

**BOARD OF SELECTMEN
MINUTES OF MEETING
JUNE 11, 2015**

I. CALL TO ORDER BY CHAIRMAN

The June 11, 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 Mrs. Mary T. Steele were present. Absent: Mr. Robert S. Salvo, Sr. Mr. Michael Yunits, Town Manager, was present.

B. Pledge of Allegiance

II. WARRANTS AND MINUTES

A. Approve bi-weekly payroll for the period ended June 6, 2015, Warrant #74, dated June 11, 2015, in the amount of \$4,000,632.85

MOTION was made by Mr. Kimball to Approve bi-weekly payroll for the period ended June 6, 2015, Warrant #74, dated June 11, 2015, in the amount of \$4,000,632.85. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

B. Approve bills Warrant #75, dated June 11, 2015, in the amount of \$1,302,011.94

MOTION was made by Mr. Kimball to Approve bills Warrant #75, dated June 11, 2015, in the amount of \$1,302,011.94. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

C. Approve Minutes – February 19, 2015

MOTION was made by Mr. Kimball to approve the Board of Selectmen Minutes of Meeting, dated February 19, 2015, as written. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

1.7:30 P.M. HEARING – Vote to accept request of Ilyssa Grant, to withdraw the application of IGRANT RESTAURANT GROUP, INC. d/b/a Mangia Neapolitan Pizzeria, Manager: Ilyssa Grant for a Common Victualer License to Expose, Keep for Sale, and to Sell Wines and Malt Beverages To Be Drunk On the Premises at 288 East Main Street, Norton, MA 02766 “Without Prejudice”

This Hearing was opened.

Mr. Bramwell said a letter was received from Mangia Neapolitan Pizzeria regarding the withdrawal of this specific application.

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 vote to accept request of Ilyssa Grant, to withdraw the application of IGRANT RESTAURANT GROUP, INC. d/b/a Mangia Neapolitan Pizzeria, Manager: Ilyssa Grant for a Common Victualer License to Expose, Keep for Sale, and to Sell Wines and Malt Beverages To Be Drunk On the Premises at 288 East Main Street, Norton, MA 02766 “Without Prejudice”. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

2. Request of Adam J. Last, P.E., LSP, Regional Manager, Corporate Environmental Advisors, Inc. (CEA) to amend the license issued for the 100 Hill Street property (Assessors Map 29, Lot 82), in Norton, Massachusetts 02766, to (1) document the change in ownership of the property from Norton Commerce Center Hill Street LLC to Waste Management of Massachusetts, Inc. and (2) to document the permitted storage of oils and flammable gases at the facility

This was explained to the Board of Selectmen.

Mr. Bramwell noted the Fire Department has inspected this and has no problem with it. It appears to be regular maintenance for oils and fluids.

MOTION was made by Mr. Kimball to approve Request of Adam J. Last, P.E., LSP, Regional Manager, Corporate Environmental Advisors, Inc. (CEA) to amend the license issued for the 100 Hill Street property (Assessors Map 29, Lot 82), in Norton, Massachusetts 02766, to (1) document the change in ownership of the property from Norton Commerce Center Hill Street LLC to Waste Management of Massachusetts, Inc. and (2) to document the permitted storage of oils and flammable gases at the facility. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

3. Application of Dana Titus for a one-day Beer and Wine License, to be utilized at Everett Leonard Park, Sunday, August 30, 2015, 12:00 Noon – 6:00 P.M., for a private party

MOTION was made by Mr. Kimball to Approve the Application of Dana Titus for a one-day Beer and Wine License, to be utilized at Everett Leonard Park, Sunday, August 30, 2015, 12:00 Noon – 6:00 P.M., for a private party with no detail required. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

4. ANNOUNCEMENTS

Congratulations were extended to the Norton High School Graduation Class of 2015!

.....

It was noted that Founder's Day would be held on June 20, 2015. The Golf Ball Drop will also be taking place at Founder's Day with proceeds to benefit the Master Sgt. Trent Memorial.

.....

V. BUSINESS

A. NEW BUISNESS

1. 7:30 P.M. – Joint meeting with Planning Board to fill vacancy created on the Planning Board for Failure to Elect

Mrs. Haracz called the meeting to order. Present were Mrs. Haracz, Mr. Fernandes, Mr. Daly, and Mr. Beatty.

It was noted there were two letters of interest in this position.

Mrs. Haracz stated she did not see Mrs. Senior, one of the interested candidates, in attendance this evening, but Ms. Senior was a member of the Planning Board in the past and she and the Board were familiar with her.

It was noted neither of the candidates were present this evening; Mrs. Senior or Mr. David Cohen.

Mrs. Haracz said the first applicant is Cheryll Ann Senior and she is a Program Coordinator with MASSDOT and serving as construction resident engineer and has in past worked in various positions. She is currently enrolled in Wentworth School of Engineering Technology and served on Planning Board from 2008-2011.

The second applicant is David Cohen who has a professional career in commercial construction based out of Easton, Massachusetts and built Advanced Dental Care in Norton. Mrs. Haracz read aloud his letter of interest to the Board.

