



TOWN OF NORTON
BOARD OF SELECTMEN
MUNICIPAL CENTER,
70 EAST MAIN STREET, NORTON, MA 02766

Telephone: (508) 285-0210 Fax: (508) 285-0297

BOARD OF SELECTMEN
MINUTES OF MEETING
OCTOBER 27, 2016

I. CALL TO ORDER

The October 27, 2016 Meeting of the Board of Selectmen was called to Order by Mr. Giblin, Chairman, at 7:00 P.M., held in the First Floor Conference Room.

A. ROLL CALL: Mr. Timothy R. Giblin, Chairman; Mr. Robert K. Kimball, Jr., Vice-Chair; Mr. Robert S. Salvo, Jr., Clerk; Mr. Bradford K. Bramwell; and Mrs. Mary T. Steele were present. Mr. Michael Yunits, Town Manager, was absent due to a planned vacation.

B. Pledge of Allegiance

II. LICENSES AND PERMITS

III. ANNOUNCEMENTS

It was noted the Town of Norton FY2017 Tax Classification Hearing would be held on November 3, 2016, at 7:15 P.M. in the Selectmen's Meeting Room, in the Norton Municipal Center.

Mr. Bramwell said Personal Best Karate is offering free Thanksgiving dinners; if anyone is aware of a veteran or a senior who would benefit from this, please call (508)285-0235 to sign them up.

Mr. Kimball noted the Veterans Day Parade will be held Friday, November 11 from the Yelle School with a departure time of 10 a.m. and reviewed the route. Gary Cameron, a Vietnam Veteran, will be the Parade Marshal.
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Early voting hours are available for the presidential election from October 24 to November 4 and hours were read aloud by Mr. Kimball.
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Mr. Giblin stated the Annual Halloween Parade will be held October 30 from noon to about 1:30 P.M., and starts at edge of Attleboro/Norton line and travels to St. Mary's Parish, and will be held rain or shine.

IV. NEW BUSINESS

1. 7:10 P.M. - Water & Sewer Commission Re: Water & Sewer Fees

In attendance from Water & Sewer Commission were: Dianne McElligott, Bernie Marshall, Water Superintendent, Luke Grant, and Steven Bishop.

Mr. Giblin referenced the water and sewer fees which residents were not aware of and inquired how these fees are generated, the purpose of what they are used for, and also info on the sprinkler fees also.

Ms. McElligott stated the sprinkler fees have changed recently which may be behind some of the questions, and explained the basis for changing them was that their long-standing sprinkler policy was a large upfront payment to cover for providing fire service for expected lifetime of building itself. They revised the fee structure to make it more in-line with most of the other towns and is an annual payment to cover cost of providing fire service. They restructured it to be an annual fee, based on size of sprinkler line/amount of fire protection service to be provided to that. She did not believe many single family homes have sprinklers.

Mr. Kimball asked why were bills received via mail when already paid upfront in beginning? He referenced the Norton Public Library and Norton School Department who received bills.

Ms. McElligott explained the people who paid up front initially are excluded from annual fee and there are only about seven of them. There were a small number of businesses that came in when that one time sprinkler fee was instituted. The Norton Library and Norton Schools have never been asked to contribute to cost of providing fire protection because, as a matter of policy, not a structure that accounted for them. The second part is, they need to charge same fee to everybody.

Mr. Kimball said fees cannot be raised without permission. This was a surprise and shock to everyone. The Board of Selectmen/Town Manager received phone calls regarding this and phone calls were directed to the Water Commission. He had concerns regarding this and said any time

the Town raises anything there should at least be a public discussion on how the process will work.

Ms. McElligott responded this was discussed at multiple meetings.

Mr. Kimball asked if those meeting were televised?

Mr. Marshall responded the meetings were not televised.

Ms. McElligott stated it was in newspapers and posted on the meeting agenda.

Mr. Kimball said if it was only the Water Commission meeting and not televised, etc., there needs to be more transparency. If they were discussing raising fees, need notification or televising their meetings.

Ms. McElligott said they hold public meetings and she is aware not every meeting is televised. Their meetings tend to get lengthy. The cable/video service has gone to several of their meetings, but it is not a regular occurrence. Some members of the public do attend once in awhile, however, they do not have that provision - no video camera in place.

