

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
MARCH 14, 2013**

**I. CALL TO ORDER BY CHAIRMAN**

The March 14, 2013, Meeting of the Board of Selectmen was called to Order by Mr. Giblin, Chairman, at 7:00 p.m., held in Community Room of the Norton Public Library.

A. ROLL CALL: Mr. Timothy Giblin, Chairman; Mr. Robert W. Kimball, Jr., Vice-Chair; Mr. Robert S. Salvo, Sr., Clerk; and Mr. Bradford K. Bramwell. Absent: Mrs. Mary T. Steele. Mr. Michael Yunits Town Manager, was also present.

B. Pledge of Allegiance

**II. WARRANTS AND MINUTES**

A. Approve bills Warrant #55, dated March 14, 2013, in the amount of \$82,933.51

**MOTION was made by Mr. Bramwell to Approve bills Warrant #55, dated March 14, 2013, in the amount of \$82,933.51. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.**

B. Approve Minutes – **There were no minutes reviewed/approved.**

**III. LICENSES AND PERMITS**

1. 7:45 P.M. HEARING – Application of Kelly's Place at the Crossing, Inc. d/b/a Kelly's Place, Manager: Carol A. Cusack for a Common Victualer License to Expose, keep for Sale, and to Sell Wines and Malt Beverages To Be Drunk On the Premises at 292 East Main Street, Norton, MA 02766

Attorney Daniel Rich was present on behalf of applicant. Check was presented to Mr. Yunits along with certification of abutters' list (green and white confirmation slips provided).

The Board noted dispensing alcohol to minors is important and it was noted it was read by applicant.

Mr. Salvo inquired if there is a change of hours would the applicant need to appear before the Board again?

Mr. Giblin responded that he believed the license is not specific to the hours.

Discussion of the hours of operation per applicant would be Sunday, Monday, Tuesday, and Wednesday from 6 a.m. to 3 p.m. Thursday, Friday, and Saturday from 6 a.m. to 10 p.m.

Discussion by Board to approve this license from Sunday 12 noon to 3 p.m.; and Monday through Saturday from 8 a.m. to 10 p.m., and this was agreed to by applicant.

**MOTION was made by Mr. Kimball to approve the Application of Kelly's Place at the Crossing, Inc. d/b/a Kelly's Place, Manager: Carol A. Cusack for a Common Victualer License to Expose, keep for Sale, and to Sell Wines and Malt Beverages To Be Drunk On the Premises at 292 East Main Street, Norton, MA 02766, on Sunday 12 noon to 3 p.m. and Monday through Saturday from 8 a.m. to 10 p.m., and to consider granting that the certificate of occupancy is approved as well as a contingency. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.**

Menu was reviewed by Board. It was noted the applicant is trying to open on May 1<sup>st</sup>.

2. Application of Norton VFW Post 8049, 38 Summer Street, Norton, MA, for a two-day Poppy Drive at Roche Bros., CVS, Tedeschi's, Sun Market, and St. Mary's May 10, and 11, 2013

**MOTION was made by Mr. Kimball to approve Application of Norton VFW Post 8049, 38 Summer Street, Norton, MA, for a two-day Poppy Drive at Roche Bros., CVS, Tedeschi's, Sun Market, and St. Mary's May 10, and 11, 2013, and to waive all fees. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.**

#### **IV. ANNOUNCEMENTS**

Norton Police Association Fundraiser for MSG Gregory Trent at VFW Post 8049, 38 Summer Street, Norton, March 22 from 6 p.m. to close. Admission is \$20.

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Norton Community Blood Drive sponsored by Roche Bros. to be held Tuesday, March 19, 2013 from 2-7 p.m. (American Red Cross Bus) at Roche Bros Supermarket, 175 Mansfield Avenue.

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Saturday, March 16, is a fundraiser for The Gold Start Committee (dinner and silent auction/raffle items). To be held at Wheaton College campus-Clark Building. Tickets are still available and will also be available at the door.

