

**TOWN OF NORTON
ANNUAL TOWN MEETING
JUNE 7, 2010**

The Annual Town Meeting was called to order by Moderator William A. Gouveia at 7:00 PM at the Henri A. Yelle Elementary School Gymnasium. The Moderator declared a 15 minute recess to allow access to the large crowds waiting to enter the building. At 7:15 PM the Moderator called the meeting to order and proceeded to call another 15 minute recess to continue to allow people waiting to check in the time to enter the meeting. The Moderator called the meeting to order at 7:30 PM and announced that the overflow of people should proceed to the cafeteria where audio of the meeting in the Gymnasium would be available.

A **MOTION** was made by Thomas DeLuca, Vice Chair of the Finance Committee, to appoint for this meeting only Ralph Stephanelli and Christopher DeLeo as deputy Moderators in the Cafeteria. Motion was 2nd. **DECLARED VOTED BY THE MODERATOR**

The Moderator declared a 5 minute recess. The Moderator called the meeting to order at 7:45 PM. The National Anthem was sung by 2010 Norton High School Graduate Tim Brown.

The Moderator recognized Fire Chief Gomes who reviewed fire safety and emergency exits.

The Moderator reviewed some pre-meeting rules:

- 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 and one located in the center of the room. 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 every one 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 although questions to be asked of individuals will be allowed, cross-examination type discussions from the floor will not be allowed.
- In recognizing people to speak, the Moderator will call upon those who have not yet spoken on a topic before recognizing those who have already spoken. The Moderator will recognize motions to move the question, but if in the Moderators opinion there are still people waiting to speak who may add to the discussion, the Moderator will exercise his authority to not accept a motion to move the question 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.

The Moderator welcomed Danielle Sicard to her first town meeting as the Town Clerk.

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

A **MOTION** was made by Robert Kimball, Chairman of the Board of Selectman and seconded to reconvene the Annual Town Meeting on Wednesday, June 9th at 7:00 PM if all business is not completed by 11:00 PM and to take all Articles in the order as they appear in the warrants.

DECLARED VOTED BY A MAJORITY BY THE MODERATOR

The Annual Town Meeting was recessed after Article 3 at 8:00 PM for the Special Town Meeting and Reconvened at 9:50 PM.

The Annual Town Meeting was recessed after Article 20 at 11:00 PM and Reconvened on Wednesday, June 9 at 7:00 PM.

ARTICLE 2 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town appropriate from available funds that have been or may be allotted by the Commonwealth, the sum of \$432,639.00, or any other sum or sums so allotted, for the purpose of road and other municipal improvements within the Town of Norton which are eligible for reimbursement, subject to conditions detailed by Massachusetts Highway Department pursuant to Chapter 90, Section 34(2a), of the Massachusetts General Laws.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 3 (Requires 2/3 Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Rubin Drive, as laid out by the Board of Selectmen and as shown on a plan titled "As-Built Plan and Profile of Rubin Drive within Rocknoll Farm, A Subdivision in Norton, MA" dated September 14, 2009, revised September 23, 2009, drawn by RIM Engineering Co., Inc., and on file in the Office of the Town Clerk, and authorize the Board of Selectmen to acquire 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 associated easements, and to appropriate therefore the sum of One Dollar.

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 4 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town accept the provisions of Chapter 71, Section 71F, to authorize the School Committee to deposit all monies received by it as tuition payments for nonresident students and as state reimbursements for students who are foster care children with the Town Treasurer in separate accounts to be expended by the School Committee without further appropriation for expenses incurred in providing education for such nonresident students or for students who are foster care children, notwithstanding the provisions of Chapter 44, Section 53.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 5 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Board of Selectmen to receive fees and other funds associated with use of the property commonly known as the Wendell Jackson property and located at 237 Mansfield Avenue, Norton, Massachusetts, including but not limited to revenue resulting from leasing or licensing of the property, or public parking on the property for access to the Norton Reservoir, to be expended by the Board of Selectmen to a maximum of \$15,000.00 in Fiscal Year 2011 for expenses directly related to the use, rental, development, and maintenance of the property, including creating and providing access to the Norton Reservoir.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 6 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town continue a forestry revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Norton Conservation Commission and Norton Tree Warden to receive fees and other funds in connection with the sale and harvest of timber, and other forestry products, from conservation and Town-owned land, to be expended by the Conservation Commission and the Tree Warden to a maximum of \$30,000.00 for Fiscal Year 2011, for the creation and implementation of Forest Stewardship Plans and other forestry projects within the Town of Norton.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 7 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Norton Historical Commission to receive fees and other funds in connection with the sale of literature, products, or information designed to promote public education regarding the historical significance of the Town of Norton, to be expended by the Historical Commission to a maximum of \$4,000.00 for Fiscal Year 2011, for the creation, production, reproduction, and/or dissemination of literature, products, and information designed to promote public education regarding the historical significance of the town of Norton, including but not limited to the creation of coloring books and other materials intended to educate the public.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 8 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Board of Health to receive revenue from home composting bin sales or donations to the Home Composting Bin Distribution Program and allow the Board of Health to expend such funds to a maximum of \$2,000.00 in Fiscal Year 2011 for the purchase of additional Compost Bins, advertising, administrative expenses, or other such expenses as are directly related to furthering the Town's Home Composting Bin Distribution Program, and, should funds remain in this account after demand for compost bins has been satisfied, such funds may be used for public education on home composting, or another solid waste program approved by Mass DEP.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 9 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Highway Department to receive fees for processing recycled materials, including but not limited to white goods, newspapers, tires, etc., and allow the Highway Superintendent to expend such funds to a maximum of \$10,000.00 in the fiscal year in support of recycling activities such as the operation of the Recycling Center; public education efforts; seminars, workshops, information for the Highway Department; studies, and reports on recycling issues.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 10 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to fund salaries and expenses related to the Norton Fire Department's Certified Hazardous Materials Technician(s), to receive funds from the Southeastern Massachusetts Fire Chief's Hazardous Materials Committee and other available sources for hazardous materials incidents attended by the Department's Hazardous Materials Technician(s), and to authorize the Department to expend up to \$10,000.00 per year from such fund during any fiscal year.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 11 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town transfer the amount of \$10,000.00 from Free Cash for the purpose of having Household Hazardous Waste Collection day(s).

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 12 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town transfer the amount of \$86,000.00 from Free Cash for the purpose of the Fiscal Year 2012 Triennial Revaluation and its associated costs as mandated by the Department of Revenue.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 13 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town accept the provisions of M.G.L. Chapter 59, Section 5, Clause Fifth B, which provides for the amount to be exempted from taxation of Real and Personal Property for incorporated organizations of veterans of any war not to exceed a total assessed value of \$700,000.00 to be effective for exemptions granted for Fiscal Year 2011, beginning July 1, 2010.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 14 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town vote pursuant to the provisions of MGL Chapter 59, Section 5, Clause 41C, to adjust the income and eligibility limits for exemptions granted under MGL Chapter 59, Section 5, Clause 41C by: increasing the gross receipts income limit for single seniors from \$13,000 to \$20,000, and by increasing the amount of exemption granted to seniors from \$750.00 to \$1,000.00, to be effective for exemptions granted for Fiscal Year 2011, beginning July 1, 2010.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 15 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town vote to accept M.G.L. Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the gross receipts income and whole estate limits for exemptions granted to senior citizens under M.G.L. Chapter 59, Section 5, Clause 41C, by the cost of living adjustment (COLA) of the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for Fiscal Year 2011, beginning July 1, 2010.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 16 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town vote to accept the provision of M.G.L. Chapter 59, added by Chapter 181 of the Acts of 1995, which authorizes an annual increase in the amount of the exemption granted to senior citizens, surviving spouses and surviving minors under M.G.L. Chapter 59, Section 5, Clause 17D, by 100% of the cost of living adjustment (COLA) for the previous year as determined by the Commissioner of Revenue and to fix that annual increase at 100% of the cost of living adjustment (COLA) to be effective for exemptions granted for Fiscal Year 2011, beginning July 1, 2010.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 17 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town vote to accept M.G.L. Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the whole estate asset limitation for exemptions granted to senior citizens, surviving spouses, and surviving minors under M.G.L. Chapter 59, Section 5, Clause 17D, by the cost of living adjustment (COLA) of the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for Fiscal Year 2011, beginning July 1, 2010.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 18

Motion was made by John Freeman, and seconded, to see if the voters will petition the general court of the Commonwealth for a law to allow the imposition of a tax payable to the Town of Norton (Hereinafter-The Town) by all post secondary institutions of higher learning located wholly or partially within the boundaries of the Town of Norton.

