

**BOARD OF SELECTMEN
MINUTES OF MEETING
FEBRUARY 28, 2013**

I. CALL TO ORDER BY CHAIRMAN

The February 28, 2013, Meeting of the Board of Selectmen was called to Order by Mr. Giblin, Chairman, at 6:00 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 Salvo. Sr., Clerk. Mr. Michael Yunits, Town Manager, was also present.

B. Pledge of Allegiance

Executive Session:

Declaration made by the Chairman at 6:01 p.m.: Under G.L. c30A, Section 21(b)(3) and (4), the purpose of the executive session will be to hold a Joint Meeting with Board of Water/Sewer Commission to discuss strategy with respect to litigation and To discuss strategy with respect to collective bargaining, as a discussion of these strategies in open session could compromise the purpose for the executive session; and the Board shall return to open session at the conclusion of the executive session.

MOTION was made by Mr. Kimball to enter into Executive Session at 6:02 p.m. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

II. WARRANTS AND MINUTES

A. Approve bills Warrant #52, dated February 28, 2013, in the amount of \$1,130,676.77
MOTION was made by Mr. Kimball to Approve bills Warrant #52, dated February 28, 2013, in the amount of \$1,130,676.77. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

B. Approve Minutes
No Minutes of Meeting were reviewed/approved.

III. LICENSES AND PERMITS

1. Request of Tanya Trzeciak, Disabled American Veterans Cpl. William F. Reardon Chapter 57, Taunton, MA 02780, for permission to conduct its Annual Forget-Me-Not Drive, September 7 and 8, 2013, at Roche Bros. Supermarket, 175 Mansfield Avenue

MOTION was made by Mr. Bramwell to approve Request of Tanya Trzeciak, Disabled American Veterans Cpl. William F. Reardon Chapter 57, Taunton, MA 02780, for permission to conduct its Annual Forget-Me-Not Drive, September 7 and 8, 2013, at Roche Bros. Supermarket, 175 Mansfield Avenue. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

IV. ANNOUNCEMENTS

Tickets for upcoming fundraiser for Sgt. Master Gregory Trent are available at Norton Police Dept. and VFW.
.....

April 27 is the Annual Norton Town Cleanup Day.
.....

Dog licenses for 2013 are now available and must be completed by March 1st to avoid late fees. Residents are encouraged to take advantage of the online licensing system which can be accessed from the home page of the Town's website. Licensing forms can also be found on the reverse side of the annual census form.
.....

Nomination papers for the Annual Town Election in Norton are available at the Town Clerk's Office. The last day to obtain nomination papers is Friday, March 8th, at 5 p.m. The Annual Town Election in Norton will be held on Tuesday, April 30th. A full calendar of candidate deadlines as well as additional information for potential candidates is available on the Town's website at www.nortonma.org.
.....

Correspondence from the town clerk's office that pesticide spraying exclusions must be filed by March 1, 2013.
.....

The Norton Firefighters Local 2678 Annual St. Patrick's Day Luncheon will be held Thursday, March 14, 2013, at the American Legion Post 222, 85 East Main Street, Norton, with serving to start at 12 noon. Proceeds to benefit MDA/tickets are \$7.00 and tickets can be purchased at Fire Station.

V. BUSINESS

A. NEW BUSINESS

1. 7:05 P.M. – Presentation of Certificate to Patrolman Charles E. Turcotte from the Massachusetts VFW Law Enforcement Chairman

Commander John Danahey was present this evening to recognize Patrolman Turcotte. Patrolman Turcotte was awarded a framed certificate and congratulated on his excellent service and dedication.

2. 7:15 P.M. – Town Clerk Danielle Sicard Re: Request to modify the polling hours for the April 30th Town and State Elections

Ms. Sicard said there will be a dual election on April 30th due to resignation of John Kerry in the Senate Seat. She will keep track of how many people come into polling place per hour (there are about 66 people who come in the first hour; however, the average is closer to 47 for that first hour).

Mr. Kimball agreed to have both at same time is better and more efficient. He suggested to keep it at 6 a.m. opening of polls and possibly next year they can re-look at it to possibly changing it to open at 7 a.m.

Ms. Sicard said she is not advocating, but it does cost money for that first hour to pay employees.

Board agreed to keep both open from 6 a.m. at this time. Other option for future is the absentee ballot that residents may utilize. Extension of primary hours with this particular election.

MOTION was made by Mr. Kimball set polling hours for both the Town and State Elections on April 30, 2013, from 6 a.m. to 8 p.m. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

3. 7:30 P.M. – Discussion Re: 40B Referendum Question – Town Counsel Attorney Ilana M. Quirk

Mr. Kimball stated Attorney Quirk has provided the Board good information. Purpose is to tighten up on the loop-holes.

