

**BOARD OF SELECTMEN
MINUTES OF MEETING
MAY 1, 2014**

I. CALL TO ORDER BY CHAIRMAN

The May 1, 2014, 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; Mrs. Mary T. Steele, Vice-Chair; Mr. Bradford K. Bramwell, Clerk; Mr. Timothy R. Giblin; and Mr. Robert S. Salvo, Sr. were present. Mr. Michael Yunits, Town Manager, was also present.

B. Pledge of Allegiance

II. WARRANTS AND MINUTES

A. Approve bills Warrant #64, dated April 24, 2014, in the amount of \$1,070,987.13

MOTION was made by Mr. Bramwell to Approve bills Warrant #64, dated April 24, 2014, in the amount of \$1,070,987.13. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

- B. Approve bi-weekly payroll for the period ended April 26, 2014, Warrant #65, dated May 1, 2014, in the amount of \$1,059,264.55

MOTION was made by Mr. Bramwell to Approve bi-weekly payroll for the period ended April 26, 2014, Warrant #65, dated May 1, 2014, in the amount of \$1,059,264.55

- C. Approve bills Warrant #66, dated May 1, 2014, in the amount of \$587,642.24

MOTION was made by Mr. Bramwell to Approve bills Warrant #66, dated May 1, 2014, in the amount of \$587,642.24. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

- D. Approve Minutes – February 6, 2014
February 20, 2014

MOTION was made by Mr. Giblin to Approve the Board of Selectmen Minutes of Meeting dated February 6, 2014, as written. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Giblin to Approve the Board of Selectmen Minutes of Meeting dated February 20, 2014, as written. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

III. LICENSES AND PERMITS

1. 7:30 P.M. HEARING – Application of John S. Nicolas for a Lodging House License, to be utilized at 10 West Main Street, Norton, MA 02766 – **Mr. Nicolas officially withdrew his application**
2. Application of Angela Browne for a one-day Beer and Wine License, to be utilized at Everett Leonard Park, Sunday, June 29, 2014, 1:00 P.M. – 4:00 P.M., for a private party

MOTION was made by Mr. Giblin to Approve Application of Angela Browne for a one-day Beer and Wine License, to be utilized at Everett Leonard Park, Sunday, June 29, 2014, 1:00 P.M. – 4:00 P.M., for a private party, with no police detail(s) required. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

3. Request of Megan Cutler, Director of Development, National MS Society R.I. Chapter, for approval for its 150 mile charity bike ride “MS: Ride the Rhode” Event, June 21 – 22, 2014, to pass through the Town of Norton

MOTION was made by Mr. Giblin to approve Request of Megan Cutler, Director of Development, National MS Society R.I. Chapter, for approval for its 150 mile charity bike ride “MS: Ride the Rhode” Event, June 21 – 22, 2014, to pass through the Town of Norton. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

4. Application of Edward J. Brault, Norton Veterans’ Council, for a Parade Permit, in observance of Memorial Day, Monday, May 26, 2014, 10:00 A.M. to approximately 11:15 – 11:30 A.M.

MOTION was made by Mr. Bramwell to approve Application of Edward J. Brault, Norton Veterans’ Council, for a Parade Permit, in observance of Memorial Day, Monday, May 26, 2014, 10:00 A.M. to approximately 11:15 – 11:30 A.M., and to waive all application fees. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

5. Request of Gray Robinson, P.A., national regulatory counsel for Hess Corporation (NYSE: HES), a publically-traded corporation, for a change in name on the Common Victualler License, utilized at 119-125 West Main Street, from Hess Express 21214, to Hess Retail Operations, LLC (“HRO”)

Mr. Kimball stated the Board should have this information in their packets.

MOTION was made by Mr. Bramwell to approve Request of Gray Robinson, P.A., national regulatory counsel for Hess Corporation (NYSE: HES), a publically-traded corporation, for a change in name on the Common Victualler License, utilized at 119-125 West Main Street, from Hess Express 21214, to Hess Retail Operations, LLC (“HRO”). Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

IV. ANNOUNCEMENTS

Town Meeting to be held Monday, May 12, 2014 at 7 p.m. at the Norton High School auditorium.

V. BUSINESS

A. NEW BUSINESS

1. Bernie Marshall, Water/Sewer Superintendent, Re: Town Meeting article for Water Treatment Plant

Mr. Marshall was accompanied by Fran Yanuskiewicz and Barbara Cook of Weston & Sampson. They were awaiting on the arrival of Diane McElligott, Chairwoman of the Water & Sewer Commission. Mr. Marshall said Weston & Sampson was hired to assist them. They will need to start monitoring and spoke of lowering of the contamination level, and need to move before June 30, 2014.

