

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
OCTOBER 11, 2012**

**I. CALL TO ORDER BY CHAIRMAN**

The October 11, 2012, Meeting of the Board of Selectmen was called to Order by Mr. Kimball, Vice-Chair (Mr. Giblin, Chairman, was absent), at 7:00 p.m., held in the First Floor Selectmen's Conference Room.

- A. ROLL CALL: Mr. Robert W. Kimball, Jr., Vice-Chair; Mr. Robert S. Salvo, Sr., Clerk; Mr. Bradford K. Bramwell; and Mrs. Mary T. Steele were present. Chairman, Mr. Timothy Giblin, was absent. Mr. Michael Yunits Town Manager, was also present.

**II. WARRANTS AND MINUTES**

- A. Approve bi-weekly payroll for the period ended September 29, 2012, Warrant #20, dated October 4, 2012, in the amount of \$1,037,403.75

**MOTION was made by Mr. Salvo to Approve bi-weekly payroll for the period ended September 29, 2012, Warrant #20, dated October 4, 2012, in the amount of \$1,037,403.75. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

- B. Approve bills Warrant #21, dated October 4, 2012, in the amount of \$614,608.41

**MOTION was made by Mr. Salvo to Approve bills Warrant #21, dated October 4, 2012, in the amount of \$614,608.41. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

- C. Approve bills Warrant #22, dated October 11, 2012, in the amount of \$248,321.93

**MOTION was made by Mr. Salvo to Approve bills Warrant #22, dated October 11, 2012, in the amount of \$248,321.93. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

- D. Approve Minutes – June 14, 2012

**MOTION was made by Mr. Salvo to Approve Board of Selectmen Minutes of Meeting, dated June 14, 2012, as written. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.**

**III. LICENSES AND PERMITS**

1. Application of Norton High school Track Boosters, for a 5K Road Race permit – Fundraiser for Senior Scholarships, to be held Sunday, November 18, 2012, 10:15 A.M. – 1:00 P.M.

It was noted there was a copy of parade permit and map.

Mr. Bramwell suggested to alert residents

**MOTION was made by Mr. Bramwell to approve the application of Norton High school Track Boosters, for a 5K Road Race permit – Fundraiser for Senior Scholarships, to be held Sunday, November 18, 2012, 10:15 A.M. – 1:00 P.M. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**

2. Application of Edward J. Brault for Veterans Day Parade Permit, to be held Monday, November 12, 2012, 10:00 A.M. – Approx. 11:00 A.M.

**MOTION was made by Mrs. Steele to approve Application of Edward J. Brault for Veterans Day Parade Permit, to be held Monday, November 12, 2012, 10:00 A.M. – Approx. 11:00 A.M., and waive all application/permit fees. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

**IV. ANNOUNCEMENTS**

October 17, 2012 is the last day to register to vote; contact Town Clerk's Office for more info.

**V. BUSINESS**

**A. NEW BUSINESS**

1. 7:10 P.M. – Local and State Officials Re: Recognition of Patrolman Charles E. Turcotte

Mr. Salvo read aloud the Proclamation.

Police Chief Clark stated that a couple of weeks ago this accident occurred and Patrolman Turcotte is being recognized this evening by state reps.

Rep Howitt said Rep Barrows could not be here this evening due to surgery and Rep Poirier also had a conflict.

It was noted in another incident Patrolman Turcotte was also instrumental in a carbon monoxide incident, and it was fortunate to have such professional and diligent officers in Norton.

“Citation from Commonwealth of Massachusetts House of Representatives” was read aloud and presented to Officer.

Patrolman Turcotte was presented Proclamation and Citizen Pin presented by Board of Selectmen.

2. GASB 45 – Summary of Results – Actuarial Valuation of the Town of Norton Other Postemployment Benefits Plan (OPEB)

This involves retirees; \$51,354,647 is Norton’s liability. There is an Article Warrant for Special Town Meeting to put money into this account. The community of Wellesley had override to fund this “OPEB liability”. It was noted State Rep Barrows is on Committee. Section 18 indicates 1) that anyone that turns 65 needs to go on Medicaid; 2) other option retirees to pay a higher rate of their health insurance. Retirees pay 25% of premium.

