

**BOARD OF SELECTMEN
MINUTES OF MEETING
NOVEMBER 29, 2012**

I. CALL TO ORDER BY CHAIRMAN

The November 29, 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 W. Kimball, Jr., Vice-Chair; Mr. Robert S. Salvo, Sr., Clerk; Mr. Bradford K. Bramwell; and Mrs. Mary T. Steele were present. Mr. Michael Yunits Town Manager, was also present.

II. WARRANTS AND MINUTES

- A. Approve bills Warrant #31, dated November 21, 2012, in the amount of \$434,070.07

MOTION was made by Mr. Salvo to Approve bills Warrant #31, dated November 21, 2012, in the amount of \$434,070.07. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

- B. Approve bi-weekly payroll for the period ended November 24, 2012, Warrant #32, dated November 29, 2012, in the amount of \$1,314,015.22

MOTION was made by Mr. Salvo to Approve bi-weekly payroll for the period ended November 24, 2012, Warrant #32, dated November 29, 2012, in the amount of \$1,314,015.22. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

- C. Approve bills Warrant #33, dated November 29, 2012, in the amount of \$3,220,664.13

MOTION was made by Mr. Salvo to Approve bills Warrant #33, dated November 29, 2012, in the amount of \$3,220,664.13. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

- D. Approve Minutes – No Minutes were reviewed/approved.

III. LICENSES AND PERMITS

1. Application of The American Legion Auxiliary Unit #222 for Annual Poppy Drive, to be held at Roche Bros. Supermarket, 175 Mansfield Avenue, December 6, 7, and 8, 2012

MOTION was made by Mr. Bramwell to Approve Application of The American Legion Auxiliary Unit #222 for Annual Poppy Drive, to be held at Roche Bros. Supermarket, 175 Mansfield Avenue, December 6, 7, and 8, 2012

2. 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

Attorney Daniel Rich, representing Applicant, stated he spoke to town counsel and said Town of Norton Board of Health requested more than they had to do; but he did explain Motion was lost by courts for cease and desist. If not resolved at pretrial it goes to trial. Also, he noted he was told by attorney he did not want Mr. Salvo to speak because of an ongoing lawsuit.

Mr. Yunits said he met with Mr. Sanford earlier this month after the last meeting, and also met with the owner today and had a good conversation, and owner wanted to educate him on situation and asked Mr. Yunits what his opinion was. Mr. Yunits said if it was himself, he would dig up D-box and camera the lines just to get it over with.

Mr. Sanford said the Board of Health has a disagreement with his landlord and the Board of Selectmen back the Board of Health. The car lot for sales is a unique position because they don't have to have a bathroom, and he is aware of a couple of places in Attleboro in a small shack with no plumbing. He was hoping the Board of Selectmen can back the Board of Health and understand their angle, but allow him to have a car sales license because it is really not affected by the Board of Health plumbing issue.

Mr. Giblin said if the Board of Selectmen were to grant this license; what would they do if someone else came before them, as this sets a precedent. Mr. Giblin stated he respected Mr. Sanford, but concern about info they have received from the Town of Norton Board of Health, and concern with property itself.

Attorney Rich said system is working and courts at this juncture says it's passable.

Mr. Kimball said town counsel has one opinion and others have their own opinion, etc. He did not understand why the landlord does not fix it. It is less expensive to repair it vs. attorney fees, etc. As much as he would like to grant the license, he stated he cannot do it.

Mr. Bramwell said he, too, is frustrated with the landlord. Landlord is using facility, whether selling or repairing cars. However, he feels for Mr. Sanford being caught in the middle.

Mr. Giblin said his concerns are any other licenses coming before the Board of Selectmen in future and setting a precedent.

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Mrs. Steele said she can see both sides of this. Landlord is not doing anything/not changing. There is no incentive for landlord to fix problem. She suggested possibly Mr. Sanford can look at another business in Town. It would be contradictory if granting Mr. Sanford a license while being in the middle of a lawsuit. Discussion ensued.

