

**BOARD OF SELECTMEN
MINUTES OF MEETING
SEPTEMBER 12, 2013**

I. CALL TO ORDER BY CHAIRMAN

The September 12, 2013, Meeting of the Board of Selectmen was called to Order by Mr. Kimball, Chairman, at 7:00 p.m., held in the First Floor Selectmen's Conference Room.

A. ROLL CALL: Mr. Robert W. Kimball, Jr., Chairman; Mr. Bradford K. Bramwell, Clerk; Mr. Robert S. Salvo, Sr.; and Mr. Timothy R. Giblin were present. Mrs. Mary T. Steele, Vice-Chair, arrived at 8:05 p.m. Mr. Michael Yunits, Town Manager, was present.

B. Pledge of Allegiance

II. WARRANTS AND MINUTES

A. Approve bills Warrant #16, dated September 12, 2013, in the amount of \$177,039.23

MOTION was made by Mr. Bramwell to Approve bills Warrant #16, dated September 12, 2013, in the amount of \$177,039.23. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

B. Approve Minutes – April 4, 2013

MOTION was made by Mr. Bramwell to Approve the Board of Selectmen Minutes of Meeting, dated April 4, 2013, as written. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

1.7:05 P.M. – Request of Joseph A. Costa, Adjutant/Treasurer, Disabled American Veterans, Westcott-Houghton Chapter 56, North Attleborough, MA 02760 for a permit to conduct its Annual Forget-Me-Not Drive, to be held Thursday, October 3rd, Friday, October 4th, and Saturday, October 5th, 2013; Rain Date: Sunday, October 6th, 2013.

It was noted all money (100%) is provided to veterans.

MOTION was made by Mr. Giblin to Approve Request of Joseph A. Costa, Adjutant/Treasurer, Disabled American Veterans, Westcott-Houghton Chapter 56, North Attleborough, MA 02760 for a permit to conduct its Annual Forget-Me-Not Drive, to be held Thursday, October 3rd, Friday, October 4th, and Saturday, October 5th, 2013; Rain Date: Sunday, October 6th, 2013, with stipulation to allow this Drive to be held at any property/business in Town as long as permission is granted by business. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

1.7:10 P.M. – Application for 3rd Annual Leah Fernandes 5K road race.

This road race to be held September Sept. 28 at 8 a.m. at 315 West Main Street. It was noted two detail officers to be assigned to this event as per Chief of Police.

This is their third year and it is a fundraiser to sponsor a family with a child who has a life-threatening illness. It was noted there is also a Facebook page that was created: "Leahfernandesmemorial5K.com". Also donations are welcome.

Mr. Giblin said the Board appreciated this huge effort and time.

Mr. Bramwell suggested the closure of North Worcester Street and to add signs on the street alerting residents/drivers of this race.

MOTION was made by Mr. Giblin to Approve the Application for the 3rd Annual Leah Fernandes 5K Road Race to be held September 28 as noted above, and per Chief of Police, to have two assigned detail Officers present, and to also ask/look into signage as discussed above. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

IV. ANNOUNCEMENTS

V. BUSINESS

A. NEW BUSINESS

1. Review and/or Vote Town Meeting Articles

. Joanne Haracz, Chairman, Planning Board Re: Zoning Articles

Mrs. Haracz said referenced two zoning articles. One being medical marijuana dispensaries; and 2) extending village commercial district along East Main Street by “hump” in road on Route 123.

The extending village commercial was triggered by a request through Mr. Clemmey to rezone property. It was utilized in past as an office. This would extend the existing village commercial from Freeman Plumbing to Elm Street, and would exclude some properties on Miller Terrace. It was discussed they cannot do spot zoning. Discussion ensued.

Mr. Kimball referenced the marijuana articles.

Mrs. Haracz said Planning Board worked with town counsel and discussed the areas where this may be allowed in. It must be only within an industrial zone and have a 1000’ buffer (child care centers, schools, etc.). The only area of Town that would accommodate this would be the area of the Norton Commerce Park. Some of these facilities could be larger facilities (8,000-10,000 square feet); typically larger than a typical store front.

Mr. Yunits indicated he had one inquiry already and they are looking to put in a facility in Norton or Taunton. It was noted this is Article 23.

Mr. Kimball asked that Board consider supporting Article 23.

MOTION was made by Mr. Giblin to support Article 23. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

Regarding street acceptance, Feck Way, Mrs. Haracz stated they are still waiting on some information on this.

