

**DRAFT
BOARD OF SELECTMEN
MINUTES OF MEETING
MAY 21, 2015**

I. CALL TO ORDER BY CHAIRMAN

The May 21, 2015, Meeting of the Board of Selectmen was called to Order by Mr. Bramwell, Chairman, at 7:00 P.M., held in the First Floor Conference Room.

- A. ROLL CALL: Mr. Bradford Bramwell, Chairman; Mr. Timothy R. Giblin, Vice-Chair; Mr. Robert Kimball, Jr., Clerk; and Mr. Robert S. Salvo, Sr., were present. Mrs. Mary T. Steele arrived at 7:45 P.M. Mr. Michael Yunits, Town Manager, was also present.

- B. Pledge of Allegiance

II. WARRANTS AND MINUTES

- A. Approve bi-weekly payroll for the period ended May 9, 2015, Warrant #68, dated May 14, 2015, in the amount of \$1,131,342.18

MOTION was made by Mr. Giblin to Approve bi-weekly payroll for the period ended May 9, 2015, Warrant #68, dated May 14, 2015, in the amount of \$1,131,342.18. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

- B. Approve bills Warrant #69, dated May 14, 2015, in the amount of \$1,002,153.32

MOTION was made by Mr. Giblin to Approve bills Warrant #69, dated May 14, 2015, in the amount of \$1,002,153.32. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

- C. Approve bills Warrant #70, dated May 21, 2015, in the amount of \$536,768.37

MOTION was made by Mr. Giblin to Approve bills Warrant #70, dated May 21, 2015, in the amount of \$536,768.37. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

- D. Approve Minutes – January 22, 2015

No Action Taken.

III. LICENSES AND PERMITS

1. 7:30 p.m. Hearing – Application of 33 Investing Corp., d/b/a Tavern 33, Manager: Christopher Barrows, for a Change of Location, from 57 West Main Street, Norton, MA 02766, to 336 Old Colony Road, Norton, MA 02766, and Alteration of Premises, to add an outside patio, on the Common Victualer License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises

Mr. Barrows, applicant, said he was confined with what he could do in his current location, and this opportunity arose, which he is looking into. He said they cannot run any dinner specials where they currently are located; they use the pizza place next door for food options.

Mr. Giblin said the outside patio with noise possibly carrying over the water to neighbors was a concern.

Tony Medeiros, who resides on Union Road, asked what square footage was of building currently? He asked what would be the square footage of the patio? There was a mention of 9,000 square feet in total.

Mr. Barrows explained location on map.

Mr. Kimball said he felt it was not a proper place to have a patio and he had some concerns.

Mr. O'Reilly said he had a petition signed by 25 residents by residents neighboring this building, who are opposed to an outdoor patio. This petition was presented to the Board.

Mr. Bramwell asked if this patio is something that is going forward?

Mr. Barrows responded the patio is not going forward.

Mr. Bramwell said he does not personally have a problem with moving the liquor license, and added this is a beautiful location. It is in Mr. Barrow's best interest and the Board of Selectmen's to drop proposal for the outside patio and revisit it in the future to see how things are going. Mr. Bramwell said Mr. Barrows will need to think if this is a deal-breaker (feasible or not) as Mr. Barrows said it was considered a way to increase profit with having a patio.

Mr. Kimball said the Board of Selectmen cannot grant a license without having a specific footprint.

Mrs. Steele arrived at 7:45 P.M.

Mr. Barrows explained that the hours of operation would be 8 A.M. to 1 A.M. any bands they hire will play music until 12 midnight. He stated most entertainment is on Saturday nights and on Sunday's from 4:00 P.M. to 8:00 P.M.

Mr. Maloney, resident of 303 Old Colony Road, said he has two 12 year old children and does not want a bar right across the street from his house.

Mr. Kimball said the Board of Selectmen would have a say on how entertainment permit would work.

**MOTION was made by Mr. Giblin to close the Public Hearing. Second by Mr. Kimball.
Vote: Unanimous. MOTION CARRIES.**

MOTION was made by Mr. Giblin to approve the Application of 33 Investing Corp., d/b/a Tavern 33, Manager: Christopher Barrows, for a Change of Location, from 57 West Main Street, Norton, MA 02766, to 336 Old Colony Road, Norton, MA 02766, with restriction there is no outside patio, on the Common Victualer License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises. Second by Mr. Kimball.

“Friendly Amendment” was made by Mr. Kimball that other licenses are not part of transfer and Board of Selectmen would need to consider all other licenses.

