

**FALL ANNUAL TOWN MEETING****OCTOBER 20, 2004**

The Fall Annual Town Meeting was called to order by Moderator Phillip Warren at 7:05 PM.

**ARTICLE 1:** Motion was made by Michael Fiore, Chairman of the Finance Committee, that the Town raise and appropriate the sum of \$9,912.58 to pay unpaid bills for which obligation was incurred in prior fiscal years as follows:

\$ 6,148.18	Municipal Building	Massachusetts Electric
\$ 227.88	Fire	W. B. Mason
\$ 895.00	Fire	M-H-Q
\$ 150.00	Emergency Planning	Raymond Cord
\$ 2,114.42	School	Lisa Burgess
\$ 170.00	Sewer	Biometrix
\$ 100.00	Miscellaneous	Bridgewater Goddard Md
\$ 107.10	Miscellaneous	Primary Care Affiliates

**DECLARED VOTED UNANIMOUSLY BY THE MODERATOR**

**ARTICLE 2:** Motion was made by Mr. Fiore that the Town raise and appropriate the sum of \$247,050.00, to transfer the sum of \$3,300.00 from available funds, and to transfer the sum of \$50,000.00 from the Water Surplus Account, for a total of \$300,350.00, to supplement the Fiscal Year 2005 operating budget appropriated under Article 4 of the May 10, 2004, Annual Town Meeting as follows:

ACCOUNT	DEPARTMENT	PURPOSE	APPROVED
1-123-510	Town Manager	Office Salaries	\$ 780.00
1-135-510	Accounting	Office Salaries	\$ 2,300.00
1-141-510	Assessors	Office Salaries	\$ 4,000.00
1-147-570	Treasurer/Collector	Office Expenses	\$ 4,900.00
1-155-570	Data Processing	Office Expenses	\$ 4,000.00
1-161-510	Town Clerk	Office Salaries	\$ 92.00
1-192-570	Municipal Building	Office Expenses	\$ 2,000.00
1-192-570	Municipal Building	Expenses	\$ 14,503.00
1-220-510	Fire	Office Salaries	\$ 13,540.00
1-241-510	Inspection	Office Salaries	\$ 6,950.00
1-290-570	Communications	Expenses	\$ 4,000.00
1-290-570	Communications	Expenses	\$ 8,000.00
1-300-571	School	Office Expenses/Salaries	\$ 178,700.00
1-610-570	Library	Office Expenses/Salaries	\$ 1,560.00
1-910-510	Employee Benefits	Pension Fund	\$ 1,725.00

TOTAL (RAISE AND APPROPRIATE): \$ 247,050.00

1-177-510	ZBA	Office Salaries - <b>Transfer</b>	\$ 3,300.00
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TOTAL (TRANSFER ZONING EXP 5246  
TO ZONING SALARIES 5110) \$ 3,300.00

28-450-570	Water	Replace No. Washington St. Main -	
		<b>Transfer Water Surplus</b>	\$ 50,000.00

TOTAL (WATER SURPLUS TRANSFER): \$ 50,000.00

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 7:** Motion was made by Mr. Fiore that the Town transfer the sum of \$11,714.12 from the following accounts to the Highway Department's Surface-Treatment Town Roads Account:

7 N Worcester St – Installation Drainage Pipe, 3 Catch Basins	01-420-801-580049	\$1,378.66
East Main St – Drainage	01-420-803-580051	\$6,943.15
Drain & Pave South Highland Road (1975)	01-420-815-530031	\$ 892.31
West Main Street Sidewalk	01-420-1000-580048	\$2,500.00

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 8:** Motion was made by Mr. Fiore that the Town transfer the sum of \$300,000.00 from the Water Surplus Account for the purpose of funding the engineering and construction for the rehabilitation of Well #4 located at Plain Street in Norton.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 9:** Motion was made by Mr. Fiore that the Town transfer the sum of \$2,900.00 from the one-time municipal relief fund established pursuant to Section 3 of Chapter 352 of the Acts of 2004 to fund Phase I (Documentation and Physical Investigation) of the restoration of the Campbell House located at 217 West Main Street, Norton.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 10:** Motion was made by Mr. Fiore that the Town transfer the sum of \$20,900.00 from the remaining fund balance of the Chartley Dam Repair Project for the Diagnostic and Feasibility Study for Lake Winnecunnet.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 11:** Motion was made by Mr. Fiore that the Town transfer the sum of \$30,000.00 from the one-time municipal relief fund established pursuant to Section 3 of Chapter 352 of the Acts of 2004 for professional services (technical, regulatory, environmental, and/or legal, including attorney's fees and litigation costs) and/or related expenses, to ensure acceptable closures of the Shpack Superfund Site and the Attleboro Landfill, Inc., Site.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 12:** Motion was made by Mr. Fiore that the Town amend its By-Laws for the purpose of adopting, ratifying, and incorporating therein a new by-law regulating water withdrawal from any pond, stream, surface or subsurface water within the Town of Norton.