Article 22:

Mr. William Clemmey stated he owned property since 2003 and provided a brief history. He noted the other side of street is village commercial. All of this property was owned by House of the Pines School in the past. This property was used as their own personal office up until this year. They have had various meetings with the building inspector, town manager, and other town officials to look at options, etc. It made sense to get it rezoned and plan to do a business use with it. He said they went to Planning Board and had a couple of meetings with them. He explained it was advertised as village commercial when they purchased it. When they looked at maps closely with building inspector, they discovered it was not village commercial. With R-60 someone can build a single family house. It is near fire dept, town hall, and police dept., which would not make sense to build a single family house. It has been used for commercial office space for over 40 years. Mr. Clemmey said he believes it is a benefit for the Town, it

makes sense, and they want to continue to work with all of the boards. Mr. Clemmey appreciated the Board's consideration to get this rezoned.

Mr. Kimball referenced the issue of spot zoning. In a past conversation, there was discussion of a gas station Mr. Clemmey wanted to put there.

Mr. Clemmey said one of the things they considered was a gas station initially. DPW is located directly behind this site, and spoke of exploring some solution to have pumps out of ground and utilize the gas station. However, they are aware they are in the Water Resource District (WRPD) so they realize they cannot do it in this zone.

Mr. Clemmey said what makes sense is possibly an office building/condos; a mixed use as a store and/or a bank. They need to look at the zoning and don't want something that does not make sense with the area.

It was noted the following Tuesday evening there will be a public hearing with an example of the building they would propose to build. They are a big advocate of keeping to traditional New England Colonial style. A multi-use building would be considered - something for tomorrow; something for the future.

Mr. Giblin said concern would be spot zoning.

Mr. Clemmey said parking would be at the rear of building; housing on top floors; and retail on first floor.

Mr. Bramwell said his concern is also the spot zoning concern; and was surprised it was not village commercial.

Mrs. Haracz said this will be a continuous village commercial zone from Elm Street to "hump" in road on Route 123/on other side from Pine Street to river (south side). Within village commercial district, there are more design guidelines. Discussion ensued.

MOTION was made by Mr. Bramwell to support Article 22. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

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Mr. Yunits spoke of state funding to be \$14,565,484, and assessments will be \$2,476,874, so virtually what they thought it would be.

Mr. Yunits reviewed local receipts snapshot and Southeastern Regional was referenced. Charges for sewer will be last time this will be seen; this is prior to being a sewer enterprise account. Last date to post warrant is September 27th. At the next meeting (next week), they can address some articles as well.

Some Articles were reviewed with FinCom (Finance Committee) this week.

Article 1: Unpaid Bills

MOTION was made by Mr. Bramwell to support Article 1. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

Article 7: Electronic Sign

Cost of electronic sign to be approximately \$25,000. Possibly some Homeland Security funds may be available and Mr. Kimball asked Mr. Yunits to look into this and check with Mr. Cord and Chief Schleicher.

Mr. Kimball said this was in a very prominent and important location. Possibly some additional assistance with the cost.

MOTION was made by Mr. Bramwell to support Article 7. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

Mrs. Steele arrived at 8:05 p.m.

Article 8: Yelle School Repairs

It was explained this was an additional repair.

MOTION was made by Mr. Bramwell to support Article 8. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

Article 10: fund a portion of OPEB (Other Post Employment Benefits)

Proposing to put \$36,000 into OPEB account.

MOTION was made by Mr. Bramwell to support Article 10. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

Article 11: Ch40B Legal Account

\$25,000 was in Ch40B legal account which was spent last year. There are two 40B's currently that are ongoing and Turtle Crossing may be coming back. Proposing to put \$50,000 in account. FinCom had some questions. It is expensive to deal with the issue of 40B's.

Mr. Kimball referenced the proposed building on Route 123 (East Main Street) and had concerns with building height, density, etc. This money would be a "warchest" to defend some of the issues. The Board of Selectmen are prepared to take action against any developer who wants to change the Town.

Mrs. Steele said she was in support of this legal fund. It is an investment in the Town's future because eventually the 40B developers will realize the Town of Norton will take them to court if needed. Discussion ensued.

Mr. Kimball said if two of these projects do happen, the Town will need to go for an override for school costs, etc. Developers move away and Town is left with failing septic systems as is now happening on Maple Street.

Mr. Giblin agreed with having a separate 40B fund so residents of Town can see what these 40B's are costing Town.

**MOTION was made by Mrs. Steele to support Article 11. Second by Mr. Giblin. Vote: Unanimous.
MOTION CARRIES.**

Article 14: Land Acquisition Ch 61A Daggett Crandall

\$475,000 Cost.

**MOTION was made by Mr. Bramwell to support Article 14. Second by Mr. Giblin. Vote: Unanimous.
MOTION CARRIES.**

Article 16: GASBE

Town Accountant needs to have GASBE 45 done every few years - \$10,000 cost.