Mr. Sanford stated he was told landlord said Board of Health broke their end of the deal (per agreement). Landlord felt he met his end of bargain

Mr. Yunits said if the D-box is dug up and it is not broken and they camera it, he told Mr. Sanford he will stop Board of Health from further legal proceedings .There was no one present from the Town of Norton to witness the repair of the D-box, etc.

Mr. Giblin said the Board needs to vote on this.

MOTION was made by Mr. Kimball to Table this request for an undetermined amount of time until Applicant is ready with information, etc. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

IV. ANNOUNCEMENTS

Condolences to the family of Alda Dufresne who passed recently. Ms. Defresne was very much involved in Norton Cultural Council and many other activities.

Sunday, December 2nd, is the lighting of town common "Annual Festival of Lights" beginning at 5 p.m.

V. BUSINESS

A. NEW BUSINESS

1. 7:05 P.M. – Lee Desmarais, Veterans' Services Office Secretary Re: Norton Energy Fund

It was noted this agenda item will be placed on a future agenda.

2. 7:30 P.M. – HEARING – Petition from Verizon New England, Inc. and Massachusetts Electric Company proposing to place new poles, Pole 14/1585S and Pole 14/1586S on Leonard Street

Rep from Verizon said pole has already been set Pole already been set and, unfortunately, he has no explanation as to why it was done already.

Mr. Giblin asked if there were any questions by Board of Selectmen/abutters. There were no comments/questions, etc.

MOTION was made by Mr. Bramwell to Accept Petition from Verizon New England, Inc. and Massachusetts Electric Company proposing to place new poles, Pole 14/1585S and Pole 14/1586S on Leonard Street . Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

3. Joint Meeting with Board of Water and Sewer Commissioners and Finance Committee Re: Sewer Enterprise Fund Receipts potential shortfall

Mr. Yunits spoke of setting tax rate and realized the Water and Sewer Dept. had not collected the \$154, 000 that was owed by Campanelli the last fiscal year. Questioned: how does one know it will be collected this fiscal year and not counting it as a revenue source? Would need to have a Special Town Meeting and readjust and no deficit or another way to get around this. If there is a meeting with Board of Selectmen and Finance Committee, at the next Special Town Meeting this deficit will be addressed. Possibly Town could use free cash to help this deficit, but Mr. Yunits did not want to use free cash. Sewer budget to be adjusted Mr. Yunits felt is the best way and has been added into the draft document. Tax rate needs to get set so this needs to be done as soon as possible.

A brief explanation was presented as to where the Town stands and why Town is at this point.

Mr. Wiseman said State won't indulge the budget because there is an outstanding bill from Campanelli which has not been yet paid and concern the recent bill that went out won't be paid either. He stated he also brought a document entitled, "Sewer Enterprise Fund Revenues" and distributed it to Board.

Mr. Kimball said most of the Town's agencies have a town policy in place, another permit cannot be issued if bill not paid. Campanelli has a proposed 40B project on East Main Street currently. Therefore, if they don't pay their bill, there would be no water and sewer availability. It was noted they had paid their bill in 2010.

Mr. Wiseman said they don't want to pay their bill and want Town to buy some of their excess capacity to offset this bill. Mr. Wiseman sent them a letter/a response to their proposal indicating anything that is done requires Town Meeting approval.

Mr. Wiseman said their department could be affected by this as they may have to lay off people if their budget was down \$150,000.

Mr. Kimball asked how the Town can force them to pay it? Mr. Wiseman said there was nothing in writing from Campanelli saying they won't pay their bill; however, they were clear verbally that they did not want to pay bill.

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It was noted 9,000 of their excess flow they wanted Town to purchase, but this cannot be done Mr. Wiseman stated. Mr. Wiseman stated they have asked them to come to a meeting to discuss.