1. Purpose

The purpose of this by-law is to recognize that contamination of any pond, stream, surface, or subsurface water in the Town of Norton would pose a significant hazard to the health of the inhabitants of the Town and, therefore, to protect such water sources from contamination.

2. Water Withdrawal Prohibited; Exceptions

- A. The extraction or withdrawal of water for commercial purposes of water from any pond, stream, river, watercourse, surface, or subsurface water into a tank vehicle, or into any tank contained in or on a vehicle, shall be prohibited.
- B. This by-law shall not apply to municipal fire apparatus.
- C. The Board of Water and Sewer Commissioners may, but need not, designate one or more public water hydrant or other public water outlet in the Town of Norton to furnish water for commercial purposes to a tank vehicle or a tank contained in or on a vehicle. Said hydrant(s) or outlet(s) shall not allow any backflow into the public water system and shall be under the supervision and control of the Board of Water and Sewer Commissioners.

3. Additional Regulations

- A. This by-law shall be in addition to any other rule, regulation or state or local law relating to the use or protection of water or wetlands.
- B. The Board of Water and Sewer Commissioners shall have the power hereunder to promulgate rules and regulations relative to the use of public

water hydrants or outlets in the Town, which may include licensing of users of such hydrants or outlets, as well as the imposition of reasonable fees for such licenses and/or of use of such public hydrants or outlets.

4. Violation and Penalties; Enforcement

- A. Whoever violates any provision of this by-law, or of any rules or regulations adopted hereunder, shall be subject to a fine of \$300.00 for each offense.
- B. This by-law shall be enforced by members of the Norton Police Department, Board of Water and Sewer Commissioners, or the Department of Public Works, Water Division.
- C. The provisions of this by-law, and any rule or regulation adopted hereunder, may be enforced by any available means in law or in equity, including but not limited to enforcement by noncriminal disposition pursuant to G.L. c. 40, §21D, and the Town By-Laws, Non-Criminal Disposition. Each day on which a violation exists shall constitute a separate violation.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 13:** Motion was made by Mr. Fiore that the Town amend the Town By-Laws, Capital Improvements, as follows:

1. By amending Section 1, which currently reads:

A major expense shall be defined to include any item or project which exceeds the cost of \$5,000.00.

to read as follows:

A major expense shall be defined to include any item or project which exceeds the cost of \$10,000.00.

2. By amending Section 3, which currently reads:

Department and Committee heads shall be required to submit complete inventories and requests to the Capital Improvement Committee annually. The Capital Improvement Committee shall consist of one member of the Finance Committee; one Selectmen; and one member of the Planning Board, each of whom shall be designated by their respective board or committee no later than October 15 of each year. In addition, the **Town Accountant and the Town Manager** shall serve on the committee. The names of the committee members

shall be submitted to the Town Manager no later than October 15. The Town Manager shall call and convene the initial meeting no later than the first week of November.

to read as follows:

Department and Committee heads shall be required to submit complete inventories and requests to the Capital Improvement Committee annually. The Capital Improvement Committee shall consist of one member of the Finance Committee; one **member of the Board of Selectmen**; one **member of the School Committee**; and one member of the Planning Board, each of whom shall be designated by their respective board or committee no later than October 15 of each year. In addition, the Town Manager shall serve on the committee. The names of the committee members shall be submitted to the Town Manager no later than October 15. The Town Manager shall call and convene the initial meeting no later than the first week of November.

3. By amending Section 6, which currently reads:

The purchase of all capital items which are considered non-recurring expenses under Section 2 of this by-law and whose values exceeds \$5,000.00 must first be submitted to the Capital Improvements Committee for its review. The Committee shall have twenty days to review the proposal and make its recommendations, after which time the department submitting the request may proceed with the purchase.

to read as follows:

The purchase of all capital items which are considered non-recurring expenses under Section 2 of this by-law and whose values exceeds **\$10,000.00** must first be submitted to the Capital Improvements Committee for its review. The Committee shall have twenty days to review the proposal and make its recommendations, after which time the department submitting the request may proceed with the purchase.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 14:** Motion was made by Mr. Fiore that the Town repeal the Town By-Laws, Town Officers, Section 9, which currently reads:

9. **CONTRACTS** – A copy of all contracts entered into by the Town or any officer, board, commission, or committee on the Town's behalf, shall be filed with the Town Clerk within three working days of the final execution of the contract. The Town Clerk shall maintain said copies as part of the Town's permanent records.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 15:** LOST FOR LACK OF MOTION (amend employment benefits)

