

10.2021

TOWN OF NORTON
MINUTES FOR THE ANNUAL TOWN MEETING
OCTOBER 25, 2021

The Annual Town Meeting was called to order by Moderator Walter Eykel at 7:04 PM at the Norton High School Gymnasium.

Welcome to tonight's Special Town Meeting. I am Town Moderator Walter Eykel. With me to my right is Town Clerk, Lucia Longhurst.

To begin tonight's meeting, I would like to introduce the Cub Scouts who will lead us in the Pledge of Allegiance.

Thank you. Now I would first like to go over some of the rules for this meeting.

If you are not a registered voter in the Town of Norton, you are welcome to visit but must sit in the section of seats marked in for that reason. If you are registered voter, please sit anywhere else, because your vote will not be counted if you are sitting in the non-voting section.

If you wish to address this meeting, you must do so only after being recognized by the Moderator. There are two microphones located up front here. Please move to one of those if you wish to speak and wait to be recognized. When speaking, please identify yourself by name and address for the record. Please try and keep your remarks brief and to the point, and confine them only to the matter under consideration at the time.

All speakers at this meeting will be treated with courtesy by the Moderator and everyone else in the room. No speaker will be allowed to use the meeting for personal attacks on any individual. All remarks will be directed towards the Moderator, and while I will allow questions to be asked of individuals, I will not allow cross-examination type discussions from the floor.

In recognizing people to speak, I will endeavor to call upon those who have not yet spoken on a topic before recognizing those who have already spoken. I will recognize motions to move the question, but if in my opinion there are still people waiting to speak who may add to the discussion, I will exercise my authority to not accept a motion to move the question under those circumstances.

If a standing vote is required, you will be instructed to stand at your seats until your vote is counted. If a ballot vote is required, you will be given instructions by the Moderator and or the town Clerk as to how to proceed.

If you wish to make an amendment to any motion, you must do so in writing and present it to the Moderator. Please prepare your amendment in writing and bring it to me up here. If you are moving an article that has not been recommended and moved by the Finance Committee, you must also present that motion to the Town Clerk in writing.

I remind you all that no motion to reconsider any article will be accepted by the Moderator until at least three articles following the article being reconsidered have been acted upon by this meeting. If the article is one of the last three on the warrant, I will accept any motions to reconsider them prior to adjourning. Please be aware that any article you act upon tonight can be reconsidered as few as three articles later.

There may be requests this evening to allow non-voters to speak on certain articles. This must be done by a Motion voted upon by this meeting. While it is the right and the decision of the meeting to allow or not allow non-residents to speak, please keep in mind they may have information to add to the discussion. All non-voters must approach the moderator if they wish to be heard.

Town Clerk Lucia B. Longhurst read the call and return of service from the Constable as written in the warrant.

ARTICLE 1 (4/5 Vote)

I Aimee Sawyer MOVE that the Town vote to pay the following unpaid bills incurred in a prior fiscal year and, as funding therefor, to transfer the sum of \$1,935.01 from existing Fiscal Year 2022 funds in Account No. 001-192-570:

AMOUNT	ACCOUNT	VENDOR	PURPOSE
\$ 1,935.01	Municipal Building	Boiler Equipment, Inc.	Police Dept: Spring Maintenance and Chief's Office

\$ 1,935.01 TOTAL PRIOR YEAR BILLS

ARTICLE PASSES BY UNANIMOUS VOTE AS DECLARED BY THE
MODERATOR

ARTICLE 2 (Majority Vote)

I Aimee Sawyer MOVE that the Town vote to transfer the amount of \$225,274.00 from Free Cash to pay all outstanding separation expenses associated with the retirement of various employees from the Town of Norton and to authorize the Town Accountant, in consultation with the Town Manager, to allocate amounts to appropriate departments.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

Commented [A1]: Remember that a 4/5 vote only applies if there was not a sufficient appropriation for such purposes when the service was provided. Otherwise, for example, if a bill just came in late, it's a majority vote.

