The Norton Board of Health held a meeting on March 5, 2024 at 5:00PM. The following members were present: Diane Battistello, Chairman, Ellen Valentine, Vice Chairman, Corey Marsden, Clerk, Christian Zahner IV, Health Agent, Margaret A. Tavares, Administrative Secretary.

Guests: Attorney Gregg Corbo, Town Counsel, Attorney Peter Dunning, Attorney Michael Rosen, Jamey Lagor, NE Ice Cream, Aaron Farbo, Peter Wiggins and several residents from Norton Mobile Estates, list attached.

Call to order: Ms. Battistello, Chairman called the meeting to order at 5:05 PM.

Old Business:

The Board followed-up on its discussion concerning the issue between New England Ice Cream (NEIC) and Norton Estates Co-op with regards to complaints from residents of Norton Estates that noise and vibrations generated from New England Ice Cream’s operations at 222 Mansfield Ave constitute a public nuisance. During the meeting, the Board heard plans to modify operations and to implement interim improvements to address resident concerns until such time as permanent improvements can be implemented. New England Ice Cream indicated that some interim measures had been implemented on or about January 24, 2024 and they presented sound study data which they claim demonstrate a reduction in noise and vibrations. During the meeting residents in attendance reported no change in noise and vibrations coming from the site.

Peter Dunning, Attorney for Norton Mobile Estates, reminded the Board that we are there to reiterate the request that their concerns about noise pollution has been validated and he requests that the Board assume their responsibility to issue enforcement actions to New England Ice Cream.

Ms. Battistello, Chairman of Board, stated she will go to planning board to propose no expansion is approved until the noise situation is corrected.

The Board acknowledges NEIC’s the efforts has made to address this matter and at the conclusion of the discussion it voted to issue the following interim order:

1. By March 6, 2024, NEIC shall submit documentation showing that sound blankets to cover the existing barrier have been ordered from the supplier.

2. By April 2, 2024, NEIC shall install or cause to be installed sound blankets to cover the existing barrier. This deadline may be extended upon written certification from the supplier and/or installer that they cannot perform the work through no fault of NEIC. Any request for extension shall be accompanied by a new proposed installation date and must be received no later than 4:00 pm on March 29, 2024.

3. NEIC, by and through its sound engineer, shall set up monitoring equipment in the three locations discussed during previous meetings to continuously measure sound and vibrations generated at the property for a period of one week following the installation of the sound blankets and NEIC shall submit the results to the Board by 4:00 pm on March 29, 2024.

4. By March 26, 2024, NEIC shall provide the attorney for Norton Estates and Town Counsel with engineered plans and specifications for the construction of new sound barriers to be installed prior to commencement of work on NEIC’s expansion plan. The attorney for Norton Estates may provide feedback on the plans, if any, by April 16, 2024, and representatives of Norton Estates and NEIC shall work cooperatively to address any concerns raised by Norton Estates; provided, however, that NEIC shall not be required to amend its plans in
response to issues raised by Norton Estates. NEIC shall apply for a building permit to construct the new sound barriers by **April 30, 2024**.

5. NEIC shall continue to adhere to the operational changes discussed at prior meetings and it shall implement the additional measures of monitoring, inspecting and repairing any trucks that are creating excessive noise due to malfunction.

The submittals concerning the installation and monitoring of the sound blankets on the existing barrier and the plans for the new barriers will be submitted to the Board by 4:00 pm on March 29, 2024 for consideration at the Board’s April 2, 2024 meeting. NEIC shall be present at the meeting, unless the sound blankets have been installed and the required documentation has been submitted, in which case the Board will not discuss the matter at that meeting.

Ms. Battistello made a motion to accept the above interim order, Mr. Marsden 2nd

*Vote 3-0*

Ms. Battistello made motion to accept minutes from February 6, 2024 meetings, Ms Valentine 2nd

*Vote 3-0*

Mr. Zahner spoke of a Massachusetts Association of Health Board Certificate Class that he feels would be helpful for the Board to attend. All members agreed to attended.

The board reviewed, February 6, 2024 monthly reports of the:

- The Health Agent
- The Assistant Health Agent
- The Public Health Nurse
- Animal Control

Bills signed by Health Agent:

<table>
<thead>
<tr>
<th>Bill Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jim’s Auto Services &amp; Towing. Town Car Stickers</td>
<td>$70.00</td>
</tr>
<tr>
<td>Produce Barn, Office Supplies</td>
<td>$15.29</td>
</tr>
<tr>
<td>MHOA, Assistant Health Agent Membership</td>
<td>$60.00</td>
</tr>
</tbody>
</table>

Ms. Battistello made a Motion to adjourned. Mr. Marsden 2nd. *Vote 3-0* adjourned 6:30 pm

Meeting Adjourned

Next Meeting: Tentatively April 2, 2024 @ 5:00pm
List of Documents & Other Exhibits used at meeting:

- New England Ice Cream updated mitigation plan and sound study
- PHN Monthly Report, February 2024
- Health Agents Monthly Report, February 2024
- Assistant Health Agents Monthly, February 2024
- Animal Control Officer Monthly Report, February 2024
Town of Norton
Board of Health Minutes Acceptance

Board of Health Meeting
BOARD / COMMITTEE

May 7, 2024  5:00 p.m.
DATE  TIME

Acceptance of Minutes Date 3/5/24
MEETING MINUTES

Diane Battistello - Chairman

Ellen Valentine - Vice-Chairman

Corey Marsden - Clerk