

**BOARD OF SELECTMEN
MINUTES OF MEETING
DECEMBER 20, 2012**

I. CALL TO ORDER BY CHAIRMAN

The DECEMBER 20, 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. Bradford K. Bramwell; and Mrs. Mary T. Steele were present. Absent: Mr. Robert S. Salvo, Sr., Clerk. Mr. Michael Yunits Town Manager, was also present.

Town Counsel, Attorney Gregg Corbo was also present.

- B. Pledge of Allegiance

At 7:02 p.m. a moment of silence was held for the Sandy Neck School victims

II. WARRANTS AND MINUTES

- A. Approve bills Warrant #37, dated December 20, 2012, in the amount of \$3,001,594.62

MOTION was made by Mr. Kimball to Approve bills Warrant #37, dated December 20, 2012, in the amount of \$3,001,594.62. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

- B. Approve Minutes – September 27, 2012

MOTION was made by Mr. Bramwell to Approve the Board of Selectmen Minutes of Meeting, dated September 27, 2012, as written. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

November 29, 2012

MOTION was made by Mr. Bramwell to Approve the Board of Selectmen Minutes of Meeting, dated November 29, 2012, as written. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

III. LICENSES AND PERMITS

1. 7:05 P.M. – Ken Gilchrist RE: Class II and Class III license renewals for Goosebrook Garage & Recycling LLC, 36 Dean Street, Norton, MA 02766

It was noted Mr. Gilchrist was not present this evening due a medical reason.

Mr. Yunits explained that Mr. Gilchrist took over an operation that needed cleaning up and is cleaned up. It was noted the barrels they were unsure of and Synenergy took out barrels on site and Mr. Yunits was provided documentation on that. They removed thousands of tires and Mr. Gilchrist is working to get rid of tires slowly but surely, and could take two to five years to get rid of all of them. Mr. Yunits explained progress. A timeline was provided to Town regarding timeframe to get rid of all the tires. They did do landscaping, but no sketch of landscaping received. It was noted the gate is locked, but any town officials are welcome to visit site.

Mr. Kimball spoke of an update for Board of Health on how progressing on those.

Mr. Giblin said it appears they are making progress.

Mr. Yunits said concern was to try to get someone on property to clean it up, so Town did not have to do so.

Mr. Giblin said he would suggest to add Goosebrook to list of licenses for this evening.

MOTION was made by Mr. Kimball to approve a Class III for Goosebrook Garage & Recycling LLC, 36 Dean Street, Norton, MA 02766. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Kimball to approve a Class II license for Goosebrook Garage & Recycling LLC, 36 Dean Street, Norton, MA 02766. Second by Mr. Bramwell.

Discussion: It was discussed to have Mr. Gilchrist come in to give Board an update possibly in January.

Vote: Unanimous. MOTION CARRIES.

2. 2013 License Renewals/New

See this agenda item discussed on page 6.

IV. ANNOUNCEMENTS

Merry Christmas/Happy Holidays, and a happy and healthy New Year!

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2013 doglicenses are available and can be obtained on line or contact the town clerks office for info.

V. BUSINESS

A. NEW BUSINESS

1. 7:15 p.m. HEARING – 33 Investing Corporation d/b/a Sportsway Café, 57 West Main Street RE: Alleged Violation under the common Victualler All Alcoholic License, due to alleged incident on February 2, 2012, at the Establishment
See this agenda item referenced on page four of these Minutes of Meeting.
2. Presentation by SRPEDD RE: Overview of updating Norton's South Coast Rail Priority Development Areas (PDAs) and Priority Protection Areas (PPAs)

Mr. Grant King, Principal Comprehensive Planner, was present this evening to speak about update of Southcoast Rail. This process took place at a public workshop and they looked at map data and boundaries on map. Referenced was Commerce Park, near Myles Standish, and priority protection areas referenced such as Crane St., Rumford River, etc. Mr. King said they view this widely independent of the rail. SRPEDD recently received a contract from Mass DOT and opportunity to update these areas. Municipal priorities change and provide an opportunity to update them. Executive Order 525 by Governor Patrick (September 2010) was referenced and certain priority areas included; does this fall within a priority area? He was excited to share mapping data with Town. Vernal pools were also referenced. A courtesy call to hopefully schedule a meeting and wondering who the point of contact is to set up meeting.

Mr. Giblin thanked Mr. King for coming in. In his opinion, he believed the contact person would be the Town Manager, Mr. Yunits, and said other departments should probably also be involved.

Mr. Yunits said he will coordinate.

Mr. Kimball said one item that is a hot topic in Norton is the Ch40B's and on east side of Norton there are about 300 units potentially on the horizon. Future transportation in that area would be something

to think about and would be a priority if this proposed project happens. The Town of Norton is at 6% currently. The Board is looking at putting together a referendum question at the next election.

Mr. King said when this process is complete, they would like to present this new map to Norton and have cities/towns vote on it. Hopefully meetings will take place in early part of new year.

3. Set date for Spring Annual Town Meeting

Mr. Yunits referenced several dates as options. Discussion ensued on various dates. May 13, 2013 was decided upon.