The tax shall be based on a percentage of the yearly cost of tuition, room & board, and mandatory fees (hereinafter-tuition) charged each year for each student in attendance or in the case of campuses only partially in Norton the charge shall be based on full time student equivalents.

The spring Town Meeting shall be the determiner of the rate, which shall, upon approval of this article, be initially set at one percent (1%) of tuition.

The payments shall be remitted semi-annually, or October 15th and March 15th in order to reflect those charges made on a semester basis. In the case of trimester or other types of schedules the Board of Assessors may provide alternate payment dates, which shall stand for the duration of such schedule unless overridden by the Board of Selection by a 4/5 vote.

The law will remain silent on whether this tax is in addition to the tuition, or is deducted and submitted to the Town from the tuition paid.

The funds shall be used only for real estate property tax relief, and shall remain in the special account for a minimum of two (2) years from the receipt of the first payment. At this time, the Board of Selectman shall confer publicly with the Board of Assessors to determine taxation conditions, and the Board of Selectman shall vote as to whether some or all of the funds are transferred to general use in order to lower the amount of taxes billed. In the event of the failure to transfer any or all funds the principal remaining shall not be spent: however, the interest, by the Board of Selectmen's vote, from time to time, may be transferred to general spending.

Furthermore, the Board of Selectman, and any other officials who may become involved in the imposition of the tax, are urged to put forth their best efforts using all legal means at their disposal.

A MOTION to move the Question was made by Dottie Freeman and seconded.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

DECLARED DEFEATED BY MAJORITY BY THE MODERATOR

A MOTION was made (After the vote for Article 25) by Joan De Costa to reconsider Article 18. The Motion was 2nd.

MOTION TO RECONSIDER DECLARED LOST

ARTICLE 19 **LOST FOR LACK OF MOTION** (Personnel Bylaw/Water & Sewer Supt.)

ARTICLE 20 (Requires 2/3 Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town, pursuant to G.L. c.40, §5B, establish a “Sewer Stabilization Reserve Account,” to be used to supplement appropriations for the Sewer Department, including but not limited to the ordinary and necessary costs of operation, maintenance, replacement, capital improvement, expansion and repairs to and for the Sewer Department and the sewerage infrastructure under the control of the Board of Water and Sewer Commissioners, and for such purposes to raise and appropriate the sum of \$1.00, with the expectation that a future Town Meeting will be asked to appropriate \$660,000, an amount equal to that anticipated to be received from Norton Glen sewer connection fee, to said fund.

DECLARED VOTED BY 2/3 BY THE MODERATOR

The Moderator thanked the Jason Benjamin and the Cable Access for their help with making audio available for the overflow in the Cafeteria. The Moderator recessed the Annual Town Meeting at 11:00 PM until Wednesday, June 9 at 7:00 PM at the Henri A. Yelle Elementary School.

**TOWN OF NORTON
ANNUAL TOWN MEETING
CONTINUED SESSION
JUNE 9, 2010**

The Annual Town Meeting was called to order at 7:00 PM by Moderator, William Gouveia. He lead the crowd in the Pledge of Allegiance.

The Moderator reviewed some orders of business (see pre meeting rules as printed on page one of the Annual town Meeting Minutes).

The Moderator recognized some distinguished guests:

Jay Barrows, State Representative
Claire Smith Moderator, Town of Wareham

ARTICLE 21 – Acquisition of Kok and Reilly Lands

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town of Norton acting through its Board of Water and Sewer Commissioners acquire by gift, purchase or eminent domain taking two certain parcels of land identified as follows: the land with the buildings thereon located on Pine Street, Assessors Map 24 Lot 4, otherwise known as the Reilly property more particularly described as Parcel “A” described herein and the land with the buildings thereon located at 125 Crane Street, Assessors Map 29 Lot 36, otherwise known as the Kok property more particularly shown as Parcel “B” described herein. The purpose of the acquisition is to provide for the safe and convenient groundwater recharge of wastewater from the wastewater treatment plant located on the Three Mile River. In the case of purchase or taking, the Board of Water and Sewer Commissioners are authorized to enter into agreement with the Town of Mansfield to acquire or take the said lands in the name of the Town of Norton and to receive from the Town of Mansfield the funds necessary to pay for the purchase or taking and the Board of Water and Sewer Commissioners are further authorized to convey the lands so acquired to any newly formed water and sewer district or to the Town of Mansfield as may be required by agreement between the Board of Water and Sewer Commissioners and the Town of Mansfield.

The article, not printed in the warrant, was available as a handout and the reading of the remainder of the article was waived as the Moderator declared seeing no objections.

ARTICLE 21 --EXHIBIT WITH DESCRIPTIONS ON THE KOK AND REILLY PROPERTY

PARCEL “A” DESCRIPTION – REILLY LAND

A portion of land in Norton, Bristol County, Massachusetts, shown as Parcel “A” on a plan entitled, “Sketch Plan of Land in Norton, Mass.” Dated April 27, 2010. Said lot being bounded and described approximately as follows:

ATM & STM 06-10

Beginning at the corner of the Northwesterly side of said parcel and the East side of Pine Street;

THENCE running northeast $71^{\circ} 07' 15''$ 188.23 feet by land now or formerly Town of Norton to a corner;

THENCE running northeast $58^{\circ} 37' 15''$ 306.50 feet by land now or formerly Town of Norton to a corner and point of beginning of Parcel "A";

THENCE running northeast $04^{\circ} 44' 15''$ 385.33 feet by land now or formerly Town of Norton to a corner;

THENCE running northwest $00^{\circ} 55' 45''$ 366.00 feet by land now or formerly Town of Norton to a corner;

THENCE running southeast $67^{\circ} 13' 48''$ 1,176.15 feet by land now or formerly Town of Mansfield to a corner;

THENCE running southeast $20^{\circ} 11' 36''$ 309.30 feet by land now or formerly Town of Mansfield to a corner;

THENCE running southwest $06^{\circ} 01' 57''$ 132.36 feet by land now or formerly of Town of Mansfield to a corner;

THENCE running northwest $83^{\circ} 58' 03''$ 1,209.93 feet by land of Grantor to a corner and the point of beginning. Parcel "A" is a portion of Lot 4 on Norton Assessors Map 24 and containing 15.2 acres of land or less.

PARCEL "B" DESCRIPTION – KOK PROPERTY

Land in Norton, Bristol County, Massachusetts, shown as Parcel "B" on a plan entitled, "Sketch Plan of Land in Norton, Mass." Dated April 28, 2010. Said lot being bounded and described approximately as follows:

Beginning at the corner of the Northeasterly side of said parcel:

THENCE running southeast $34^{\circ} 47' 08''$ 18.86 feet by land now or formerly Town of Mansfield to a corner;

THENCE running southwest $80^{\circ} 24' 14''$ 7.74 feet by land now or formerly Town of Mansfield to a corner;

THENCE running southeast $34^{\circ} 46' 45''$ 152.91 feet by land now or formerly Town of Mansfield to a corner;

THENCE running northeast $79^{\circ} 05' 42''$ 7.77 feet by land now or formerly Town of Mansfield to a corner;

THENCE running southeast $34^{\circ} 44' 13''$ 250.57 feet by land now or formerly Town of Mansfield to a corner and approximate Town of Norton and City of Taunton line;

THENCE running southwesterly along the Town/City line a distance of 537.56 feet by land of Grantor to a corner;

THENCE running northwest $88^{\circ} 21' 37''$ 987.97 feet by land now or formerly Lawrence & Helen Bliss, Bliss Investment Trust to a corner;

ATM & STM 06-10

THENCE running southwest 14° 18' 47" 633.04 feet by land now or formerly Lawrence & Helen Bliss, Bliss Investment Trust to a corner;

THENCE running northwest 81° 51' 31" approximately 185 feet to a corner;

THENCE running northwesterly approximately 300 feet by Three Mile River to a corner;

THENCE running northeast 11° 18' 41" approximately 675 feet by land now or formerly Town of Norton to a corner;

THENCE running southwest 80° 39' 41" 246.93 feet by land now or formerly Town of Norton to a corner;

THENCE running southwest 12° 21' 33" approximately 600 feet by land now or formerly Town of Norton to a corner;

THENCE running westerly approximately 165 feet by Three Mile River centerline to a corner;

THENCE running northeasterly 10° 10' 40" a distance of 1,180 feet by land now or formerly of Reilly, Trustee to a corner;

THENCE running southeasterly 82° 49' 51" a distance of 292.12 feet to a point;

THENCE running southeasterly 82° 47' 32" a distance of 132.30 feet to a point;

THENCE running southeasterly 87° 21' 31" a distance of 206.80 feet;

THENCE running southeasterly 88° 06' 17" a distance of 268.50 feet the last four courses being by land of Reilly, Trustee and land now or formerly of Savas;

THENCE running southeasterly 89° 05' 49" a distance of 175.33 feet;

THENCE running southeasterly 87° 41' 56" a distance of 526.01 feet;

THENCE running southeasterly 87° 41' 56" a distance of 222.93 feet to the point of origin.