Mr. Giblin suggested they hold the meetings at a different location, which does not need to happen all the time, but especially important when they are raising fees to businesses and it would be beneficial to making people are aware of what is happening and having it on cable. Posting of those meetings on cable is important, as well as posting increases in fees.

Ms. McElligott said if they have the ability to televise or record they would try to do so. She indicated Mr. Marshall just mentioned their secretary, Rose, was out for a period of time, so not certain if every meeting was posted/on cable.

Mr. Giblin said to the Board's point, transparency needs to be present.

Mr. Salvo asked what were they doing for people being charged these fees?

Ms. McElligott said fees need to be tied to service fee provided. They need to provide adequate flow; and add pressure for four hours and standard is more than one fire simultaneously. It also drives the maintenance of mains, etc., and is a significant cost. They hired a consultant to review the Town's distribution system to look at portion of distribution system accountable and dedicated to fire suppression work, including fire hydrants, sprinklers, etc. The number of public hydrants were counted and subtracted from total cost of fire protection supply and remainder of cost was apportioned to the sprinkler users and then that was further divided by the size of fire protection lines that are supplied. A big user such as Alnylam who has a 10 or 12 inch supply line for fire protection would pay more than a school or library in proportion to the amount of flow. The big driver of this is to keep it at the full line pressure (60 or 80 or 100 pounds). They are keeping it on

a line size basis, so the new ice cream facility arriving to Town, New England Ice Cream, has higher fire demand so square footage not appropriate measure.

Mr. Grant said they are constrained from no sprinklers to sprinklers; so they have been looking at that 14-18 months so they think this going forward is the most reasonable way to do it. Those who paid tie-in fee already are exempt. He thought there was a fire hydrant fee in effect in the past that used to be in effect. They need some way to get compensated for maintaining the hydrants, etc.; they need to be ready.

Mr. Salvo said he thought people paid their water bill for this? The water department has high fees as it is. There has been no fire in Town in any commercial building in the last ten years.

Ms. McElligott referenced the rates to the water supply to the Town; there are 6300 water users in Town. If all they needed to supply was to 6300 people in Town, the size of system would be about half of what it is today. They would not have a need for 12" mains, etc., in order to keep rates for average homeowner where they are, they charge the sprinkler users to pay their share of the investment in the system that needs to be made, so not charging double to the homeowner.

Mr. Kimball said he would like a direct answer regarding this. The Water Department continues to raise these fees without any communication to the public. The Board of Selectmen are looking for answers and are tired of talking about it. He could understand if they were doing something to improve it, but this has been going on for a long time, and fees seem to increase continually without improvement in system, especially with the discolored water happening in various areas in Town.

Ms. McElligott said this is not an increase; the fee is necessary.

Mr. Giblin said they did not have this additional amount last year, therefore, it is an increase.

Ms. McElligott responded it is not an increase.

Ms. McElligott said if they kept their old fee structure in place, with the expansion in schools, and had to add more to that as an addition or expansion an upgrade for sprinklers to meet Massachusetts code for expected life of addition to building. They changed that to a rather modest quarterly fee and intention of this was to approve the attractiveness of businesses coming into Town because previous fee structure was a deterrent.

Ms. McElligott said also they need to have a balanced budget; it all has to come from rates and costs are real and budget is real. It is out there for anyone to see by line item. Instead of burdening every homeowner by doubling water rates in Town, they are taking private sprinkler users and providing fee over life of building in a modest annual rate.

Mr. Giblin said this corresponds to the same point, this is an increase people were not aware of which is a problem and needs to be corrected.

Mr. Silver, Highway Superintendent, said people already need to spend money on a permit, etc., in the amount of \$30,000 or \$40,000. He referenced maintenance, etc., however, this is why the Town has a Water Dept. to provide this maintenance. That fee is ridiculous because they are already paying for it.

Ms. McElligott explained this is the fee they just got rid of. REgarding the \$30,000 Mr. Silver mentioned, that \$30-\$80k fee they just got rid of to become a quarterly fee. Discussion ensued.

Mr. Silver said a person spends \$30,000 to have water in their building, but paying \$1,000 per year; why do you need that if they already paid the \$30,000. Discussion ensued.