**Vote: Members who Voted In Favor of Motion: Mr. Salvo; Mr. Giblin; and Mr. Bramwell.
Not In Favor of Motion: Mr. Kimball. Abstained: Mrs. Steele. MOTION CARRIES.**

2. 7:50 P.M. HEARING – Application of 292 LME Inc. d/b/a The Downtown, Manager: Ralph LaVoie, Jr., for a Common Victualer License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises, including Patio and fenced-in area measuring 130’ x 70’, at 292 West Main Street, Norton, MA 02766

Mr. Kimball read legal notice aloud.

Mr. Ralph LaVoie stated he has been a resident of Norton since 1977. It has a pre-existing business with pre-existing patio which is a smaller area usually used for smokers.

Sean Murphy, Ralph’s business partner, said he formerly resided in Norton.

Discussion on the patio. Mr. Murphy said it would be the same as what is noted on the license.

Mr. Lavoie stated he bartended at Downtown years ago; and has experience working at other various dining establishments.

Mr. Kimball wished them success and stated the Town is very stringent on the liquor/alcohol policy; and would like to ensure all staff is TIPS certified, etc.

Mr. Giblin said some business produce a procedures and policy manual; and possibly they can reach out to other business that have done this already such as Alberto’s and Tavern 33.

It was noted it was a 130’ x 72’ fenced area and Board asked if outside patio area can be accessed by restaurant only?

Mr. Murphy said it will be controlled and a staff member will be monitoring the door if it is a large event.

Mr. Murphy stated they are not changing anything form original license.

Resident of 288 West Main Street said he was a direct abutter. He referenced a deck of this size being 130’ long along with the capacity and noise/ light pollution and spoke of his concern that it will carry onto his property; buildings are basically 25’ apart. He said they are in a residential house; not a commercial dwelling.

Mr. Kimball reminded this resident that the Board of Selectmen considers these licenses every year in January.

This resident asked the proposed new owners to please keep him and his family in mind.

Mr. Kimball said the Board could also put a restriction on the entertainment license if necessary.

Mr. Salvo said he could never recall a noise complaint in the past from Downtown and he was certain these new owners would keep up this good faith.

MOTION was made by Mr. Kimball to close the Public Hearing. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Kimball to approve Application of 292 LME Inc. d/b/a The Downtown, Manager: Ralph LaVoie, Jr., for a Common Victualer License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises, including Patio and fenced-in area measuring 130' x 70', at 292 West Main Street, Norton, MA 02766. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

Mr. Giblin suggested the new restaurant owners may want to touch base with the abutter this evening regarding his concerns, etc.

3.Request of Angela T. Rotella-Garzon, FRP, Licensing Specialist, Gray Robinson, Attorneys At Law, for new Trade Name on the Common Victualer License (and Mailing Address change), currently in the name of Hess Retail Operations, LLC (HRO), 119-125 West Main Street, Norton, MA 02766, to Hess Retail Operations, LLC (HRO) d/b/a Speedway #2411, same street address

MOTION was made by Mr. Giblin to Approve Request of Angela T. Rotella-Garzon, FRP, Licensing Specialist, gray Robinson, Attorneys At Law, for new Trade Name on the Common Victualer License (and Mailing Address change), currently in the name of Hess Retail Operations, LLC (HRO), 119-125 West Main Street, Norton, MA 02766, to Hess Retail Operations, LLC (HRO) d/b/a Speedway #2411, same street address. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

IV. ANNOUNCEMENTS

Town Offices will be closed Monday, May 25, 2015, in Observance of Memorial Day.

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2015 Msg Trent Memorial Gold Star Ride will be held May 31, 2015, at the Norton VFW, 38 Summer Street, Norton, MA. Ride registration begins at 9:30 A.M.

Sturdy Memorial Hospital Blood Drive to be held Thursday, June 11, 2015, from 7:30 A.M. to 4:00 P.M. in the auditorium at 211 Park Street, Attleboro, MA

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Mr. Giblin wished his daughter a happy birthday!

V. BUSINESS

A. NEW BUSINESS

1. 7:05 P.M. – John T. Carroll, Carroll Advertising Company, Inc. Re: Review and/or Sign Mitigation Agreement concerning Billboard Advertising

Mr. Carroll noted this was reviewed by Town Counsel and he said he agreed with it and it is ready for signatures and “ready to go”.

MOTION was made by Mr. Kimball to approve the Mitigation Agreement concerning Billboard Advertising with John T. Carroll, Carroll Advertising Company.