The above described premises are shown as Parcel "B" on the above described sketch and contain 41.7 acres of land, more or less.

A MOTION was made by Joan DeCosta to move the question. The Motion was 2nd.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

DECLARED LOST BY THE MODERATOR

ARTICLE 22 (Requires Majority vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town adopt the following resolution: “Be it resolved that the Water Department continue to be operated under the provisions of the Mass. General Laws, Chapter 41, Section 69B, for the Fiscal Year 2011” and that the Town approve the Fiscal Year 2011 Water Department Budget in the amount of \$3,151,383.00 to be appropriated from Water Department Revenue and allocated as follows:

Salaries	\$ 651,126
Expenses	\$ 995,100
Town Reim. Service	\$ 218,000
Outstanding Debt	<u>\$ 1,287,157</u>
 Total	 \$ 3,151,383

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 23

LOST FOR LACK OF A MOTION (Capital Improvement Fund)

ARTICLE 24 (Requires 2/3 vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town approve the amount of \$733,200.00, by transferring the amount of \$120,200.00 from the Capital Improvements Account, \$30,000 from the Water Surplus Account, \$83,000.00 from the Ambulance Reserve Account, and by authorizing the Town Treasurer, with the approval of the Board of Selectmen in order to meet such appropriation, to borrow \$500,000.00 under Chapter 44, Section 7, of the General Laws as amended or any other enabling authority, and to issue bonds or notes therefor, to purchase, or lease 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 as follows:

Cruiser Replacement (Two)	Police Department	\$ 64,000
Ambulance #1 Replacement (Year 1 of 3)	Fire Department	\$ 83,000
Breathing Apparatus	Fire Department	\$ 250,000
Communication Infrastructure Improvements	Communications	\$ 250,000
Multi-Purpose Vehicle (Year 3 of 5)	Highway	\$ 31,200
Electrical Conduit Replacement	Sewer	\$ 15,000
Grinder Pump Replacement	Sewer	\$ 10,000
Vehicle Replacement	Water	\$ 30,000

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 25 (Requires Majority Vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town raise and appropriate the sum of \$43,558,931.00 for the purpose set forth in Article 25 to fund the Town’s FY11 Operating Budget and to fix the salaries of all elected officials of the Town, all as presented in the Finance Committee’s Report, these monies to be raised by taxation and appropriated, and further to transfer the sum of \$1,353,766.00 from the following funds:

Overlay Surplus	\$	75,000.00
Water Reimbursement	\$	218,000.00
Hicks Fund	\$	100,000.00
Ambulance Receipts	\$	400,000.00
Septic Betterments	\$	61,776.00
Dog Fund	\$	8,000.00
Wetlands Protection	\$	8,000.00
Free Cash	\$	482,990.00
Stabilization	\$	0.00
Total Transfers	\$	1,353,766.00

FY 2011 Operating Budget		
<u>Board of Selectmen (122)</u>		
Personal Service	510	\$ 46,721.00
Charges & Expenditures	570	\$ 1,500.00
Totals		\$ 48,221.00
<u>Town Manager (123)</u>		
Personal Service	510	\$ 173,373.00
Charges & Expenditures	570	\$ 2,600.00
Totals		\$ 175,973.00
<u>Finance Committee (131)</u>		
Charges & Expenditures	570	\$ 2,700.00
Totals		\$ 2,700.00
<u>Reserve Fund (132)</u>		
- Appropriation		\$ 150,000.00
Transfers	502	
Totals		\$ 150,000.00
<u>Town Accountant (135)</u>		
Personal Service	510	\$ 143,118.00
Purchase Of Services	520	\$ 22,000.00
Charges & Expenditures	570	\$ 3,098.00
Totals		\$ 168,216.00

<u>Assessors (141)</u>			
Personal Service	510	\$	124,631.00
Charges & Expenditures	570	\$	19,425.00
Totals		\$	144,056.00
<u>Treasurer/Collector (147)</u>			
Personal Service	510	\$	198,392.00
Charges & Expenditures	570	\$	51,665.00
Totals		\$	250,057.00
<u>Legal Services (151)</u>			
Charges & Expenditures	520	\$	90,000.00
Totals		\$	90,000.00
<u>Data Processing (155)</u>			
Personal Service	510	\$	-
Charges & Expenditures	570	\$	109,500.00
Totals		\$	109,500.00
<u>Web Committee (156)</u>			
Charges & Expenditures	570	\$	100.00
Totals		\$	100.00
<u>Tax Title Foreclosure (158)</u>			
Charges & Expenditures	570	\$	40,000.00
Totals	570	\$	40,000.00
<u>Town Clerk (161)</u>			
Personal Service	510	\$	85,293.00
Charges & Expenditures	570	\$	3,525.00
Totals		\$	88,818.00
<u>Elections (162)</u>			
Personal Service	510	\$	550.00
Charges & Expenditures	570	\$	30,849.00
Totals		\$	31,399.00
<u>Conservation Comm (171)</u>			
Personal Services	510	\$	78,188.00
Charges & Expenditures	570	\$	10,825.00
Totals		\$	89,013.00

<u>Planning Board (175)</u>			
Personal Services	510	\$	56,260.00
Charges & Expenditures	570	\$	3,150.00
Totals		\$	59,410.00
<u>SE REG Plan & Econ Dev (176)</u>			
Assessment	560	\$	2,914.00
Totals		\$	2,914.00
<u>Zoning Bd Of Appeals (177)</u>			
Charges & Expenditures	570	\$	300.00
Totals		\$	300.00
<u>Industrial Development Commission (182)</u>			
Charges & Expenditures	570	\$	200.00
Totals		\$	200.00
<u>Municipal Bldg Maint (192)</u>			
Charges & Expenditures	570	\$	250,900.00
Totals		\$	250,900.00
<u>Town Report (195)</u>			
Printing	520	\$	3,000.00
Totals		\$	3,000.00
<u>Postage -All Depts (199)</u>			
Charges & Expenditures	570	\$	35,567.00
Totals		\$	35,567.00
<u>Police Department (210)</u>			
Personal Service	510	\$	2,086,494.00
Charges & Expenditures	570	\$	174,536.00
Totals		\$	2,261,030.00
<u>Fire Department (220)</u>			
Personal Service	510	\$	2,525,413.00
Charges & Expenditures	570	\$	150,300.00
Total		\$	2,675,713.00

<u>Emergency Medl Serv (230)</u>			
Charges & Expenditures	570	\$	79,200.00
Totals		\$	79,200.00
<u>Emergency Planning (240)</u>			
Charges & Expenditures	570	\$	6,250.00
Totals		\$	6,250.00
<u>Inspection Dept (241)</u>			
Personal Service	510	\$	142,310.00
Charges & Expenditures	570	\$	9,750.00
Totals		\$	152,060.00
<u>Sealer Weights (244)</u>			
Charges & Expenditures	570	\$	2,000.00
Totals		\$	2,000.00
<u>Communication Center (290)</u>			
Personal Service	510	\$	359,330.00
Charges & Expenditures	570	\$	120,244.00
Totals		\$	479,574.00
<u>Animal Control (292)</u>			
Personal Service	510	\$	43,103.00
Charges & Expenditures	570	\$	8,300.00
Totals		\$	51,403.00
<u>Tree Warden (294)</u>			
Personal Service	510	\$	2,000.00
Totals		\$	2,000.00
<u>School Department (300)</u>			
Personal Services	510	\$	17,337,575.75
Charges & Expenditures	570	\$	4,846,642.25
Totals		\$	22,184,218.00
<u>Southeastern Reg Voc (306)</u>			
Assessments	560	\$	1,155,005.00
Totals		\$	1,155,005.00