MOTION was made by Mr. Kimball to set date and post date for Spring Annual Town Meeting to be held on Monday, May 13, 2013 at 7 P.M. at the Norton Middle School. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

4. Request to extend hours to 2:00 A.M. closing for New Year's Eve

. Farney Brothers, Inc. d/b/a Trinity Bar and Grill, 184 West Main Street

Mr. Bramwell said in past there were discussions to add these type of extensions into licenses.

MOTION was made Mr. Bramwell to Approve Request to extend hours to 2:00 A.M. closing for New Year's Eve for Farney Brothers, Inc. d/b/a Trinity Bar and Grill, 184 West Main Street. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

7:15 P.M. HEARING: 33 Investing Corporation d/b/a Sportsway Café, 57 West Main Street, Re: Alleged Violation under the Common Victualler All Alcoholic License, due to alleged incident on February 2, 2012, at the Establishment

Mr. Kimball read aloud the legal notice and stated he had a police report enclosed herewith (from Norton police).

Mr. Christopher Barrows, owner of Sportsway Café, was present this evening, along with Town Counsel, Attorney Gregg Corbo.

This Public Hearing taking place for possible disciplinary action. A bouncer employed by Sportsway Café was interviewed and contents of interview/investigation are noted in a Norton Police Report. There were various accounts, and acts admitted to by the bouncer for discipline, and other incidents at this

establishment are under investigation. Those alleged incidents are not before the Board this evening and another public hearing could be held if such action is warranted.

Attorney Corbo asked of Mr. Barrows: Do you dispute the facts set forth in the police report?

Mr. Barrows responded he fired that gentleman (the bouncer) that night. He said there are many changes with personnel and have done very well since then. Any incidents are still alleged but going in right direction.

Mr. Kimball said a policy to protect public/Sportsway Cafe employees would be a benefit. Some guidelines to ensure there is control of the building and policies and procedures are in place and to advise employees of such.

Mr. Barrows stated everyone is being i.d.'d/carded and has made every step with communication. A new person will be running this establishment.

Mr. Kimball encouraged him to generate a handbook with a copy for Town of Norton files.

Mr. Giblin recognized Police Chief Clark.

Chief Clark said it was recently brought to Board's attention of another incident at establishment.

Chief Clark said compliance check occurred with ABCC and all in order. Having a liquor license is a tremendous responsibility; the last violation was December 2007. The utmost safety for patrons is necessary.

Attorney Corbo said they can close the evidentiary portion of the hearing and enter the deliberation phase. Are the facts alleged and admitted to establish a violation; if in affirmative, what, if any discipline should be given?

MOTION was made by Mr. Kimball to close the evidentiary portion of the hearing. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

Mr. Giblin said regarding the deliberations, the Board is strict with this; facts are sufficient to establish a violation.

Mr. Bramwell said this Hearing is unlike any other the Board has had, and referenced what he read in liquor license rules/regulations. Personally from what he has seen, there has been a violation with the license. It is important to scrutinize who is hired, but he does believe Mr. Barrows acted quickly and correctly in addressing problem. He believes the Board needs to find there is a violation.

MOTION was made by Mr. Kimball, based on facts, under Mass General Laws, the Board finds that a license violation has occurred under terms of license, as per discussions read into the

record and record to be part of the file. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

Attorney Corbo said since it is a stipulation of facts, just need to have report in record.

Mr. Giblin stated there should be a penalty and his recommendation was a one-day suspension given sometime in January 2013.

Mr. Kimball said Mr. Barrows has a right to appeal this. Friday the 25th of January 2013 was the date decided upon for the one-day suspension. And he asked for a copy of the policies and procedures manual from this establishment. Mr. Kimball felt the one-day suspension is more than adequate; he came forward, etc. Mr. Bramwell believed it was reasonable, and unfortunately one person can do this to a business, but that is the risk a business takes.

MOTION was made by Mr. Kimball to suspend the license for one day, January 25, 2013, for Sportsway Café, and a copy of the policies and procedures manual on or before that same date provided to Board of Selectmen. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

Attorney Corbo departed meeting at 7:32 p.m.

2013 Licenses Renewals/New Licenses:

MOTION was made by Mr. Kimball to approve the 2013 Renewals/New Licenses as presented as a list at the December 20, 2012 Board of Selectmen Meeting (CVAA; CVWM; RPAA; RPWM; CV), with some licenses containing certain conditions or stipulations noted on actual list and/or noted below with an asterisk (*). Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

*Discussion on Team Norton, Inc., d/b/a Fiesta Mexican Restaurant, 175 Mansfield Ave. Board discussed holding off on this restaurant as it is still under construction. Mr. Yunits explained the only issue is if the Board does hold off on this restaurant, they won't be done by end of year.

Mr. Kimball recommended they could approve it subject to submittal of occupancy permit.

*It was also noted that Pot Belly Jim's LLC, 175 Mansfield Ave. is still on this list but should not be on the 2013 Renewals/New list.