Mr. Kimball said this was a lot of money for Town of Norton.

Mr. Yunits stated this is always being funded.

Mr. Kimball said this is another mandate Town will have to deal with.

3. Additional recommendations from Town Counsel Re: the proposed changes to the Board of Selectman Liquor License Policy Statement

It was noted not many Board members reviewed policy statement. Mr. Kimball said this is a broader policy; change of language in draft under penalty code and to hold a public hearing and invite in anyone holding a liquor license. This enables license holder s an opportunity to discuss before the first of the year.

Mr. Bramwell referenced a relatively recent incident for license holder in Town. He said this appears to be dragging on and holding off Town told so it won’t jeopardize any criminal cases. Since it is taking a lot of time, he would like to know justification as to why Board cannot act and how it would jeopardize prosecution.

Mr. Yunits stated he will check with Police Chief Clark.

Mrs. Steele said the Board should come prepared to next meeting since time is of the essence before end of year (2012).

Mr. Kimball said they will plan to meet on December 18 and include liquor policy and warrant on agenda.

Mr. Kimball suggested Carol Instasi, Town Manager's Office, can provide packet of renewed/new licenses and have a hearing on a certain date. Mr. Kimball asked Mr. Yunits to have corrections made.

4. Right of First Refusal – The Reilly Property- 51.2 acres off Crane Street and Pine Street in Norton

Explanation provided: before 120 day period (Mansfield town manager asked Mr. Yunits about this). This is planned to be used as a recharge area for sewerage treatment plant. It was noted Mr. Yunits did invite water and sewer dept. to meet.

Mr. Bramwell referenced the past, and water and sewer may want to exercise right of first refusal themselves, so Board of Selectmen probably should not vote this evening.

Mr. Kimball spoke of having two members of Board of Selectmen; water and sewer commissioners; Superintendent of water and sewer dept. (Mr. Knapp); and town manager to meet and find out what they want to do. Mr. Kimball and Mr. Bramwell volunteered for this as members of the Board of Selectmen.

Mr. Bramwell said it seemed to be important at the time, so did not want to jeopardize anything.

Mrs. Steele said feedback/info on agreement would be beneficial. Mr. Kimball asked to Mr. Yunits to work on this as soon as possible.

Mr. Yunits stated he will check with water and sewer dept. and see what date would work.

5. Vote INTENTION to lay out Allen Drive and Goff Road

Mr. Yunits said Planning Board recommended these streets be accepted. Mr. Silver, Highway Superintendent, is fine with this also. Minor issues with detention area where neighbors put grass clippings which needs to be cleaned-up.

**MOTION was made by Mrs. Steele to vote intention to lay out Allen Drive and Goff Road, per recommendation of Planning Board. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

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6. PILOT (Cygnus Energy)

Mr. Yunits stated when he reviewed Articles later in this meeting, he can review this at that time.

7. Review and/or Vote Re: October 29, 2012 Fall Town Meeting Warrant Articles

The following Articles were all explained to Board by Mr. Yunits:

Article 1:

**MOTION was made by Mr. Bramwell to support Article 1. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**

Article 2:

**MOTION was made by Mr. Bramwell to support Article 2. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**

Article 3:

No taken on this Article by Board of Selectmen.

Article 4:

(Retirement in Water and Sewer Dept. )

**MOTION was made by Mr. Bramwell to support Article 4. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**

Article 5:

(Water and Sewer Article)

**MOTION was made by Mr. Bramwell to support Article 5. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**

(Continued to Article 9 from Article 5)

Article 9:

(OPEC account-Gasbe). \$40,000 into OPEC account; money Town receives from Medicaid.

**MOTION was made by Mr. Bramwell to support Article 9. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.**

Article 10:

Mr. Yunits said this should come before Capital Improvements Committee (\$225,000). Discussion on reimbursement from State; in end it costs Town nothing. Need to show State that Town is appropriating money.

