

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
November 8, 2012**

**I. CALL TO ORDER BY CHAIRMAN**

The November 8, 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; Mrs. Mary T. Steele; and Mr. Bradford K. Bramwell. Mr. Robert W. Kimball, Jr., Vice-Chair, arrived at 7:05 p.m. Mr. Michael Yunits, Town Manager, was also present.

**II. WARRANTS AND MINUTES**

- A. Approve bi-weekly payroll for the period ended October 27, 2012, Warrant #26, dated November 1, 2012, in the amount of \$1,036,700.78  
**MOTION was made by Mr. Salvo to Approve bi-weekly payroll for the period ended October 27, 2012, Warrant #26, dated November 1, 2012, in the amount of \$1,036,700.78. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**
- B. Approve bills Warrant #27, dated November 1, 2012, in the amount of \$248,607.32  
**MOTION was made by Mr. Salvo to Approve bills Warrant #27, dated November 1, 2012, in the amount of \$248,607.32. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**
- C. Approve bills Warrant #28, dated November 8, 2012, in the amount of \$1,427,860.43  
**MOTION was made by Mr. Salvo to Approve bills Warrant #28, dated November 8, 2012, in the amount of \$1,427,860.43. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**
- D. Approve Minutes –  
There were no minutes reviewed/approved.

### III. LICENSES AND PERMITS

1. 7:15 P.M. – CONTINUATION OF HEARING – Application of Sanford’s Auto Service, Inc. 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 417 Old Colony Road, Norton, MA 02766

Mr. Yunits stated he met with Mr. Dumont, Board of Health Agent, and town counsel. In 2005 the previous owner (Caruso) had a failed septic system and there was a plan for repair to that septic system. In 2008 Mr. Silva bought the property. A Title V report indicated a number of issues to be corrected to be in compliance to Title V. In August 2012 some photos were taken and Board of Health observed work being done without a permit at the site. Therefore, there was some concern with system at that time and pipe had to be taken out. Mr. Chris Sanford attended a Board of Health meeting regarding an auto repair service at 417 Old Colony Road and Board of Health said they were not comfortable with business and business went in anyway. A cease and desist order was issued to Mr. Sanford on December 20, 2010, with a \$50 per day fine. Mr. Yunits asked Mr. Dumont about payment of this fine and Mr. Dumont states no money has been paid to this day. A Title V official inspection is necessary, and this work was done without proper permits to septic system. The Board of Health said pumper and contractor not authorized to do work and Board of Health happened to drive by location, and told them to leave line uncovered and this directive was ignored. This is what has led to action by Town to this property owner and Board of Health has made a lot of concessions to property owner. All they have asked was to uncover the d-box and have them (Board of Health) present when it is uncovered to ensure lines are properly working. The attorney sent a letter today and awaiting a pretrial conference date. A strong argument can be made that this is not a suitable location and owner’s well documented failure and necessary to replace or repair the failed septic system especially with a used car business. Board of Health cannot say whether this system is suitable because owner will not uncover d-box and won’t have lines cameraed.

Attorney Daniel Rich said it was his understanding the Town went for the preliminary injunction. He stated he did speak to Mr. Dumont.

Mr. Yunits said Mr. Dumont indicated that he cannot confirm system is proper.

Mr. Giblin said it would be difficult to authorize a license for a used car lot due to Mr. Dumont’s indication.

Attorney Rich said it was not easy to put a camera down there and not sure if they needed another system.

Mr. Giblin said first step is to get camera there, and proceed from there.

Mr. Kimball said this is no reflection on applicant. This is between Board of Selectmen and owner of property. He would not feel comfortable at all approving the license at this time.

Applicant said it was his understanding that the cease and desist order was resolved and there was a Town agreement with property owner. He said in 2011, the Town of Norton acknowledges, actually produced a passing Title V, and he may have documentation with him.

Mr. Yunits said it needed to be observed by Town/Board of Health and was not.