#### **V. BUSINESS**

##### **A. NEW BUSINESS**

1. 7:05 P.M. - Mark Morris, Business Manager, Southeastern Regional School District Re: Presentation of FY 14 Budget

It was noted Mr. Morris was not present this evening, however, Mr. Lopes, Superintendent, was present in his absence.

Denis Feely, Norton representative, was introduced and Mr. Lopes indicated Mr. Feely has finance and banking experience. A handout was distributed entitled, "Proposed Budget FY2014 Southeastern Regional School District (Approved by the School Committee)".

Mr. Lopes reviewed the budget - \$22,718,977.00 FY2014 budget

Increase of \$57,555 to Norton. "Southeastern Regional School District "was other informational handout.

Enrollment for Norton has not changed . Norton growth is 3.65.

Mr. Kimball noted transportation and stated if state is doing their job it would help re: transportation. Mr. Kimball said he understands the formula is not understandable to many.

Mr. Lopes said to support regional transportation really does not help Southeastern but helps towns like Norton, etc.

Mr. Lopes reviewed the happenings/updates/renovations at school.

Mr. Giblin thanked them for coming in, and appreciated the hard work being done to keep the costs down for Norton.

Mr. Yunits said it appears to be a \$997,000 problem vs. \$1M problem from this information.

**2. 8:00 P.M. PUBLIC MEETING** – Re: Town of Norton's option to exercise its Right of First Refusal for the so-called Reilly Property off Pine Street and Crane Street

Mr. Yunits said it is binding and due diligence must be performed in a certain timeframe. Purchase and Sale cannot be changed in any way. This meeting held tonight and following the meeting, if the Board of Selectmen decided to vote to exercise the Town's right of first refusal the Board must sign notice to purchase and purchase and sale agreement, and original notice recorded with registry of deeds by March 19<sup>th</sup> and timeframe explained. Also time for environmental issues needed. The next major issue is how the Town will pay for this property. \$1.1M would need to be a bond (cannot go to sell property for other than a public purpose as these are tax exempt bonds). A revenue stream must be shown each year. Discussion ensued.

Water & Sewer Commission member and Chairman, Mr. Wiseman, expressed his opinion that he is not in favor of this purchase. He sees no benefit to Town. He stated that Mansfield did the due diligence on this; intended for discharge by Mansfield. If IMA (Intermunicipal) agreement is not fulfilled, Norton will

have a piece of land and will have for ten years and don't see funding with Water & Sewer Dept. to pay for it.

Dianne McElligiott, member of Water & Sewer Commission, said the Water & Sewer Commission had a split vote on this. She stated they are still negotiating with both Mansfield and Foxboro to put together an agreement and process is taking years. Nothing is in place yet. In order to protect the progress that they have made it is important to protect the land that is in Norton. Two major benefits: one is financial and wastewater plant located in Norton and second one is Norton will have a voice in the control in the operations, what is now the Mansfield wastewater treatment plant, which Norton has not had in the past. It is located in Norton and is a large parcel of land, and at least would be beneficial to have a say in how it is used thus reason she is supporting this. She considered this a low risk and worst case Norton would hold land for ten years.

Mr. Kimball stated the Board of Selectmen had basically not been part of these discussions. Norton has capacity needs also, and working very hard with Wheaton College currently to come on board. As a town, important to make a commitment with this Tri-town agreement and it is necessary to be straight up front. Today he is not inclined to purchase the land, however, in the past he was. He wants to get this Tri-town agreement signed by all parties. . Norton will still have the majority vote with four and others have three members. Mansfield, with all good intentions, made the purchase.

Luke Grant, member of Water & Sewer Commission agreed that the Board of Selectmen have not been involved in agreement. He believed they are close to a signed agreement. This situation is very dynamic; and they have been trying to bring Wheaton College "to the table". He said he was in support of the purchase. \$61,000 to buy land would be a small quantity versus what could happen. He believed the IMA will come to agreement in a very short time. If Norton does not take the land purchase and lets Mansfield get it, Norton will be the same tenant.

Mr. Grant noted the Reilly land is the better of the two parcels.

Ms. McElligiott said it would be \$133,000/year net to Norton, and described financials/signing of the agreement, some possible scenarios, and the impact to the users.