Mr. Giblin asked how will they address this and address for any future issue?

Mr. Knapp said there is water and sewer available, but cannot get permit if someone owes money.

Mr. Kimball suggested that a letter be sent to Mass Housing and not make any commitment for water and sewer until that issue is rectified. He stated he did not like to be held "hostage" by them and to have all these people at this meeting tonight. There are three boards and commissions sitting here this evening because they are not being good neighbors and creating a big deal out of this, and we cannot set our tax rate. We cannot layoff anyone in sewer dept.

Mr. Deluca, member of Finance Committee, referenced them paying bill this year; however, what about last year?

Mr. Wiseman said it goes through the same process. They did not receive 2011 payment either.

It was explained: 2011 goes to tax lien (so they are a year behind); it takes a year before it goes to lien. Owe about \$300K.

Mr. Wiseman discussed the proposed project/development says Campanelli/Thorndike and wondered if letter should be sent to Mass Housing since Thorndike is listed also. Mr. Kimball said a letter should be sent to Mass Housing as it says Campanelli.

Mr. Yunits said anyone owing more than 12 months cannot get a permit. Mr. Kimball said Board of Selectmen will also send a letter to Mass Housing. He believed the request should even be Tabled until Town gets paid (and a letter to be sent to ZBA also, since they cannot get permits, etc.). Discussion ensued.

Discussion on trying to find original contract. Mr. Yunits said Campanelli is relying on this old contract that was in place when they bought land from bank; town counsel said there needs to be a time limit, but there is no time limit in contract so contract is null and void.

Mr. Helmreich, member of Finance Committee, said there was no contract in the way some may think there was a contract. They said they will pay the Town's share if Town gave them these future rights; whatever was drawn up was not a normal business contract and, in turn, they gave

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him these rights and he got value for the property. Special legislation through State Supreme Court was referenced. It was noted note is \$154,000.

Mrs. Steele stated they need to locate contract. Attorney Lauren Goldberg, town counsel, spoke of placing a lien on property.

Mr. Helmreich said it was a problem; need the tax rate spent and need to do what needs to be done this evening and go full tilt.

Mr. Kimball encouraged everyone in this room to take whatever legal action is necessary. Mr. Kimball said it is imperative to be assertive in obtaining this money.

MOTION was made by Mr. Kimball that should it become necessary for the Town of Norton to address a revenue deficit in the Sewer Enterprise Fund during Fiscal Year 2013:

- 1. The Board of Selectmen will call a Special Town Meeting to address the revenue shortfall;**
- 2. That at said Special Town Meeting, the Board of Selectmen will recommend to the voters that the Town vote to (i) authorize the use of Free Cash, (ii) reduce the Other Charges and Expenses, and/or (iii) reduce the Budget Surplus to cure such shortfall; and**
- 3. That the Town will take such other or further action as may be deemed necessary or appropriate.**

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

MOTION was made by Mr. Deluca that should it become necessary for the Town of Norton to address a revenue deficit in the Sewer Enterprise Fund during Fiscal Year 2013:

- 1. The Finance Committee will recommend to voters at a Special Town Meeting that the Town vote to (i) authorize the use of Free Cash, (ii) reduce the Other Charges and Expenses, and/or (iii) reduce the Budget Surplus to cure such shortfall; and**
- 2. The Finance Committee will take such other or further action as may be deemed necessary or appropriate.**

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

Mr. Kimball said it is important to keep all involved/informed.

4. Joint Meeting with Finance Committee Re: Appointment of Board of Selectmen member and appointment of Finance Committee member to Superintendent Search Committee

MOTION was made by Mr. Deluca to appoint Peter Carignan to be Finance Committee Rep to Superintendent Search Committee. Second by Mr. Helmreich. Vote: Unanimous. MOTION CARRIES.