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Erickson Family Conservation Land was discussed. Mr. Kimball suggested to pass on this for now. It makes sense as a Capital Improvements item.

“Project Area near Hockomock Swamp, Norton, MA (The Nature Conservancy)” was distributed to Board.

Mr. Bramwell spoke of the Memorial Park planned in honor of Master Sgt. Trent; and if they support this, they won’t be able to build the Memorial Park.

Mr. Yunits said he would check with Conservation Commission to see if Ericksons wanted it to be named something specific. Discussion ensued and it was noted that land was primarily wet. Mr. Bramwell asked if this would be acceptable use for conservation land?

Mr. Kimball asked Mr. Yunits to speak with Conservation Agent, Ms. Carlino, regarding this.

Article 13:

TIF Agreement (between Town and Waste Management)—eleven year TIF and Mr. Yunits explained further.

Mr. Kimball said he would like to hear from someone regarding this; this needs to be promoted to a certain extent to residents.

Mr. Yunits referenced a letter regarding Taunton and Commerce Center and issues discussed. Traffic studies in letter have been conducted and “put to bed”. Mr. Bramwell was frustrated with city of Taunton and how Norton has been treated as a neighbor.

Mr. Kimball spoke of Phase 3 of Taunton Industrial Park which may be built. Traffic studies on Norton’s streets will be needed.

Mr. Kimball asked Mr. Yunits to pay very close attention to this matter. Discussion ensued.

Mr. Kimball said it would be beneficial for someone/a rep to give Board an update from Waste Management, etc. Therefore, No Action taken on Article 13.

Article 14:

(PILOT Agreement; solar panels on Valentine property)

**MOTION was made by Mr. Bramwell to support Article 14. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**

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Article 15:

(Submitted by Board of Assessors for an online database). Mr. Kimball said he felt this was something that should be supported.

**MOTION was made by Mrs. Steele to support Article 15. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.**

Article 16:

(Submitted by Board of Assessors re: any personal property worth \$5,000 or less will not be taxed). Discussion ensued.

**MOTION was made by Mr. Bramwell to support Article 16. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**

Article 17:

Ch40B legal fund (\$25,000).

**MOTION was made by Mrs. Steele to support Article 17. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.**

Article 18:

Lay out River Oaks Subdivision of what Board just previously voted to lay out.

**MOTION was made by Mrs. Steele to support Article 18. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.**

Article 19:

Allen Drive (River Oaks).

**MOTION was made by Mr. Salvo to support Article 19. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**

Article 20:

No Action taken.

Article 21:

No Action taken.

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Article 22:

(Submitted by Petition by residents regarding parcel of land owned by Manuel Ribiero regarding island in Reservoir) seeking to see if Town could purchase island.

Mr. Yunits said he was not certain whether the Town has any grant money to utilize.

Mrs. Steele stated a presentation given by someone/a rep would be helpful and how money will be raised. She said she will not personally support this.

Mr. Bramwell said no dollar figure was provided and will not spend money where Town won't benefit.

Mrs. Steele agreed and stated there was no benefit to Town as a whole to acquire island.

Mr. Kimball said it won't be gifted to Town and eminent domain was referenced, but won't take property away from someone. There was no interest in island at all when advertised for sale except for zipline company.

Mr. Bramwell referenced eminent domain; property must be unique, etc.

Mr. Kimball said they need a "valid" reason to do this and he did not feel it is a valid reason and had no idea of value of property. Mr. Kimball said he cannot support it.

Mr. Salvo said there was no just cause to take island, and he was not in support of this. He believed a legal presentation was needed.

**MOTION was made by Mrs. Steele to not support Article 22. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.**

Article 23:

Re: Charter-section was inadvertently left out (deals with Capital Improvements Committee").

Mr. Yunits explained the special legislation so it does not have to go on ballot.

**MOTION was made by Mr. Bramwell to support Article 23. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**



Article 24 was not discussed.

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Article 25:

Town of Norton bylaws. Revised Town Charter to agree with Charter recently passed. Mr. Yunits reviewed/explained to Board.

Mr. Bramwell said it was necessary to do this.