<u>Reg Agricultural Sch (308)</u>			
Assessments	560	\$	27,489.00
Totals		\$	27,489.00
<u>Highway (420)</u>			
Personal Service	510	\$	522,349.00
Charges & Expenditures	570	\$	69,750.00
Surface Treatment	580	\$	6,047.00
Repairs to Private Ways	581	\$	100.00
Totals		\$	598,246.00
<u>Snow Removal (423)</u>			
Charges & Expenditures	570	\$	80,000.00
Totals		\$	80,000.00
<u>Street Lighting (425)</u>			
Charges & Expenditures	570	\$	105,000.00
Totals		\$	105,000.00
<u>Sanitary Landfill (438)</u>			
Charges & Expenditures	570	\$	5,000.00
Reserve Fund Supplement			
Totals		\$	5,000.00
<u>Sewer Division (440)</u>			
Personal Service	510	\$	132,779.00
Charges & Expenditures	570	\$	605,800.00
Reserve Fund Supplement			
Totals		\$	738,579.00
<u>Board of Health (510)</u>			
Personal Service	510	\$	121,846.00
Charges & Expenditures	570	\$	6,800.00
Totals		\$	128,646.00
<u>Public Health Nurse (522)</u>			
Personal Service	510	\$	27,818.00
Charges & Expenditures	570	\$	9,100.00
Totals		\$	36,918.00

<u>Council on Aging (541)</u>			
Personal Service	510	\$	1,160.00
Charges & Expenditures	570	\$	6,800.00
Reserve Fund Supplement			
Totals		\$	7,960.00
<u>Veterans Agent (543)</u>			
Personal Service	510	\$	20,000.00
Charges & Expenditures	570	\$	31,000.00
Veterans Benefits	579	\$	220,000.00
Reserve Fund Supplement			
Totals		\$	271,000.00
<u>Library (610)</u>			
Other Charges & Expenditures	570	\$	307,245.00
Totals		\$	307,245.00
<u>Recreation (630)</u>			
Charges & Expenditures	570	\$	9,695.00
Totals		\$	9,695.00
<u>Historical Comm (691)</u>			
Charges & Expenditures	570	\$	300.00
Totals		\$	300.00
<u>Memorial & Vets Day (692)</u>			
Other Charges & Expenditures	570	\$	1,500.00
Totals		\$	1,500.00
<u>Historical Dist Comm (693)</u>			
Charges & Expenditures	570	\$	300.00
Totals		\$	300.00
<u>Maturing Debt (711)</u>			
Maturing Principal on LT Debt	590	\$	1,660,206.00
Repayment of Temporary Loans	594	\$	193,055.00
Totals		\$	1,853,261.00
<u>Interest (750)</u>			
Interest on Long-Term Debt	590	\$	658,861.12
Interest on Notes	594	\$	9,845.88
Reserve Fund Supplement			
Totals		\$	668,707.00

<u>Employee Benefits (910)</u>		
Personal Service	510	\$ 1,950,377.00
Other Personal Service	511	\$ 6,300,000.00
Charges & Expenditures	570	\$ 316,804.00
Totals		\$ 8,567,181.00
<u>Unemployment Comp (911)</u>		
Charges & Expenditures	570	\$ 180,000.00
Totals		\$ 180,000.00
<u>Miscellaneous (940)</u>		
Fuel Expenses	540	\$ 162,000.00
Charges & Expenditures	570	\$ 374,873.00
Totals		\$ 536,873.00
GRAND TOTALS		\$ 44,912,697.00

(NOTE: Article 25 appears as voted. See end of Article for Record of Amendments)

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

RECORD OF AMENDMENTS and MOTIONS FOR ARTICLE 25

A **MOTION** to Amend Article 25 was made by Mark Sweeney to increase the Budget Line Item #220 (Fire Department) – 510 Personal Services by \$53,000 (from \$2,525,413 to \$2,578,413) which is to be offset by a decrease of the same amount to Budget Line Item #610 (Library) – 570 (from \$307,245). Motion was 2nd.

AMENDMENT -- DECLARED FAILED BY THE MODERATOR

The Moderator pointed out that this is the last budget that the Town Manger, Jim Purcell would be presenting and thanked him for his service to the community. The meeting gave Mr. Purcell a standing ovation.

A **MOTION** to Amend Article 25 was made by Wayne Graf, Chairman of the Finance Committee, and 2nd; that the proposed Operating Budget for the Department #543 – Veterans Agent, as appears in Article 25 of the Warrant be amended as follows:

- Personal Service, Line # 510: Reduce from \$50,000 to \$20,000;
- Charges and Expenditures, Line # 570: Increase from \$1,000 to \$31,000;
- Veterans Benefits, Line #570; Remains at \$220,000;
- For a total of \$271,000 for Department 543.

AMENDMENT -- DECLARED VOTED BY THE MODERATOR

A **MOTION** was made (After the vote on Article 28) by Thomas DeLuca to reconsider Article 25. The Motion was 2nd. **MOTION TO RECONSIDER LOST**

ARTICLE 26 (Requires 2/3 vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town change the zoning of the parcels identified as Map 33, Parcels 6, 6-01, 61, 6-02, 6-03, 43, 7, and 55, the total land size being 21.265 acres, from Industrial to Residential.

A **MOTION** to Amend Article 26 was made by Cheryll-Ann Senior, Member of the Planning Board, and was seconded to rezone from “Industrial” to “Residential-60” that land identified on Assessor’s Map 33 (dated August 2007) as parcels 55, 6-02, 6, 61, 43, 7, 6-01, and parcel 6-03 except for that portion of parcel 6-03 lying between parcels 33 and 8, and bounded on the south by Eddy Street and on the north by the extension easterly of the north boundary line of parcel 33 to its intersection with the west boundary of parcel 8.

AMENDMENT -- DECLARED VOTED BY THE MODERATOR

Cheryll-Ann Senior, Member of the Planning Board reported that the Planning Board meet on this article and voted 4 – 0 in favor of Recommendation of Article 26.

(AMENDED MOTION) DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 27 (Requires 2/3 vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town vote to amend the Norton Zoning By-Law, Article IV Use Regulations, as set forth in Article 27 of the June 7, 2010, Annual Town Meeting Warrant.

ARTICLE 27 as printed in the Warrant:

(1) Amend Section 4.4 Commercial Uses, by inserting the following underlined text:

Allowed-by-right principal uses as enumerated in Section 4.4 Commercial Uses with ten thousand (10,000) or more square feet of floor area or twenty-five (25) parking spaces (see Section 4.8 for detailed explanation).

(2) Amend Section 4.5 Industrial Uses by inserting the following underlined text:

Allowed-by-right principal uses as enumerated in Section 4.5 Industrial Uses with ten thousand (10,000) or more square feet of floor area or twenty-five (25) parking spaces (see Section 4.8 for detailed explanation).

(3) and insert a new section, Section 4.8 to read as follows:

4.8 A Special Permit shall be required for the construction of any Commercial or Industrial building which equals or exceeds 10,000 square feet in area; for any addition to an existing building which causes the building to equal or exceed 10,000 square feet in area; and, for the construction of any additional freestanding building which causes all combined buildings to equal or exceed 10,000

square feet in area. **In addition, once 10,000 square feet or more of combined square footage has received a special permit, a further special permit shall be required each time that an addition or new building is proposed that would result in new square footage of 5,000 square feet or more.** In any case, where an addition or new building is less than 1,000 square feet in area, a Special Permit will not be required irrespective of the combined total area.

Planning board Member, David Miller, reported that the Planning Board meet on this article on April 20, 2010 and voted 4 – 0 in favor of Recommendation for Article 27.

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 28 (Requires 2/3 vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town vote to amend the Norton Zoning By-Law, Article XIV-Water Resource Protection District, as set forth in Article 28 of the June 7, 2010, Annual Town Meeting Warrant.