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MOTION was made by Mr. Kimball to appoint Timothy Giblin to be Board of Selectmen's Rep to Superintendent Search Committee. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

Mr. Giblin thanked Finance Committee members for attending this meeting this evening.

5. Vote to sign Waste Management Tax Increment Financing (TIF) Agreement

Mr. Yunits spoke of Waste Management Agreement being finalized and ready for Board of Selectmen to sign this evening. Town counsel has reviewed it and is signing off as to form. Wanted to ensure something in TIF as to how many vehicles to be garaged in Norton at start of TIF and also at end of TIF.

Mr. Giblin said it was important to get tax revenue and commended Mr. Yunits for all of his effort and work on this.

MOTION was made by Mr. Bramwell to approve to sign Waste Management Tax Increment Financing (TIF) Agreement. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

6. Vote to set up Norton Gold Star Gift Account

Mr. Kimball explained account and purpose of account. Water Dept. was approached as well regarding piece of land between CVS and National Grid substation (COA-Council on Aging building beyond that). Need 60-100 feet back from main road and feel this is the best place for the monument. A rough sketch was available of what park would look like and actual photo of property itself. Please consider establishing Norton Gold Star Gift Account in recognizing the armed forces. Hopefully this would be completed by Memorial Day 2013. Ideal to have students in Norton schools involved in this also. Discussion ensued.

Mr. Salvo said he did similar work in a neighboring town (Mansfield) and will help out in any way he can and people can see memorial in Mansfield if they would like.

Mr. Kimball said donations can be sent to : Gold Star Gift Account, 70 East Main Street, and money/donations will be placed into account.

Mr. Bramwell commented the location is outstanding and along the parade route is excellent.

MOTION was made by Mr. Bramwell to establish a gift account for the Norton Gold Star Committee in recognition of Sgt. Master Trent. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

7. Request of New Balance Reach the Beach Relay for permission to have the race come through Norton between the hours of 2:30 AM and 9:15 AM, on Saturday, May 18, 2013

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It was noted this was signed off by the appropriate departments.

MOTION was made by Mr. Kimball to approve Request of New Balance Reach the Beach Relay for permission to have the race come through Norton between the hours of 2:30 AM and 9:15 AM, on Saturday, May 18, 2013. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

8. Vote – License Fees

Current fee and proposed fee was noted. It is 10% increase for quite a few of these fees.

MOTION was made by Mr. Bramwell to approve the License Fees as stated in the “Proposed Fee Column”. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

9. Vote to send letter to Representatives requesting they file Special Legislation with the General Court on behalf of the Town of Norton to correct an inadvertent omission from the Charter amendments previously approved

Mr. Yunits said this is a result of vote Town had at Town Meeting. When Charter was printed, a section was left out and this will allow it to be done by special legislation.

MOTION was made by Mrs. Steele to accept to send this letter to Representatives requesting they file Special Legislation with the General Court on behalf of the Town of Norton to correct an inadvertent omission from the Charter amendments previously approved, and authorize the Chairman of the Board of Selectmen to sign. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

B. TOWN MANAGER’S REPORT

. Standard & Poor’s Rating

Standard & Poor’s AA- rating maintained (Town has strong income; property values; a diverse property tax base; good reserves and improved fiscal balance, and very low debt burden were). Mr. Yunits said Town will go to Treasurer for rate of 1% to borrow money (\$1M).

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. Reilly Family Intent to Sell

Town has received Reilly Family Realty Trust Notice of Intent to Sell document, and had discussion with Assessor's Office.

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. Town Bike Path

Mr. Yunits communicated the SRPEDD rep contacted him and he will meet with him next week and this was a big issue in past. He referenced Route 123 road improvements and extending bike-path down Mansfield's right of way. Possibly look at safety improvements. Mr. Kimball said hump in road on Route 123 he had concerns with. Mansfield was heading this up in past and Norton was not looking forward to it. Also many abutters had concerns with people going through back yards and possible muggings in woods.

