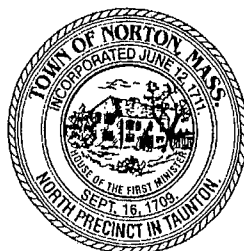


TOWN OF NORTON



WARRANT FOR THE ANNUAL TOWN MEETING
WITH FINANCE COMMITTEE RECOMMENDATIONS

MONDAY, OCTOBER 6, 2008



**TOWN OF NORTON
WARRANT FOR THE ANNUAL TOWN MEETING
MONDAY, OCTOBER 6, 2008**

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 Monday, the 6th day of October, 2008, 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 to raise and appropriate the amount of \$47.20 for the following:

\$47.20	Miscellaneous – Insurance	Sturdy Memorial Hospital
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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 pay all outstanding separation expenses associated with an employee's retirement from the Town of Norton, or take any other action relative thereto.

(BOARD OF SELECTMEN)

FINANCE COMMITTEE: No action, pending receipt of further information.

ARTICLE 3

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 2009 operating budget appropriated under Article 21 of the May 12, 2008, Annual Town Meeting, or otherwise amend said vote, or take any other action relative thereto.

(BOARD OF SELECTMEN)

FINANCE COMMITTEE: Recommended to amend the vote taken under Article 21 of the May 12, 2008, Annual Town Meeting Warrant by increasing appropriations for certain line items and, to do so, by raising and appropriating the additional amount of \$35,759.00 as follows:

Account	Department	Use	Amount
001-135-510	Accounting	Wages	\$ 4,500.00
001-175-510	Planning	Wages	\$ 150.00
001-192-570	Municipal Building	Expense	\$ 9,000.00
001-171-570	Conservation Commission	Expense	\$ 8,000.00
001-308-560	Bristol County Agricultural School	Expense	\$ 1,224.00
001-541-570	Council on Aging	Expense	\$ 610.00
001-543-570	Veterans' Services	Expense	\$ 275.00
001-940-540	Miscellaneous - Gas	Expense	\$ 12,000.00
TOTAL SUPPLEMENTS:			\$ 35,759.00

ARTICLE 4

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: Not recommended. The Committee cannot recommend this Article as there are no funds presently available to place in the Capital Improvements Fund. The Committee intends to supplement this fund when the Town's "Free Cash" balance is certified by the State.

ARTICLE 5

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 2009 capital improvements budget appropriated under Article 20 of the May 12, 2008, Annual Town Meeting, or take any other action relative thereto.

(BOARD OF SELECTMEN)

FINANCE COMMITTEE: Recommended to transfer the sum of \$31,200.00 from the Capital Improvements Fund for the purpose of entering into a 5-year Lease/Purchase Agreement for a multi-purpose vehicle for the Highway Department.

ARTICLE 6

To see if the Town will transfer the sum of \$134,000.00 from the Stabilization Fund for the purpose of supplementing the Fiscal Year 2009 operating budget for the Norton Public Library, or take any other action relative thereto.

(NORTON PUBLIC LIBRARY BOARD OF DIRECTORS)

FINANCE COMMITTEE: Recommended to raise and appropriate the sum of \$31,200.00 for the purpose of supplementing the Fiscal Year 2009 operating budget of the Norton Public Library. This is the remainder of the Town's tax Levy Limit. The Finance Committee does not support the transfer of any funds from the Town's Stabilization Fund for this purpose.

ARTICLE 7

To see if the Town will vote, pursuant to the provisions of G.L. c.43B, §10(a), to amend the Town Charter to change the elected Town Clerk position to an appointed position, as set forth below:

- (1) Amend Section 3-1(a) of the Town Charter by deleting, after the words, "water and sewer commissioners," the words "town clerk."
- (2) Amend Section 3-5 of the Town Charter, entitled, "Town Clerk," by deleting the section in its entirety and renumbering the remaining sections of Chapter 3 accordingly.
- (3) Amend Article 4, Town Manager, by inserting a new section, Section 4-7, entitled "Town Clerk" as follows:

(a) Appointment – There shall be a Town Clerk, appointed by the Town Manager.

(b) Powers and Duties – The Town Clerk shall collect and be the keeper of vital statistics for the town; the custodian of the town seal; shall administer the oath of office to all persons, elected or appointed, to any town office; shall issue such licenses and permits as are required by law to be issued by town clerks; supervise and manage the conduct of all elections and other matters relating to elections; be the clerk of the town meeting, keep its records and in the absence of the town moderator or deputy town moderator to preside pending the election of a temporary town moderator. The Town Clerk shall have such other powers and duties as are given to town clerks by general law, by this charter, by by-law, or by other vote of the town meeting.