Ms. Barbara Cook of Weston & Sampson referenced and explained a document she distributed. She said the first item is water quality and the second are the design plans they put together. The third were the "costs". The treatment plant will treat the bulk of the Town's water supply. She explained both iron and manganese being secondary water quality parameters and are esthetic and not health related. They will not be treating Wells 1 and 3; Wells 4, 5, and 6 will go through the treatment. The cost estimate will be done three times: at the beginning; then when it is 50-60% complete; then at the end of the project. Cost is \$8.9M which is amount they will be asking for at Town Meeting. They need appropriation by June 30, 2014.

It was noted Mr. Yanuskiewicz will discuss user rates since Ms. McElligott was not yet present.

Mr. Yanuskiewicz explained \$550K per year is about 17% of Town's current budget. Bond payments were referenced; they look at enterprise fund; bond is still "out there", therefore, impact to users will be reasonable.

Mr. Kimball said before they get to Town Meeting they need to have a "ball park" figure. He is certain residents will be curious and they may want to consider to start bumping up rate increases immediately instead of waiting.

Ms. Cook explained they will be using a sand based filter to eliminate iron and manganese and back wash to go to a holding tank that is next to a treatment plant.

It was noted EPA is looking at manganese for health reasons; it is at .3; some wells are over .3 on manganese.

Mr. Marshall said they are building a very basic plant (to filter water only).

Mr. Kimball noted Mansfield and Foxboro already have water treatment plants.

It was also noted material will need to be disposed of.

Ms. Diane McElligott arrived to meeting at 7:36 p.m.

Mr. Yunits stated this was Article 6.

**MOTION was made by Mr. Bramwell to support Article 6 for Town Meeting. Second by Mr. Giblin.
Vote: Unanimous. MOTION CARRIES.**

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Mr. Kimball noted the earlier agenda item regarding lodging houses was withdrawn by applicant. Mr. Kimball referenced lodging houses and said some are illegal. There are also a number of places in Town who have people residing in houses that are not related to the homeowners. Mr. Kimball believed there were some new rules and regulations. He said there is a new Town Building Inspector and there is a need to look into how they can be monitored, etc. These legal lodging houses need to be inspected yearly. Mr. Kimball discussed possibly there should be a new name instead of "lodging house".

Mr. Yunits responded he was aware the Fire Chief, Deputy Chief, and Building Inspector have been conducting inspections and there have been a few facilities where they had to install sprinklers. Mr. Yunits said they have also been in contact with the Fire Marshall's Office, especially in the area around the Wheaton campus.

Mr. Giblin asked about having some checklist or summary of these lodging houses; to look at what has been signed off.

Mr. Bramwell responded to Mr. Kimball's comment, and said it may be a "slippery slope" to call it something other than a lodging house.

Mr. Kimball communicated to Mr. Yunits that possibly a small task force should be created (possibly four department heads). He asked Mr. Yunits to look into this and please get back to the Board regarding this.

Mr. Salvo said there are a few group homes in Town that should also be inspected, etc.

Mr. Kimball said group homes have other rules and they do not have to tell towns/cities where they are going to be located.

Mr. Salvo said where this application was withdrawn, in the historical district, he believed the Historical Society needed to be involved to have their input and be part of the process.

Mr. Kimball responded he did ask if Historical Society should be involved through town counsel and because it was internal, it did not have anything to do with their involvement.

2. Alternative Transportation Committee RE: Mass DOT Project ID 607822-
Norton/Mansfield – Extension of the World War II Veterans Trail from Hill/Crane
Streets, Norton to Cobb Street, Mansfield

Mr. Yunits said the Town has been approved by Mass Highway to go to the next step so they can get on the TIP. He referenced funding for engineering work and noted the state reps and state senator were able to put \$500,000 in the bond bill.

It was noted the funding received was for the constructions costs and the transportation bonding.

Mr. Kimball said this was a great idea; just wanted to ensure people are safe.

Mr. Giblin thanked the Committee for all their hard work.

Mr. Kimball encouraged them to forge ahead and he was aware it probably is not always easy.

Mr. Yunits commended SRPEDD for their assistance, as well.

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The rep from Alternative Transportation Committee spoke of the bicycle riding program with bike racks available at a discounted rate. \$3,086 for about 20-25 bike racks. A lot of racks in Town are old style and rusty, etc., and need to be replaced. Everett Leonard Park, Town Hall and several other areas are being looked into to have these bicycle racks at their location; they are supposed to be on Town-owned property.

Mr. Yunits said they will find this amount somewhere, and it is being reimbursed anyhow.