ARTICLE 28 as printed in the Warrant:

- 1 In Section 14.5.2(b) delete the citation “310 CMR 32.105” and replace it with “310 CMR 32.05”; and,
- 2 Delete the existing Section 14.5.3 and replace it with the following:

14.5.3 PROHIBITED USES UNLESS CERTAIN CRITERIA ARE MET:

The following uses are prohibited in the Water Resources Protection District unless certain criteria are met:

- a. storage of sludge and septage, as defined in 310 CMR 32.05, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- b. storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- c. storage of commercial fertilizers, as defined in M.G.L c. 128, section 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate ;
- d. storage of animal manure, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- e. Storage of liquid hazardous materials as defined in M.G.L. c.21E, and/or liquid petroleum products unless such storage is:
 1. above ground level , and
 2. on an impervious surface, and
 3. either

- (i) in container(s) or above-ground tank(s) within a building, or
 - (ii) outdoors in covered container(s) or above-ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater; however, these storage requirements shall not apply to replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements.
- f. The removal of soil, loam, sand, gravel or any other mineral substances within four feet of the historic high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey) unless the substances removed are re-deposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical high water mark, and except for :
- 1. excavations of buildings foundations, or
 - 2. the installation of utility works, or
 - 3. wetland restoration work conducted in accordance with a valid Order of Conditions, Superseding Order of Conditions, or Enforcement Order issued pursuant to M.G.L., c..131, Section 40.
- 3 Amend Section 14.5.4(e) by adding the following words at the end of the last sentence: "... and shall conform to the requirements of Section 14.5.3(f)."; and,
- 4 Amend Section 14.6.1(b)(1) to read as follows:
- 1. Provisions to protect against the discharges of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean up procedures (liquid hazardous materials must comply with the storage requirements of Section 14.5.3(e));

Planning board Member, David Miller, reported that the Planning Board meet on this article on April 20, 2010 and voted 4 – 0 in favor of Recommendation for Article 28.

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 29 (Requires majority vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town amend its By-Laws for the purpose of adopting, ratifying, and incorporating therein the following new By-Law, entitled, "Wetlands Protection By-Law," as set forth in Article 29 of the June 7, 2010, Annual Town Meeting Warrant.

ARTICLE 29 as printed in the Warrant:

WETLANDS PROTECTION BY-LAW

- I. Purpose.** The purpose of this By-Law is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Norton by controlling activities deemed by the Conservation Commission (hereinafter referred to as the “Commission”) likely to have a significant or cumulative effect on resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, storm damage prevention, prevention and control of pollution, protection of fisheries, protection of wildlife habitat, water quality, pollutant removal capacity, protection of riparian ecosystems, protection of wildlife populations and species diversity, passive recreation and the function and character of resource area landscapes.
- II. Relationship to the Wetlands Protection Act.** This By-Law is enacted pursuant to the Town’s Home Rule authority to protect the resource areas under the Wetlands Protection Act (G.L. c.131, §40, hereinafter referred to as the “Act”) to a greater degree, to protect additional resource areas beyond the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those recognized in the Act, and to impose in local regulations and permits additional standards and procedures stricter than those of the Act and the implementing regulations thereunder (310 CMR 10.00, as amended), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant By-Laws of the Town of Norton.
- III. Rules and Regulations.** The Commission shall be authorized to promulgate Rules and Regulations (“Regulations”) to effectuate the purposes of this By-Law at a meeting for which one week’s notice has been provided in a newspaper of general circulation in the Town. Such Regulations shall take effect upon filing with the Town Clerk. Failure by the Commission to promulgate such Regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this By-Law. Such Regulations may include, but need not be limited to the following: requirements for permit procedures; definitions of additional terms and presumptions not inconsistent with the By-Law; performance standard requirements; authorization for the use of a consultant fee fund; and imposition of filing and consultant fees.
- IV. Jurisdiction.** Except as permitted by the Commission or specifically exempted in Section IV of this By-Law, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas listed below in Sections IV.A-D. These resources shall be known collectively as the Wetland Resource Areas (and may otherwise be referred to as, the “Areas Subject to Protection under this By-Law”). Said Resource Areas shall be protected whether or not they border surface waters.

 - A. Any bordering or isolated freshwater wetland, including vegetated wetlands (marshes, wet meadows, bogs, swamps, seeps and springs); bordering or isolated lands subject to flooding or inundation by groundwater or surface water; banks (naturally occurring and beaches); reservoirs, lakes, and ponds of any size; lands under water bodies; intermittent streams, brooks and creeks; and lands under waterways;
 - B. Lands adjoining freshwater wetlands, out to a distance of 100 feet (defined herein as the Wetland Protection Zone);

- C. Perennial rivers, streams, brooks and creeks, and lands adjoining these resource areas out to a distance of 200 feet (defined as the Riverfront Area in the Act and its implementing regulations); and
- D. Vernal Pool Habitat out to a distance of 100 feet, as defined in this By-Law, regardless of whether the pool has been certified by the Massachusetts Natural Heritage and Endangered Species Program (NHESP), or whether the pool is located within a state protected resource area.

V. Exemptions and Exceptions. The following uses and/or activities are exempt from procedures and/or standards of this By-Law as described below:

- A. Work performed for normal maintenance or improvement of land in agricultural use, as defined in 310 CMR 10.04, "Agriculture"; maintaining, repairing or replacing existing public utilities specifically exempted in the Act, subject to 310 CMR 10.02(2)(a)(2);
- B. Emergency situations in compliance with 310 CMR 10.06;
- C. Existing structures. The applications and permits required by this By-Law shall not be required for existing structures or work in existence prior to the date of adoption of the By-Law provided that:
 - 1. the existing structures and activities have been lawfully located in compliance with the Act;
 - 2. a valid permit has been issued under the Act; or
 - 3. an application for work under the Act has been submitted.

VI. Applications. Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by this By-Law. No activities shall commence without receiving and complying with a Permit issued pursuant to this By-Law. Written Permit applications may include the Request for Determination of Applicability (RDA); Abbreviated Notice of Resource Area Delineation (ANRAD); and/or the Notice of Intent (NOI). Permits to be issued include the Determination of Applicability, Order of Resource Area Delineation (ORAD), Order of Conditions (OOC), and Extension Permits. The Commission, in an appropriate case, may at its discretion accept as the application and plans under this By-Law any application and plans filed under the Act and its implementing Regulations.

VII. Fees. At the time of an application, the applicant shall pay a filing fee as specified by the Commission. The fee shall be in addition to that required by the Act and its implementing regulations. The Commission may impose reasonable fees for the purpose of employing outside consultants with scientific or legal expertise in order to aid in the review of proposed projects. The Commission may adopt rules to provide for depositing such fees in a special account, as authorized by G.L. c. 44, § 53G.

VIII. Notice and Hearings. Any person filing a Permit application, or other request with the Commission shall provide public notice as required by the Commission. The Commission shall conduct a public hearing on any Permit application, with written notice given at the expense of the applicant, at least five (5) business days prior to the hearing, in a newspaper of general circulation in the Town. The Commission shall commence the public hearing within 21 days from receipt of a completed Permit application. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as

deemed necessary by the Commission in its discretion, based on comments and recommendations of other boards and officials. The Commission in an appropriate case may combine its hearing under this By-Law with the hearing conducted under the Act and the implementing Regulations, as amended.

- IX. Coordination with Other Boards.** The Commission shall post meetings to consider matters under the By-Law in accordance with the Open Meeting Law. The applicant shall provide a copy of the permit application and plans to any Town multiple-member board or officer if so requested, at the applicant's expense. Any Town multiple-member board or officer may submit written comments to the Commission in advance of the public hearing, and such comments shall be provided to the applicant.
- X. Assessment of Impacts.** In reviewing Permit applications within the jurisdiction of this By-Law, the Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such impact and any additional standards of review provided within the Regulations.
- A. **Overall Impacts to Resource Values.** The Commission shall take into account any loss, degradation, isolation, fragmentation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities. In reviewing activities for those resource areas listed in Section IV.A of this By-Law, the Commission shall presume that the associated Wetland Protection Zones are important to the protection of these resource areas because the best scientific evidence available demonstrates that activities undertaken in close proximity have a high likelihood of adverse impact, either immediately or cumulatively. These adverse impacts can include, without limitation, erosion, siltation, sedimentation, loss of groundwater recharge, poor water quality, increases in flooding, alteration of stream morphology, significant changes in water temperature, alteration of pollutant removal capacity (including nitrates, nitrites, phosphorus, metals, salt, sediments and carbon); and loss of in-stream or riparian and upland wildlife habitat. The Commission shall presume that all vernal pools, and the associated vernal pool habitat and lands adjoining vernal pools, perform essential habitat functions. This presumption may be overcome only by a preponderance of credible evidence which, in the judgment of the Commission, demonstrates that the vernal pool habitat as defined by this By-Law does not provide essential habitat functions. A formal evaluation shall be performed by an individual who, at a minimum, meets the qualifications of 310 CMR 10.60 and has conducted the evaluation at the appropriate time of year.
- B. **Impacts in Areas of Critical Environmental Concern (ACEC).** In reviewing activities within an ACEC, the Commission shall presume the ACEC is important to all the resource area values listed in this By-Law and shall work to ensure the protection of these values and the functions they provide, particularly by taking measures toward the protection and enhancement of existing native vegetative cover for the improvement and maintenance of existing water quality and quantity; protection of riparian ecosystems and riverfront areas which support the continued viability of fisheries habitat and movement, including seasonal coldwater fisheries, mammals, freshwater mussels and other invertebrates; protection of wildlife habitat and existing native vegetative and aquatic cover in order to maintain existing populations and species diversity; and preservation and maintenance of the natural

vegetation and geologic features such as stone walls and agricultural relics, which preserve both the function and character of resource area landscapes.