(4) Amend Article 8, Transitional Provisions, by inserting a new section, Section 8-7, Appointed Town Clerk, as follows:

The vote to amend the Charter to change the position of Town Clerk from elected to appointed (by deleting in Section 3-1[a] the words “town clerk,” and Section 3-5 in its entirety and inserting a new Section 4-7), shall take effect immediately upon approval by the voters at the 2009 Annual Town Election; provided, however, that any individual elected as Town Clerk at the same election at which the referenced charter amendments are approved by the voters of the town shall hold said office and perform the duties thereof only until the appointment to said office is made in accordance with Section 4-7 of the charter. Upon appointment of a Town Clerk in accordance with Section 4-7, the position of elected Town Clerk shall be abolished. The Town Manager may make an appointment pursuant to Section 4-7 immediately upon the effective date of the amendments to Section 3-1(a), 3-5 and 4-7 of the charter, notwithstanding the provisions of Section 7-10 of the charter.

or take any other action relative thereto.

(BOARD OF SELECTMEN)

FINANCE COMMITTEE: Recommended. The Committee feels that recommendation of this article will allow for increased efficiency in the operation of the department and will facilitate the selection of a qualified candidate should the position become vacant.

ARTICLE 8

To see if the Town will transfer a sum of money from the Water Surplus Account for the purpose of funding the Water General Expense account for utilities, chemicals, and other operating costs during Fiscal Year 2009, or take any other action relative thereto.

(BOARD OF WATER/SEWER COMMISSIONERS)

FINANCE COMMITTEE: Recommended to transfer the sum of \$209,900.00 from the Water Surplus Account for the purpose of funding the Water General Expense account for utilities, chemicals, and other operating costs during Fiscal Year 2009.

ARTICLE 9

To see if the Town will transfer a sum of money from the Water Surplus Account for the purpose of supplementing the funding approved under Article 26 of the May 14, 2007, Annual Town Meeting for the engineering and construction costs for the rehabilitation of Well #3 located at Newland Street in Norton, and to authorize appropriate public officials to take all actions necessary to effect the purposes of this article, or take any other action relative thereto.

(BOARD OF WATER/SEWER COMMISSIONERS)

FINANCE COMMITTEE: Recommended in the amount of \$175,000.00, to be transferred from the Water Surplus Account.

ARTICLE 10

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, authorizing the Water and Sewer Commissioners to establish charges for the use or availability of common sewers, and further, to authorize the Water and Sewer Commissioners to adopt regulations for such purposes; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto:

AN ACT RELATIVE TO THE TOWN OF NORTON WATER AND SEWER COMMISSION

Section 1. Notwithstanding the provisions of section 16 of chapter 83 of the General Laws, or of any other general or special law to the contrary, the water and sewer commissioners of the town of Norton, or other board or officer of said town acting as sewer commissioners, may from time to time establish just and equitable annual charges for the use or availability of common sewers, which shall be paid by every person who enters, or has an entitlement to enter by means of an allocation of wastewater treatment facility capacity, his particular sewer therein. The money so received may be applied to the payment of the cost of maintenance and repairs of such sewers, of any debt contracted for sewer purposes, or of any payment, including capital cost payments, due to another municipality under an inter-municipal agreement to provide wastewater disposal and treatment, or due to a regional wastewater authority. Said water and sewer commissioners are hereby authorized to promulgate regulations to implement the provisions of this act.

Section 2. This act shall take effect upon passage.

(BOARD OF WATER/SEWER COMMISSIONERS AND BOARD OF SELECTMEN)

FINANCE COMMITTEE: Recommended. This article will give the town the legal authority to bill those who are currently holding sewer capacity which is unused. The Town of Mansfield bills the Town of Norton for total capacity, both used and unused. Presently, current users, mainly residences, are responsible for paying those charges which results in subsidizing those who are not using their capacity. This would ease the burden on those homeowners.

ARTICLE 11

To see if the Town will vote to transfer from the Board of Selectmen for park purposes to the Board of Water and Sewer Commissioners for water supply purposes and also for the purpose of leasing, a portion of the land located at 63 West Main Street and shown as Assessor Map 22, Lot 85, said portion of land containing 66,615 ± square feet, shown as "Lot 'A'" on a plan on file with the Town Clerk titled "Plan of Land on West Main Street in Norton, Massachusetts Prepared for Norton Water Department," dated April 30, 2008, prepared by Yarworth Engineering Company, Inc; and transfer from the Board of Water and Sewer Commissioners for water supply purposes to the Board of Selectmen for park purposes a parcel of land located at 0 Rear Cottage Street, Norton, shown as Assessor Map 21, Lot 106, containing approximately 4.5 acres; and transfer from the Board of Water and Sewer Commissioners for water supply purposes to the Board of Water and Sewer Commissioners, for water supply purposes and for the purpose of access to park land, portions as shown on a sketch plan on file with the Town Clerk, of a parcel of land

located at 0 Rear Cottage Street, Norton, shown as Assessor Map 21, Lot 105, containing approximately 4.5 acres, a parcel of land located at 0 Rear Cottage Street, Norton, shown as Assessor Map 21, Lot 104, containing approximately 4.5 acres, and a parcel of land located at 0 Cottage Street, Norton, shown as Assessor Map 21, Lot 102, containing approximately 1.7 acres; provided, however, that such transfers shall become effective when the transferring Board determines that the respective parcel of land is no longer needed for its original purpose; and authorize the Board of Water and Sewer Commissioners, upon such terms and conditions as the Board deems appropriate, including the payment of nominal consideration, to enter into leases for the above-stated "Lot A", for a term of up to thirty years and to grant to public utility companies such easements as may be necessary for the leased land; and further, to authorize the Board of Selectmen to petition the General Court for approval of such changes in use, transfers and conveyances pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, or take any other action relative thereto.