Mr. Giblin indicated he would like to get a list of businesses on list that have already paid upfront.

Ms. McElligott replied she is sure they could get a list; there are about seven of them.

Mr. Giblin said he would like to have another meeting with the Water Department for open discussions with the Water & Sewer Department.

Ms. McElligott replied, yes, that would be a good idea. Regarding location, she said it would be nice to bring a camera to the Water and Sewer Department building and suggested using their building as a meeting location so the Board could see it and may be conducive to having a better discussion than in this format.

Mr. Kimball suggested to Ms. McElligott to contact Norton Cable Access to advertise/hold these Water & Sewer meetings on cable.

Ms. McElligott provided an update on the water treatment plant; the water treatment plant will be removing the iron manganese that is in Norton wells. There is a delay due to the archaeological standpoint and they have gotten to final gate of that process and tree removal has occurred and surface soil is being currently scraped. Samples of that area will be taken during scraping. If nothing of archaeological significance occurs, then construction will proceed. Therefore, they are on track with this for at least another year and a half. This area is of archaeological interest and there were native populations there.

Mr. Grant referenced this delay of at least 12-14 months and cut into their budget, etc., due to this archeological issue.

Ms. McElligott said DEP was cooperative and archeological folks were really good to work with.

Mrs. Steele inquired if they have a three, five, or ten year plan where sewer lines are going and is there an intention to install more after this project is finished?

Ms. McElligott responded they have a comprehensive plan and is in process of being updated. The areas of Town to be sewerred in future are based in order of priority. This will not occur until adequate funding is acquired, so timeline for when that will happen is "up in the air" for now; five years would be ambitious.

Mrs. Steele indicated a resident had mentioned she had gone on the Water & Sewer Department website to see if any sewer lines were going near their neighborhood and had a Title V concern, but she did not see anything on website as to what plans were, etc. She asked if the Water & Sewer Department would consider doing a plan or adding something on their website? Also, if they could provide residents an idea of what location they will be working in as well as what planned dates are for this work. Also, an option of payment because people get concerned about a bill and they did not feel much info was on website. If upgrading sewer lines, it might lessen the anxiety of residents to know what to expect.

Ms. McElligott replied that was a great idea and they will work on that. She said if there are upcoming projects, they will advise residents a 3-5 year notice.

Mr. Salvo suggested they figure out a better way/solution to collect tie-in fees for homeowners that need to come up with \$10,000-\$15,000; a lot of residents cannot afford it, and thought there must be another way to get money. He is aware of a resident who does not have the money currently and she is getting close to having to hook up. Possibly they can put a lien on property or some type of betterment, etc.

Ms. McElligott said at the same time they reviewed the water fees, they also put in a study to look at charges for sewer fees as well. She said they are absolutely sympathetic to residents regarding this issue and if they can find a way to alleviate this burden they will.

Mr. Giblin stated he will discuss this with Mr. Yunits regarding setting up a schedule; possibly they can meet jointly every 6-8 weeks.

Ms. McElligott stated they can always have one member of the Water & Sewer Department provide a status of update. Many of their discussions extend for more than a year.

Mr. Giblin agreed and said they could possibly meet quarterly as a group and more often individually.

2. 7:35 P.M. - Jeffrey C. O'Neill, Condyne Real Estate Development Re: Houghton Land

Mr. O'Neill distributed "New England Real Estate Development - Houghton Farm", which tells about project and noted it was 190 acres with what they are in discussions about. He also showed a plan/aerial view. Mr. O'Neill said they need to do extensive permitting and first and