Discussion: Mr. Kimball spoke of keeping options open. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

2. “IDC Spotlight” – Joel Shapiro, owner of LJ’s Car Wash and Detail Center

Mr. Bramwell explained this is a new concept, “IDC Spotlight”, focusing on various businesses in Town.

Mr. Lippincott introduced Mr. Shapiro, who is a major sponsor of fundraising for Founder’s Day. Mr. Shapiro is the first participant in the “IDC Spotlight” and they plan to do this on the third Thursday of the month to do this.

Mr. Shapiro, the owner and operator of LJ’s Car Wash, introduced himself and said this was his first venture in the car wash business and was in the corporate world previously. He has resided in Sharon his entire life. His business is open five days per week and offers many services, including pet wash services, and would like to get more active in the community.

Mr. Bramwell said he can attest that L.J.’s Car Wash does an excellent job!

Mr. Shapiro said they provide free car washes for police and fire vehicles also. Their website is: Ljscarwash.com.

Mr. Giblin said if there are future fundraisers sponsored by L.J.'s, he suggested he send the Board an email so it can be mentioned/advertised at a Board of Selectmen meeting.

Mr. Kimball welcomed Mr. Shapiro to Norton.

3.Campanelli Thorndike Norton LLC – Discussion on road improvements, East Main Street

Mr. David Eastridge and Mr. Lloyd Geisinger were both present.

Site clearing and pole locations were discussed.

Mr. Eastridge discussed site work and said they were getting very close. They have submitted a building permit and selected a site contractor and will have a preconstruction meeting with Conservation Commission the following week. Hopefully they will be able to start construction on June 10. Erosion control, etc. will also begin.

Work on East Main Street is planned to start in mid-July.

In terms of road closure, they had a chance to meet with police chief, deputy fire chief, and Mr. Yunits, and they will need more time than previously recommended. Essentially the “pencils got sharpened” and once they had spoken to site contractor, they were told it would be approximately a week to complete, however, he wasn’t formally bidding on job. They received a more thorough estimate from contractor they ultimately selected, who was not the low bidder, but they had the greatest confidence he could meet or beat their schedules. This contractor appears to do quality work with the right type of equipment and he is available.

Enhancements: one of the primary concerns of the Fire Chief was the emergency access along with their commitments for police details. He displayed plan of traffic where three officers were to serve as details. If there is an emergency, one officer can be the point of contact and they will incorporate info/ input from fire and police. Public Meeting notice will be sent to abutters for detour and will be on public access t.v. They also will be in daily contact with police and probably fire to coordinate having their details in order, etc. It is a substantial amount of work.

He said they have had previous discussions on road closures; and there will be other partial road closures also (water line extension/utilities etc.).

Mr. Salvo encouraged them to reach out to Bernie and Phyls and any other businesses in that area as they need to notify their carriers of the change of route. Some tankers may need to get permits to reroute their travel route.

Mr. Eastridge said they are meeting often with the Water and Sewer Departments, and a peer review from Wesson and Sampson, so there are not any issues as far as he is concerned.

Mr. Eastridge said there will be access from /to Red Mill Village. Discussion ensued on access for vehicles/trucks/gas trucks.

Mr. Cooper Winston of 49 Coddling Road/Red Mill Village had questions about access, etc. Dunkin Donuts will be affected unfortunately and will take the brunt of it.

Mr. Bramwell said there needs to be some assurances that contractor will meet this timeframe as discussed.

Mr. Eastridge responded they are paying for police details, so it is in their best interest to get it done as soon as possible. They will have a telephone number for residents to call to take Town off the hook for questions or concerns. Some of these one lane closures will be more troublesome to traffic; they would rather have these police details rather than come to a full stop.

Police Chief Clark said initially road closures were to be 24 hours a day; this will be a major inconvenience, and Fire Chief was on the same page about it. As long as abutters are notified is important; and a couple of weeks will be an inconvenience but can probably get through it. Fire Chief will need some fire protection in that area also.

Mr. Salvo asked if they can do any of this during the night hours?

Mr. Eastridge responded that was discussed with this Board but the problem being is the noise issue.

Police Chief Clark also had a concern of barrels being in that location.

Mr. Eastridge said locks could be put on the barrels, but Police Chief felt that might be more cumbersome.

Police Chief Clark said he did not recall shutting down a major road for such a long time; it is a major inconvenience and a safety issue.

Mr. Eastridge stated advance notice messages will be generated on message boards.

Discussion on road closure timeframe of 2 ½ weeks.