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. Storm Improvements

Mr. Yunits said he, highway superintendent, police and fire chiefs met regarding storm improvements and Town's concerns there were live down wires even 24 hours after storm hit and people moving those with sticks, etc. A liaison the Town of Norton had, but liaison did not have power they should have. Conference calls conducted, but why not email a list to National Grid by fire/police chiefs? Town's concerns there should be a National Grid truck in Town and a live truck during a storm, and we heard trucks were sitting in Attleboro and City of Attleboro would not let them leave. So they will work on those concerns. Important Emergency Management personnel have number to call for critical repairs to be done and more consistency of who liaison is in a specific town. It was explained a conference call they are forced to do because they are a regulated agency. Discussion ensued. Mr. Giblin said a liaison that has some authority was needed.

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. Set date for Sportsway Café Hearing

Mr. Yunits spoke of holding the Sportsway Café Hearing on December 20. It was agreed it would be a good date. Mr. Kimball said if they come in on December 20th they should bring in written guidelines/policy (a plan) as to how they will run their business in a safe manner so all are protected, including programs on proper training; what to look for, etc.

MOTION was made by Mr. Kimball to hold the Sportsway Café Hearing on December 20, 2012, at 7:15 p.m. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

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It was noted a letter was sent to Alder Road residents regarding gardens, chicken coops, docks, trees cut down in conservation area; crushed stone along bank; these are people whose property goes back 100 feet and severe encroachments and to remove any of these improvements they have made. This is

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conservation land and takes an act of legislature for any other use. These residents may not be happy about this, but they should know where their property ends.

VI. SELECTMEN'S REPORT AND MAIL

IX. ADJOURNMENT

MOTION was made by Mr. Bramwell to enter into Executive Session at 8:40 p.m., for purpose to discuss strategy with respect to collective bargaining, and not to return to Open Session. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney
Board of Selectmen – Recording Secretary

Documents Distributed/Reviewed at November 29, 2012, Board of Selectmen Meeting

- . Application for License/Permit for the American Legion Aux. Unit #222 for Poppy Drive at Roche Bros, Norton, MA
- . Application for Parade Permit or Other Activity Conducted on State Highway or Municipal System- Request of New Balance Reach the Beach Relay
- . Letter dated November 29, 2012, addressed to Honorable Representatives Barrows, Howitt, and Poirier from Timothy R. Giblin, Chairman of Board of Selectmen, regarding filing of special legislation with the General Court on behalf of the Town of Norton to correct an inadvertent omission from the Charter amendments previously approved
- . License Fee Document (including License Type, Current Fee, and Proposed Fee)
- . Letter dated October 18, 2012, from Verizon New England, Inc., (Daryl Crossman) addressed to Town of Norton, Board of Selectmen regarding Petition #2012B-17-Pole 14/1585S and 14/1586S on Leonard Street and includes "Petition for Joint or Identical Pole Locations" document
- . Document: "Sewer Enterprise Fund Revenues" (summarizing the status of the FY 2013 sewer enterprise fund revenues)
- . Tax Increment Financing Agreement Between The Town of Norton and Waste Management of Massachusetts, Inc.
- . "Norton Gold Star Gift Account" (including sketch of Sgt. Master Trent Memorial Park and land/area)
- . Letter dated November 19, 2012, addressed to Town of Norton Board of Selectmen, c/o Town Clerk regarding Notice of Intent To Sell from Reilly Family Realty Trust
- . Document "Standard & Poor's RatingsDirect": Summary-Norton Town, Massachusetts; General Obligation

**BOARD OF SELECTMEN
MINUTES OF MEETING OF
NOVEMBER 29, 2012**

TIMOTHY R. GIBLIN, CHAIRMAN

ROBERT W. KIMBALL, Jr., VICE-CHAIR

ROBERT S. SALVO, SR., CLERK

MARY T. STEELE

BRADFORD K. BRAMWELL

Dated: _____