XI. Permits. No Permit issued hereunder shall allow for any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this By-Law, has proved by a preponderance of the evidence that: (1) there is no practicable alternative to the proposed project with less adverse effects; and (2) such activities, including proposed mitigation measures will have no significant adverse impact on the areas or values protected by this By-Law. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technologies, costs of the alternatives, and overall project costs. The applicant for a Permit shall have the burden of proving by a preponderance of the evidence that the work proposed in the Permit application will not have unacceptable significant or cumulative adverse effects upon the resource area values protected by this By-Law. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a Permit or grant a Permit with conditions as further described in this Section.

- A. Issuance of Permits. The Commission shall issue its Permit, in writing within 21 days of the close of the public hearing thereon. The Commission in an appropriate case may combine the decision issued under this By-Law with the Permit, or Certificate of Compliance (COC) issued under the Act and its implementing Regulations.
- B. Conditional Permits. If a Permit is issued, the Commission shall impose conditions deemed necessary or desirable to protect said resource area values, and all activities shall be conducted in accordance with those conditions.
 1. To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. Projects shall not be segmented or phased to evade or defer review requirements under this By-Law or to give the appearance of no or minimal alteration or impact to the resource areas protected by this By-Law. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, due to the inherent complexity of replication.
 2. Due to the importance of the Areas Subject to Protection under Section IV, the Commission may require compliance with design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such Areas Subject to Protection, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the By-Law.
 3. The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual, or historic presence of rare plant or animal species in the area. The work shall be performed by an individual who, at a minimum, meets the qualifications set out in the wildlife habitat section under 310 CMR 10.60.

- C. Denial of Permit. The Commission may deny a Permit based on the findings or conditions listed below; provided, however, that the Commission may consider any hardship on the applicant created by reason of denial, as demonstrated at the public hearing, such as those matters set forth below in Section XI.D:
 - 1. Where no conditions are adequate to protect said resource area values; or
 - 2. For failure to submit necessary information and plans requested by the Commission; or
 - 3. For failure to comply with the procedures, design specifications, performance standards, and other requirements in the Regulations associated with this By-Law; or
 - 4. For failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this By-Law.
- D. Waivers to Regulations. The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its Regulations, provided that:
 - 1. The Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said Regulations; and
 - 2. That avoidance, minimization and mitigation have been employed to the maximum extent feasible; and
 - 3. That the Waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.
- E. Permit Validity. A Permit shall expire three (3) years from the date of issuance; or five (5) years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Permits may be extended for one (1) or more periods up to three (3) years each, provided that a request for an extension is received in writing by the Commission at least thirty (30) days prior to the expiration date. Notwithstanding the above, a Permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land. For good cause the Commission may revoke any Permit or other decision issued under this By-Law after notice to the holder, the public, and town boards, pursuant to §VIII, and after a public hearing.
- F. Permit Amendments. Amendments to Permits shall be handled in the manner set out in the Act and implementing Regulations, and, to the extent that the Commission promulgates Regulations in accordance with Section III of this By-Law, the Commission's Regulations.
- G. Recording of Decision. Permits shall be recorded in the Registry of Deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded and all appeal periods have lapsed, prior to commencement of approved work. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee.

XII. Definitions. The following definitions shall apply in the interpretation and implementation of this By-Law.

The “Act” means the Wetland Protection Act (G.L. c. 131, § 40), and may also be referred to as “WPA”.

The term “agriculture” shall be defined as set forth in 310 CMR 10.04, “Agriculture”.

The term “alter” shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this By-Law:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- C. Drainage, or other disturbance of water level or water table;
- D. Dumping, discharging, or filling with any material which may degrade water quality;
- E. Placing of fill, or removal of material, which would alter elevation;
- F. Driving of piles, erection, expansion of buildings, or structures of any kind;
- G. Placing of obstructions or objects in water;
- H. Destruction of plant life including cutting or trimming of trees and shrubs or clearing herbaceous plants;
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater; and
- K. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this By-Law.

The term “Area of Critical Environmental Concern” shall mean an area designated by the Secretary of Energy and Environmental Affairs pursuant to M.G.L. c. 21A, § 2 (7) and 301 CMR 12.00.

“Existing structures and activities” shall mean those lawfully approved, performed or for which a permit application has been submitted under the Act, prior to the date of adoption of the By-Law.

“Freshwater wetland” shall mean any wet meadow, marsh, swamp, bog, area where groundwater, flowing or standing surface water, or ice provide a significant part of the supporting substrate for a plant community adapted to characteristics of saturated soil or the presence of a hydric soil. Delineations may be made by a predominance of wetland vegetation and/or presence of hydric soils and/or the largest observed volume of confined water. The Commission recognizes that soils can be slow to respond to hydrologic conditions and may allow a wetland delineation to be made without the presence of hydric soils, such as those conditions found in abandoned gravel pits. Freshwater wetlands include wetlands both bordering and isolated.

“Isolated land subject to flooding” shall mean an isolated depression or closed basin consisting of a minimum of 400 s.f., not occurring in existing lawns, gardens, landscaped areas, storm water management structures or driveways. Isolated land subject to flooding may be underlain by pervious material, which in turn may be covered by a mat of organic peat or muck. The boundary of isolated land subject to flooding is the perimeter of the largest observed or recorded volume of water confined in said area.

The term “isolated vegetated wetland” shall mean any wet meadow, marsh, swamp, bog, area where groundwater, flowing or standing surface water, or ice provide a significant part of the supporting substrate for a hydrophitic plant community or hydric soil. Isolated vegetated wetlands may contain

emergent and/or submergent plant communities and may also be referred to as “isolated wetlands”, “federal non-state wetland” or combination of terms thereof.

The term “land adjoining the vernal pool” means the terrestrial area surrounding the vernal pool that may also be referred to as the critical terrestrial habitat in the best scientific evidence available and the appropriate literature.

The term “no disturbance zone” shall mean a continuous strip of undisturbed natural vegetative cover within the Wetland Protection Zone directly adjacent to a resource area. The no disturbance zone (NDZ) means that there shall not be any alteration of natural vegetation including but not limited to, cutting or clearing vegetation, construction, stockpiling materials or dumping whether organic or inorganic.

The term “passive recreation” shall include walking; hiking; swimming; birdwatching; camping; photography; non-motorized biking and boating; and other similar activities.

The term “person” shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town By-Laws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

A “potential vernal pool” is a vernal pool that appears on the potential vernal pool data layer of MassGIS or the Massachusetts Aerial Photo Survey of Potential Vernal Pools (NHESP, Spring 2001), as amended.

“Pollutant removal capacity” means that ability of a resource area to remove, but not limited to, the following: nutrients, sediments, organic materials, pathogens, hydrocarbons, metals, pesticides, chlorides, trash and debris, nitrates, nitrites, phosphorus, metals, salt, sediments and carbon.

“Protection of fisheries” means protection of the capacity of an Area Subject to Protection under this By-Law to:

- A. prevent or reduce contamination or damage to fish; and
- B. serve as their habitat and nutrient source. Fish includes all freshwater species.