**MOTION was made by Mr. Giblin to support Article 16. Second by Mr. Bramwell. Vote: Unanimous.
MOTION CARRIES.**

Article 17: Proposed by Board of Assessors

The amount they are requesting is for Overlay Account to overlay surplus and appropriate to 2012 account to cover an appellate tax.

MOTION was made by Mr. Bramwell to support Article 17. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

Article 18 and Article 19

These were street acceptances to layout and Mr. Yunits communicated to FinCom at their meeting the previous night that he was awaiting on a letter from Planning Board.

2. Proclamation – UMass Dartmouth – Peace Day 2013

Mr. Bramwell read aloud Proclamation.

Mr. Giblin said they are planting the Ginko tree and this was created by student of U-Mass Dartmouth related to the recent Boston bombing.

MOTION was made by Mr. Bramwell to approve the Proclamation For International Day of Peace – September 21, 2013. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

3. Notification from the Massachusetts State Lottery Commission that an application for a Keno license has been received by the Commission from Fiesta Mexican Restaurant, 175 Mansfield Avenue, Norton, MA 02766
4. Notification form the Massachusetts State Lottery Commission that an application for a Keno license has been received by the Commission from Greatwoods Mandarin, 175 Mansfield Avenue, Norton, MA 02766

MOTION was made by Mr. Bramwell to approve application for a Keno licenses for both establishments as listed above. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

5. PUBLIC HEARING on the Town of Norton's option to exercise its right of First Refusal on a Parcel shown on Assessors Map 5 as Lot 5 owned by Daggett-Crandall Newcomb Home, Inc.

Mr. Yunits said Mr. Silver, Highway Superintendent, did a test hole and found soil conditions were very good. The Town has until November 13 (that is when the 120 days is up) and Board needs to decide if they want to exercise this right and the next step is to go to Town Meeting to fund it.

Mr. Kimball said during the period of time they were looking at this land another interested party was also interested in this. FinCom raised a couple of questions 1)present fees and what does it cost; and 2) would this land pay for itself in the future?

Mr. Yunits responded Norton has some very low fees as a Town and would need to see the number of plots.

Mr. Kimball said he will communicate to Cemetery Commission if plots could be used for cremations.

It was noted a vote would be needed to exercise the Town's right to purchase under 61A.

MOTION was made by Mr. Giblin to have Town of Norton exercise its right of First Refusal on a Parcel shown on Assessors Map 5 as Lot 5 owned by Daggett-Crandall Newcomb Home, Inc. Second by Mr. Bramwell.

Discussion: It was discussed to see if anyone in audience wished to speak for or against this.

Mrs. Haracz said she agreed this would make sense as it is difficult to find the right property for this use. As a consultant, she agreed it makes sense to plan for the future.

Vote: Unanimous. MOTION CARRIES.

VI. OLD BUSINESS

1. Vote to establish an Alternative Transportation Committee

Mr. Kimball said he would add language: "and other security issues for side streets for public safety" and will open up to seven members and residents can send in letters of interest to committee. Three members to a three year term; two members to a two year term; and two members to a one year term.

MOTION was made by Mr. Bramwell to establish a committee of seven as Alternative Transportation Committee along with established guidelines. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

It was noted any interested parties can send a letter to Board of Selectmen, 70 East Main Street, Norton, MA.

C.TOWN MANAGER'S REPORT

. Dry Water Mains

Mr. Bernie Marshall, Water Superintendent, was present this evening.

Mr. Marshall said he was asked by Mr. Yunits to come and share some thoughts and was here to answer some questions. He stated he had a board meeting on Tuesday. He said they have rules and regs and appears these were not followed.

Mr. Kimball provided history. At the time in 1990's, Norton did not have water capacity and some projects were built with dry wells. Part of stipulation was to put in hydrants, however, they were dry.

Mr. Marshall said there is no easy fix. He wouldn't pursue this at this time as it is a recipe for disaster, as it has stagnant water, etc., and he further explained. Now, when a new development comes in, they try to have a loop system. People would want water to be active to be running. He said he would not have allowed the construction of some of these projects. At a minimum, there is a need for a hydrant at the end of these dead-ends.

Mr. Marshall said on the 15th of this month on Sunday, the Fall flushing will start. It had been very effective before he was hired and should be effective again. They will start at Plain Street at cemetery. Residents can call to see when their street will be flushed and Water Dept. can give them an approximate date.

Mr. Giblin said this should be put on cable, too. Mr. Marshall said it should scroll on cable station and to be advertised in Sun Chronicle, etc.

Mr. Kimball referenced 274 East Main Street and spoke of one condition he took offense to. He said the Town has a bylaw; when an active sewer line in front of a person's property they must make connection. Mr. Kimball said they were told no waivers and all need to comply.

