

**BOARD OF SELECTMEN
MINUTES OF MEETING
SEPTEMBER 13, 2012**

I. CALL TO ORDER BY CHAIRMAN

The September 13, 2012, Meeting of the Board of Selectmen was called to Order by Mr. Giblin, Chairman, at 7:00 p.m., held in the First Floor-Selectmen's Conference Room.

A. Roll Call: Mr. Timothy Giblin, Chairman; Mr. Robert S. Salvo, Sr., Clerk; and Mr. Bradford K. Bramwell were present. Absent: Mrs. Mary T. Steele, who had a prior commitment, and Mr. Robert W. Kimball, Jr., Vice-Chair, who was out of town. Mr. Michael Yunits, Town Manager, was also present.

B. Pledge of Allegiance

II. WARRANTS AND MINUTES

A. Approve bills Warrant #16, dated September 13, 2012, in the amount of \$99,925.07

MOTION was made by Mr. Salvo to Approve bills Warrant #16, dated September 13, 2012, in the amount of \$99,925.07. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

B. Minutes – No Minutes were reviewed/approved.

III. LICENSES AND PERMITS

1. 7:05 P.M. - Application of Leah Fernandes Memorial Fund – Kate Tracy, for Permit for Memorial 5K Road Race, to be held Saturday, September 29, 2012, Start Time 9:30 A.M. From the J.C. Solmonese School, 315 West Main Street – ending at 2:00 P.M. At the J.C. Solmonese School

It was noted it was signed off by the Fire and Police Departments. However, it was noted a police detail is required.

Ms. Kate Tracy stated this started last year and is in memory of Leah Fernandes, who succumbed to brain cancer on July 26, 2011. They are sponsoring another local family (pediatric cancer case) as well as sponsoring Dana Farber. Website for more info is: www.leahfernandes5K.com and also a fund set up at North Easton Savings Bank for donations. Mr. Giblin thanked Ms. Tracy for putting this effort forward.

MOTION was made by Mr. Bramwell to approve - Application of Leah Fernandes Memorial Fund – Kate Tracy, for Permit for Memorial 5K Road Race, to be held Saturday, September 29, 2012, Start Time 9:30 A.M. From the J.C. Solmonese School, 315 West Main Street – ending at 2:00 P.M. At the J.C. Solmonese School, with a police detail required. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

2. **7:30 P.M. HEARING – Application of Robert A. Martin d/b/a East Coast Motor Sports,** for a Class II License to Buy, Sell, Exchange or Assemble Second-Hand Motor Vehicles, or parts thereof, in accordance with the provisions of Chapter 140 of the Massachusetts General Laws, at 400 Old Colony Road, Norton, MA 02766

Attorney Daniel Rich was present on behalf of applicant and applicant was also in attendance.

Mr. Salvo read aloud the legal notice.

Attorney Rich indicated the Applicant, Mr. Martin, is 25 years old and grew up in Attleboro and has been in motorcycle field since age 12/involvement with motorcycles. Mr. Martin was employed at Cycle-Pro's for 12 years and with the increased cost of gasoline, motorcycles are getting very popular.

Lease was distributed to Board of Selectmen, however, Attorney Rich had only one copy of lease.

It was noted applicant would buy/receive motorcycles, fix/repair, and sell them.

Waste was discussed. Antifreeze to be recycled back in motorcycles (“bikes”).

It was noted applicant is in process of getting insurance at this time.

Attorney Rich said applicant would be a small business owner and currently works about 60 hours per week. Applicant wants a smaller operation (10-12 bikes max).

Mr. Martin said he owns two motorcycles and a couple of atv's, as well as a couple of dirt bikes. He is involved with buying at auction.

Mr. Giblin noted it stated “four vehicles” on license.

Mr. Martin responded landlord indicated those spaces are for Mr. Martin. Mr. Martin will park his personal vehicle in those spaces noted for vehicles. He stated he is not going to sell cars.

Mr. Martin stated he would do a little bit of repair work at this location.

Disposal/hazardous waste was discussed.

Mr. Martin said all oil from vehicles he delivers to a company, and another company takes it for free if there is a large amount of oil (that company pays \$1.00/gallon). He said with motorcycles generally

there is 2 ½ to 3 quarts of oil; not a lot.

An abutter, Ms. E. Nelson, of 396 Old Colony Road spoke of residences across street. Motorcycles rev up and racing late at night. Motorcycles to be displayed on front lawn is dangerous because it is a very dangerous area near post office. Also, hazardous waste concerns as there are wetlands in back and need accommodations if a spill occurs. She said she hears noise during day and others can vouch for this. It also happens late at night. She asked about a legal curfew for excess noise?

Mr. Yunits referenced subject of noise level and stated there are certain decibels allowable and not allowable under the law.

Attorney Rich referenced applicant's shop hours: 10 a.m. to 6 p.m.

