

**DRAFT
BOARD OF SELECTMEN
MINUTES OF MEETING FOR
AUGUST 11, 2011**

I. CALL TO ORDER BY CHAIRMAN

The August 11, 2011 Meeting of the Board of Selectmen was called To Order by Mr. Bramwell, Chairman, at 7:00 p.m., in the Municipal Center, first floor Selectmen's Conference Room.

A. Roll Call

Mr. Bradford Bramwell, Chairman of Board of Selectmen; Mr. Timothy Giblin; Mr. Robert Kimball; and Mr. Robert Salvo were present. Mrs. Mary Steele, Vice-Chair, was absent. Mr. Michael Yunits, Town Manager, was also present.

B. Pledge of Allegiance

II. WARRANTS AND MINUTES

A. Approve bi-weekly Payroll, for the period ended August 6, 2011, Warrant #8, dated August 11, 2011, in the amount of \$563,248.24

MOTION was made by Mr. Giblin to approve bi-weekly Payroll, for the period ended August 6, 2011, Warrant #8, dated August 11, 2011, in the amount of \$563,248.24. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

B. Approve bills Warrant #9, dated August 11, 2011, in the amount of \$151,239.96

MOTION was made by Mr. Giblin to approve bills Warrant #9, dated August 11, 2011, in the amount of \$151,239.96. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

C. Minutes – June 6, 2011

MOTION was made by Mr. Giblin to approve the Board of Selectmen Minutes of Meeting, dated June 6, 2011, as written. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

III. LICENSES AND PERMITS

1. Brian R. Clark, Chief of Police, Re: One-Day Liquor Licenses for the Deutsche Bank Championship Golf Tournament:

. Application of Prom Management Group, Inc. for Nine (9) one-day Beer and Wine licenses, to be

utilized at the TPC of Boston Golf Course, 400 Arnold Palmer Blvd., Norton, MA, 8/29- 9/6/11, 6:30 AM – 7:00 PM; Sunday Service 9:00 AM – 7:00 PM, for private party

. Application of Tiger Woods Charity Events Corp. c/o Brody Wilkinson and Obert PLC, for nine (9) one-day All Alcohol Licenses, to be utilized at the TPC of Boston Golf Course/Club, 400 Arnold Palmer Blvd., Norton, MA, as noted below, 8/29-9/6/11, 6:30 AM – 7:00 PM, Sunday Service 9:00 AM – 7:00 PM, for private party:

- (#1) 17th Green, Sky Chalets;
- (#2) @17 Spectator Oasis @ 17 and Founders Club Marquees;
- (#3) 15th Green – Sky Chalets'
- (#4) 16th Tee – Sky Chalets;
- (#5) 16th Green – Sky Chalets'
- (#6) 17th Tee – Sky Chalets.

STIPULATIONS: DETAILS AS REQUIRED BY CHIEF OF POLICE; APPROPRIATE SIGNAGE STATING 2 DRINK LIMIT PER PERSON

Police Chief Clark was present, as well as Mr. Eric Baldwin, Tournament Director. It was noted they added some personnel and there have been no major issues in past, it is well-run and there will be only some minor changes.

Mr. Baldwin thanked the Board and said it would be another great year with top 100 players in PGA tournament.

Mr. Bramwell thanked Mr. Baldwin for their help with the new football field and bleachers.

MOTION was made by Mr. Giblin to approve One-Day Liquor Licenses for the Deutsche Bank Championship Golf Tournament:

Application of Prom Management Group, Inc. for Nine (9) one-day Beer and Wine licenses, to be utilized at the TPC of Boston Golf Course, 400 Arnold Palmer Blvd., Norton, MA, 8/29- 9/6/11, 6:30 AM – 7:00 PM; Sunday Service 9:00 AM – 7:00 PM, for private party*

***STIPULATIONS: DETAILS AS REQUIRED BY CHIEF OF POLICE; APPROPRIATE SIGNAGE STATING 2 DRINK LIMIT PER PERSON**

Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

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- (#6) 17th Tee – Sky Chalets*

***STIPULATIONS: DETAILS AS REQUIRED BY CHIEF OF POLICE; APPROPRIATE SIGNAGE STATING 2 DRINK LIMIT PER PERSON**

Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

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Police Chief Clark said there were some items and referenced an e-mail he had sent out regarding pedestrian grant and Norton received (out of one of 18 communities) in Commonwealth. By Wheaton College markers are worn, barricades referenced, a banner and enforcement with a plain clothes police officer to be utilized. Pedestrian safety and markings issue; safety on West Main Street referenced.