Mr. Yunits said he will contact the owners of Roche Bros. Plaza and mention the bike rack need there.

Mr. Kimball said they can try to obtain some town volunteers to try to help (possibly Highway Dept., etc.) with this project.

Mr. Kimball congratulated them and thanked them for their assistance. He asked them to keep the Board up-to-date as to what is happening.

3. Request of Elizabeth Taylor Rossi, Council on Aging Director, Re: Vote to establish a Gift Account for the Council On Aging and vote to accept check in the amount of \$1,355.00 donated to the Council on Aging

It was noted this amount has changed to \$1,261.36 from \$1,355.00.

MOTION was made by Mr. Giblin to approve the Request of Elizabeth Taylor Rossi, Council on Aging Director, to establish a Gift Account for the Council On Aging and vote to accept check in the amount of \$1,261.36 donated to the Council on Aging. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

1. Update – Standard & Poor’s Rating

Mr. Yunits spoke of new borrowing Town is doing and rating has been reaffirmed: Double-A-Plus rating. Some factors related to this rating include, but are not limited to, a strong economy, strong budgetary management, adequate management conditions, and strong institutional framework, etc.

Mr. Kimball stated this is a very good rating for the Town.

2. Vote to sign or authorize Town Manager, Michael D. Yunits, to sign Contract Change Order #6 for Graves Engineering, Inc./Norton Board of Appeals Re: Island Brook Comprehensive Permit Application (40B)

Mr. Salvo asked if in the future this can this be done through an in-house department?

Mr. Yunits responded that he did not think so; these engineering companies have experts in drainage, traffic, etc., and in end the Town would probably still end up with going outside for this work.

Mr. Kimball said they need to make developer pay for some services Town is looking for.

MOTION was made by Mr. Bramwell to authorize Town Manager, Michael D. Yunits, to sign Contract Change Order #6 for Graves Engineering, Inc./Norton Board of Appeals Re: Island Brook Comprehensive Permit Application (40B). Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

3. Vote to approve and sign the Memorandum of Agreement for Lockup Facility

Mr. Yunits explained this Memorandum of Agreement. He said the Town of Norton does house prisoners, at times, at the Bristol County facility.

Mr. Kimball said Town is able to transport people to facilities for observations, etc. Cost of prisoner is \$75 per day. This is a renewal agreement.

MOTION was made by Mr. Bramwell to approve and sign the Memorandum of Agreement for Lockup Facility. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

B. OLD BUSINESS

1. Review and/or vote Town Meeting Warrant Articles

Mr. Yunits explained the Articles the Board of Selectmen have not taken up yet are Articles 3, 4 and 17.

Article 3: "Retirement Expenses" if needed and they are not, therefore, Finance Committee recommended "No Action".

Article 4: to accept collective bargaining agreement, and Finance Committee recommended acceptance of that agreement: \$3,600

MOTION was made by Mr. Bramwell to Support Article 4. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

Article 17: Mr. Yunits explained there was a Motion by a Finance Committee member last night. The Standard & Poor's rating was referenced and it was noted Town's liquidity helped. The School Department stated they would need to layoff 9.3 people; if \$150,000 available, it may bring two school employees back. In end, Superintendent of Schools recommended the member of Finance Committee withdraw his Motion and stated he understood, and he did not want to pit Town against School Department. It was noted then Finance Committee voted the budget.

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

Special Town Meeting:

Article 2: Mr. Yunits said Finance Committee recommended Article 2 on Special Town Meeting.

MOTION was made by Mr. Bramwell to support Article 2 on Special Town Meeting Warrant. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

C. TOWN MANAGER'S REPORT

. Report on District Local Technical Assistant Grant through SRPEDD

Mr. Yunits said SRPEDD is working through Town and Zoning Board, and Ms. Carlino worked with SRPEDD to obtain this grant for Town. New rules to be put in place for anyone looking into a 40B.

. Review 40B workshop information

Mr. Yunits said this was a type of a workshop presented by Attorney Ilana Quirk with Kopelman and Paige. Several towns have rules in place and would provide the Zoning Board some rules to work with. Zoning Board wants to know what they can and cannot do. It depends a lot of what Town has in place for Planning Board rules and regulations. Safety is a huge issue.

The following MOTION was made by Mr. Bramwell:

WHEREAS Norton has requested SRPEDD's assistance to create Local Rules under Chapter 40B, Section 21 and 760 CMR 56.05(1) and to work with Mass Housing Authority to gain its approval. Second by Mr. Giblin.

Discussion: Mr. Kimball added to Motion to also include to authorize Town Manager to sign as Board of Selectmen's representative.