ARTICLE 3 (Majority Vote)

I Aimee Sawyer MOVE that the Town vote to amend the vote taken under Article 6 of the May 8, 2021, Annual Town Meeting Warrant by increasing appropriations for certain line items and, as funding therefor, to raise and appropriate the amount of \$59,840.00 and to transfer the amount of \$704,628.00 from Free Cash, all as specified in the Finance Committee Recommendations for Article 3 of the October 25, 2021, Annual Town Meeting Warrant.

FINANCE COMMITTEE: Recommended to amend the vote taken under Article 6 of the May 8, 2021, Annual Town Meeting Warrant by increasing appropriations for certain line items and, as funding therefor, to raise and appropriate the amount of \$59,840.00 and to transfer the amount of \$704,628.00 from Free Cash as follows:

FY22 Operating Budget Supplements			
Account	Department	Use	Recommendations
001-141-510	Assessors	Salary	\$ 7,824.00
001-147-510	Treasurer	Salary	\$ 5,000.00
001-155-510	Data Processing	Salary	\$ 2,000.00
001-161-570	Town Clerk	Expense - General Code	\$ 5,000.00
001-210-510	Police	Salary - Overtime	\$ 27,000.00
001-210-510	Police	Salary - New Hires	\$ 27,500.00
001-220-510	Fire	Salary - Overtime	\$ 75,000.00
001-230-570	Emergency Medical	Expense - Training	\$ 3,450.00
001-300	Norton Public Schools	Transportation	\$ 457,824.00
001-306-560	Southeastern Regional Voc-Tech School	Assessment - Tuition	\$ 80,030.00
001-910-570	Medicare	Supplement	\$ 14,000.00
TOTAL FY22 OPERATING BUDGET SUPPLEMENTS:			\$ 704,628.00
001-750-590	Interest (Debt Excluded)	School Athletic Fields, Town Hall, and Senior/Community Support Center Projects	\$ 59,840.00
TOTAL FY22 RAISE AND APPROPRIATE SUPPLEMENT			\$ 59,840.00

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 4

No action at this time.

ARTICLE FAILS FOR LACK OF MOTION AS DECLARED BY THE
MODERATOR

ARTICLE 5 (Majority Vote)

I Aimee Sawyer MOVE that the Town vote to clarify that the funding for the FY22 Sewer Enterprise operating budget in the amount of \$2,071,390.00, as approved under Article 5 of the May 8, 2021, Annual Town Meeting Warrant, includes \$1,991,390.00 from FY22 Sewer Enterprise Receipts (including but not limited to fees, charges, interest, and miscellaneous revenues), and \$80,000.00 from the West Main Street sewer betterment.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 6 (Majority Vote)

I Aimee Sawyer MOVE that the Town vote to transfer the amount of \$800,000.00 from Free Cash to the Capital Improvements Account.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 7 (2/3 Vote)

I Aimee Sawyer MOVE that the Town vote to transfer the amount of \$383,952.00 from the Capital Improvements Account to purchase, or lease with an option to purchase for periods of time up to or in excess of three years, new and/or replacement capital items for various Town Departments, including equipping any vehicles and all other incidental and related expenses, all as specified in the Finance Committee Recommendations for Article 7 of the October 25, 2021, Annual Town Meeting Warrant.

(SELECT BOARD)

FINANCE COMMITTEE: Recommended to transfer the amount of \$383,952.00 from the Capital Improvements Account to purchase, or lease with an option to purchase for periods of time up to or in excess of three years, new and/or replacement capital items for various Town Departments as follows:

DATA PROCESSING - IT (155)

25 Percent Annual Replacement Plan for Town Wide Obsolete, Unrepairable Equipment or Technology	\$ 35,000.00
POLICE DEPARTMENT (210)	
Police Line Cruiser Replacements (Two)	\$ 70,000.00
Five Portable Radios	\$ 20,000.00
Electronic Control Weapons/Tasers	\$ 21,000.00
NORTON PUBLIC SCHOOLS (300)	
DISTRICT	
Minibus for Athletics - Lease to Own	\$ 69,000.00
Technology Displays	\$ 85,000.00
HIGHWAY (420)	
Peterbilt Dump Truck (Year 1 of 5)	\$ 12,000.00
2022 Chevy Silverado	\$ 71,952.00
TOTAL:	\$ 383,952.00

ARTICLE PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR

ARTICLE 8 (2/3 Vote)

I Aimee Sawyer MOVE that the Town vote to approve Article 8 as printed in the October 25, 2021, Annual Town Meeting Warrant and to do so, to transfer the amount of \$1.00 from Free Cash.