Several accidents in front of Hess have occurred. Wheaton is well marked; Norton Highway Dept. did a good job but State is falling behind and Chief does not want to see a fatality. It appears Norton is not getting State's attention.

Mr. Kimball said, in his opinion, regarding crosswalks they are a public safety hazard. They need to be marked better, etc. Need consistency throughout Town. Wheaton is well-marked and if State is not doing this Norton should handle this themselves. Mr. Kimball suggested that Chief Clark contact the State and communicate to them his concerns and if someone gets injured Town is not to be held responsible.

Chief Clark indicated the signs Wheaton paid for and his department did contact Mass Highway and they responded no. Town could paint which would probably be ok. Crosswalks were discussed further. Chief Clark explained once a pedestrian walks out in crosswalk that person is actively looking to cross in crosswalk.

It was discussed by Chief Clark, they don't want barriers taken away by Mass Highway as they are expensive. State needs to be aware of the seriousness of this issue.

Mr. Bramwell said he agreed with Mr. Kimball that a letter to Mass Highway should be sent and the painting of crosswalks done.

Chief Clark spoke of possible penalties – charge with destruction of property; marked lanes under \$100 fine.

Mr. Salvo spoke of other illuminating bulbs which would be better than what is at that location currently by Wheaton. Discussion on safety by post office/Library Square.

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Chief Clark said there had been some talk about communication feasibility study and he and Fire Chief would like to discuss. There would be nine communities and two major cities included with five

dispatchers and he believed the numbers were flawed.

2. 7:30 P.M. HEARING – Application of McMahon's Countryside Grille, LLC, Manager: Karyn McMahon, for a Common Victualler License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises at 336 Old Colony Road, Norton, MA 02766

Mr. Giblin read aloud legal notice of Public Hearing, dated 7/22/11.

Mrs. McMahon said business was going really well (breakfast on weekends is a big hit). Some customers were asking if they have a liquor license. They are planning after Labor Day for Sunday and Monday for family style dining. Plans also to expand to do breakfast during week and due to customers asking about a liquor license is the purpose she is here this evening.

Mrs. McMahon said most people employed at the restaurant Norton residents; many high school students.

Mr. Bramwell said service was outstanding and food was delicious when he visited.

MOTION was made by Mr. Kimball to approve Application of McMahon's Countryside Grille, LLC, Manager: Karyn McMahon, for a Common Victualler License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises at 336 Old Colony Road, Norton, MA 02766. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

IV. ANNOUNCEMENTS

. Warrant for the Fall Annual Town Meeting, October 12, 2011, closes at 4:30 p.m., Monday, August 15, 2011

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V. BUSINESS

A. NEW BUSINESS

1. Swearing in Ceremony – Captain Shawn Simmons, Norton Fire Department

Fire Chief Schleicher said Captain Simmons has been on Fire Dept. for over 13 years and was the top of the Recruit Class. He holds a Certificate of fire instruction; experience as EMS Director for over five years; and in training division.

Captain Kent Campbell was also congratulated and it was noted Captain Campbell was the maintenance and supply officer and Chief Schleicher thanked all fire dept. members present this evening, including former Fire Chief Gomes-Retired.

Captain Simmons was sworn in by Town Clerk, Mrs. Sicard.

Captain Simmons wife, Rebecca, and two children were present and his wife pinned his badge.
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Chief Schleicher said he would be before Board of Selectmen in two weeks regarding feasibility study discussion and if anyone needed a hard copy, please let him know.

2. Thomas E. Burke Re: Interview for appointment to the Council on Aging

It was noted Mr. Burke was not present in audience at this time. Mr. Burke arrived.

Mr. Burke said it was Mr. O'Connell's (other candidate for COA) first time to serve and his own second time to serve. Mr. Burke said he has resided at Red Mill Village for seven years and was formerly a resident of Walpole and worked in the Town's Senior Program. He met Mr. O'Connell through senior center.

MOTION was made by Mr. Giblin to appoint Thomas E. Burke to the Council on Aging. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

3. Timothy F. O'Connell Re: Interview for appointment to the Council on Aging

Mr. O'Connell was not present in audience at this time. They will plan to invite him to a future meeting.

4. Discussion – October 12, 2011 Fall Annual Town Meeting Location

Mr. Yunits stated Dr. Ansay communicated to him that Yelle School gym will not be available for Fall Town Meeting as that school had a steam pipe leak and cannot expend money to fix until Town Meeting approves. Several other school facilities are available though.

