is currently held), which portions are shown approximately on a plan of land entitled "Plan and Profile of Plain Street (Bridge No. N-23-017) in the Town of Norton Bristol County Preliminary Right of Way," prepared by TEC, Inc. (sheets 5 and 6), and a plan entitled "Road Acceptance Plan in Norton, MA," dated August 27, 2014, prepared by Hancock Associates, which plans are on file with the Town Clerk, as said plans and portions may be amended, and which portions are hereby transferred to the Board of Selectmen for, and hereby dedicated to, public way purposes and the purpose of constructing, reconstructing, repairing, rehabilitating, and/or improving Plain Street and the bridge over Canoe River, including, but not limited to, right of ways, bridges, walls, drainage, slopes, utilities, and erosion control, and authorize the Board of Selectmen to grant such easements as may be necessary to accomplish the foregoing; and, further, to authorize the Board of Selectmen to seek such authorization and approval of the General Court as is necessary to allow for such transfer and use, which may include a petition brought pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; or take any other action relative thereto.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 15 (Requires 2/3 Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to borrow the sum of \$800,000.00 for the implementation of the "Water Shed Plan" dated October 8, 2014, Prepared by ESS Group, Inc., and on file with the Town Clerk, for four water bodies, Barrowsville Pond, Chartley Pond, Norton Reservoir, and Winnecunnet Pond, including but not limited to obtaining the required permits for the recommended treatment for each water body so as to reclaim degraded water resources for natural resource quality and recreational uses and to perform certain activities required to bring the Town into compliance with the EPA's Small MS4 (Municipal Separate Storm Sewers) General Permit, and all other costs incidental and related thereto; and further, to authorize the Conservation Agent to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements in any way connected with the scope of this article and further, to authorize the Board of Selectmen or Conservation Commission, as appropriate, to enter into all agreements and execute any and all instruments to effectuate the foregoing, including such restrictions and covenants in favor of the Commonwealth of Massachusetts, as may be required in connection with said grants and/or reimbursements; and further, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum under G.L. c.44, §§7 or 8 or any other enabling authority, and to issue bonds and notes therefor, provided further that the borrowing authorization approved under this article shall be reduced by any grants or gifts received prior to said borrowing.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

A MOTION was made (After the vote for Article 18) by Tom DeLuca to reconsider Article 15. The Motion was seconded. **MOTION TO RECONSIDER DECLARED LOST**

ARTICLE 16 (Requires Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to grant the Board of Selectmen authority to research, develop, and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation.

A **MOTION** to allow non registered voters John O'Rourke, Philip Carr from GoodEnergy and Ross Perry from SERPDD to speak on this article was made by Thomas DeLuca and was seconded.
 (Motion for Non Voters to speak) **DECLARED VOTED BY THE MODERATOR**

(MAIN MOTION) DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 17 (Requires 2/3 Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to accept as a public way under the provisions of G.L.c.82, Country Club Way, as laid out by the Board of Selectmen and shown on a plan titled "As-Built / Acceptance Plan Country Club Way, Norton, MA Prepared for Wagon Wheel Realty Trust" dated January 10, 2001, drawn by Yarworth Engineering & Land Surveying, and on file in the office of the Town Clerk; and further, to authorize the Board of Selectmen to acquire on behalf of the Town, by gift, purchase, or eminent domain an easement to use said street for all purposes for which public ways are used in the Town of Norton and other associated easements, and to transfer from Free Cash the sum of One Dollar for such purposes.

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 18 (Requires Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town amend its Personnel By-Laws, as on file with the Town Clerk, by amending the Salary Plan ranges from those listed in the column entitled "Current" to those listed in the column entitled "Proposed" [all as recommended by the Finance Committee under Article 18 in the October 20, 2014, Warrant for the Annual Town Meeting with Finance Committees Recommendations]

As printed in the Warrant with Finance Committee Recommendations:

	Current		Proposed	
Office Administrator	\$ 37,499	- \$ 53,500	\$ 41,000	- \$ 57,000
Assistant to the Town Manager	\$ 48,213	- \$ 66,000	\$ 56,000	- \$ 76,000
Highway Superintendent	\$ 64,284	- \$ 90,000	\$ 68,000	- \$ 97,000
Assistant Town Accountant	\$ 42,856	- \$ 60,000	\$ 45,000	- \$ 67,000
Water & Sewer Superintendent	\$ 74,999	- \$ 104,000	\$ 74,999	- \$ 111,000
Asst. Water & Sewer Superintendent	\$ 30,899	- \$ 61,000	\$ 50,000	- \$ 66,000
Information Technology Director	\$ 53,570	- \$ 80,000	\$ 53,570	- \$ 85,000
Tax Collector-Treasurer	\$ 64,284	- \$ 91,500	\$ 65,000	- \$ 97,000
Public Health Nurse	\$ 21.43	- \$ 32.25	\$ 21.43	- \$ 34.00

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 19 (Requires 2/3 Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to amend the Norton Zoning Bylaws as set forth in Article 19 of the October 20, 2014, Annual Town Meeting Warrant with Finance Committee Recommendations and that the Town Clerk be authorized to make nonsubstantive changes only to the numbering relating to these by-laws in order that they be in compliance with the numbering format.

As printed in the Warrant with Finance Committee Recommendations:

To see if the Town vote to amend the Norton Zoning Bylaws, in particular, the bylaw entitled “Large-Scale, Ground Mounted, Solar, Photovoltaic Installations” as approved under Article 18 of the May 12, 2014, Annual Town Meeting Warrant by replacing all references to “XXI” with “XXII” and “21” with “22” in each instance in which they appear, and, further, in connection therewith, to make the following related revisions to the Zoning Bylaws:

- Article IV, Use Regulations, 4.5, Industrial Uses - insert the following at the end of the existing text: “Large-Scale, Ground-Mounted, Solar, Photovoltaic Installations – See Article XXII, Section 22.3.1.”; and inserting “-“in each zoning district column.
- Table 6.2, Dimensional Requirements - insert the following at the end of the existing text: “For Setbacks applicable to Large-Scale, Ground-Mounted, Solar, Photovoltaic Power Generation Installations, see Article XXII, Section 22.3.”
- Article XV, Site Plan Approval, Section 15.3, Applicability - insert the following text: “5. Large-Scale, Ground-Mounted, Solar, Photovoltaic Installations.”

Joanne Haracz, Chair of the Planning Board reported that the Planning Board met on this article on October 16, 2014 and voted 5– 0 in favor of Recommendation of Article 19.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 20 (Requires 2/3 Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to amend the Norton Zoning Bylaws and the Town’s General By-laws as set forth in Article 20 of the October 20, 2014, Annual Town Meeting Warrant with Finance Committee Recommendations and that the Town Clerk, in consultation with the Town Manager, be authorized to make nonsubstantive changes only to the numbering relating to this these by-laws in order that they be in compliance with the numbering format.

As printed in the Warrant with Finance Committee Recommendations:

To see if the Town vote to amend the Norton Zoning Bylaws, Article XI - Administration and Enforcement, by deleting Section 11.2d in its entirety, which section provides that the Building Inspector shall “Arrange for publication and sale to the public at a reasonable price copies of the Zoning By-laws and Zoning Map, including the latest amendments thereto.” and re-lettering the remaining sections accordingly, and further, to amend the Town’s General By-laws by inserting the below bolded and underlined language in paragraph 3(ii) of the bylaw entitled, “Town Officers”, as follows:

The Town Clerk shall maintain a complete and up-to-date copy of the Town By-Laws, **including Zoning By-laws** which shall be available to the public, and shall compile such by-laws and shall assign to them appropriate headings and number them sequentially under such headings.

Joanne Haracz, Chair of the Planning Board reported that the Planning Board met on this article on October 7, 2014 and voted 6– 0 in favor of Recommendation of Article 20.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 21 (Requires 2/3 Majority Vote)

Motion was made by Peter Carignan, Chairman of the Finance Committee, that the Town vote to transfer \$150,000.00 from Free Cash for the Stabilization Fund, in accordance with G.L. c. 40, §5B.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

The Annual Fall Town Meeting was declared Adjourned at 8:07 PM.

ATTEST:

Danielle M. Sicard
Town Clerk