“Protection of riparian ecosystems” means protection of the capacity of an Area Subject to Protection under this By-Law to:

- A. maintain the baseflows of brooks, streams and rivers, both intermittent and perennial;
- B. maintain the native plant cover necessary for maintaining temperature and relative humidity in and around the stream, for wildlife habitat and for organic input to the stream system; and
- C. support the continued viability of fisheries habitat and movement, including seasonal coldwater fisheries, mammals, freshwater mussels and other invertebrates.

“Protection of wildlife habitat” means areas that due to their plant community composition and structure, hydrologic regime or other characteristics, provide important food, cover, shelter, nesting, aestivation, migratory or overwintering areas, or breeding areas for wildlife.

“Protection of wildlife populations and species diversity” means protection of the capacity of an Area Subject to Protection under this By-Law to:

- A. maintain essential life functions of wildlife; and
- B. maintain wildlife corridors essential for wildlife dispersal, recruitment and genetic diversity

The term “rare species” shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.

“Request for Determination of Applicability” means a written request made by any person to a conservation commission or the Department of Environmental Protection for a determination as to whether a site or work thereon is subject to this By-Law. The request shall be submitted on DEP Form 1. Requests for resource area boundary verification shall be done using the Abbreviated Notice of Resource Area Delineation (ANRAD).

A “spring” shall mean a small stream or pool of water flowing naturally from the earth.

The term “segmentation” shall mean dividing, separating or sectioning a project or property(ies) to 1) evade or defer the review requirements of this By-Law; 2) give the appearance of no or minimal impact to the Areas Subject to Protection under this By-Law or 3) to avoid the appearance of exceeding resource area thresholds. Examples of segmentation include, but are not limited to, separating a larger project into smaller individually permitted phases; dividing a larger parcel into smaller lots; and submitting permit applications individually for separate assessor’s parcels that are cumulatively part of a larger project.

The term “vernal pool depression” means the area of the confined basin depression. The boundary of the vernal pool shall be the mean annual high-water mark.

“Vernal pool habitat” shall include, in addition to scientific definitions found in the regulations under the Act, a confined basin or depression not occurring in existing lawns, gardens, landscaped areas, storm water management structures or driveways which, at least in most years, holds water for a minimum of two (2) continuous months during the spring and/or summer; is free of adult fish populations; provides essential breeding habitat, and other extremely important wildlife habitat functions during non-breeding season, for a variety of amphibian species including but not limited to, wood frog (*Lithobates sylvaticus*) and Ambystomatid salamanders, and freshwater invertebrates (like fairy shrimp, caddisflies, amphibious snails, dragonflies and damselflies and fingernail clams); and provides important habitat for other wildlife species, regardless of whether it has been certified by the Massachusetts Natural Heritage and Endangered Species Program (NHESP), or whether the pool is located within a state protected resource area. Vernal pool habitat extends out to a distance of 100 feet from the vernal pool depression.

The term “visual barrier” shall mean a permanent immovable barricade used to demarcate the no disturbance zone and notify owners of environmentally sensitive areas. Visual barriers shall consist of a post-and-rail fence or a split-rail fence or other approved barrier.

“WPA” means the Wetland Protection Act (G.L.c. 131, § 40), and may also be referred to as “the Act”.

“Wetland Protection Zone” (WPZ) means the area of land extending 100 feet horizontally outward from the boundary of any area specified in Section IV.A.

The term “wildlife” means all vertebrates and invertebrates listed to inhabit Massachusetts by the Division of Fisheries and Wildlife.

“Wildlife habitat” shall mean those areas subject to protection which, due to their plant community composition and structure, hydrologic regime or other characteristics, provide important food and water; cover; shelter; migratory, recruiting and dispersal; aestivation, overwintering, nesting, or breeding areas for wildlife.

Except as otherwise provided in this By-Law or in associated Regulations of the Commission, the definitions of terms and the procedures in this By-Law shall be as set forth in the Act and its implementing Regulations.

XIII. Security. As part of a Permit issued under this By-Law, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or all of the methods described in the Regulations promulgated under this By-Law.

XIV. Enforcement. No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this By-Law, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a Permit or an enforcement order issued pursuant to this By-Law.

- A. Entrance to Property. The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this By-Law and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.
- B. Means of Enforcement. This By-Law and any Regulations promulgated hereunder may be enforced by any available means in law or equity, including but not limited to enforcement by criminal indictment in accordance with G.L. c.40, §21 and by noncriminal disposition in accordance with G.L. c. 40, §21D and the Town By-Laws, “Non-Criminal Disposition.”
- C. Penalties/Restoration. Any person who violates any provision of this By-Law, Rule or Regulation of the Commission, or of a permit issued hereunder may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both. Any person who violates any provision of this By-Law or any rules or regulations promulgated hereunder, or permits or administrative orders issued thereunder shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each violation of a provision of the By-Law or rules or regulations promulgated hereunder, or permits or administrative orders issued thereunder, shall constitute a separate offense.
- D. Non-Criminal Disposition. The Conservation Commission, its agent, and any police officer of the Town may enforce this By-Law and any rules or regulations promulgated hereunder by non-criminal disposition in accordance with G.L. c.40, §21D and the Norton Town By-Laws, “Non-criminal Disposition.” The fine for violation of this by-law shall be three

hundred dollars (\$300) for each offense. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each violation of a provision of the By-Law or any rules or regulations promulgated hereunder shall constitute a separate offense.

XV. Severability. The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof, nor shall it invalidate any Permit, approval or determination which previously has been issued.

A **MOTION** was made by Albert Watson to allow Joe Cogliano, who is not a registered voter in Norton but a land owner to address the meeting. The Motion was 2nd. **MOTION PASSED**

After much discussion, A **MOTION** was made by Paul Freeman to move the question. The Motion was 2nd. **MOTION PASSED**

DECLARED DEFEATED BY THE MODERATOR

The Annual Town Meeting was declared Adjourned at 10:30 PM.

ATTEST:

Danielle M. Sicard
Town Clerk

**TOWN OF NORTON
SPECIAL TOWN MEETING
JUNE 7, 2010**

The Special Town Meeting was called to order by moderator William A. Gouveia at 8:00 PM at the Henri A. Yelle Elementary School Gym. The Town Clerk read the call and return of service as written in the warrant.

ARTICLE 1 (Requires 9/10 vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, I MOVE that the Town transfer the amount of \$1,855.00 from Free Cash to pay the following unpaid bills incurred in a prior fiscal year:

ACCOUNT	DEPARTMENT	VENDOR	PURPOSE	AMOUNT
122	Selectmen	Sun Chronicle	Legal Notice	\$ 63.08
425	Street Lighting	National Grid	Street Lighting	\$ 1,791.92
				<u>\$ 1,855.00</u>

DECLARED VOTED UNANOUOUSLY BY THE MODERATOR

ARTICLE 2 (Requires 2/3 vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town authorize the Board of Water and Sewer Commissioners to acquire by gift, purchase, or eminent domain the water distribution system and sewerage infrastructure in the condominium project known as “Red Mill Village” together with the sewer force main located in Newland Street, a public way, as it extends from the Red Mill Village Condominium site to an existing gravity sewer interceptor line located at the northerly terminus of Kingsley Road, all in the Town of Norton; and further to transfer from the Sewer Stabilization Fund, when such funds become available, a sum of not more than \$10,000 for incidental engineering fees, land damages, legal fees and other expenses related to the acquisition of the same.

A MOTION to Amend Article 2 was made by Diane McElligott, Chairwomen of the Water & Sewer Commission, that the Town authorize the Board of Water and Sewer Commissioners to acquire by gift, purchase or take by eminent domain an existing sewer force main as it is currently placed in the public way at the northerly terminus of Williams Street, a private way in the condominium project known as Red Mill Village, and the line of Newland Street, a public way, as the force main extends from the Red Mill Village Condominium site to an existing gravity sewer interceptor line located at the northeasterly terminus of Kingsley Road, all in the Town of Norton; and further to transfer from the Sewer Stabilization Account, when such funds become available, a sum of money not to exceed \$10,000 to pay for incidental engineering fees, land damages, legal fees and other expenses related to the acquisition of the same. The Motion was 2nd.