ARTICLE 8 PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR

ARTICLE 9 (2/3 Vote)

I Aimee Sawyer MOVE that the Town vote to transfer to the Select Board the care, custody and control of the property located at 0 King Phillip Road, also known as Assessors ID: 19-165-0, and authorize the Select Board to convey the Town's right, title and interest in said property for nominal consideration to the current owner thereof, said deed being necessary to correct an error in recording an instrument of redemption following the repayment of taxes, interest, and expenses owed to the Town under a tax taking.

ARTICLE 9 PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR

ARTICLE 10 (2/3 Vote)

I Aimee Sawyer MOVE that the Town vote to supplement the vote taken under Article 9 of the Warrant at the October 21, 2019, Town Meeting, which vote authorized the Select Board to acquire, for recreational trail-related purposes, land and easements in parcels of land abutting and/or near North Washington Street, Cobb Street, Arrowhead Drive, Johnson Drive, Briggs Street, and Crane Street, by authorizing the Select Board to also acquire, by gift, purchase, and/or eminent domain and for recreational trail, construction, drainage, utility, access and/or related purposes, the fee to and/or easements in, on and under the rail trail, portions of Briggs Street and Arrowhead Drive, and the other parcels of land approximately shown on plans entitled "Plan and Profile of Rail Trail Extension in the Town of Norton and Mansfield", a copy of which is on file with the Town Clerk, as said plan may be amended from time to time and/or as shown on an easement plan, and land within 200 feet of said parcels of land; to appropriate \$700,000.00 to pay costs of acquiring the aforesaid interests in land and that meet this appropriation, the Treasurer, with the approval of the Select Board is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1) or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payments of costs approved by this vote in accordance with G.L. c.44 §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; and further, that the Select Board is authorized to enter into any and all agreements, execute instruments and take any and all actions necessary or appropriate to effectuate the foregoing transactions.

Katherine Conway explained that the trail was much too close to her property and that this was not well thought out.

Sandra Ollerhead explained that a Public Hearing was held and all abutters were notified.

Christopher Keyes said he had met with all the abutters and explained that changes are taking place to correct the problem.

Others spoke giving their support in favor of the article.

Keith Silver made a motion to move the question. The motion was second. Motion to move the question passes.

ARTICLE PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR

ARTICLE 11 (Majority Vote)

I Aimee Sawyer MOVE that the Town vote to accept the 2021 Master Plan for the Town of Norton as approved by the Town of Norton Planning Board, a copy of which is on file with the Town Clerk and posted on the Town of Norton web site.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 12 (2/3 Vote if vast majority in favor [or Counted Vote or Unanimous])

FINANCE COMMITTEE: Not recommended.

To see if the Town will vote to authorize the Select Board to file a Home Rule petition with the General Court of the Commonwealth of Massachusetts, on behalf of the Town of Norton, for a special act as set forth below; and further, to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court, and to authorize the Select Board to approve amendments which shall be within the scope of the general public objectives of this petition;

AN ACT AUTHORIZING THE TOWN OF NORTON TO GRANT ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES, NOT TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the Town of Norton may grant two (2) licenses for the sale of all alcoholic beverages not to be drunk on the premises, under the provisions of section 15 of said chapter 138. One license for the sale **or** all alcoholic beverages not to be drunk on the premises located on the property currently identified as the Blue Star Business Park at the intersection of East Main Street and Leonard Street. One license shall be located on Old Colony Road between its intersection with North and South Worcester Streets and the Attleboro city line. Such licenses shall be subject to all of the provisions of said chapter 138 except section 17; provided, however, that said licensing authority shall not approve the transfer of said license within one year after the date of issuance of such license by said licensing authority and the license must remain in the established district; and provided further, that such use is allowed by right or by special permit in such applicable zoning district.

SECTION 2. This act shall take effect upon its passage or take any other action relative thereto.