Mr. Martin said there are motorcycles/Harley's at new barber shop in town at Finish Line. He said he is sometimes there late at night tinkering with cars. When he closes at 6 p.m., he can leave at 6 p.m. or 6:30 p.m., if this is an issue.

Another resident said she resides at 395 Old Colony Road and has heard noise and sounds like there are no mufflers used. Since March she has seen two bad accidents and is surprised police have not mentioned this. Motorcycles travel up and down road. She believed that no business should be given a permit if it devalues property values. Most businesses in area follow the rules; but this business is not quiet.

Ms. Nelson of 396 Old Colony Road said 11:30 p.m./12 midnight when they are trying to sleep she hears revving of bikes and it scares children at night.

Mr. Giblin said it is a concern he has, as well, regarding displaying of motorcycles on lawn.

Attorney Rich said there are more businesses on street than there are homes. It is commercially zoned. Ron's Transmission has no problems and is a neighboring business.

Mr. Bramwell said they could limit the hours of operation and, if not abided by, the Board can re-look at this.

Mr. Giblin said, even during the year, the Board can address any issues if they arise. If approved, this Board of Selectmen takes residents' concerns/comments into consideration.

Hazardous waste issues were again discussed.

Mr. Martin said Speedi-Dri is used, epoxy on floor, and a floor drain is in middle of floor. He said plumbing inspector looked at it via building inspection department. It goes into trap and into one big holding tank. He said he believes emptying of this tank is landlord's responsibility.

Mr. Salvo advised homeowners, if they have complaints, it needs to be a formal "written" complaint to

Board of Selectmen; not just a call to town hall.

It was noted Mr. Martin would be working on motorcycles during day inside of building.

Hours of operation were discussed.

Mr. Bramwell said it would be beneficial to have plan of lawn display of motorcycles in a sketch.

Mr. Martin said people are not able to see by street.

Mr. Salvo said Ron's Transmissions is also in that area and another business.

Mr. Martin said a sign would obstruct any view going toward Attleboro.

Mr. Martin said if neighbors talk to him he can accommodate them.

Ms. Nelson said she did not think a display is a good idea in front as people will be gawking at motorcycles. She said there have been a lot of accidents in the 21 years she's lived there.

Applicant was asked by resident if there was any way to not rev up engines? It was also noted they do "wheelies" in driveway.

Mr. Martin said revving up sounds are probably coming from new barber shop/at Finish Line.

Mr. Giblin said the Board can check in with the barber shop/Finish Line regarding this issue.

MOTION was made by Mr. Bramwell to close the public hearing. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Bramwell to approve Application of Robert A. Martin d/b/a East Coast Motor Sports, for a Class II License to Buy, Sell, Exchange or Assemble Second-Hand Motor Vehicles, or parts thereof, in accordance with the provisions of Chapter 140 of the Massachusetts General Laws, at 400 Old Colony Road, Norton, MA 02766, with hours of operation to be 9 a.m. to 6:30 p.m., and with limit of two motorcycle-type vehicles on lawn display area. Second by Mr. Salvo.

Discussion: It was discussed two motorcycles, or one motorcycle and one atv could be displayed out front and should not be a problem. An approximate 2' x 4' sign to be placed also.

Mr. Bramwell said it would be beneficial to have motorcycles out front so people can see it is a motorcycle shop.

Mr. Salvo said LED lights would grab his attention more than motorcycles on a lawn.

Mr. Giblin said he agreed with this decision, to allow two motorcycles on lawn display area, and if a problem arises, need to re-look at this. Residents should contact town hall if there are any issues.

Friendly Amendment to above Motion: “with limit of two motorcycle-type vehicles on lawn display area”.

Vote: Unanimous. MOTION CARRIES.

IV. ANNOUNCEMENTS

November 6, 2012 at Norton High School is the State Presidential Election from 6:00 a.m. to 8:00 p.m.

Residents are able to register to vote; October 17 is last day to register to vote.
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Town Accountant's Office has a part-time position available of up to 19 hours per week, and job description has been posted. Please submit resumes by October 1, 2012.

It was noted this was a newly-created position.

V. BUSINESS

A. NEW BUSINESS

1. EEE Update

Mr. Yunits updated the Board and stated there was more concern of EEE and West Nile Virus (WNV). This year there is a record number of mosquitoes, and the Town of Norton has previously sprayed. Norton is at high risk; not at critical risk. He encouraged people/residents to be careful and use at least 30% spray containing deet, and from dusk to dawn people should be careful when outdoors (wear long sleeves/ long pants, hats, etc.)

Mr. Giblin said Easton, Raynham, and Taunton are at critical risk.

Mr. Salvo said he was uncertain if aerial spraying is the best and most effective way to spray.

It was noted homeowners can request properties/residences be sprayed at no charge.

Mr. Yunits said the school fields were sprayed this morning between the hours of 4-6 a.m.

Mr. Giblin said the Town won't go as far to stop evening activities but wanted to communicate the risks to residents/the public.