Mr. Salvo said from the photos that he viewed this evening, the repair appears to have been done to leaching field. To solve this problem the easiest way, is to have the owner put a camera in; he did not think it would fail the system. Mr. Salvo said it would be about \$300/max for camera. If pipe is clogged, it will need to be replaced as pipe is from 1950's. Need to put risers/d-box fill in, and tankcovers and filter, and bring it up to code. It seems minor, probably less than \$1,000 to do.

Discussion on Tabling this agenda item while it is researched and possibly trying to get work done.

**MOTION was made by Mr. Kimball to continue this to November 29, 2012 at 7:15 p.m. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

Mr. Giblin said he would like to add it is not the applicant's issue; it is the circumstances.

#### **IV. ANNOUNCEMENTS**

Town Offices will be closed Monday, November 12, 2012, in observance of Veterans' Day – Parade to step off at 10:00 A.M. from the Henri A. Yelle Elementary School.

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Free Thanksgiving Dinner deliveries for Norton Senior Citizens and Veterans; sign-up deadline is Nov. 9<sup>th</sup>. Call 617-694-3101 for more info/sign-up. Mr. Giblin asked Mr. Yunits to advertise this on cable also.

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It was noted Fire Chief Paul Schleicher and Chief Michael Gomes of New Bedford Fire Dept. are in a joint effort holding a relief supply drive for Hurricane Sandy (and each Bristol County chief participation as well). Items to be shipped to New York. All items can be brought to fire headquarters by Nov. 11th (cases of water, paper products, diapers, soaps/shampoo, etc.).

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Mr. Yunits thanked Norton resident, David Sharpe, for a lot of plumbing work he conducted for the Town of Norton.

**V. BUSINESS**

**A. NEW BUSINESS**

1. 7:30 P.M. – Norton Housing Authority Members and Executive Director – Discussion Re: Generator

Andrea Downey, Executive Director, of Norton Housing Authority said having a generator would help them. A donation from high school is an option, however, it is a forty year old generator and probably not ideal to start with such an older machine. Therefore, they are trying to work toward building funds to purchase a new generator. \$60,000-\$80,000 needed toward generator, and an engineer needed to detail where it should be placed on site, etc. Ms. Downey inquired if Town had any funds or grants for them? Engineering work would be about \$10-\$20,000. In order for DHCD to provide them with an engineer, they need \$35,000 towards it.

Mr. Kimball said he believed this was a very important issue in Town as these are Town residents. He did previously suggest the generator at the high school, however, he learned it is noisy and is 40 years old.

Ms. Downey said once DHCD sends engineer out, they will get spec and send to contractors and find out exactly how much is needed.

Mr. Kimball said a request should be sent to Senator Timilty and reps to discuss this issue.

It was noted the Town of Norton cannot afford \$100,000 at this time.

Mr. Yunits said legally he did not think the Town could this anyhow.

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It was noted there were 130 units in this complex; with about 25 units on oxygen. Ms. Downey said through their efforts they have been placed on the high priority list of National Grid.

Mr. Kimball said Ms. Downey also would like to power up the lift stations. Hurricane from 2011 was discussed at 120 East Main Street and the situation where they lost power. Mr. Kimball suggested that Housing Authority /Ms. Downey reach out to National Grid for assistance; possibly there is an available grant or something similar they could help with. Mr. Kimball said if at the next Town Meeting if he needs to stand up and ask for this, it should be done. Having a legislative body at the complex to look at facility would be beneficial.

Mr. Stefanelli said it would be ideal to have legislators involved, etc.

Mr. Kimball asked Mr. Yunits to spearhead this effort. Mr. Giblin said the sooner the better on this and it does not necessarily need to take place on a Thursday.

If a charity was set up, it would be beneficial for donations from local businesses/residents.

Mr. Giblin said Mr. Yunits has a contact name for National Grid and Ms. Downey can obtain this from Mr. Yunits after the meeting.