Mr. Yunits said he did not have a vote here. Once this process is started and decision is made to buy property the process needs to be started(due diligence, etc.). He stated it was much less expensive to hire a third party engineer to look at agreement; it always seems to be a matter of amount of flow in plant when plant is finished.

Ms. McElligiott disagreed with that and referenced 250,000 gallons a day.

Mr. Salvo said he is not voting for or against it since he feels there is still a lot of info missing from agreement.

State Representative Jay Barrows was present this evening and said he remembered distinctly approaching some members a few years ago and referenced the regional agreement and all three communities have a distinct need for a flow. He described all that has been accomplished.

It was noted David Young, engineer, and Bill Ross, Town Manager of Mansfield, were also present this evening. Representative Barrows said they are not looking for partners; looking for a regional sewer district (not for partners). He referenced regional agreement that was drafted and the desire to work together in a united, regional way. Representative Barrows said they would be looking to send each community a bill and rate payers still would be able to stay in their homes. He said “we” all are trying to work in good faith. He spoke of the dire need of commercial development for communities. EPA controls it and need to spend \$18M no matter what.

Representative Barrows said they are very close to final agreement and waiting on Reilly’s to make their decision. Representative Barrows stated there were three new town managers since they started in 2007. He said he believed there was a gentlemen’s agreement. In 2007, it started with the three selectmen. All the towns need it; flow is needed and still a five year process. He thanked the Boards for their support and the commissioners in Norton, Foxboro, and Mansfield. He asked to please not change the roadmap that has been laid out during the last few years.

Mr. Yunits said it would be a twenty year bond. APN discussed by Mr. Yunits and there would be a meeting between the Water & Sewer Commissioners, etc.

Mr. Grant suggested to table this and let them get further work done.

It was noted deadline is March 19 and on the 18<sup>th</sup> is an IMA Committee Member Meeting (one day prior). Submission should be recorded at the Registry of Deeds on the 19<sup>th</sup>.

Mr. Kimball stated he will not change his mind on this. He said he had concerns that Mansfield will pull out at the last minute / Wheaton involvement. Mr. Kimball indicated to Mr. Grant that the Board of Selectmen are in favor of this; and will give them the Reilly property. Mr. Kimball said he was concerned about rate payers and wanted to declare this is the only chance he had to state his opinion. He wants Tri-town agreement to happen and wants additional flow.

Ms. McElligiott asked Mr. Salvo what additional info he believed he needed?

Mr. Salvo asked why it was so advantageous for Norton to buy it now?

Ms. McElligiott responded because everyone expected to have an agreement before land was purchased, and she explained further. The benefits to defraying Mansfield’s costs are decreasing (with Norton being involved). Norton can bring the land; it would be a benefit to have a “say” in matters. Her

fear is the urgency for Mansfield, and Norton needs to bring something to the table. The reason all parties are here tonight is to ensure all are still motivated.

Mr. Bill Lippincott of 55 John Scott Blvd. said potentially the risk of financing the land may be an unreasonable cost in his opinion, but highly probable that everything would go through. It may be a good strategy but with bond funding.

Mr. Ross, Town Manager of Mansfield, said with all due respect to Ms. McElligott, they have not talked at meetings about withdrawing from this. He said they have been straightforward discussions and feels they are very close to getting this done, and are so close that a mis-step could cause problems as well. Most of it comes from being open and straightforward. At this point, it is not negotiating advantages but negotiating. Mansfield will act in good faith in every way, shape and form with Norton and Foxboro, and intend to live up to that reputation. There is some truth that Mansfield badly needs this; but the region badly needs this is also true. If they create 1,000+ jobs, some of those people will live in Norton in relation to the Cabot Industrial Park expansion. Mansfield will act in good faith and he will suggest Mansfield will not run off and do this all on their own and do want to be in a situation where the district functions.