2. Vote to approve and sign Addendum to Town Manager, Michael D. Yunits, Agreement

MOTION was made by Mr. Bramwell to approve and sign Addendum to Town Manager, Michael D. Yunits, Agreement. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

B. TOWN MANAGER'S REPORT

1. Norton High School Construction Project Update

Mr. Yunits distributed pictures of Norton High School project to Board. He stated over the summer months a lot

of work was conducted on inside of building. Phase 1 is new addition and well underway. Reinforced steel in existing building was needed for new a/c (air-conditioning) units, and further updated Board. Some double-shifts occurred by construction personnel at end so inside could be completed before start of school, however, everything thus far looks on target. In February 2013, new addition to be turned over and entire project anticipated to be completed December 2013. Extra layer of roof was found on building which increased expense. Total cost = \$33,271,000. \$21,433,614 covered by state reimbursement, so this is a great benefit for the Town of Norton. Discussion ensued.

Mr. Bramwell spoke of an informal tour of building taken several weeks ago by Building Committee, and it is amazing to see this construction, etc.

2. Fall Town Meeting Update

It was noted the Warrant closed yesterday.

Mr. Yunits referenced the Finance Committee (FinCom), and stated Lee Tarantino is the new chairman of that Committee from their "Reorganization". On October 1, FinCom will start and will plan to meet five Mondays and Wednesdays in October.

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Mr. Yunits spoke of Assessors increase - new growth figure, and he provided cherry sheet to Board from State It was noted veterans' reimbursement not shown on cherry sheet. State will be meeting with town accountant soon to discuss this where it is not shown on sheet. Once documents written, Articles will be shown to Board of Selectmen. A placeholder is planned for sewer tie-in. Also, he asked Board of Selectmen if they wanted some money to be held in legal fund for Ch40B. He asked Board of Selectmen to think about if they wish to do this.

Mr. Giblin asked if there was any money in a fund already? He asked Mr. Yunits to please check on this.

Mr. Yunits said he would check on this, however, he thought there was no money in account.

Mr. Yunits said in a couple of weeks, a walk is planned at proposed Ch40B, near Red Mill Village and he believed he sent an email to Selectmen regarding this; if e-mail was not received, please advise and Mr. Yunits will send.

## 3. East Main Street Project Update

Public Information Meeting regarding East Main Street, to be held on October 23 at Norton Public Library and the engineer will be present. It will include what project will entail and working with SRPEDD. Mr. Silver, Highway Superintendent, sent out notices to any homeowner on that street.

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Mr. Bramwell asked how capital improvements was moving along?

Mr. Yunits said it may be delayed and may not be until May; not until 2014 for final high school money borrowing.

C. APPOINTMENTS/RESIGNATIONS

1. Appointment of Matron in the Norton Police Department

Mr. Salvo read letter dated 9/12/12 from Police Chief Clark regarding appointment.

MOTION was made by Mr. Bramwell to approve appointment of Michelle Goodwin, Matron in the Norton Police Department, effective date of September 14, 2012.

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

Mr. Giblin explained a police department matron relocated out of Norton. Matrons assist in the booking process of female prisoners, and this appointment is to replace that position.

VI. SELECTMEN'S REPORT AND MAIL

Nothing was discussed.

VII. NEXT MEETING'S AGENDA

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

MOTION was made by Mr. Bramwell to Adjourn at 8:00 p.m. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney

Board of Selectmen – Recording Secretary

**BOARD OF SELECTMEN
MINUTES OF MEETING OF
SEPTEMBER 13, 2012**

Timothy R. Giblin, Chairman

Robert W. Kimball, Jr., Vice-Chair

Robert S. Salvo, Sr., Clerk

Mary T. Steele

Bradford K. Bramwell

Date Approved:_____

Documents Distributed/Reviewed at September 13, 2012, Board of Selectmen Meeting

- . Request for Parade/Motorcade Permit (Applicant: Kate Tracy - Leah Fernandes Memorial Fund 5K Road Race)

- . Notice of Public Hearing, dated August 27, 2012, on the application of Robert A Martin d/b/a East Coast Motor Sports, for a Class II License to Buy, Sell, Exchange, or Assemble Second-Hand Motor Vehicles, or parts thereof, in accordance with the provisions of Chapter 140 of the Massachusetts General Laws, at 400 Old Colony Road, Norton, MA 02766 (including application/permit)

- . Addendum to Agreement By and Between The Town of Norton and Michael D. Yunits, Town Manager (Agreement dated August 10, 2012)

- . Town of Norton Part-time Employment Opportunity – Town Accountant's Office

- . Memorandum dated September 12, 2012, to Board of Selectmen, from Michael D. Yunits, Town Manager, re: Notice of Appointment – Police Matron

- . Fall 2012 Town Meeting/Budget-related documents (Timeline; FY13 Estimated Operating Revenues and Expenditures; Commonwealth of Massachusetts Department of Revenue “Notice to Assessors of Estimated Receipts” General Laws, Chapter 58, Section 25A;