(BOARD OF WATER/SEWER COMMISSIONERS AND BOARD OF SELECTMEN)

FINANCE COMMITTEE: No action, pending receipt of further information.

ARTICLE 12

To see if the Town will vote to transfer land adjacent to permanently protected properties and the Three-Mile River within the proposed Area of Critical Environmental Concern, acquired through tax foreclosure proceedings and presently under the care, custody, and control of the Board of Selectmen to the care, custody, and control of the Conservation Commission to be preserved as open space/conservation land, pursuant to G.L. Ch.40, Section 8C, and to authorize the Conservation Commission to record a certified copy of the vote taken hereunder to serve as notice of the dedication of this land to open space/conservation purposes, or take any other action relative thereto:

Map	Parcel	Acres	Location	Book	Page
29	69	3.2	Crane Street rear	882	542
33	34	2.5	Taunton Ave rear	8406	128
33	35	2.0	Taunton Ave rear	6168	120
		7.7	Total		

(CONSERVATION COMMISSION)

FINANCE COMMITTEE: Recommended.

ARTICLE 13

To see if the town will vote to transfer land adjacent to permanently protected properties and adjacent to the Canoe River, acquired through tax foreclosure proceedings and presently under the care, custody, and control of the Board of Selectmen to the care, custody, and control of the Conservation Commission to be preserved as open space/conservation land, pursuant to G.L. Ch.40, Section 8C, and to authorize the Conservation Commission to record a certified copy of the vote taken hereunder to serve as notice of the dedication of this land to open space/conservation purposes, or take any other action relative thereto:

Map	Parcel	Acres	Location	Book	Page
11	32-02	3.50	Leonard St rear	8405	256
11	32-04	1.75	Leonard St rear	8405	254
		5.25	Total		

(CONSERVATION COMMISSION)

FINANCE COMMITTEE: Recommended.

ARTICLE 14

To see if the Town will amend the Town of Norton Zoning Map as follows:

1. Alternative One: On Assessor's Map 19 (revision date of August 2007), Parcels 52 and 52-01, by deleting the existing Residential-80 zoning designation and replacing it with the Village Commercial zoning designation;

or,

2. Alternative Two: On Assessor's Map 19 (revision date of August 2007), Parcels 52 and 52-01, 79, 91, 92-01, 92, 92-02, 94-02, 93, and 94, by deleting the existing Residential-80 zoning designation and replacing it with the Village Commercial zoning designation.

or take any other action relative thereto.

(PLANNING BOARD)

FINANCE COMMITTEE: The Finance Committee recommends Alternative Two.

ARTICLE 15

To see if the Town will amend the Town of Norton Zoning Map as follows:

On Assessor's Map 31 (revision date of August 2007), Parcels 14, 16, 17, 17-1, 18, 19, 20, 21, 22, 23, and 69, by deleting the existing Commercial zoning designation and replacing it with the Residential-60 zoning designation.

or take any other action relative thereto.

(PLANNING BOARD)

FINANCE COMMITTEE: Recommended.

ARTICLE 16

To see if the Town will amend the Town of Norton Zoning Map as follows:

1. On Assessor's Maps 26 and 21 (revision date of August 2007), by deleting the existing Industrial zoning designation on the following parcels: 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 99-01, 99-02, and 100; and
2. By replacing it with the following zoning designations:
 - A. On Parcels 85, 91, and 92, by replacing with the Village Commercial zoning designation; and,
 - B. On Parcels 86, 87, 88, 89, 90, 93, 94, 99-01, 99-02, and 100, by replacing with the Residential-40 zoning designation,

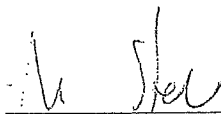
or take any other action relative thereto.

(PLANNING BOARD)

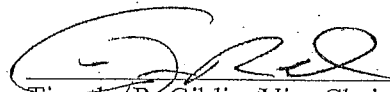
FINANCE COMMITTEE: Recommended.

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 25th day of September, in the year Two Thousand Eight.

BOARD OF SELECTMEN/TOWN OF NORTON



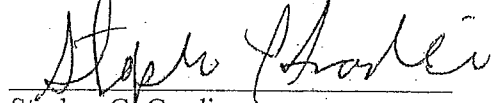
Mary T. Steele, Chairman



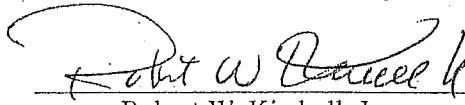
Timothy R. Giblin, Vice Chairman



Robert S. Salvo, Sr., Clerk



Stephen G. Gradie



Robert W. Kimball, Jr.

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 Ronald A. Benaschi CONSTABLE Norton DATE 9/26/08