Vote: Unanimous. MOTION CARRIES.

. Request for groundwater testing on properties abutting proposed Island Brook project

Mr. Yunits referenced the two properties that abut Island Brook and wanted to see if Board of Selectmen would vote to move forward with that.

Mr. Kimball said the Town will be able to go onto property and do testing; there is some question as to if elevations are correct. It was noted three sides of this property are water. In years down road/in future, people may have a problem who purchase property at this location.

MOTION was made by Mr. Bramwell to authorize Town Manager/Town Counsel to request groundwater testing on 120/122 East Main Street (properties abutting proposed Island Brook project). Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

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Mr. Yunits referenced bond bill which was spoken about earlier in this meeting, about \$750,000 shall be expended for signalization in Route 495 area, so state reps and senators got both of those through the bond bill.

Mr. Kimball said he was pleased with results of this.

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Mr. Yunits stated he received a call regarding the intersection of Routes 123 and 140. He explained to caller it is a state intersection, however, the state is looking at that for improvements, also.

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Police Department received their accreditation and is one of 40 towns in state that was accredited. It was noted by Police Department that Jesse Winters, Patrolman, was the "workhorse" behind this.

D. APPOINTMENTS/RESIGNATIONS

VI. SELECTMEN'S REPORT AND MAIL

Mrs. Steele thanked all the voters who voted on Tuesday. She appreciated it and looks forward to another term.

Mr. Giblin congratulated Mrs. Steele on her new term and commended her for doing very good work on the Board of Selectmen.

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Norton Kayak season has opened today. It was also noted they also do a lot of good work for the Town, including cleaning up that area of Norton.

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Mr. Kimball said on May 17 at the Yelle School the Gold Star Committee will be holding a townwide yards sale from 9 a.m. to 1 p.m. Donations are also being accepted. This is for scholarship money to be raised in honor of Master Sgt. Trent. He also believed this was the date of Wheaton College's graduation. Other fundraisers will be a Motorcycle Run and at Founder's Day Celebration they are working on a golf ball activity.

IX. REORGANIZATION OF THE BOARD

Mr. Yunits called the First Order of Business to Nominate Chairperson and asked if there were any nominations?

MOTION was made by Mr. Bramwell stating he nominated Mrs. Steele as Chairperson. Second by Mr. Giblin.

Discussion: Mr. Yunits asked if all members were in favor of closing nominations?

Board unanimously agreed they were in favor of closing nominations.

All those in favor of appointing Mrs. Steele as Chairperson of Board of Selectmen? All members voted unanimously in favor of this. No members were opposed. Vote: Unanimous. MOTION CARRIES.

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Mr. Yunits called for Nominations of Vice-Chairperson and asked if there were any nominations?

MOTION was made by Mr. Kimball to nominate Mr. Bramwell as Vice-Chair. Second by Mr. Giblin.

Discussion: Mr. Yunits asked if all members were in favor of closing nominations?

Board unanimously agreed they were in favor of closing nominations.

All those in favor of appointing Mr. Bramwell as Vice-Chair of Board of Selectmen? All members voted unanimously in favor of this. No members were opposed. Vote: Unanimous. MOTION CARRIES.

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Mr. Yunits called for Nominations of Clerk?

MOTION was made by Mr. Bramwell nominating Mr. Giblin as Clerk. Second by Mr. Kimball.

Discussion: Mr. Yunits asked if all members were in favor of closing nominations?

Board unanimously agreed they were in favor of closing nominations.

All those in favor of appointing Mr. Giblin as Clerk of Board of Selectmen? All members voted unanimously in favor of this. No members were opposed. Vote: Unanimous. MOTION CARRIES.

X. ADJOURNMENT

MOTION was made by Mr. Kimball to enter into Executive Session to discuss collective bargaining.....and not to return to open session.....bb/gi...yes.

Declaration of the Chairman at 8:44 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

these strategies 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. Giblin at 8:45 p.m. that the Board of Selectmen enter 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**

BOARD OF SELECTMEN

MINUTES OF MEETING OF

MAY 1, 2014

ROBERT W. KIMBALL, JR., CHAIRMAN

MARY T. STEELE, VICE-CHAIR

BRADFORD K. BRAMWELL, CLERK

TIMOTHY R. GIBLIN

ROBERT S. SALVO, SR.

Dated: _____

BOARD OF SELECTMEN

MINUTES OF MEETING OF

MAY 1, 2014

MARY T. STEELE, CHAIRMAN

BRADFORD K. BRAMWELL, VICE-CHAIR

TIMOTHY R. GIBLIN, CLERK

ROBERT W. KIMBALL, JR.