Mr. Cohen recently purchased the former Bank of America building and has plans to redevelop it and would be necessary for him to recuse himself from voting due to a conflict of interest.

Mrs. Haracz said she is familiar with Mrs. Senior and as Planning Board member she attended meetings and can participate in most Planning Board business. Her recommendation as Chairman of the Planning Board is to recommend Mrs. Senior.

Mrs. Steele agreed with Mrs. Haracz and she is familiar with Mrs. Senior from her previous volunteering. It was noted Mrs. Senior cannot guarantee she can commit for more than a year, but then possibly Mr. Cohen could then reapply.

Mrs. Haracz stated five members are needed to vote on special permits, therefore, it is important all five members are able to vote.

It was noted Mrs. Senior served her past term; she just did not seek re-election.

Mr. Giblin said it would be beneficial to have the candidates come in, but based upon the conversation, Mrs. Senior sounds like a good fit.

Mr. Daly said before making a decision, the Board should probably see both candidates and talk to them first.

Mr. Kimball said in all fairness to the Planning Board, it is important to just fill an immediate seat. It appears there are no reservations with Mrs. Senior and sounds like she did a great job in the past.

Mrs. Haracz commented the Planning Board has been without a board member since April. She agreed with Mr. Kimball a vote would be best this evening since they do need a working Board.

There was a request for a show of hands for all Planning Board and Board of Selectmen members comfortable with making appointment this evening. There was an unanimous show of hands from both Planning Board and Board of Selectmen members.

Vote:

Mrs. Haracz voted for Mrs. Senior; Mrs. Steele voted for Mrs. Senior; Mr. Fernandes voted for Mrs. Senior; Mr. Kimball voted for Mrs. Senior; Mr. Daly voted for Mr. Cohen; and Mr. Giblin voted for Mrs. Senior (Vote: 5:1).

Mrs. Senior was candidate chosen to become a member of the Planning Board.

MOTION was made by Mr. Fernandes to Adjourn the Special Meeting of the Planning Board at 7:50 P.M. Second by Mr. Daly. Vote: Unanimous. MOTION CARRIES.

2. Rail Trail Committee Member, Denny Goodrich, and Jacqueline L. Schmidt, Senior Transportation Planner, SRPEDD Re: Norton Rail Trail Construction Funding for 2019

It was noted the Norton Rail Trail project was selected for construction funding (amount of \$2.8M) and is still in draft form, but it is a solid source of funding. They urged for start of design as soon as possible.

Mr. Kimball said he appreciated the fact that they are making a commitment to funding. As many are aware, they made a promise and it was compromised. There is no funding at this time to do that, and more discussions need to occur.

Mr. Kimball said he was not confident the State will give the Town the money they say they will. He said he would push for a different amount of money and possibly have a generic article at the Fall Town Meeting to see if the Town could fund it. The question is: does the Town need a bike path or not?

Mr. Kimball asked Mr. Yunits to please put a placeholder on the Fall Town Meeting. There is no need to nail down an amount.

It was discussed the timing of the Fall Town Meeting should be fine.

Mr. Goodrich said this project was one of only 15 in the State.

Ms. Schmidt said this funding type is rare.

Mr. Yunits said he will reach out to engineer regarding Route 123 funding and see if the Town can get an estimate from them.

Mr. Goodrich said it is frustrating with the process starting and stopping. They have a lot of support from neighbor communities such as Mansfield, Easton, and Taunton. They have a lot of signatures and spoke of the importance of having SRPEDD's enthusiasm. To work together with Route 123 construction project would be ideal. He said they appreciated the Board's support and the community support.

3. Andrea Downey, Executive Director, Norton Housing Authority, Re: Community Development Block Grant (CDBG) – Disaster Recovery (DR) Funding

Ms. Downey said they were looking for support by the Board and explained the CDBG. The mission is to supply clean, safe, sanitary conditions to residents. Ms. Downey referenced the aging septic system and CDBG can only be awarded to a town or a city; not a housing authority. Their plan for funding is to tie Norton Housing into Norton Middle School. She referenced a document which needs signatures to apply for funding and the money would go directly to the Town of Norton and the Town would need to set up a bank account and transfer into bank account and use to pay bills, etc. She said they will have an engineer involved.

Mr. Yunits said this may need advice of Town Counsel because as a municipality they cannot give money to a private entity and the Housing Authority is not part of the Town of Norton. Someone from DOR (Department of Revenue) will need to clarify that they can do that.

Mr. Kimball said this Board also appoints people to the Housing Authority so there must be some connection between the two. He suggested to possibly send a cover letter to whoever heads up the CDBG and explain circumstances and the need for these funds. He was not certain if this would require a Town Meeting transfer.

It was noted the Town Accountant won't sign off on this unless he is certain the Town is authorized to do this.

Mr. Bramwell stated there was no problem with any of the Board of Selectmen disagreeing with the intent; the Board just wants to ensure it is done properly.

Mr. Giblin said another concern would be if the project(s) costs more than the grant, they would need to pay extra and would need to find out where to find the extra money.