foremost to ensure the zoning is in place to allow that program. In booklet, master plan was in layout, all the natural resources present, and the land has an intense amount of wetlands and in flood zone. They have designed as much as they can; but there is a maximum that can be built. They also did go through studies and he referenced retail being located in Mansfield, Patriot Place, and stated e-commerce-related businesses are on the rise and bricks and mortar stores will not be as popular. In Massachusetts many e commerce companies like Amazon, etc. and then they have the residential option, by right, and they could proceed with residential and turn into a subdivision or Ch40B. So, their best intent for project is to do industrial which would have a minimal impact to the Town, water/sewer, and tap in fees for Water Department (\$650,000-\$850,000 annually). Also there would be an excise benefit for garaging of trucks. He said they lost the tenant and they went to the Bellingham area; what was planned was a 135,000 square feet building and employer had about 65 jobs available. Mr. O'Neill commented they have great tenants in the Norton Commerce Center who give back to the community. In this proposal there is a lot of excess land areas, so a benefit to Town for recreation as access to Canoe River, etc. It is a great opportunity and they will proceed on a full educational process regarding this with a whole campaign to bring them up to speed. The worst case scenario for this area would be a multitude of apartments (Ch40B); they would rather stay industrial.

Mr. Giblin said the transparency to residents/public is what they are trying to accomplish. His concern is the rear side and front side of this site as well as traffic on Route 123.

Mr. Kimball thanked Mr. O'Neill for coming in this evening. He said the information regarding this proposed project will be very important and Condyne has been a great neighbor of theirs. He said he was in favor of what they were proposing (industrial). He said he did support this. Mr. Kimball asked if there was any intention for any of the locations for any type of retail? This Board of Selectmen is receptive to having a Special Town Meeting if needed, however, Mr. O'Neill needs to advise them what Condyne is trying to do.

Mr. O'Neill responded there will be no big box retail such as Lowes/Home Depot, etc.

Mr. Kimball stated what is being proposed appears to be very green, a lot of open space, etc., however, the Board of Selectmen's concern would be the potential impact on residential areas. Ch40b is a real concern. He commented Condyne could sell back for someone else to build. Mr. Kimball said this Board has been very open and it has been their opinion, the number of failed overrides attempted and failed, he believed it was important to look at the big picture, a very important project.

Mr. O'Neill said they would need as many votes as possible and need to look at timing; whether it is a Special or Annual Town Meeting. They need to get info out and take time doing so; it could be a two phase type of thing.

Mr. Giblin said the first part that needs to happen is the education and support.

Mr. Salvo said this Board of Selectmen is working diligently with contractor and all parties involved to see what is best for them as a Town. They want everyone that is near that area who may be affected to get correct information directly as to what is planned to be done, etc. People need to attend meetings to be educated.

Mr. Kimball said it may be possible some residents of that nearby neighborhood may want to have an informal discussion/offsite meeting and have Condyne present.

Mr. O'Neill spoke of a reach-out program where Condyne reaches out to residents and would find a way to get certain groups together and then they can deliver the message. In other towns, there is a way they can link to town's website and continually update link so information is there and they can have information on their website also.

Mr. Kimball asked Mr. Giblin to please ensure Mr. Yunits is aware of this.

A resident, who was in audience, who did not disclose her name/address said she did not want a Ch40B in that location.

Mr. Giblin thanked Mr. O'Neill for coming in and communicated if there is anything the Board can do to help, please let them know.

3. Discussion on rezoning: 1) Leonard and East Main Streets:
2) Mansfield Avenue & Reservoir Street

Mr. Kimball said the intent was to rezone Mansfield Avenue; not Reservoir side of it. He said he spoke to one resident on Robinson Lane because he thought he should have been included in this. The former Town Planner said that parcel did not have to be part of process per Mr. Yunits. The zoning is a mess and there is a combo of residential and commercial as well as spot zoning. The intent is to take whole area and try to clear it up.

Mr. Salvo stated a lot of people on Mansfield Avenue are interested in having this done. Some are against the change because they think their taxes will increase if they go to village commercial, but he told them there is one set tax base and will remain the same. He told them the best thing for them to sell to someone who wanted to put in a commercial property. Again, there is a need to educate people directly because they are hearing second-hand info.

Mr. Silver of 120 Plain Street said he was here this evening representing a piece of property on Mansfield Avenue (20 acres of land). It was formerly commercial, and residential out back but switched to commercial seven to eight years ago and wanted to change it to village commercial and they have a potential buyer. Many people did not know what village commercial was so they needed to be educated. Everything is commercial now and trying to change to village commercial. He started the "ball rolling" and would like to go forward; possibly hold a special town meeting.

Mr. Silver indicated his realtor was here this evening as well and can further discuss this.