***MOTION was made by Mr. Kimball to approve Team Norton, Inc., d/b/a Fiesta Mexican Restaurant, 175 Mansfield Avenue, for *CVAA; CV; Live Entertainment; Video Game; Jukebox *Subject to receipt of 304 Certificate of Inspection and Certificate of Occupancy. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

*** Also noted was Patty's Place, Inc. d/b/a Patty's Place – Owner of Patty's Place sent the Board of Selectmen a letter, dated November 30, 2012, stating they did not want to renew their wine and malt license as of December 31, 2012.**

C. APPOINTMENTS/RESIGNATIONS

Temporary Account Clerk – Board of Health

This is a part-time temporary position and appointment of Ms. Lee Desmarais made on December 20, 2012, effective January 4, 2013. Mr. Yunits explained an employee from Board of Health will be going out for surgery, therefore this is a temporary position and Ms. Desmarais to help out in that office. Ms. Desmarais was also awarded a Shine Training Certificate regarding counseling to elders and she also works in the Veterans Office and has fuel assistance expertise.

MOTION was made by Mr. Bramwell to appoint Lee Desmarais as Temporary Account Clerk-Board of Health, said appointment made on December 20, 2012, effective January 4, 2013. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

B. TOWN MANAGER'S REPORT

Holiday Hours – December 24, 2012

Mr. Yunits said they are looking to close the Town Hall on Monday, December 24, 2012, at 12 noon.

MOTION was made by Mr. Kimball for approval to close Town Hall (Norton Municipal Center) on Monday, December 24, 2012, at 12:00 P.M. (noon). Second by Mr. Bramwell.

Discussion: Mr. Kimball said to ensure all offices open that day with at least one person in office.

Vote: Unanimous. MOTION CARRIES.

VI. SELECTMEN'S REPORT AND MAIL

Reilly Land First Right of Refusal was referenced. Mr. Yunits said he is awaiting on input from Assessors Office and Conservation Commission, and then will plan to add to agenda.

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Mr. Kimball spoke of the newly proposed Thorndike/Campanelli development. It was noted Town has until the 14th to send a letter to ZBA and suggested to Mr. Yunits they could possibly send some of their thoughts ahead of time. If this does, indeed, go through, need to look at traffic light in area; sidewalks, etc. Some comments expressed through Mass Housing and the historic White Family Home in which the Town also expressed concerns.

Mr. Giblin asked Mr. Yunits to communicate with some other boards and leaders in Town for their input, too.

Mr. Kimball spoke of the Building Inspector inspection of White Family Home to ensure it is air tight and secure; there are some concerns . If needed, the home should be moved and not torn down or destroyed in any way. Possibly send a letter stating all rules and regulations that that facility be maintained and taken care of properly.

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Mr. Yunits said during Hurricane Sandy by Holmes Street, a pole was snapped. Those wires were hanging low and complaints were sent to National Grid and they responded. It was not their wires and owner of wires never assisted; one of poles fell and went through windshield of car. There could be possible lawsuits with Verizon since wires were not addressed.

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Mr. Giblin referenced the Master Sgt. Trent Memorial and stated Mr. Kimball has done a lot of work as well as others. Master Sgt. Trent was a graduate of Norton High Schools and a member of the U.S. Army and made his ultimate sacrifice on August 8, 2012 due to his injuries. Donations on his behalf are being accepted to the Master Sgt. Trent Memorial Fund at town hall or on-line.

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Mr. Giblin stated he was a member of the School Superintendent Search Committee they finished with six interviews. Of six interviews, they are setting up four candidates/finalists for the Superintendent of Schools position. He said it was an excellent group/Committee from students to residents, school

committee members, etc., and all did an excellent job. It is an ongoing process and the next meeting is January 7.

VII. NEXT MEETING'S AGENDA

- . Discussion Thorndike/Campanelli 40B Project, 274 East Main Street
- . 2013 License Renewals/New

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

MOTION was made by Mr. Kimball to Adjourn at 8:10 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 December 20, 2012, Board of Selectmen Meeting

Draft Minutes of Meeting of Board of Selectmen dated September 27, 2012 and November 29, 2012

2013 Renewals/New Licenses

Letter dated November 30, 2012, to the Board of Selectmen, from Patricia Panek, President of Patty's Place, Inc., RE: wine and malt license not needed as of December 31, 2012

Memorandum dated December 20, 2012, to Board of Selectmen, from Michael D. Yunits, Town Manager, RE: Notice of Appointment of Part-Time Temporary Account Clerk

Press Release: 2013 Dog Licensing - Online Licensing and Payments Available

. Norton Police Report Re: 33 Investing Corporation d/b/a Sportsway Café, 57 West Main Street Re: Alleged Violation under the Common Victualler All Alcoholic License, due to alleged incident on February 2, 2012, at the Establishment

BOARD OF SELECTMEN
MINUTES OF MEETING OF
DECEMBER 20, 2012

TIMOTHY R. GIBLIN, CHAIRMAN

ROBERT W. KIMBALL, Jr., VICE-CHAIR

ROBERT S. SALVO, SR., CLERK

MARY T. STEELE

BRADFORD K. BRAMWELL

Dated: _____