**ARTICLE 16:** Motion was made by Mr. Fiore that the Town amend the Norton Zoning By-Laws by replacing the existing Section 15.9 with the following amended Section 15.9 (new text shown in bold italics for clarity only):

15.9 Implementation of Site Plan

The Site Plan, as approved, shall be completed prior to issuance of a Certificate of Occupancy. At the Applicant's request, the Building Inspector may allow the Applicant to occupy the building(s) prior to completion of the Site Plan provided all requirements of the Building Code are met. In such case, the Building Inspector, after consultation with the Planning Board, shall require the Applicant to post surety, in the form of cash *or, at the discretion of the Planning Board, a letter of credit in a form acceptable to the Planning Board*, in an amount sufficient to ensure Completion of the Site Plan and shall, after consultation with the Planning Board and Town Counsel, require the Applicant to execute a surety agreement with shall specify a date of completion. Surety shall be held by the Town until the Site Plan is fully and satisfactorily completed. In the event the Site Plan is not completed prior to the agreed date of completion, the surety shall be made available to the Town to ensure completion of the Site Plan.

Planning Board recommends Article 16

**DECLARED VOTED UNANIMOUSLY BY THE MODERATOR**

**ARTICLE 17:** Motion was made by Mr. Fiore that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Bartley Drive as laid out by the Board of Selectmen and as shown on a plan titled "As-Built/Acceptance Plan of Bartley Drive" dated August 11, 2000, drawn by Yarworth Engineering & Land Surveying and on file in the Office of the Town Clerk, and to accept such easements as shown on the plan.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 18:** Motion was made by Mr. Fiore that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Billie's Way as laid out by the Board of Selectmen and as shown on a plan titled "East Hodges Woods, As-Built Plan of Billie's Way, Norton, MA," dated July 4, 2001, drawn by W.T. Whalen Engineering Co., and on file in the Office of the Town Clerk, and to accept such easements as shown on the plan.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 19:** Motion was made by Mr. Fiore that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Dion's Way as laid out by the Board of Selectmen and as shown on a plan titled "As-Built Plan and Profile of Dion's Way," dated July 7, 2004, drawn by RIM Engineering Co., Inc., and on file in the Office of the Town Clerk, and to accept such easements as shown on the plan.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 20:** Motion was made by Mr. Fiore that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Gaffney Farm Drive as laid out by the Board of Selectmen and as shown on a plan titled "As-Built Plan of Gaffney Farm Drive," dated October 27, 2003, drawn by John F. Vance, Jr., and on file in the Office of the Town Clerk, and to accept such easements as shown on the plan.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 21:** Motion was made by Mr. Fiore that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Gilbert's Way as laid out by the Board of Selectmen and as shown on a plan titled "East Hodges Woods, As-Built Plan of Gilbert's Way, Norton, MA," dated July 4, 2001, drawn by W.T. Whalen Engineering Co., and on file in the Office of the Town Clerk, and to accept such easements as shown on the plan.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 22:** Motion was made by Mr. Fiore that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Horton Drive as laid out by the Board of Selectmen and as shown on a plan titled "As-Built Plan and Profile of Horton Drive," dated July 13, 2004, drawn by RIM Engineering Co., Inc., and on file in the Office of the Town Clerk, and to accept such easements as shown on the plan.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 23:** Motion was made by Mr. Fiore that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Myra's Way as laid out by the Board of Selectmen and as shown on a plan titled "East Hodges Woods, As-Built Plan of Myra's Way, Norton, MA," dated July 4, 2001, drawn by W.T. Whalen Engineering Co., and on file in the Office of the Town Clerk, and to accept such easements as shown on the plan.

**DECLARED VOTED BY THE MODERATOR**



**ARTICLE 24:** Motion was made by Mr. Fiore that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Talbot Drive as laid out by the Board of Selectmen and as shown on a plan titled "As-built Plan and Profile of Talbot Drive," dated August 23, 2000, drawn by RIM Engineering Co., Inc., and on file in the Office of the Town Clerk, and to accept such easements as shown on the plan.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 25:** Motion was made by Mr. Fiore that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Ulmers Farm Road, as laid out by the Board of Selectmen and as shown on a plan titled "Drainage As-built and Profile Revision of Ulmers Farm Road," dated November 11, 1998, drawn by RIM Engineering Co., Inc., and on file in the Office of the Town Clerk, and to accept such easements as shown on the plan.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 26:** Motion was made by Mr. Fiore that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Wetherell Way as laid out by the Board of Selectmen and as shown on a plan titled "As-Built Plan of Wetherell Way," dated April 30, 2004, drawn by Ribelin Land Surveyors and on file in the Office of the Town Clerk, and to accept such easements as shown on the plan.

**DECLARED VOTED BY THE MODERATOR**

The Fall Annual Town Meeting was declared concluded at 8:05 PM.

ATTEST:



Diane P. Casagni  
Town Clerk