Mr. Kimball said Norton Middle School auditorium would work. Cable Access hopefully can tape at that location.

Mr. Giblin said some items may bring more people to Town Meeting and capacity of Middle School is 450.

Mr. Kimball spoke of the cost of renting chairs. They could possibly use auditorium/cafeteria at Norton Middle School.

Mr. Bramwell spoke of parking and capacity of 450. Discussion ensued on possible location.

Mr. Kimball said St. Mary's Parish Center could possibly be used for parking.

Mr. Bramwell believed Norton Middle School was more handicapped-accessible.

MOTION was made by Mr. Kimball to reserve Norton Middle School auditorium for Fall Town Meeting. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

5. 7:45 P.M. - Clarence "Butch" Rich Re: Tri-Centennial Picnic – August 14, 2011

Mr. Rich described Sunday's picnic and weather to decide whether it will occur. Meeting will happen Saturday.

Rosemary Dolan, member of Rec Commission, said described activities and hours of 5 p.m to 9:30 p.m. Many activities to include, but not limited to, a bike and doll carriage parade; face painting; wiffle ball; balloon figures; popcorn machine (and thanked Mr. Kimball for this donation); jumprope and hula hoop contests, sack races, tethered hot air balloon ride; watermelon seed spitting contest, dunk tank, along with many other activities. Regarding the dunk tank, they hoped a Board of Selectmen member would volunteer. If canceling of picnic occurs, it will be publicized and decision will be made on Saturday (the day before) and rain date would be August 21. Mr. Kimball volunteered for dunk tank. The volunteers were thanked for all their hard work and dedication.

Mr. Giblin thanked the volunteers as well as all of the businesses who donated time, money, etc. Donations can be sent to support this activity to the North Easton Savings Bank (and checks to be made payable to "Norton Tricentennial"). Residents can just show up if they want to volunteer. Event will be held behind Yelle School. Yelle and High School parking lots will be used for parking.

6. 8:00 P.M. - Charter Review Committee Re: Presentation of Recommendations

Mr. Lee Tarantino, Chairman of this Committee, said this Committee is not finished yet. He thanked the charter review committee who met 26 times. Four types of recommendations: 1. grammatical (commas, etc.); 2. procedural; 3. clarification (deleting or adding in language); 4. organizational. Final recommendation of town clerk from elected to appointed position. Water and Sewer Commissioners membership to go from three to five and elected to appointed. In both cases, "the world has changed" and fortunately town clerk is doing an excellent job so it was an extremely difficult decision.

Mr. Tarantino said this evening he is recommending three articles be placed on warrant. Need to delete town clerk as an elected officer; and delete section "Duties of Town Clerk", and insert new language.

Mr. Tarantino stated they need to delete Water and Sewer Commissioner saying elected and rewrite section noting membership from 3 to 5 and elected to appointed, and rewrite "Powers and Duties". Mr. Tarantino said they want everyone to understand powers and duties. To also add Water and Sewer Commissioners to appointed by Board of Selectmen.

Mr. Salvo asked if it was recommended that Water Superintendent position fall under the town manager?

Mr. Tarantino, responded, yes, that is the recommendation. Other change recommending is Conservation Director should be appointed by town manager. Mr. Tarantino referenced state law where Commission may appoint one. Town Counsel stated Charter can dictate how it is done. Discussion ensued on changes, etc.

Mr. Kimball said Charter Review Committee was very transparent. He believed any dept. in town hall under supervision of town manager was best. Regarding Water and Sewer Commission, Board of Selectmen has been making appointments through the years anyhow. An increase to five members makes sense as well and Board also to appoint them. Town of Norton has an excellent town clerk fortunately; eventually town manager to make that appointment he believed would be best.

Mr. Kimball stressed they are not trying to take away from public; a lot of work on these

issues/changes was conducted. Discussion ensued.

Mr. Tarantino said it is his eighth year on FinCom and if he had to run for position, he probably would not want to run and the same may be true with Water and Sewer. Commissioners currently on Water and Sewer are very good, but it is just a broken system.

Mr. Bramwell said it appears to be the correct approach taken by Charter Review Committee.

Mr. Tarantino said he would like to come back before Board of Selectmen again.

Mr. Bramwell noted the edited copy from Town Counsel the Board received with the red markups. A nice clean copy of document would be ideal.

Discussion on law that rules and regs must be mailed to every household.

Mr. Kimball said this document could be sent to public two weeks before Town Meeting. Also a place where residents could pick up a copy could be put on website (i.e., library, retail store, etc.).