Attorney Quirk said once Town achieves 10% affordable housing, Town has deemed to having satisfied its percentage. Achieving 10% gives full control to Town. SHI (Subsidized Housing Inventory) was referenced. Once a 40B application is approved, all units that count go on SHI for one year until approval of project. Norton has 715 units Norton (more than 10%) which is more than the 405 required. The Town has a number of 40b's which have been approved over last ten years but has gone above one year period. Legislation Attorney Quirk will put together will include: 1) Home Rule Petition and 2) Resolution of this Board to be sent to state reps and other officials. Under Amended Article 89, have ability to ask for special legislation just for Town, and this would apply only to Norton if passed. Second proposal is general, but this Board of Selectmen can pass a Resolution and decide that, yes, they agree as a Board, and can be sent to Town's state rep and state senator to file and promote it so a general amendment to Ch40B. Norton would lobby on behalf of its position. There are thirty other communities that are similarly situated. These are two separate tracts.

Mr. Kimball said he would like to send to the approximate 30 towns the info they have once they have the Resolution and to possibly also the communities that are creeping up on the 10%. Discussion ensued. Home Rule Petition would be placed on Town Meeting Warrant, and proposed Amendment to get into some form so other towns can sign as well.

MOTION was made by Mr. Kimball place Home Rule Petition on the May 13, 2013 Town Meeting Warrant. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES. Start here.

MOTION was made by Mr. Kimball, through Town Manager, to work on Resolution on proposed Amendment, General Law relating to Ch40B, and along with Home Rule Petition to pass along to the approximate 30 communities. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

Mr. Kimball said Norton is fortunate to have Attorney Quirk to be doing this work for the Town, and thanked her for all of her efforts and assistance.

.....

Mr. Giblin referenced the recent topic and meeting of having all housing authorities placed into six districts. The feeling in State House is that this will not pass, but Governor is looking into something else. It was suggested to take money into cities and towns and provide more money for cities and towns. Discussion ensued.

4. Request of Kevin Weber, President, Norton Pop Warner Football/Cheer, for permission to display its banner over the road, announcing registration for Pop Warner Football and Cheerleading, for the 2013 season, the week of March 11 – 16, 2013, and/or March 18 – 23, 2013

MOTION was made by Mr. Kimball to approve Request of Kevin Weber, President, Norton Pop Warner Football/Cheer, for permission to display its banner over the road, announcing registration for Pop Warner Football and Cheerleading, for the 2013 season, the week of March 11 – 16, 2013, and/or March 18 – 23, 2013, and it was noted insurance document was also attached. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

5. Vote of the Board of Selectmen authorizing the Town Manager, Michael D. Yunits, to sign the Project Funding Agreement for the Accelerated Repair Program at the J.C. Solmonese Elementary School

Mr. Yunits stated this was received from MSBA and seeking Board's authorization to sign Agreement.

MOTION was made by Mr. Bramwell to authorize the Town Manager, Michael D. Yunits, to sign the Project Funding Agreement for the Accelerated Repair Program at the J.C. Solmonese Elementary School. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

B. OLD BUSINESS

1. Liquor Policy Revisions

Mr. Yunits said he added the revisions in the document, and noted there are visible cross-outs and additions. Changes were discussed (changes in bold-italics), including, but not limited to, ***Page 1 (deleted hours and days); Page 2 – Licenses - upon receipt of license, "list of all TIPS certified employees". Penalties: First offense-up to five days; second offense-ten days; third offense-30 days; and fourth offense is revocation. Also under "Additional Requirements"- need to word it so the license is turned in to Norton Police Department.***

Mrs. Steele believed second, third and fourth offenses should not be flexible. She said she would like it more stringent after first offense. Discussion ensued.

Mr. Kimball said all licensed businesses should provide Town with a copy of their policies and procedures, and if they do not have one, Board can provide them a sample generic policy.

Mr. Kimball suggested to invite all the local license-holders in and get their opinion on this document; having a public hearing forum.

Mr. Bramwell respected other Board's members' opinions, but still believes, in his opinion, about having some flexibility with penalties. Discussion ensued.

Mr. Giblin said he did speak to Mr. Salvo, who was absent this evening, and Mr. Salvo indicated he felt the Board of Selectmen would be able to make the right decision. We will bring this back one more time to see written revisions (at next meeting) and Mr. Salvo will probably be present at that time.

Mr. Giblin asked Mr. Yunits to provide drafts of this document to Board of Selectmen for review for the next mtg.

C. TOWN MANAGER'S REPORT

1. Update: Daggett-Crandall Property

Map 2, Lot 15

Map 5, Lot 5

Mr. Yunits referenced a letter he received from Daggett-Crandall and explained area/map. Land is surrounded by Land Preservation Trust land and not much value to Town. He will plan to talk to Conservation Agent, Jennifer Carlino.

