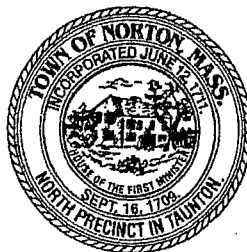


TOWN OF NORTON



WARRANT FOR THE ANNUAL TOWN MEETING
WITH FINANCE COMMITTEE RECOMMENDATIONS

WEDNESDAY, OCTOBER 20, 2004



**TOWN OF NORTON
WARRANT FOR THE ANNUAL TOWN MEETING
WEDNESDAY, OCTOBER 20, 2004**

To Dale Clark, or either of the Constables of the Town of Norton:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Norton, qualified to vote in Norton affairs, to meet in the Henri A. Yelle Elementary School Gymnasium, West Main Street, in said Norton, on Wednesday, the 20th day of October, 2004, A.D., at seven o'clock in the evening, then and there to act on the following articles, viz.

ARTICLE 1

To see if the Town will raise and appropriate and/or appropriate and/or transfer from available funds, a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years, or take any other action relative thereto.

(BOARD OF SELECTMEN)

FINANCE COMMITTEE: Recommended in the amount of \$9,912.58 for the following:

\$ 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

ARTICLE 2

To see if the Town will raise and appropriate and/or transfer and/or appropriate from available funds, a sum of money to supplement the Fiscal Year 2005 operating budget appropriated under Article 4 of the May 10, 2004, Annual Town Meeting, or take any other action relative thereto.

(BOARD OF SELECTMEN)

FINANCE COMMITTEE: Recommended in the amount of \$300,350.00 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 - Transfer	\$ 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 -	
		Transfer Water Surplus	\$ 50,000.00

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

ARTICLE 3

To see if the Town will authorize the Board of Selectmen to accept and enter into contracts for the expenditure of any funds allotted, or to be allotted, by the Commonwealth and/or County for the construction, reconstruction and improvement of Town roads, and to see if the Town will raise and appropriate, and/or appropriate and/or transfer from available funds, a sum of money for the purpose of road and other municipal improvements within the Town of Norton which are eligible for reimbursement, subject to conditions detailed by the Massachusetts Department of Public Works pursuant to Chapter 90, Section 34(2a) of the Massachusetts General Laws, or take any other action relative thereto.

(BOARD OF SELECTMEN)

FINANCE COMMITTEE: Recommended in the amount of \$326,367.00. This Article authorizes the Town to spend Chapter 90 funds received from the State.

ARTICLE 4

To see if the Town will raise and appropriate and/or transfer and/or appropriate from available funds, a sum of money to supplement the Fiscal Year 2005 capital improvements budget appropriated under Article 5 of the May 10, 2004, Annual Town Meeting, or take any other action relative thereto.

(BOARD OF SELECTMEN)

FINANCE COMMITTEE: Recommended in the amount of \$60,000.00 to come from the one-time municipal relief fund for the following items:

Municipal Building	\$ 10,000.00	Town Hall Signage
Municipal Building	\$ 11,000.00	Miscellaneous Repairs
Municipal Building	\$ 25,000.00	Fire Replacement Vehicle
Municipal Building	\$ 14,000.00	Recreation - ELC Pool Liner and Installation
	\$ 60,000.00	TOTAL

ARTICLE 5

To see if the Town will raise and appropriate and/or transfer and/or appropriate from available funds, a sum of money for the Stabilization Fund, in accordance with Chapter 40, Section 5B, of the General Laws, or take any other action relative thereto.

(BOARD OF SELECTMEN)

FINANCE COMMITTEE: Recommended in the amount of \$150,000.00.

ARTICLE 6

To see if the Town will raise and appropriate and/or transfer and/or appropriate from available funds a sum of money for the Capital Improvements Fund established by the By-law entitled "Capital Improvements Fund," from which appropriations may be made by a two-thirds vote at any Town Meeting, or take any other action relative thereto.