AMENDMENT – DECLARED VOTED BY MAJORITY BY THE MODERATOR

(AMENDED MOTION) DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 3 (Requires 2/3 vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town authorize the Conservation Commission to acquire by purchase, gift, eminent domain, or otherwise and to accept the deed of a fee simple interest or less in a parcel of land currently owned by Edwin C. McGinn, Jr., consisting of approximately 5.33 Acres, and shown on Assessor’s Map 26 as Parcel 2-

01, upon such terms and conditions as the Commission shall determine to be appropriate, for conservation purposes and purpose of conveyance, said parcel of land being further described as follows:

The land with the buildings and improvements thereon, being Lot 2 on a Plan of Land entitled: “Plan of Land on Union Road in Norton, Massachusetts, Prepared for: Lea Shpack Date: March 16, 1981, Freeman Engineering Company” which plan is recorded at the Bristol Northern District Registry of Deeds together with, and being more particularly described in, a deed recorded with Bristol Northern District Registry of Deeds in Book 2106, Page 253;

and, further move that:

the Town a) transfer the amount of \$10,500.00 from Free Cash for this purpose and any expenses related thereto; b) authorize the Board of Selectmen to file on behalf of the Town any and all applications deemed necessary for grants and /or reimbursements from any state and/or federal programs and to receive and accept such grants or reimbursement for this purpose; and c) authorize the Board of Selectmen and Town officers to enter into all agreements and execute any and all instruments and to take all related actions necessary or appropriate to effect the interest of the foregoing;

and, further MOVE that:

the Town authorize the Conservation Commission to convey such restrictions or easements upon such property as are necessary to effectuate the environmental remediation in accordance with the Record of Decision and Consent Decree as lodged in the matter of United States v. City of Attleboro, Massachusetts, et al., relating to the so-called Shpack Superfund Site.

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 4 (Requires 2/3 vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town transfer the care, custody, maintenance, and control of the land described herein, owned by the Town and currently under the care, custody, maintenance, and control of the Conservation Commission for conservation purposes, to the Conservation Commission for conservation purposes and the purpose of conveyance, and further MOVE that the Town authorize the Conservation Commission to convey such restrictions or easements upon such property as are necessary to effectuate the environmental remediation in accordance with the Record of Decision and Consent Decree as lodged in the matter of United States v. City of Attleboro, Massachusetts, et al., relating to the so-called Shpack Superfund Site, said parcel of land being further described as printed in the warrant.

The remainder of the warrant for Article 4 as printed in the warrant is as follows:

The land with the buildings and improvements thereon, being Lot 1 and Lot 3 on a Plan of Land entitled: “Plan of Land on Union Road in Norton, Massachusetts, Prepared for: Lea Shpack Date: March 16, 1981, Freeman Engineering Company” which plan is recorded at the Bristol Northern District Registry of Deeds together with, and being more particularly described in, a deed recorded with Bristol Northern District Registry of Deeds in Book 2106, Page 246, and as shown on Assessor’s Map 26 as Parcel 2 and Parcel 2-02;

and, further:

to see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court, pursuant to Article 97 of the Amendments of the Massachusetts Constitution for approval of such change in use and conveyance of restrictions and easements upon all or a portion of said property;

or take any other action relative thereto.

A Counted Vote was taken:

1020 YES 3 NO

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 5 (Requires 2/3 vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town transfer from the Board of Selectmen the parcel of land described as Assessors Map 29, Lot 98, for cemetery, animal shelter, and leasing purposes to the Board of Selectmen for the same purposes and also for the purpose of granting an easement or easements, and authorize the Board of Selectmen to grant, upon such terms and conditions as the Board deems appropriate, including the payment of nominal consideration, permanent utility easements and related rights in, under, across, and upon that certain portion of the westerly and southerly boundaries of the Town's land commonly known as and numbered 84 Hill Street, Norton, and more particularly shown on the "Proposed Utility Easement" plan on file in the Office of the Town Clerk by C & A Architectural Design and Engineering, LLC, as "AM 29 Lot 98 Town of Norton Animal Shelter #84 Hill St. Bk. 6752 Pg. 2 PB. 359 Pg. 69 Lot 2-4-A Area = 4.0 Acres", to Norton Commerce Center Hill Street, LLC, a Massachusetts limited liability company, its successors, and assigns for the benefit of its parcel of land commonly known as and numbered 0 Hill Street, Norton, and more particularly shown on the said "Proposed Utility Easement" plan as "AM 29 Lot 82 Norton Commerce Center Hill Street LLC #0 Hill St. Bk. 16928 Pg. 337 PB. 359 Pg. 69 Lot 2-4-B Area = 14.09 Acres".

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 6 (Requires Majority vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town authorize the Collector to charge the sum of \$15.00 for each written demand issued by the Collector to be added to and collected as part of the tax as authorized by Massachusetts General Laws Chapter 60, Section 15, and said increase in the demand fee to be effective July 1, 2010.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 7 (Requires Majority vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town rescind \$84,630.12 of the borrowing authority approved under Article 33 of the May 14, 2007, Annual Town Meeting, under which vote the Town was authorized to borrow the sum of \$735,060.00 for reconstructing and/or making extraordinary repairs to the Norton Middle School building located at 215-223 West Main Street, including,

but not limited to, the building's envelope and roof, and for any additional design service, contract administration, professional, and other incidental fees and expenses relative thereto.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 8 (Requires 2/3 vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town appropriate the sum of \$600,000.00 for the feasibility study for the Norton High School located at 66 West Main Street, Norton, MA, said amount to be expended under the direction of the School Building Committee, and to meet said appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority, and to transfer the amount of \$1,000.00 from the Stabilization Fund for loan processing fees and expenses related thereto; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town of Norton and the MSBA.

DECLARED VOTED BY 2/3 BY THE MODERATOR

A **MOTION** was made (After the vote on Article 12) by Cheryl McFaun to reconsider Article 8. The Motion was 2nd.

MOTION TO RECONSIDER DEFEATED

ARTICLE 9 (Requires Majority vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town transfer the \$8,152.45 article balance from #001-630-606-5802-00-608 originally appropriated by the Town for the purpose of design and engineering services for the proposed recreational facility at the intersection of Route 123 and Route 495 under Article 19 of the May 19, 1986, Special Town Meeting for the repair, staffing, operation, and maintenance of the Town pool located at the Everett Leonard Complex.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

A **MOTION** was made (After the vote to reconsider Article 8) by Rosemary Dolan to reconsider Article 9. The Motion was 2nd.

MOTION TO RECONSIDER DEFEATED

ARTICLE 10 (Requires 2/3 vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town supplement the Fiscal Year 2010 capital improvements budget appropriated under Article 13 of the June 8, 2009, Annual Town Meeting in the amount of \$57,450.00 to provide and/or upgrade radio communication systems for the School

Department and the Water Department, the amount of \$31,678.00 to be transferred from the Water Surplus Account and the amount of \$25,772.00 to be transferred from the Capital Improvements Fund.

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 11 LOST FOR LACK OF MOTION (Collective Bargaining Agreement)

ARTICLE 12 (Requires Majority vote)

Motion was made by Wayne Graf, Chairman of the Finance Committee, that the Town amend the vote taken under Article 14 of the June 8, 2009, Annual Town Meeting by increasing appropriations for certain line items and transferring others and to do so, by transferring the additional amount of \$95,994.00 from Free Cash and by transferring \$24,250.00 from Data Processing 001-155-510 to Data Processing 001-155-570 as indicated in warrant.

The remainder of the warrant for Article 4 as printed in the warrant is as follows:

Department	Account	Use	Amount
Snow Removal	001-423-570	Miscellaneous Expenses	\$ 73,494.00
Employee Benefits	001-910-570	Medicare Expense	\$ 22,500.00

TOTAL SUPPLEMENTS: \$ 95,994.00

Data Processing	001-155-570	Transfer from 001-155-510 (Salary) to Expense	\$ 24,250.00
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TOTAL TRANSFERS: \$ 24,250.00

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 13

Motion was made by Jason Nuttall to see if the Town will accept as public ways under the provisions of Massachusetts General Laws Chapter 82, as amended, Arrowhead Drive, Kayak Trail and Sconset Circle, as laid out by the Zoning Board of Appeals and as shown on a plan titled “Arrowhead Village Definitive Subdivision”, dated May 7, 2004, drawn by Coler and Colantonio, Inc. and on file in the Office of the Town Clerk, and further, to see if the Town will authorize the Board of Selectmen to acquire 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 associated easements, and to appropriate therefore the sum of One dollar, or take any other action relative thereto. Motion was 2nd.

DECLARED FAILED BY MAJORITY BY THE MODERATOR

The Special Town Meeting was declared concluded at 9:50 PM by the Moderator.

ATTEST:

Danielle M. Sicard
Town Clerk