Mr. Kimball commented that it is gated at both ends. He asked Mr. Yunits to please send a copy to Water Dept. because it is on the Canoe River and see if there is any interest.

Mr. Yunits said also they were put on notice document they received from Daggett Crandall indicated it was not 61A; but it is 61A. Mr. Yunits stated he also informed them, the Town of Norton did have a Town Meeting in May. It was noted, there needs to be a legal purchase and sale agreement, and then Town has 120 days to see if they want to buy property at that price.

Mr. Kimball said lot #5 is a beautiful piece of land; could possibly utilize it as cemetery land.

2) Reilly Property:

Schedule Public Hearing for Reilly Land

Option to Purchase

Mr. Yunits said if Town is to exercise its option, there needs to be a public hearing; which would need to be posted seven days in advance (possibly have public hearing on 14th). If Board of Selectmen votes to exercise its right of refusal, then to be recorded at Registry of Deeds (to be done by March 20th at latest).

3) Discussion on Establishment of a Town By Law Review Committee

Mr. Yunits said Attorney Lauren Goldberg is reviewing Town's bylaws, and she will be making some suggestions. Attorney Goldberg spoke to Finance Committee Monday evening, and discussed forming a committee. This is making it in line with the Charter. It would be premature to form committee now. Town Clerk is a non-voting member of committee but can participate. Probably a member or members from Finance Committee; Planning Board; Board of Selectmen; and possibly Zoning; School Department; and one citizen at large. Therefore, there is two years to plan (year ending in "five"—2015).

D. APPOINTMENTS/RESIGNATIONS

VI. SELECTMEN'S REPORT AND MAIL

Donna Palmer, Town of Norton Board of Health nurse, was informed that the Medical Advisory Committee For The Elimination of Tuberculosis, will honor Ms. Palmer and her accomplishments as a New England TB Honor Roll awardee before state officials, members of the press and community leaders at World TB Day 2013 on Tuesday, March 26th, at the Massachusetts State House. The Board congratulated Ms. Palmer.

.....

The Norton Fire Dept. was presented a plaque from the town of Mansfield's fire department for the Norton Fire Department's show of respect and support for attending the funeral of Lt. Michael Green.

.....

Mr. Kimball stated he attended a meeting earlier that day with a solar company involved with landfills. He referenced a proposal to build on Norton's landfill and found it has perfect exposure for this type of capacity. A proposal over five year period could bring in \$5M. This company is arguing the Town does not need to do an RFP, however, Mr. Yunits said a few other companies are doing this same type of thing. Mr. Yunits said an RFQ (qualifications) would be best and would weed out the ones that probably won't move forward.

Mr. Kimball asked Mr. Yunits to "stay on top of this" and get the RFQ out.

VI. NEXT MEETING'S AGENDA

Finalization of liquor policy; Auditors scheduled to be in; and Water/Sewer Dept. scheduled an Executive Session for 6:30 p.m.

Mr. Kimball said he believed one more meeting should be enough – majority rules. Mr. Yunits said Mr. Knapp said it should be the signing agreement.

VIII. EXECUTIVE SESSION

1. 6:00 P.M. – Joint meeting with Board of Water/Sewer Commission to discuss strategy with respect to litigation

2. To discuss strategy with respect to collective bargaining

IX. ADJOURNMENT

MOTION was made by Mrs. Steele to Adjourn at 8:26p.m. 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
FEBRUARY 28, 2013**

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 February 28, 2013, Board of Selectmen Meeting

.Correspondence from Kevin Weber, President of Norton Pop Warner requesting permission for the town to display banner over the road announcing registration for Pop Warner Football and Cheerleading for the 2013 season (correspondence not dated); received by Norton Selectmen's Office on February 25, 2013

. Project Funding Agreement Accelerated Repair Program (MSBA Project #201202180015, District: Norton) for J.C. Solmonese Elementary School

. Document entitled, "Special Act – Home Rule Petition"

. Letter dated February 19, 2013, to Mr. Michael D. Yunits, Town Manager, from Henry B. Reiley, III, Treasurer, Daggett-Crandall Newcomb Home, Norton, MA, Re: 3.28 acre property located on Red Mill Road and adjacent to the Easton town line

. Letter dated February 26, 2013, via Certified Mail-Return Receipt Requested, from Michael D. Yunits, Town Manager, to Mr. Henry B. Reiley, III, Executive Committee Treasurer, Daggett-Crandall Newcomb Home, Norton, MA, Re: Notice of Intention to Sell Property on Newland Street, Norton, MA, Identified as Lot 5 on Assessor's Map 5

. DRAFT (Revised with Selectmen changes and Town Counsel Recommendations)-Town of Norton Board of Selectmen Policy statement-"Liquor Licenses" (Adopted December 2, 1993; Amended May 8, 1997, September 2012, and February 22, 2013)