

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
FEBRUARY 21, 2013**

**I. CALL TO ORDER BY CHAIRMAN**

The February 21, 2013, 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 present.
- B. Pledge of Allegiance

**II. WARRANTS AND MINUTES**

- A. Approve bills Warrant #49, dated February 14, 2013, in the amount of \$407,700.13  
**MOTION was made by Mr. Salvo to Approve bills Warrant #49, dated February 14, 2013, in the amount of \$407,700.13. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**
- B. Approve bi-weekly payroll for the period ended February 16, 2013, Warrant #50, dated February 21, 2013, in the amS  
**MOTION was made by Mr. Salvo to Approve bi-weekly payroll for the period ended February 16, 2013, Warrant #50, dated February 21, 2013, in the amount of \$1,056,096.37. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**
- C. Approve bills Warrant #51, dated February 21, 2013, in the amount of \$118,920.19  
**MOTION was made by Mr. Salvo to Approve bills Warrant #51, dated February 21, 2013, in the amount of \$118,920.19. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.**
- D. Approve Minutes –  
There were no minutes approved/reviewed.

**III. LICENSES AND PERMITS**

- 1. 7:05 P.M. – Application of 33 Investing Corporation, Manager: Christopher Barrows, 57 West Main Street, Norton, MA, 02766, for change of D/B/A, from Sportsway Café, to Tavern 33

Mr. Barrows was present, and he explained he was changing the name of the establishment. Mr. Giblin thanked him for sending the summary of policy to Board of Selectmen.

**MOTION was made by Mr. Kimball to approve the Application of 33 Investing Corporation, Manager: Christopher Barrows, 57 West Main Street, Norton, MA, 02766, for change of D/B/A, from Sportsway Café, to Tavern 33, effective immediately. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

**IV. ANNOUNCEMENTS**

Dog licensing for 2013 can be conducted online on home page of Town's website or contact Town Clerks Office, and must be completed by March 1st.

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Nomination papers for the Annual Town Election are available at Town Clerks Office beginning January 28, 2013. Town election is being held on Tuesday, April 30.

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Pesticide spraying request exclusions must be filed at Town Clerks Office by March 1<sup>st</sup>.

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Norton Annual Town Cleanup to be held Saturday, April 27, from 9-11 a.m.

**V. BUSINESS**

**A. NEW BUSINESS**

1. 7:15 P.M. – Artwork – Recognition of Bekah Sargent for her design for the Gold Star T-Shirts

Mr. Kimball thanked Ms. Sargent for taking the time to do this and two different pictures were designed, and both will be used for the 5K for Master Sgt. Trent Memorial. On behalf of Town of Norton and the Gold Star Committee Ms. Sargent was awarded a certificate.

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Mr. Kimball said the Gold Star Committee is working very hard. A fundraiser to be held on March 16 on Wheaton Campus and tickets are available (\$15.00/each and 400 tickets will be sold). Swirling Vine at 50 West Main Street is selling tickets, and they also sell the bottle of wine in honor of Sgt. Master Trent. Committee is hopeful all will be ready for Memorial Day 2013.

2. 7:30 P.M. – Historical Commission Re: Discussion on its submission of Demolition Delay By-Law Article for the Spring Town Meeting Warrant

Mr. Ralph Stefanelli was present, and was speaking as a SRPEDD rep and as an unauthorized spokesperson for the Norton Historical Commission. The chairman and past-chairman were unable to attend this meeting this evening and wanted to discuss the demolition delay bylaw.

It was noted by Mrs. Steele, this went before Town Meeting a few years ago. It is a huge question; who will have final say and as a homeowner she would have concern as she didn't feel there was enough of a safety net for the homeowner. She felt there was no protection for homeowner. Has it been changed at all? It cannot be one or two people who have authority. She wondered if there were any changes from last article? Mr. Stefanelli said he resides at 12 James Street. In 2002 or 2003 discussion about someone who built his house and large barn in background and no provision in old rules. He could not knock barn down and give his son a Form -A. He referenced the White Farm; this homebuilt by Judge White. A 40-B is being proposed at this location. If bylaw had been in place it would have allowed Town to protect home. Therefore, builder is saying he can do anything he wants with that house....so Town may lose a historical building. In past Wheaton College knocked down buildings that should have been preserved, however, Town had no bylaw).

Mr. Kimball commented that a 50 year old house is not old. Time factor was main problem when this was presented previously at Town Meeting. Mr. Stefanelli said SRPEDD is putting together a good document regarding many issues.

Mr. Giblin said a good first step would be to have someone from SRPEDD to make presentation. It was noted the "clock is ticking". Mr. Giblin said also if house becomes "unsafe" whose decision is it, etc.? Discussion ensued.

Mrs. Steele said she would be looking at this from the homeowner's perspective and what costs would be, etc., and not as much as looking at it regarding a 40B.

Mr. Stefanelli said homes will be identified of a historical nature and reasons why they should be protected; and next level to be of a historical register.