**MOTION was made by Mr. Bramwell to support Article 25. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**

**B. TOWN MANAGER'S REPORT**

Mr. Yunits stated the Norton Police Department became an accredited Police Department and ceremony to take place at Andover Country Club, where Norton Police Department will be awarded this accreditation.

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Mr. Yunits said he heard back from DHCD regarding 2% requirement relating to Ch40B's. DHCD said Turtle Crossing would be considered an existing project, not a new project. So other Ch40B has ability to come through.

Mr. Kimball said there is a need for a referendum question for Nov. 2013. Manufactured homes should be counted toward Town's 40B's. Discussion ensued.

Mr. Bramwell spoke of having a period of expiration on these permits; not extensions, etc.

Mrs. Steele said 40B's don't work for towns, buyers, or neighbors.

Mrs. Steele said a Boston Globe reporter was present this evening in audience and she referenced an excellent 40B article in Boston Globe recently.

Mr. Kimball said the first thing to do is to have legal counsel draft some kind of referendum question (and will need many signatures to put it on). It is a very political "hot potato", however, with all due respect to state reps and others, the Board of Selectmen must state "it demands it be changed".

Mrs. Steele said other towns support Norton and she didn't believe Norton would have any problem with this issue.

Mr. Salvo said 40B's are an impact to Town in many ways (i.e., schools, public safety, etc.); it is generally a "private way" and not governed by a town. Also, roads are not designed the way most towns would design them.

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Mr. Yunits said question is "does it benefit the city/town?" Even if it is in a town, it is supposed to fit in with the character of the town.

Mrs. Steele said she is pro-affordable housing, but these are not even affordable homes. Discussion ensued.

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Mr. Yunits stated he received a notice from School Dept. for School Superintendent Search. The Board of Selectmen or Finance Committee gets a spot, however, he was not clear if it is supposed to be one from each board/committee.

Mr. Bramwell spoke of setup of that committee and said school had rep when hiring a town manager.

Mrs. Steele agreed with Mr. Bramwell. When hiring the Chief of the School Dept., there are so many different groups within Town (outside of the school system); a more diverse group would be beneficial.

Mr. Kimball said he would encourage School Committee to establish a policy and recommend a member of Finance Committee; a member of Board of Selectmen; and two members at large.

Mr. Bramwell said he would be interested in serving.

Mr. Kimball said Town Manager should be a member (by Charter he needs to be involved in creation of budget), and beneficial to hire a person he could work best with, etc.

Education Reform Bill of 1993 states town manager is acting member of School Committee for "contracts", etc.

C. APPOINTMENTS/RESIGNATIONS  
. Norton Gold Star Committee Appointments

Gold Star Committee was referenced and hopefully something to be in place by Memorial Day 2013.

Michael Johns, Veterans Agent, said he is a liaison and effort has already being seen. This Committee being formed in honor of Master Sgt. Trent.

It was noted they will appoint five members this evening for core Committee.

It was noted a lot of work was put into this and family of Master Sgt. Trent was contacted.

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Mr. Kimball said it may be possible to appoint more people in future to this Committee.

Under Norton Gold Star Committee, the following are five names of candidates:  
Bill Avril; Tom Deluca; John Danahy; Christopher Cox; and Robert Kimball.

**MOTION was made by Mr. Bramwell to respectfully request consideration of above-mentioned appointees regarding the Gold Star Committee. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**

A member from audience, Mr. Bill Novick, said Master Sgt. Trent ("Greg") was a good friend of his since they were about ten years old. He stated he went to the funeral in Arlington, Virginia, and spoke to Master Sgt. Trent's parents, and parents asked him to be buffer/involved in this.

**MOTION was made by Mr. Bramwell to respectfully request consideration of Bill Novick regarding the Gold Star Committee. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**

It was noted next Thursday, October 18, at 6 p.m., second floor meeting room of Town Hall, will be an informational meeting relating to this Gold Star Committee.

Mr. Kimball spoke of Gold Star Committee; one member from American Legion the Board discussed. He can get a specific name or just appoint an "American Legion" member. Board agreed obtaining a specific name would be best.