Mr. Yunits said the Charter Review Committee did a professional job and hopefully people can attend more public hearings.

Mr. Tarantino thanked Board of Selectmen for allowing them for the time they were able to spend on this. Town does a lot for citizens and glad citizens can give back by volunteering, etc.

B. TOWN MANAGER'S REPORT

. Sept. 23, 2011 is the tentative date for the groundbreaking at Horizon Beverage.

. Sept. 21, 2011 - Lauren Goldberg, town counsel, will hold two sessions on open meeting law and public records (one held during day and other in evening); also "ethics" session will be presented.

. Mr. Yunits thanked the Mansfield veteran's agent for filling void in Norton's veteran's office, as Norton residents can travel to Mansfield for services/assistance.

. FY11 numbers Mr. Yunits will have at next meeting.

C. APPOINTMENTS/RESIGNATIONS

VI. SELECTMEN'S REPORT AND MAIL

Mr. Kimball referenced the recent land purchased on Hill Street (60 acres). Hearing was held with abutters but none of Board of Selectmen were notified. Board has first right of refusal. \$6.5M was number. which Norton could not afford. Auction occurred and buyer bought for \$175,000. There is a flaw in system (assessment/audit Norton could have done); the fair market value was discussed. Norton was not in position to bid on it. Process is flawed and would like to go back to state reps for future as nothing can be done possibly now. There are issues on property and wetlands, also.

A better job needs to be done. They assess property and then Norton has first right of refusal. Mr. Kimball said this "smells".

Mr. Yunits said taxpayers of Massachusetts have the right to be upset/outraged; a set minimum should have been set. Then they should have come to Norton to inquire if Norton was interested in set minimum.

Mr. Kimball said he and Mr. Yunits will work together on this. Discussion ensued.

Mr. Salvo stated it should never have gotten sold. Something is “fishy” about this \$6.5M price that is reduced/sold for \$175,000; it makes no sense.

Mr. Bramwell said it is something that needs to be investigated.

Mr. Yunits said they will write to Attorney General and Inspector General/State Auditor.

Mr. Bramwell said they need to see if there is any link to persons buying/selling.

Mr. Kimball said he and Mr. Yunits will work on it.

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Mr. Kimball spoke of a call he recently had with a resident regarding Lake Winnecunnett vegetation taking over; and all bodies of water. Ms. Carlino, Conservation Agent, to come in to Board of Selectmen meeting. Association bid issue was referenced and re-bid in 2006; dredging not recommended and a bunch of other items not recommended. They need to look at waterways/dams and forming a committee and looking at prioritizing (weed control can be discussed). Need to take action on lakes/reservoir or it will turn into a problem.

Mr. Kimball asked Mr. Bramwell to please invite ConCom in.

Mr. Bramwell agreed, and said, yes, this must be townwide and must be addressed in all waterways. He said they will check with Ms. Carlino and get her in one of next couple of meetings.

VII. NEXT MEETING'S AGENDA

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

MOTION was made by Mr. Kimball to Adjourn at 9:00 p.m. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney

Board of Selectmen – Recording Secretary

**BOARD OF SELECTMEN
MINUTES OF MEETING OF
AUGUST 11, 2011**

Bradford K. Bramwell, Chairman

Mary T. Steele, Vice-Chair

Timothy R. Giblin, Clerk

Robert W. Kimball, Jr.

Robert S. Salvo, Sr.

Date Approved:_____

Documents Distributed/Reviewed at August 11, 2011 Board of Selectmen Meeting

. Letter dated July 18, 2011, from Robert D. Skene, Skene Law Firm, P.C. Re: Deutsche Bank Championship Golf Tournament, Tournament Players Club Golf Course, to Board of Selectmen including various licenses

. Notice of Public Hearing, dated July 22, 2011, - Application of McMahon's Countryside Grille, for a Common Victualler License, to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises at 336 Old Colony Road, Norton, MA 02766

. Letter dated, August 4, 2011, from Dr. Patricia Ansay, Superintendent of Schools, to Town Manager, Michael Yunits, regarding relocation of venue of the October 2011 Town Meeting

. Letter dated, July 29, 2011, from Thomas E. Burke, 32 Eisenhower Drive, Norton, to Board of Selectmen, re: interest in serving on the Council on Aging

. Letter dated, July 29, 2011, from Timothy F. O'Connell, 13 Williams Road, Norton, to Board of Selectmen, re: interest in serving on the Council on Aging