ROBERT S. SALVO, SR.

Dated: _____

Documents Distributed/Reviewed at May 1, 2014, Board of Selectmen Meeting

Page 1 of 2

- . Draft Board of Selectmen Minutes of Meeting dated February 6, 2014 and February 20, 2014

- . Application of Angela Browne for a one-day Beer and Wine License, to be utilized at Everett Leonard Park, Sunday, June 29, 2014, 1:00 P.M. – 4:00 P.M., for a private party

- . Application of Edward J. Brault, Norton Veterans' Council, for a Parade Permit, in observance of Memorial Day, Monday, May 26, 2014, 10:00 A.M. to approximately 11:15 – 11:30 A.M. with accompanying documentation (map of parade route and copy of Mass DOT Application for Permit to Access State Highway)

- . Letter addressed to Board of Selectmen, from Ed Brault, Adjutant, Norton Veteran's Council, Re: an invitation to the Board of Selectmen to participate in the historic Memorial Day Parade, on Monday, May 26, 2014, assembly to begin at 9:30 a.m. in the Yelle School parking lot with departure at 10:00 a.m.

- . Letter dated April 21, 2014, addressed to Norton Board of Selectmen, from Angela T. Rotella-Garzon, FRP, Licensing Specialist, Gray-Robinson Attorneys At Law, Re: Hess Express 21214-119-125 W. Main St., Norton, MA 02766, Common Victualler's License No. 2013-26-Notice of Change of Licensee to New Hess Entity

- . Letter dated April 23, 2014, addressed to Norton Officials (via email), from Megan Cutler, Director of Development, National MS Society RI Chapter, Re: approval for its 150 mile charity bike ride "MS: Ride the Rhode" Event, June 21-22, 2014, to pass through the Town of Norton with accompanying documentation (copy of "Event Notification Form" signed by Norton Police and Fire Departments and copy of route/specific names of streets/routes)

- . Letter dated April 15, 2014, addressed to Board of Selectmen, from Beth Rossi, Director, Norton Council on Aging, Re: request of a gift account be established for the Council on Aging for the purpose of programming and transportation accompanied by a check in the amount of \$1,261.36 donated to the Council on Aging, to establish this account

Documents Distributed/Reviewed at May 1, 2014, Board of Selectmen Meeting

Page 2 of 2

- . Packet generated by Weston & Sampson including the following documents: “Norton Summary-Water Quality” Packet including Wells, Zone II Rate, Average Pilot Treated, Untreated, and Percent Removal regarding iron and manganese; “Town of Norton, Massachusetts Water Distribution System” Map; “Town of Norton, Massachusetts Water Treatment Preliminary Site Plan” Map; “Floor Plan”; “Exterior Elevations”; “Concept Design Cost Estimate/Construction Cost Summary”; “Debt Repayment Schedule – SRF Loan, Project: Wells, 4, 5, and 6 Water Treatment Plant-Norton, MA”
- . Standard & Poor’s Ratings Services “Ratings Direct-Norton, Massachusetts: General Obligation”
- . Memorandum dated April 14, 2014, addressed to Norton Zoning Board of Appeals Re: “Graves Engineering, Inc. Contract Change Order #6”, from Donald J. Graves, P.E., President, Graves Engineering, Inc., Worcester, MA
- . Town Meeting Warrant Articles for Town Meeting to be held Monday, May 12, 2014
- . Town of Norton District Local Technical Assistant Cooperative Agreement between SRPEDD (Southeastern Regional Planning & Economic Development District and the Town of Norton, MA including “Scope of Work- Attachment A”
- . Letter dated April 16, 2014, addressed to Mr. Michael Yunits, Town Manager, Town of Norton, from Mass DOT, Mary-Joe Perry, District Highway Director, Re: MassDOT Project ID 607822- Norton/Mansfield-Extension of the World War II Veterans Trail from Hill/Crane Streets, Norton to Cobb Street, Mansfield
- . Letter dated April 17, 2014, addressed to Norton Police Department, attention: Chief Brian Clark, copied to Board of Selectmen from Norton Police, from Catrina Goncalves, Regional Detention Manager, Law Enforcement Collaborative Program, Re: execution of the Memorandum of Agreement for Lockup Facility at the Bristol County Ash Street Jail, Massachusetts
- . “Norton Zoning Board of Appeals – 40B Workshop – April 28, 2014” document detailing Statutory and Regulatory Authority; Statutory and Regulatory Minima; “Application Requirements”; and “Conduct of the Public Hearing”
- . “Town of Norton Zoning Board of Appeals Comprehensive Permit Rules and Regulations” document