**MOTION was made by Mr. Salvo that the Town of Norton does not exercise its Right of First Refusal for the so-called Reilly Property off Pine Street and Crane Street. Second by Mr. Kimball. Roll Call Vote: Mr. Kimball voted yes in favor of Motion**

**Mr. Salvo voted yes in favor of Motion**

**Mr. Giblin voted yes, in favor of Motion. MOTION CARRIES.**

Mr. Giblin would have rather had a full board here for this agenda item this evening, but they do not have the timeframe to do that.

3. Vote to set up a Founder's Day Gift Account

**MOTION was made by Mr. Kimball to approve/accept the vote to set up a Founder's Day Gift Account. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.**

4. Proclamation – Childhood Cancer Awareness Week – April 21-27, 2013

Mr. Salvo read aloud Proclamation.

**MOTION was made by Mr. Salvo to hereby proclaim April 21 through April 27, 2013, as Childhood Cancer Awareness Week in the Town of Norton. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.**

Mr. Giblin told Mr. Yunits the original needed to be mailed back to the sender.

**B. OLD BUSINESS**

1. Liquor Policy Revisions

This agenda item will be continued to the next meeting when there should be a full board.

**C.**

**TOWN MANAGER'S REPORT**

Update:

. Bike Path Public Information Session March 12<sup>th</sup>

Mr. Yunits state there was a recent meeting re: bike path in Town and Mr. Kimball and Mr. Giblin were at the meeting also. This was a preliminary meeting to gauge desire for the project so SRPEDD will take comments they received from that meeting. Some people are looking to form a bike committee from that meeting and will probably come before the Board of Selectmen regarding this. Mr. Giblin explained the way funding works with State, it probably wouldn't be ready until 2016. Mr. Kimball said letters in past when this was looked at previously he had in a paper-file from fire and police chiefs; Board of Selectmen; and many other boards/committees. All department heads encouraged us not to go forward in past with project, not just opinion of Board of Selectmen.

It was noted Town would need to go to Mansfield to work with them to see if we could put on their right of way. Once it was built, it would need to be maintained; it would cost about \$10-15,000 per year. Mr. Giblin said a regional bike committee was a possibility. Parking also was discussed.

Mr. Yunits stated police and fire chiefs in Mansfield indicated there was no effect on their departments regarding bike path, as Norton's fire and police chiefs posed this question to them.

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Mr. Yunits said he has not heard back from Town Counsel, Ilana Quirk re: Campanelli so assuming it will be signed since they brought that forward. Campanelli will give back many gallons to Town and 60,000 gallons will be retained by them and transferred to 40B project on West Main Street, and right of first refusal for Campanelli. Hopefully this will be done soon.

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Re: Daggett Crandall property, Mr. Yunits indicated a letter he received today; 60A property asking if Town of Norton wanted to exercise its right, but not proper notice; no purchase and sale agreement. They now are looking to take out of 61A and change it to residential with intention to sell.

Town has thirty (30) days to decide if they want the property or not, and would need to hire an appraiser to appraise if Town had interest based on market rate.

Mr. Kimball suggested to use this land as cemetery land, and to exercise first option. He encouraged the Board to take a look at this.

Mr. Giblin agreed it was worth looking at.

#### FY14 Budget Process

Mr. Yunits said, as of right now, this budget would be balanced. He explained the school is not taking a "hit"; it is an increase. He will look at all the Town-side expenses to see what, if anything, can be done, however, looking realistically in \$600,000 range. Last year \$400,000+ was their increase. Mr. Yunits reviewed budget further. He will be looking at a 2.5% and 3% increase on both Town and school-side.

Mr. Kimball said new growth has hit Town hard re: budget. Expenses on school-side should be softening a bit as new high school should be saving them some energy costs at least. On Town-side, Mr. Kimball stated they cannot cut anymore; as it has already been cut. Town just got library accredited again as one example.

Mr. Yunits noted a Finance Committee member discussed veterans district. It has only been a year and a new district, and a recent retirement from one of the veterans service officers. In the long run, it is the best way to go.

Mr. Giblin said there were some "hiccups" during first year with some scheduling issues, etc. (i.e., the veterans officer in Mansfield was out for a time due to an injury, etc.). Currently interviews are taking place for third veterans service officer (VSO), and then the coverage and quality will be there.