Mr. Kimball asked for Mr. Marshall to please bring this back to his commissioners; he has concerns about it.

Mr. Marshall responded he will bring concerns to the table.

. Update – IMA Agreement:

Mr. Yunits stated he attended IMA meeting and they will meet again on Sept. 23. Everyone is in agreement on IMA; awaiting Mansfield attorneys to do legal/real estate documents. Hopefully it will be finalized soon.

. Update – Water Bodies RFQ

This RFQ was sent out; 13 companies requested the RFQ and due back by noon on Sept. 23. Review committee will be a member of Board of Selectmen; Conservation Commission; and Water Bodies Committee.

. Shpack update

Mr. Yunits provided update to Board. This is still moving along and they will begin working on Saturdays this week on cleanup.

. Update – Building Inspector process

Mr. Yunits said he began interviews yesterday and hoped to finish up within next week or two.

Mr. Kimball said it would be important to ensure applicants have proper licenses and certifications to be main criteria for selection.

. Community Innovation Challenge Grant Application with SERSG

Mr. Yunits said there would be a request for Board of Selectmen's signature in near future hopefully. This would be to have all towns work together with a consultant to see what town needs to do to meet the guidelines, etc. Mr. Silver, Highway Superintendent, indicates it will be an expensive proposition and will need to hire an engineer. It has a lot to do with drainage and stormwater management/guidelines for management; catch basin cleanings, etc.

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Mr. Yunits said he was contacted by an official from Raynham Park/slots and he will be here on September 18 at 2 p.m. He will ensure dept. heads will be present and anyone else interested, should attend.

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Mr. Yunits said he received an email from Bob Cummings regarding installation of a new street lamp and post and referenced a defective sensor on Pratt and Ellis Roads. He also received an email from one of

the residents, Mr. Bartlett, yesterday. Unfortunately, everything takes time with the insurance company involved, etc. Hopefully light is no longer on during daytime (appears that is what sensor's job was).
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FinCom will meet Monday evening and the Conservation Agent, Ms. Carlino, will be there to discuss three Articles. One Article is to transfer land from care and custody of Board of Selectmen to Conservation Commission on opposite side of Reservoir (west side of Route 140). Also she is working on Preservation Trust with part of Crane Property; keeping some of that area in trust and RFQ for water bodies.
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Capital Improvements meeting to be held Wednesday, September 18, at 6:30 p.m.
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Business After Hours meeting to be held on September 17 at 5 p.m. at Daggett-Crandall Home.

D. APPOINTMENTS/RESIGNATIONS

VI.SELECTMEN'S REPORT AND MAIL

Mrs. Steele explained she was late this evening as she attended a parents open house at Norton High School. She congratulated the School Building Committee as the high school looks very nice and congratulated the school department as well.

Mr. Yunits said he has not heard complaints from any students, teachers, or parents, regarding construction, etc. Somehow this construction has been ongoing and he has received no complaints.

Mr. Bramwell said a lot of the organized coordination and communication regarding construction is from Pinck & Company and other associated parties.
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Mr. Giblin said Sunday, October 27, is the Annual Halloween Parade; they are still seeking some floats/sponsors. \$600 co-sponsor Sheri Cohen is also looking for.
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Mr. Salvo said it appears a great deal of work is being done by Verizon in Town which is good to see.

VII. NEXT MEETING'S AGENDA

1. Joint Meeting with Norton Housing Authority to make appointment to fill the vacancy created by the resignation of Frederick W. Annas, effective June 20, 2013

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

MOTION was made by Mr. Giblin to Adjourn at 8:40 p.m. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney
Board of Selectmen – Recording Secretary

Documents Distributed/Reviewed at September 12, 2013, Board of Selectmen Meeting

- . Board of Selectmen Draft Minutes of Meeting dated April 4, 2013

- . Draft - Town of Norton Warrant for the Annual Town Meeting, October 7, 2013

- . Letter dated August 3, 2013, addressed Board of Selectmen, from Joseph A. Costa, Adjutant/Treasurer regarding Annual Forget-Me-Not Drive permit request

- . Request for Parade/Motorcade Permit-Leah Fernandes Memorial Fund/Kate Tracy regarding 5K Road Race to benefit local families and Dana Farber on Saturday, September 29, 2013

- . Proclamation For International Day of Peace – September 21, 2013

**BOARD OF SELECTMEN
MINUTES OF MEETING OF
SEPTEMBER 12, 2013**

ROBERT W. KIMBALL, JR., CHAIRMAN

MARY T. STEELE, VICE-CHAIR

BRADFORD K. BRAMWELL, CLERK

TIMOTHY R. GIBLIN

ROBERT S. SALVO, SR.

Dated: _____