Mrs. Steele said realistically could this 2 ½ weeks be extended? This project is impacting many parts of Town, not just abutters.

Mr. Eastridge said it does have “fluff” in it, etc. They are digging underground and they do not know what they may hit. There was discussion on working possibly on Saturdays and it would basically be a full day.

A Friendly Amendment was added to details: Police Chief needs to look at this with congestion in different areas; there may be a need for another detail to alleviate some of the congestion.

Mr. Rich, 2 Stone Run Drive, said he was a direct abutter and owns property in this location. He asked if they have considered making a bypass road/parallel to road? It would probably work out a lot easier and they could have an easement.

Mr. Eastridge said they have no control over that at this point as it is now owned by Campanelli.

Mr. Eastridge said periodically this possible solution may work, but there are three utilities for that area.

Mr. Geisinger agreed it might be possible but, but believed their insurance company would not permit that as it would be a liability.

Mr. Rich responded that liability is already there, especially on Leonard Street with a trucks, traffic, etc.

Mr. Eastridge discussed the area by Krickets Korner and the pole relocation. He spoke of the feasibility of doing some temporary grading on their property; and said the sidewalk would be less safe (would put back as far as possible from travel lane).

The Board said for safety reasons, they feel the pole should be on other side and not in way of traffic and feel the electric company may want same thing to be done.

Mr. Eastridge responded he had no issue discussing that with them, but cannot commit to it.

Mr. Bramwell said a letter could be sent from the Board of Selectmen regarding certain objections.

Mr. Kimball said the Board is not asking for them to bear the cost; they can work with the utility company.

Mr. Geisinger said a letter sent by the Board of Selectmen and also signed by the Fire Chief and Police Chief would be beneficial.

MOTION was made by Mr. Salvo to send a letter as discussed above to utility company, National Grid, Verizon, and Comcast. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

“Sidewalk Exhibit @ Lot 20 on East Main Street”

B. Vote to award FY '16 Contracts as follows:

1. Paper Supplies, for a twelve-month period, commencing July 1, 2015, to W.B. Mason Co., Inc., Brockton, MA

MOTION was made by Mr. Giblin to approve the Paper Supplies award, for a twelve-month period, commencing July 1, 2015, to W.B. Mason, Inc., Brockton, MA. This award is conditioned upon the receipt of the appropriate documents specified in the above IFB, which the SERSG Regional Administrator will collect on behalf of the Board of Selectmen and present them to the Board for final approval and signature. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

2. Office Supplies, for a two-year period, commencing July 1, 2015, to W.B. Mason Co., Inc., Brockton, MA

MOTION was made by Mr. Kimball to approve the Office Supplies award, for a two-year period, commencing July 1, 2015, to W.B. Mason Co., Inc., Brockton, MA. This award is conditioned upon the receipt of the appropriate documents specified in the above IFB, which the SERSG Regional Administrator will collect on behalf of the Board of Selectmen and present them to the Board for final approval and signature. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

3. SERSG Water & Sewer Treatment Chemicals IFB, to the bidders listed below , for a twelve-month period, commencing July 1, 2015:

. Liquid Potassium Hydroxide to Borden & Remington, Fall River, MA

. Sodium Hypochlorite – 55 gallon drums to NBC Distributors, Fairhaven, MA

This award is conditioned upon the receipt of the appropriate documents specified in the above IFB, which the SERSG Regional Administrator will collect on behalf of the Board of Selectmen and present them to the Board for final approval and signature

MOTION was made by Mr. Kimball to approve the SERSG Water & Sewer Treatment Chemicals IFB, to the bidders listed below, for a twelve-month period, commencing July 1,

2015. This award is conditioned upon the receipt of the appropriate documents specified in the above IFB, which the SERSG Regional Administrator will collect on behalf of the Board of Selectmen and present them to the Board for final approval and signature. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

4. Chief of Police Brian M. Clark Re: Problem Oriented Policing Anti-Crime Team (ACT) program

Chief of Police Clark explained this program. Patrolman Jesse Winters and Patrolman Nicholas Precourt are involved with this and it deals with quality of life and designed to work with frequent areas, and to identify problems and long term solutions. This was started in May 2015 and the patrolmen did a lot of work on this. Attleboro has a very successful program, and Mansfield is just about to start this also.

Chief Clark said regarding heroin and opiate related deaths, Norton is ranked 26th in state.

Patrolman Winters said they also met with Bristol County Sheriff's Department and a month before someone's being release, they can meet with them and let them know they are here to help them and if a relapse occurs, they can also help. Or, they can also assist someone who they are continually for alcohol-related problems. One major goal is to stop repeated calls. Also they are trying to get this program into schools a bit more.