Mr. Kimball said bldg. inspector /zoning enforcement officer has certain rights also, as at some points it becomes dangerous. The 2003 proposal before Town was Wheaton Inn and it was taken down without a permit and the college indicated they didn't realize they needed a permit. Thus why original demolition delay process was looked at. Mr. Kimball said a bylaw needs to be in place because many assessors records say houses were built in 1900 because they don't go back before that. Mr. Kimball said the White Family house is sound (274 W. Main Street).

Next steps for Mr. Stefanelli: 1) to call Mr. Yunits in morning and contact Mr. Hill; have Historical Commission involvement.

Mr. Yunits said it would be beneficial for a Board of Selectmen member to work with Historical Commission.

Mr. Salvo said he would work with Historical Commission.

Mr. Bramwell said a copy of historical homes list would be helpful. Mr. Stefanelli said he would provide copies to Board of Selectmen.

3. Liquor Policy Revisions

Mr. Giblin said all Board members should have received this for review. It was sent to town counsel and there are attorney notes on it as well. He asked if there were any specific questions from Board? Mr. Giblin referenced the hours of operation, and was not sure if it is state law. Instead of listing hours, it was suggested to add language stating it should be according to Massachusetts state law in case law ever changes. Mr. Giblin said deleted items/language were minimum sanctions per town counsel. Intention was trying to remove the discretion or personal feelings. He did not mind removing that portion, but not sure of what rest of Board feels. Mr. Bramwell said every case is individual and circumstances need to be taken into account. He did not like anything that locks them into something (guidelines are good but five members of Board of Selectmen to discuss is best).

Mr. Kimball said he did not object to it.

Mr. Salvo agreed each individual case should be on a case-by-case basis, and he did not want to change what the language says; people should still be aware of what "could" happen.

Mr. Giblin said every case is a little different and the penalties the Town of Norton has are not minimal; however, he did see where Mr. Salvo's point of view. Mr. Giblin said there are mitigating circumstances Board would need to review which is noted in a different section of this Policy.

Mr. Giblin spoke of having "up to a ten day suspension"; not "ten day suspension". Mrs. Steele said there should be no gray area (possibly for the first offense but not other offenses). Consensus agreed that first offense could be varied, but subsequent offenses not so varied. Discussion ensued. First offense being "up to five days suspension"; second offense – ten years until a clean slate; third offense discussed. Discussion on penalty for offenses and what language should read.

Mr. Kimball stated somewhere in the policy if a person is brought in for a hearing it should be considered one event and not multiple events. "Second offense is after establishment has received notification of the first offense". Mr. Giblin said also should have staff "TIP certified or other approved training program". Discussion on possible requirement for establishment to provide TIP certifications to Board of Selectmen. Mr. Giblin said when there is an offense the establishment could possibly provide the certifications to the Selectmen.

Discussion on other approved training certifications; all applicants and all renewals shall be a list of all employees whether TIPS certified or not (but possibly a list of ALL employees). Mr. Bramwell said a list of TIPS certified employees would be best and Mr. Giblin agreed. First offense: up to five day suspension; Second offense: ten day suspension; and third offense and fourth offense discussed.

At next meeting Mr. Giblin said they can review rest of policy when entire Board is present.

Mrs. Steele departed meeting at 8:05 p.m.

4. Discussion – Special Town Meeting

Warrant to close on March 5<sup>th</sup> based on current schedule and Fincom to review warrant, and warrants with all recommendations posted on May 3<sup>rd</sup> (ten days beforehand ).

**MOTION was made by Mr. Bramwell to Open Special Town Meeting warrant based upon guidelines set forth/presented above. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.**

5. Vote to Approve or Disapprove the Southeastern Regional School District borrowing of \$1,200,000 for the purpose of paying additional costs of renovating and expanding the District High School, and for the payment of all costs incidental and related thereto

Mr. Giblin explained. Roof with solar energy would be more cost-effective. Mr. Yunits referenced short-term borrowing.

**MOTION was made by Mr. Salvo to approve the Southeastern Regional School District borrowing of \$1,200,000 for the purpose of paying additional costs of renovating and expanding the District High School, and for the payment of all costs incidental and related thereto. Second by Mr. Kimball. Vote: Unanimous (4:0). MOTION CARRIES.**

**B. TOWN MANAGER'S REPORT**

1. Update – Snow and Ice Budget

Mr. Yunits explained this budget has gone over; budget was \$80k. Now Mr. Silver, Highway Superintendent, said figure would be \$74,000 over \$80,000. The recent storm of a couple of weeks ago

(Nemo) cost \$69,000 itself. Norton did a good job; there are always a couple of complaints but not many.

Mr. Giblin said Mr. Silver and his crew did a wonderful job in Town and commended the Highway Dept.

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Mr. Yunits said town departments are not paying permits, and asked if this would this carry over to housing authority? Project is a \$85,000 window project. Mr. Bramwell said he thought they could probably waive application fee but they would have to pay for any inspections.