. Firefighter Appointments

Mr. Jonathan R. Drobnis - effective December 9, 2012

Adam J. Meier – effective December 9, 2012

**MOTION was made by Mr. Bramwell to accept appointments of both above-mentioned firefighters (Jonathan R. Drobnis and Adam J. Meier), effective 12/9/12. Second by Mrs. Steele.**

**Discussion: Mr. Yunits explained the appointments were to build staff; not a replacement.**

**Mr. Kimball said this helps to lessen the overtime costs.**

**Vote: All members voted in the affirmative, except for Mr. Salvo who voted present.  
MOTION CARRIES.**

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**VI. SELECTMEN'S REPORT AND MAIL**

Mr. Salvo asked for an update on a paving project in Town. Mr. Yunits said a letter was sent to contractor who pulled permit and company owner, and he has not heard communication from them. Contractor wants to provide four inches of pavement . Mr. Yunits said he received an email showing it should be same as existing pavement; minimum to be 4". Mr. Yunits said safety officer put barrels out for Town. Highway Superintendent has someone coming out tomorrow for an estimate. Crucial to get this done before weather gets colder, etc.

Mr. Salvo said barrels are better but drivers are going on other side of road (a safety concern). He said his recommendation is it cannot wait a month, if Town does it; put a lien on property-it will be holding up another project.

A \$10,000 bond on that project at one time, but not certain if there is still one any longer.

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Mr. Kimball referenced Newland Street (6 acres). Have 120 days and need to ask Cemetery Commission to look at it (meadow on left). Need to see if they are interested or roll to other boards/committees, etc.

Mr. Yunits said he made them aware notice is improper. A purchase and sale agreement needed to be included.

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Mr. Kimball spoke of School Building Committee; there are some changes and necessary to clean it up. Board of Selectmen are the appointing committee. School Committee had originally thought they were the appointing committee.

**MOTION was made by Mrs. Steele to appoint Dr. Brian Martes to School Building Committee. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.**

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Mr. Kimball referenced town vending machine and indicated \$35 is a generous amount ; possibly 20%. Possibly see if another company could come in.

Mr. Yunits said there was not much vending use. \$40 a month is supposed to be paid to Town by owner. Discussion on an honor system to be possibly utilized.

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In the Taunton Gazette there was a recent article regarding town/city fees. Norton is at “rock bottom” in article/listing. Mr. Yunits will look into this matter.

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Mr. Kimball asked about status of cleaning up ramp at Exit 10?

It was recommended a letter to be sent to Mass Highway stating it is a public safety nuisance, etc., with a copy of letter to reps.

Mr. Kimball asked Mr. Yunits to send this letter and if does not work, Town may need to handle it.

**VI. NEXT MEETING’S AGENDA**

. Liquor Policy Review;

. Warrant Articles

**VII. Executive Session**

**IX. ADJOURNMENT**

**MOTION was made by Mrs. Steele to adjourn at 9:23 p.m. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

Respectfully Submitted by:

Janet A. Sweeney  
Board of Selectmen – Recording Secretary

**Documents Distributed/Reviewed at October 11, 2012, Board of Selectmen Meeting**

- . Draft Board of Selectmen Minutes – dated June 14, 2012
  
- . Citation from Commonwealth of Massachusetts House of Representatives presented to Patrolman Charles E. Turcotte
  
- . Proclamation presented to Patrolman Charles E. Turcotte from Board of Selectmen
  
- . October 29, 2012 Fall Town Meeting Warrant
  
- . “Project Area near Hockomock Swamp, Norton, MA”-The Nature Conservancy Map

**BOARD OF SELECTMEN**

**MINUTES OF MEETING OF**

**OCTOBER 11, 2012**

**TIMOTHY R. GIBLIN, CHAIRMAN**

**ROBERT W. KIMBALL, Jr., VICE-CHAIR**

**ROBERT S. SALVO, SR., CLERK**

**MARY T. STEELE**

**BRADFORD K. BRAMWELL**

**Dated:** \_\_\_\_\_