C. TOWN MANAGER'S REPORT

. Update – Solar Project

Estimated cost of \$270,000 for this work.

. Update – Status of Liquor Licenses

Mr. Yunits said for retail, the Town has no licenses remaining; for Common Victualer All Alcohol, the Town has five licenses remaining and two wine and malt licenses remaining.

D. APPOINTMENTS/RESIGNATIONS

V. SELECTMEN'S REPORT AND MAIL

There was correspondence received from Buckeye Partners, L.P., who informed the Town they recently became the new owner and operator of an existing petroleum products pipeline in the community. It was noted this was the old ExxonMobil pipeline. Mr. Yunits responded it is in

Bristol County and Deputy Chief called to inquire about this, but it is not in the Town of Norton; not certain in which town it is located.

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Mr. Kimball referenced the old factory on Elm Street and would like them to be a bit more proactive on that space. He would like Mr. Yunits to contact the owner. Also, he asked that the IDC be invited in also and the Board of Selectmen can assist them that would be beneficial.

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Mr. Bramwell thanked Mr. Giblin for agreeing to represent the Board of Selectmen regarding awarding scholarships to Norton High School students.

VII. NEXT MEETING'S AGENDA

1. 7:30 P.M. – Petition of Verizon New England, Inc. proposing to place one new conduit required to provide service to #40 Commerce Way in Norton.

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Mr. Giblin also asked for the next meeting that they have an update on the Bylaw Review Committee they are trying to form.

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Mr. Giblin said he understands someone is interested in the constable position who is a constable in another town. He would like to obtain a list of who constables are and status, etc., and discuss that also at the next meeting.

VIII. EXECUTIVE SESSION

1. To discuss strategy with respect to collective bargaining

IX. ADJOURNMENT

DECLARATION BY THE CHAIRMAN:

I declare, under General Laws Chapter 30A, Section 21A(a)(3), that the purpose of the executive session will be to discuss strategy with respect to collective bargaining, because a discussion of this strategy in open session could compromise the purpose of the executive session and with the Board to not return to open session at the conclusion of the executive session.

MOTION BY MEMBER:

MOTION was made by Mr. Kimball at 9:33 P.M.:

I move that the Board go into executive session under G.L. c.30A, Section 21A(a)(3) for the purposes and reasons declared by the Chairman and with the Board to not return to open session thereafter. Second by Mrs. Steele. Vote: All members voted In Favor of Motion, except for Mr. Bramwell, who abstained. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney
Board of Selectmen – Recording Secretary

Documents Distributed/Reviewed at May 21, 2015, Board of Selectmen Meeting

- . Legal Notice of Public Hearing, dated May 6, 2015 on the application of 33 Investing Corp. d/b/a Tavern 33, Manager: Christopher Barrows, for a change of Location from 57 West Main Street, Norton, MA 02766, to 336 Old Colony Road, Norton, MA 02766, and Alteration of Premises, to add an outside patio, on the Common Victualer License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises (accompanied by completed application by Applicant)
- . Legal Notice of Public Hearing, dated May 6, 2015 on the application of 292 LME Inc. d/b/a The Downtown, Manager: Ralph LaVoie, Jr., for a Common Victualer License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises, including Patio and fenced-in area measuring 130' x 70', at 292 West Main Street, Norton, MA 02766 (accompanied by completed application by Applicant)
- . Legal Notice of Public Hearing, dated April 23, 2015, on the application of Jay Laxmi Corporation d/b/a MAS GAS, Manager: Jack M. Patel, for a Retail Package Goods Store License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises (accompanied by completed application by Applicant)
- . Mitigation Agreement Concerning Billboard Advertising In The Town of Norton
- . Proclamation – Designating the second full week in May as “Women’s Lung Health Week” – 2015
- . Letter dated May 2015 from James r. Generoso, SR/WA, Senior Right of Way Specialist, Buckeye Partners, L.P. regarding ExxonMobil Pipeline (sent to various communities)
- . “Norton Police Department Problem Oriented Policing Anti-Crime Team (ACT)” document

BOARD OF SELECTMEN

MINUTES OF MEETING OF

MAY 21, 2015

BRADFORD K. BRAMWELL, CHAIRMAN

TIMOTHY R. GIBLIN, VICE-CHAIR

ROBERT W. KIMBALL, JR., CLERK

ROBERT S. SALVO, SR.

MARY T. STEELE

Dated: _____