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Mr. Kimball said Highway Dept. is down one truck due to vehicle accident during last snow storm and possibly insurance company can help. He asked Mr. Yunits to look into this.

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Mr. Yunits said National Grid was very responsive and referenced pole down on Route 140 and main feeder line by Sysco. Mr. Yunits said it should be noted they cannot work during high winds. It does take some time, but they kept Town informed, etc., and he thanked them for this.

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Mr. Yunits stated he provided the Board with some info on budget (expenditures, etc.). School Superintendent figure is an increase and general government side is an increase. Deficit discussed. Concern there are some capital projects that would add to that. Make up of revenue was discussed (cherry sheet), and Mr. Yunits explained sheet to Board. Local aid assessments: Town is charged and large one is charter school sending tuition. Local receipts discussed—loss of excise tax from Sysco moving, but once Waste Management is in Town, it should increase. Mr. Yunits is still working on budget and will keep Board informed. School has also been helpful with their explanations.

**C. APPOINTMENTS/RESIGNATIONS**

1. Appointment of Mary Ellen Stentiford, The Chartley Garden Club Representative, to the Town Common Committee, to fill the vacancy created by the resignation of Laura Dean

**MOTION was made by Mr. Bramwell to approve the Appointment of Mary Ellen Stentiford, The Chartley Garden Club Representative, to the Town Common Committee, to fill the vacancy created by the resignation of Laura Dean. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.**

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

Mr. Kimball spoke of the Wampanoag Tribe interested in land in Taunton for a casino, and as Norton is a neighboring community, he asked if a rep from that Tribe or other party could talk to Board about this.

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Mr. Kimball spoke of Citizens Housing and Planning Association, Inc. (CHAPA) re: 16 Kayak Trail/Arrowhead-40B, where a person/homeowner is looking to sell an affordable unit. This unit is not designed for them (seller) to make any money/profit. It will be monitored by CHAPA. Maximum \$189,600.00; market value would be \$311,000+. This is first time one of the affordable units has gone on sale. Feb 21 this starts and ends on May 21<sup>st</sup>. Mr. Kimball said if Town had money to buy it, it would, however, Town does not have the money. A house consultant will be assigned to the seller, etc.

Mr. Kimball said he spoke to a rep from CHAPA (Elizabeth) today. Information will be posted in local newspapers and buyer should be pre-approved by bank. First person who applies will be considered and then if not successful will go onto second. [www.chapa.org](http://www.chapa.org) is website. If Board receives more info, they will update the public. It is a very affordable house and taxes based on \$189,600.

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Mr. Kimball spoke of Next Step Living who came before the Board of Selectmen recently and he referenced a memo of understanding so residents of Norton could take advantage of some of their programs. The Board needs to speak to town counsel regarding this.

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Mr. Kimball said he is running for re-election, and read his "Press Release" of his desire to run.

**VII. NEXT MEETING'S AGENDA**

Mr. Giblin said possibly person from SRPEDD may be available to attend next Board of Selectmen meeting. Also possibly Next Step Living could also come in.

**VIII. EXECUTIVE SESSION**

1. To discuss strategy with respect to collective bargaining

**IX. ADJOURNMENT**

**Chairman's Declaration:**

**Declaration of the Chairman at 8:45 p.m.: Under G.L. c30A, Section 21(b)(3) and (4), the purpose of the executive session will be to discuss strategy with respect to collective bargaining, as a discussion of this strategy in open session could compromise the purpose for the executive session; and the Board shall not return to open session at the conclusion of the executive session.**

**Motion to Convene Executive Session:**

**MOTION was made by Mr. Kimball at 8:46 p.m. that the Board of Selectmen go into executive session, under G.L. c.30A, Section 21(a)(3), regarding discussion of strategy with respect to collective bargaining. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

Respectfully Submitted by:

Janet A. Sweeney  
Board of Selectmen – Recording Secretary



**Documents Distributed/Viewed at February 21, 2013 Board of Selectmen Meeting**

Petition for Change of License –The Commonwealth of Massachusetts Alcoholic Beverages Control Commission, 239 Causeway Street, Boston, MA- Applicant: Sportsway Café (new corporate name:Tavern 33)

Letter dated February 13, 2013 (addressed to Mr. Timothy Giblin, Chairman; Board of Selectmen) from Mr. Luis G. Lopes, Ed.S., Superintendent of Southeastern Regional School District Re: renovation/addition project

Draft Demolition Delay By-Law-Norton Historical Commission

Draft Town of Norton Board of Selectmen Policy Statement(Revised with Selectmen changes and Town Counsel recommendations), Adopted December 2, 1993; Amended May 8, 1997 and September 2012

**BOARD OF SELECTMEN**

**MINUTES OF MEETING OF**

**FEBRUARY 21, 2013**

**TIMOTHY R. GIBLIN, CHAIRMAN**

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

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

**MARY T. STEELE**

**BRADFORD K. BRAMWELL**

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