Mr. Kimball said a main generator to power up the entire complex would be ideal and would also be ideal to go for the “whole ball of wax” and give specifics to State.

Mr. Giblin said the next step will be for the Board/Town Manager to contact the legislature and set up a meeting.

Mr. Kimball said this is important enough to get it done this month. Reps Howitt, Barrows, Timilty, and Poirier (and still invite Rep Poirier) should be contacted, and possibly even extend an invitation to Congressman Kennedy to attend. The Housing Authority will contact National Grid with Mr. Yunits providing name of contact person. Also suggested was to check into the generator at Epoch on Route 140.

2. Vote to Approve and Sign Addendum to Contract for Town Accountant James Puello

Mr. Yunits spoke of Town Accountant contract and stated Town Accountant is agreeable to this and he has done a good job for Town and is a top notch accountant. He hoped Board of Selectmen would approve the contract.

**MOTION was made by Mr. Kimball to approve and Sign Addendum to Contract for Town Accountant James Puello. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

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3. Review and Vote to Sign Waste Management Tax Increment Financing (TIF) Agreement

Mr. Yunits asked Board to review it and town counsel is waiting for a response. Board of Selectmen could also approve contingent on town counsel review, etc.

Mr. Giblin believed town counsel should review first.

Mr. Bramwell said there are some misconceptions in public domain. Facility is more of a terminal vs. a repair center. A number of trucks will be registered out of that facility. Mr. Yunits said he was not certain of amount of trucks, but amount will be about \$90,000.

Mr. Kimball said it is a storage facility and no trash can be brought back to facility and all trucks to be emptied prior to end of day, before returning to site.

**B .TOWN MANAGER'S REPORT**

. Reed and Barton Corporation Dam Report

Mr. Yunits discussed DCR Notice re: Rumford River Dam - issued a certificate of non-compliance and specifications needed regarding Reed and Barton Corporation Dam of no later than December 30. Mr. Yunits discussed the steps needed to bring dam into compliance. A concern to residents below and near dam if not done.

Mr. Kimball asked Mr. Yunits if Ms. Carlino can be liaison. Mr. Kimball said there was a hole in street and was large enough to fit a small automobile, so it was patched/backfilled, etc.

. Update – Emergency Action Plans:

- Norton Reservoir Dam
- Chartley Pond Dam

Mr. Yunits said Ms. Carlino prepared two reports on Norton Reservoir Dam and Chartley Pond Dam.

. Update – 40B Projects:

Island Brook  
274 East Main Street

Mr. Yunits referenced Island Brook Comprehensive Permit-continued until Nov. 26 and all department heads and Mr. Kimball met prior to meeting. Plans were very deficient and their engineer admitted to that afterward. They suggested to engineer on a number of occasions first step should be to go to

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Conservation Commission (ConCom) for a number of reasons and has not done in past but hopefully will do so. Also, the plans shown do not provide detail; they are 24' wide layouts/houses that are accessed by common drives, and Fire Dept. has concerns with dead end water lines. Hopeful that ZBA can wait until ConCom can make their decision on wetlands issues. Mr. Kimball spoke of abandoned gas line at that location and spoke of easement rights, as well as vernal pools on property. Important to keep a close eye on this. Mr. Giblin said proper steps need to be followed. Mr. Kimball said the Town will be the ones responsible as developer usually leaves town so it is necessary to take action.

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Regarding 274 East Main Street proposed 40B; they filed with Conservation Commission and are holding a meeting on November 19. There was a preliminary site approval from Mass Housing and Mr. Yunits said Mass Housing said it was easy walking distance, etc., so hopefully they look at installation of a sidewalk if they feel it is walking distance.