(BOARD OF SELECTMEN)

FINANCE COMMITTEE: Recommended in the amount of \$100,000.00 to come from the one-time municipal relief fund.

ARTICLE 7

To see if the Town will 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

or take any other action relative thereto.

(HIGHWAY SUPERINTENDENT)

FINANCE COMMITTEE: Recommended in the amount of \$11,714.12.

ARTICLE 8

To see if the Town will 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, or take any other action relative thereto.

(WATER/SEWER COMMISSION)

FINANCE COMMITTEE: Recommended in the amount of \$300,000.00 to come from the Water Surplus Account.

ARTICLE 9

To see if the Town will raise and appropriate and/or transfer and/or appropriate from available funds, a sum of money to fund Phase I (Documentation and Physical Investigation) of the restoration of the Campbell House located at 217 West Main Street, Norton, or take any other action relative thereto.

(HISTORICAL COMMISSION)

FINANCE COMMITTEE: Recommended in the amount of \$2,900.00 to come from the one-time municipal relief fund.

ARTICLE 10

To see if the Town will raise and appropriate and/or transfer and/or appropriate from available funds, a sum of money for the Diagnostic and Feasibility Study for Lake Winnecunnet, or take any other action relative thereto.

(CONSERVATION COMMISSION AND LAKE WINNECUNNET ASSOCIATION)

FINANCE COMMITTEE: Recommended in the amount of \$20,900.00. The money to be transferred from the remaining fund balance from the Chartley Dam Repair Project. The Finance Committee recognizes the outcome of the study may require an annual maintenance program that will have to be funded in future years.

ARTICLE 11

To see if the Town will raise and appropriate and/or transfer and/or appropriate from available funds, a sum of money 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, or take any other action relative thereto.

(BOARD OF SELECTMEN AND HEATHER GRAF)

FINANCE COMMITTEE: Recommended in the amount of \$30,000.00 to come from the one-time municipal relief fund.

ARTICLE 12

To see if the Town will amend its By-Laws for the purpose of adopting, ratifying, and incorporating therein the following 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.**

or take any other action relative thereto.

(BOARD OF SELECTMEN)

FINANCE COMMITTEE: Recommended.

ARTICLE 13

To see if the Town will 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.

or take any other action relative thereto.

(BOARD OF SELECTMEN)

FINANCE COMMITTEE: Recommended.

ARTICLE 14

To see if the Town will 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.

or take any other action relative thereto.

(TOWN CLERK)

FINANCE COMMITTEE: Recommended.

ARTICLE 15

To see if the Town will amend the Town By-Laws, Personnel By-Law, Employment Benefits, Section 1 – Paid Vacations, by amending the table which currently reads:

LENGTH OF CONTINUOUS EMPLOYMENT	LENGTH OF PAID VACATION
After one (1) year	Two (2) weeks
After three (3) years	Three (3) weeks
After six (6) years	Four (4) weeks
After ten (10) years	Five (5) weeks

to read as follows:

LENGTH OF CONTINUOUS EMPLOYMENT	LENGTH OF PAID VACATION
After one (1) year	Two (2) weeks
After three (3) years	Three (3) weeks
After six (6) years	Four (4) weeks
After ten (10) years	Five (5) weeks
After twenty (20) years	Six (6) Weeks

or take any other action relative thereto.

(TOWN MANAGER)

FINANCE COMMITTEE: Not recommended.

ARTICLE 16

To see if the Town will 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.

or take any other action relative thereto.

(PETITION OF DERITH GAMACHE ET ALS)

FINANCE COMMITTEE: Recommended.

ARTICLE 17

To see if the Town will 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, or take any other action relative thereto.

(PLANNING BOARD)

FINANCE COMMITTEE: Recommended.

ARTICLE 18

To see if the Town will 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, or take any other action relative thereto.

(PLANNING BOARD)

FINANCE COMMITTEE: Recommended.