Mr. Kimball believed many residents have incorrect information/knowledge regarding this rezoning. There is currently not a need for building retail spaces any longer; e-commerce companies such as Amazon are doing terrific. There will be more meetings to discuss this with open sessions which need to happen to explain exactly what the plan is. He personally believed the Town should have done a better job with notifying people, etc.

Jessica Ortega, realtor of Avant Realty Group, said there was a potential buyer for Mr. Silver's property, however, there is not a purchase and sale yet. She said discussions occurred with Town Manager and former Town Planner, as well as Conservation regarding this. Recently High Point Engineering was contracted and wetlands study to be conducted and they would have details of those plans. They are looking to do a small amount of commercial in front, such as a restaurant, and residential in back of one to two units.

Mr. Kimball said by right the first 200' they can put a restaurant there and housing in back. He encouraged them to have developer be transparent and talk to Board/Town about this. A presentation by developer would be needed, and if Board agrees with concept, they can then look at next steps for a possible Special Town Meeting.

Mr. Salvo said in his opinion, he felt it would be more beneficial to have separate meetings on the different areas the Town is looking to rezone to cause less confusion.

Mr. Bramwell said all discussions should be in open forums; and each site has totally different concerns and answers regarding how to proceed.

B. OLD BUSINESS

C. TOWN MANAGER'S REPORT

D. APPOINTMENTS/RESIGNATIONS

1. Request of Clarence P. "Butch" Rich to be appointed an Alternate to the Zoning Board of Appeals

MOTION was made by Mr. Kimball to appoint Clarence P. "Butch" Rich as an Alternate to the Zoning Board of Appeals. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

V. SELECTMEN'S REPORT AND MAIL

A letter was received from Kathleen Ebert-Zawasky, President, of Land Preservation Society of Norton, announcing the dedication of the Crane Farm Nature Preserve on Crane Street. This dedication will be held November 19 at 11 a.m.

VI. WARRANTS AND MINUTES

A. Approve bills Warrant #24, dated October 24, 2016, in the amount of \$661,193.27
MOTION was made by Mr. Salvo to Approve bills Warrant #24, dated October 24, 2016, in the amount of \$661,193.27. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

B. Approve bi-weekly payroll for the period ended October 22, 2016, Warrant #25, dated October 27, 2016, in the amount of \$1,225,958.44
MOTION was made by Mr. Salvo to Approve bi-weekly payroll for the period ended October 22, 2016, Warrant #25, dated October 27, 2016, in the amount of \$1,225,958.44. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

C. Approve bills Warrant #26, dated October 27, 2016, in the amount of \$1,440,577.33
MOTION was made by Mr. Salvo to Approve bills Warrant #26, dated October 27, 2016, in the amount of \$1,440,577.33. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

D. Approve Minutes
There were no Minutes reviewed/approved.

VII. NEXT MEETING'S AGENDA

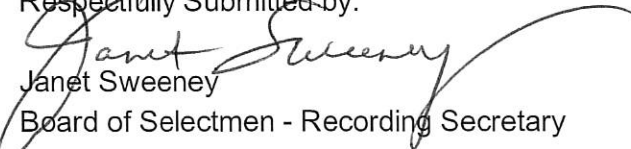
1. 7:15 P.M. - FY2017 Tax Classification Hearing
2. 7:30 P.M. - Kathleen Ebert-Zawasky, President, Land Preservation Society of Norton, Inc.
Re: Tricentennial Park

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

MOTION was made by Mrs. Steele to Adjourn at 8:30 P.M. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:


Janet Sweeney
Board of Selectmen - Recording Secretary


Documents Presented at October 27, 2016 Board of Selectmen Meeting

- . Document dated October 17, 2016: "Town of Norton Public Notice FY2017 Tax Classification Hearing" (to be held Thursday, November 3, 2016, at 7:15 P.M.)

**BOARD OF SELECTMEN
MINUTES OF MEETING
OCTOBER 27, 2016**

TIMOTHY R. GIBLIN, CHAIRMAN

ROBERT W. KIMBALL, JR., VICE-CHAIR



ROBERT S. SALVO, SR., CLERK



BRADFORD K. BRAMWELL



MARY T. STEELE

Dated: _____

12/15/16