Mr. Kimball said that area has some historical significance with the White Family House being in that area. This House has a lot of history to Town and an effort to be made to save it and possibly can be moved elsewhere. He did not want to see it razed/torn down. He said the Town's "hands are tied" to a certain extent, and referenced the acceptance letter from Mass Housing. Many times, these contractors come into Town, build, and then leave. Mr. Kimball said there are many houses in Norton that are vacant and questioned why not rehab what Town already has to help families? Mr. Kimball spoke of a one page document noting this is private property and not Town's responsibility, and even Island Brook's attorney thought it was a good idea (an association should be set up). A form to be produced available for them to sign off.

. Tropical Storm Sandy After Action Report

Mr. Yunits stated a tree fell down on three vehicles at 28 Newcomb Street. He thanked Mr. Kimball and Mr. Salvo for their help in cutting trees off these vehicles.

An Emergency Management meeting was held earlier today and a report will be prepared. National Grid did have a liaison in Town, however, the problem was that this liaison did not have authority to make decisions. Also, a live wire was sitting on ground at this house for 24 hours on Newcomb Street. There should be a line truck in Town from National Grid driving around Town, ideally with chief, travelling to all the lines that are live. This woman had children who were climbing on the trees that had fallen, so it is

good no one slipped or was injured. This is unacceptable. Another issue was the Town pump station, which was a priority. In the town of Holbrook, with a storm, they park a truck in that town.

Mr. Kimball said it should be two trucks (a tree truck being one of trucks). Mr. Kimball said live wires were all over the place and catching on fire. Discussion ensued. Mr. Kimball said these National Grid

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employees needed guidance from Town of Norton and many were from out of state.

Mr. Yunits explained National Grid is a private company and the Town of Norton cannot touch those wires/Town does not own those wires.

### **C.APPOINTMENTS/RESIGNATIONS**

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

Friends of Feeney Island – “Save Feeney Island” was referenced and an order of conditions. The DEP gave a superseding order, and Friends of Feeney Island have appealed, and will advise when this Hearing will occur.

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The Board of Health Agent, Leon Dumont, was recognized by the State regarding mosquito/EEE enforcement/control.

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Mr. Salvo discussed with Board of Selectmen setting up a bylaw since marijuana law for medical use was passed at Town Meeting, it is important to stipulate rules and regs where this can be set up. It was discussed that town counsel should probably be involved. Mr. Kimball believed this could be set up and also believed those facilities would be well controlled and well monitored. Mr. Giblin agreed it was good to be proactive.

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Mr. Kimball explained/clarified any request of Town-owned land. It cannot be just sold to people/residents; it needs to go out to auction.

#### **VII. NEXT MEETING'S AGENDA**

- . Veterans' Services Dept. Secretary, Lee Desmarais, Re: Norton Energy Fund
- . 7:30 P.M. – FY13 Tax Classification Hearing
- . Discussion – License Fees

#### **VIII. EXECUTIVE SESSION**

1. To discuss strategy with respect to collective bargaining



**IX. ADJOURNMENT**

**Declaration was made by Mr. Giblin at 8:25 p.m.: "I declare that under G.L. c. 30A, Section 21(b)(3) and (4), the purpose of the executive session will be to discuss strategy with respect to collective bargaining, and a discussion of this executive session could compromise the purpose for the executive session; and the Board shall not return to Open Session." Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

Respectfully Submitted by:

Janet A. Sweeney  
Board of Selectmen – Recording Secretary

**BOARD OF SELECTMEN**

**MINUTES OF MEETING OF**

**NOVEMBER 8, 2012**

**TIMOTHY R. GIBLIN, CHAIRMAN**

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

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

**MARY T. STEELE**

**BRADFORD K. BRAMWELL**

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

**Documents Distributed/Reviewed at November 8, 2012, Board of Selectmen Meeting**

Photographs of Sanford's Auto service, Inc. property

. Addendum To Employment Agreement Between Town of Norton and James Puello, Town Accountant

. Tax Increment Financing Agreement Between The Town of Norton and Waste Management of Massachusetts, Inc.

. Norton Housing Authority Meeting with Board of Selectmen, November 8, 2013, Agenda Topics/Info Sheet (prepared by Norton Housing Authority)