ARTICLE 19

To see if the Town will 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, or take any other action relative thereto.

(PLANNING BOARD)

FINANCE COMMITTEE: Recommended.

ARTICLE 20

To see if the Town will 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, or take any other action relative thereto.

(PLANNING BOARD)

FINANCE COMMITTEE: Recommended.

ARTICLE 21

To see if the Town will 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, or take any other action relative thereto.

(PLANNING BOARD)

FINANCE COMMITTEE: Recommended.

ARTICLE 22

To see if the Town will 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, or take any other action relative thereto.

(PLANNING BOARD)

FINANCE COMMITTEE: Recommended.

ARTICLE 23

To see if the Town will 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, or take any other action relative thereto.

(PLANNING BOARD)

FINANCE COMMITTEE: Recommended.

ARTICLE 24

To see if the Town will 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, or take any other action relative thereto.

(PLANNING BOARD)

FINANCE COMMITTEE: No action, pending additional information.

ARTICLE 25

To see if the Town will 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, or take any other action relative thereto.

(PLANNING BOARD)

FINANCE COMMITTEE: No action, pending additional information.

ARTICLE 26

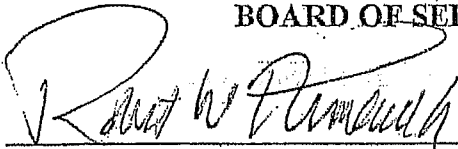
To see if the Town will accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Wetherell Way as laid out by the Board of Selectmen and as shown on a plan titled "As-Built Plan of Wetherell Way," dated April 30, 2004, drawn by Ribelin Land Surveyors and on file in the Office of the Town Clerk, and to accept such easements as shown on the plan, or take any other action relative thereto.

(PLANNING BOARD)

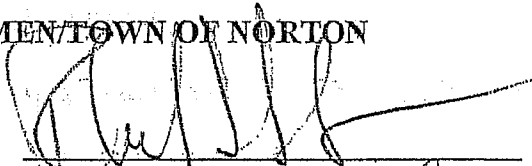
FINANCE COMMITTEE: Recommended.

And you are hereby directed to serve this Warrant by posting attested copies of the body of same at Chartley Post Office, Norton Post Office, Trinitarian Church, Unitarian Church, Norton Library, and three (3) other public places within the limits of said Town, seven (7) days at least, before the time of holding said meeting. Hereof, and fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of holding said meeting. Given under our hands and seals this 7th day of October, in the year Two Thousand Four.

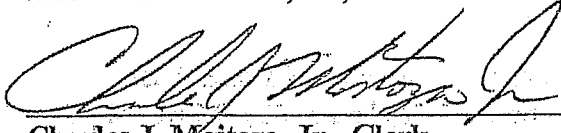
BOARD OF SELECTMEN/TOWN OF NORTON



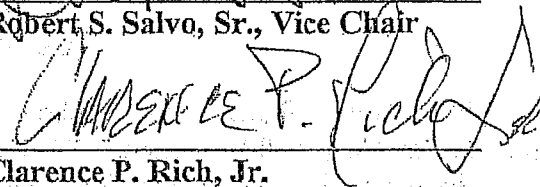
Robert W. Kimball, Jr., Chair



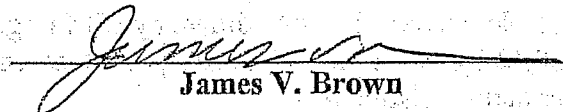
Robert S. Salvo, Sr., Vice Chair



Charles J. Moitoza, Jr., Clerk



Clarence P. Rich, Jr.



James V. Brown

Norton, Massachusetts

I have served this Warrant by posting attested copies at Chartley Post Office, Norton Post Office, Trinitarian Church, Unitarian Church, Norton Library, and three (3) other public places within the limits of said Town, seven (7) days at least before the time of holding said meeting.

ATTEST  CONSTABLE  DATE 10-12-04