ARTICLE FAILS FOR LACK OF MOTION

ARTICLE 13 (Majority Vote)

Commented [A2]: The General Court no longer requires that a vote to file a Home Rule Petition be counted or unanimous. If there is concern about possible objections to the same, it can help, however, to demonstrate that the vast majority of the voters were in favor of the petition. Another option would be for the Moderator to declare a 2/3 vote if there are a small number of dissenters.

FINANCE COMMITTEE: Not recommended.

To see if the Town will vote to amend the MANDATORY CONNECTION TO COMMON SEWER bylaw by deleting the existing language in its entirety and replacing it with the following, or take any other action relative thereto:

1. The owner or occupant of any building upon land abutting on a private or public way, in which a common sewer was installed utilizing Municipal Funding, either prior to or after this by-law, upon a violation of Title 5 of the State Sanitary Code, as it may be amended from time to time, or within ten (10) years of availability of such common sewer, whichever shall occur sooner, connect the same therewith by a sufficient drain; including any owner or occupant who is subject to an order to connect dated on or before the effective date of this by-law.
2. The owner or occupant of any building upon land abutting on a private or public way, in which a common sewer was installed utilizing only Private Funding, either prior to or after this by-law, shall, upon a violation of Title 5 of the State Sanitary Code, as it may be amended from time to time, whichever shall occur sooner, connect the same therewith by a sufficient drain, including any owner or occupant who is subject to an order to connect dated on or before the effective date of this by-law.

William Francis, 66 Plain Street discussed his concerns on this article. He presented an amendment and a motion to second was passed. The amendment was discussed and adjusted by Town Counsel. The amendment was approved and reads as follows:

3. The owner or occupant of any building upon land abutting on a private or public way, in which a common sewer was installed utilizing Municipal Funding, either prior to or after this by-law, upon a violation of Title 5 of the State Sanitary Code, as it may be amended from time to time, or within ten (7) years of availability of such common sewer, whichever shall occur sooner, connect the same therewith by a sufficient drain; including any owner or occupant who is subject to an order to connect dated on or before the effective date of this by-law.
4. The owner or occupant of any building upon land abutting on a private or public way, in which a common sewer was installed utilizing only Private Funding, either prior to or after this by-law, shall, upon a violation of Title 5 of the State Sanitary Code, as it may be amended from time to time, connect the same therewith by a sufficient drain, including any owner or occupant who is subject to an order to connect dated on or before the effective date of this by-law.

A hand count was taken and the article with the amendment passes. 37 for, 28 against.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 14 (Majority Vote)

I Aimee Sawyer MOVE that the Town vote to approve Article 14 as printed in the October 25, 2021, Annual Town Meeting Warrant, to transfer the amount of \$2,400.00 from Free Cash for this purpose, and to authorize the Town Accountant, in consultation with the Town Manager, to allocate amounts to appropriate departments.

ARTICLE 14 AS PRINTED IN THE WARRANT

ARTICLE 14

To see if the Town will vote to revise the Town's Personnel Bylaws, as on file with the Town Clerk, as follows:

1. In Chapter 110, Article V, §110-20, by inserting, at the end of the list appearing in said section, the following, "as well as any other day defined as a legal holiday by the Massachusetts General Court or United States Congress".
2. In Chapter 110, Article V, §110-31, by replacing the existing schedule with the following:

YEARS OF SERVICE	LONGEVITY PAY EFFECTIVE JULY 1, 2021
After Five (5) Years	\$ 800.00
After Ten (10) Years	\$ 900.00
After Fifteen (15) Years	\$ 1,000.00
After Twenty (20) Years	\$ 1,200.00
After Twenty-Five (25) Years	\$ 1,300.00

(TOWN MANAGER)

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 15 (Majority Vote)

I Aimee Sawyer MOVE that the Town vote to transfer the amount of \$110,000.00 from Free Cash to the "Other Post-Employment Benefits Liability Trust Fund" established to cover the unfunded actuarial liability for retirees' health care and life insurance benefits.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 16 (Majority Vote)

I Aimee Sawyer MOVE that the Town vote to transfer the amount of \$400,000.00 to the Stabilization Fund, in accordance with G.L. c. 40, §5B.

The Special Town Meeting was adjourned by the Moderator at 8:10 pm.

A TRUE COPY ATTEST:

Lucia B. Longhurst
Town Clerk