MOTION was made by Mr. Giblin to Table this until they obtain opinion of Town Counsel. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

4. Vote to Authorize Town Manager, Michael D. Yunits, to sign Certificate of Donation for Plain Street Bridge Project No.-N-23-017

Mr. Yunits indicated this vote would be for four of five parcels and two temporary easements. He also referenced documents detailing easements, etc.

MOTION was made by Mr. Giblin to authorize Town Manager, Michael D. Yunits, to sign Certificate of Donation for Plain Street Bridge Project No.-N-23-017. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

B. OLD BUSINESS

C. TOWN MANAGER'S REPORT

Mr. Yunits said nine companies were at pre-bid conference and all bids are due on June 30, 2015. Aug 30 is the deadline, but they would hope it is done quicker than that.

Mr. Yunits said he is working with Citizens Energy on a pilot which will be brought to the Board in the future.

.....

Mr. Yunits said he met with Conservation Commission on landfill cap and they expressed their support. It was continued to the next meeting of the Conservation Commission.

.....

Condyne is moving forward with its newly proposed building.

.....

Telephone pole on East Main Street to move to other side and Mr. Silver, Highway Superintendent, is checking to see if it is National Grid or Verizon. Mr. Yunits said he has scheduled a meeting with the State on closure of road, as well.

.....

The Norton Middle School roof repair was rejected by State.

.....

ESS is working on permitting for the bonds and extended until July and working with National Heritage on Lake Winnecunnet. Treating of chemicals will need to wait until next spring.

D. APPOINTMENTS/RESIGNATIONS

VI. SELECTMEN'S REPORT AND MAIL

Mr. Giblin stated he missed the constable discussion at last week's meeting and asked for a recap.

Mr. Yunits said everyone that is up for reappointment has been sent a notice, and if they are not interested in being reappointed, they need to notify the Board by June 10, 2015. They will need to go through that info and he will give the Board notification of all the positions that are available and they will proceed from that point.

.....

Mr. Giblin referenced Fairlee Lane and asked for an update on that issue. He said it didn't look like anything changed as far as the wires/telephone poles.

Mr. Yunits responded poles were put up on Fairlee Lane and they are currently working on Burt Street and will come back and put wires back, etc.

.....

Mr. Giblin said he had the privilege of attending an Eagle Code of Honor ceremony and four young men received their rank of Eagle Scout. He wanted to reach out to Troop 61 and coordinate them coming in for a meeting and respectfully requested Mr. Yunits to do this. Scouts usually have to have a requirement to attend a Board of Selectmen meeting.

.....

Mr. Bramwell referenced an email regarding a meeting of the State Dept. of Environmental Protection, the mayor of Attleboro, and other political officials, and said he wanted to be at that meeting. The Board needs to set up a time to meet with them. It was noted Mr. Kimball and Mr. Bramwell will attend meeting and Mr. Giblin and Mr. Salvo will be the alternates.

The Board unanimously agreed to this.

.....

The Board of Selectmen extended condolences to the family Don Cybulski, a member of the Alternative Transportation Committee, who recently passed away.

VII. NEXT MEETING'S AGENDA

1. 7:05 P.M. HEARING – Application for a transfer of the Retail Package Goods Store License to Expose, Keep for Sale, and to Sell Wines and Malt Beverages Not To Be Drunk on The Premises, including Pledge of the License and Inventory, from Cozy Corporation d/b/a Cozy Beer and Wine, Manager: Mruga Patel, 141 Old Colony Road, Norton, MA 02766, to A&R Enterprise Inc. d/b/a Cozy Beer and Wine, Manager: Mayur Amin, same address

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. Giblin at 8:18 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. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney
Board of Selectmen – Recording Secretary

Documents Distributed/Reviewed at June 11, 2015, Board of Selectmen Meeting

- . Application for One Day Liquor License: Applicant-Dana Titus (Date of Filing 5/28/15)

- . Request of Ilyssa Grant, to withdraw the application of IGRANT RESTAURANT GROUP, INC. d/b/a Mangia Neapolitan Pizzeria, Manager: Ilyssa Grant for a Common Victualer License to Expose, Keep for Sale, and to Sell Wines and Malt Beverages To Be Drunk On the Premises at 288 East Main Street, Norton, MA 02766, "Without Prejudice"

- . Correspondence dated June 3, 2015, addressed to Board of Selectmen, Town of Norton, Re: Storage Tank License Amendment, Waste Management, Inc., 100 Hill Street, Norton, MA 02766 (OSFM-02713), from Adam J. Last, P.E., LSP, Regional Manager, Corporate Environmental Advisors, Inc. with accompanying Application for License

BOARD OF SELECTMEN

MINUTES OF MEETING

JUNE 11, 2015

BRADFORD K. BRAMWELL, CHAIRMAN

TIMOTHY R. GIBLIN, VICE-CHAIR

ROBERT W. KIMBALL, JR., CLERK

ROBERT S. SALVO, SR.

MARY T. STEELE

Dated: _____