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Mr. Yunits spoke of an Article with a moratorium on any marijuana dispensaries in Town. One town tried to ban it outright but they could not do that. This moratorium is for a year and a Hearing necessary before the Planning Board; this Hearing to be scheduled on April 2<sup>nd</sup>. A vote needed to have Article go to Planning Board on April 2.

**MOTION was made by Mr. Kimball to have above-referenced Article (moratorium on any marijuana dispensaries in Town) go to Planning Board on April 2, 2013. Second by Mrs. Salvo. Vote: Unanimous.**



Per Police Chief Clark, drivers license notices will not be sent out any longer, unless the public accesses RMV (Registry of Motor Vehicles) website to ask for notices to be sent to them.

**D. APPOINTMENTS/RESIGNATIONS**

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

Legal Notice-Town of Norton Invitation for Bidders Lockbox Services (accepting bids for lockbox services associated with the collection of tax bills and water/sewer bills). Bids must be received no later than 11:00 A.M. on April 3, 2013 at the Town Manager's Office.

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Troop 12 Eagle Scout Ceremony (to be followed by a reception) to be held Sunday, April 7, 2013 from 12 noon to 5 p.m. at the North Attleboro Elks.

**VII. NEXT MEETING'S AGENDA**

The Liquor Policy Revisions is only agenda item thus far.

**VIII. EXECUTIVE SESSION**

**IX. ADJOURNMENT**

**MOTION was made by Mr. Kimball to Adjourn at 9:05 P.M. Second by Mr. Salvo. Vote: Unanimous.  
MOTION CARRIES.**

Respectfully Submitted by:

Janet A. Sweeney  
Board of Selectmen – Recording Secretary

**Documents Distributed/Reviewed at January 17, 2013, Board of Selectmen Meeting**

Application for License/Permit: Norton VFW Post 8049, Norton, MA, for Two-Day Poppy Drive At Roche Bros., CVS, Tedeschi's, Sun Market, St. Mary's on May 10, 11, 2013

Notice of Public Hearing: The Board of Selectmen of the Town of Norton will conduct a public hearing on the application of Kelly's Place at the Crossing, Inc. d/b/a Kelly's Place

Proclamation: Childhood Cancer Awareness Week April 21-27, 2013

Proposed Budget FY2014-Southeastern Regional School District (Approved by School Committee)

Notice of Public Meeting On The Town of Norton's Option to Exercise Its Right of First Refusal For The So-Called Reilly Property Off Pine Street And Crane Street (Date of Public Meeting: March 14, 2013)

Application for License Permit: Kelly's Place at the Crossing, Inc.; Application for Retail Alcoholic Beverages License: Kelly's Place at the Crossing, Inc.

Town of Norton Board of Selectmen (Appendix C) Policy On Dispensing Alcohol To Minors-signed by Licensee/Applicant.

Kelly's Place Floor Plan; Reflected Ceiling Plan; and Architectural Interior Elevations Drawings by Buckingham Architectural Designs, Inc., Bellingham, MA

Kelly's Place Menu distributed to Board of Selectmen

Legal Notice-Town of Norton Invitation for Bidders – Lockbox Services

FY14 Estimated Operating Revenues and Expenditures

Letter dated March 6, 2013, from Coogan, Smith, McGahan, Lorincz, Jacobi & Shanley, LLP, addressed to Town of Norton Board of Selectmen; Town of Norton Board of Assessors; Town of Norton Planning Board; and Town of Norton Conservation Commission Re: Notice of Intent to Convert to Other Use the Land on Newland Street, Norton, MA 02766-Town of Norton Assessor's Map Lot 5, Plat 5, with accompanying attachments (Plot Plan of Land in Norton, MA Prepared for Daggett-Crandall-Newcomb Home, dated February 12, 2013)

**BOARD OF SELECTMEN**

**MINUTES OF MEETING OF**

**MARCH 14, 2013**

**TIMOTHY R. GIBLIN, CHAIRMAN**

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

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

**MARY T. STEELE**

**BRADFORD K. BRAMWELL**

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