

2023.05.15

MINUTES FOR THE SPECIAL AND ANNUAL TOWN MEETING MAY 15, 2023

At 7:00 pm, Town Moderator, Jack Conway opened the Annual Town Meeting.

To begin tonight's meeting, I would ask that you all stand and join me in the Pledge of Allegiance.

Town Clerk Lucia Longhurst welcomed and introduced Jack Conway as Norton's newly elected Town Moderator.

Ladies and gentlemen, children of all ages - welcome to the Annual Town Meeting. I am Town Moderator Jack Conway, and this is my first time up here. Please be gentle. Next to me is Town Clerk Lucia Longhurst, who will be using a series of kicks to the shin and elbows to the ribs to keep me in line tonight. Should I be concerned that I saw her chugging a protein shake backstage? Also joining me on the stage are Bonnie Yezukevich and Paula Daniels, the chair and vice chair of your Finance Committee.

Moderator Conway welcomed State Representative Jay Barrows.

With those introductions and pleasantries out of the way, I'd like to extend some gratitude to you all. Thank you for coming out tonight to participate in our town's legislative process. It is here tonight that you and your neighbors will make decisions that will guide Norton for the next Fiscal Year and beyond. The power is quite literally in the palm of your hand - how cool is that? I think it's pretty darn cool. So on behalf of your elected representatives and resident volunteers, thank you for caring and thank you for coming. I promise to break out my daughter's joke book only during any technical problems we may encounter... which is why I brought two!

Before we get into the delicious nitty gritty of tonight's business, I need to review the ground rules for this meeting.

1. I ask everyone to please find a seat for this meeting. Standing in the back and on the sides creates problems both on a noise level and in counting standing votes.
2. If you are not a registered voter in the Town of Norton, you are welcome to attend but must sit in the section of seats where I indicate. If you are a registered voter, please sit anywhere else, because your vote will not be counted if you are sitting in the non-voting section.
3. If you wish to address this meeting, you must do so only after being recognized by the Moderator. There are two microphones located in the back aisle for this purpose; the microphone down front will be used by town employees and presenters. 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 statements concise, direct and limited only to the matter under consideration at the time.

4. 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

5. 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.

6. 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 Town Clerk as to how to proceed.

7. 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, and it must be done in the proper form.

8. 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 at any time prior to adjourning. Please be aware that any article you act upon tonight can be reconsidered as few as three articles later, so keep that in mind before you rush out after your article.

9. 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.

Now I would like to ask Madam Clerk, do we have a return of this warrant?

Section 2-2 of the Town Charter allows the Moderator to designate a Deputy Moderator to serve between now and the next Spring Town Meeting. The Deputy can preside at town meetings should the elected town Moderator be unavailable, and while I have no intention of missing any meetings it's always good to have a backup. The appointment of the Deputy must be voted on by the members of town meeting. To give former Mr Moderator Bill Gouveia a well-earned break, I would like to nominate Aimee Sawyer as deputy moderator and put it to a vote. Do I have a motion? A second? Thank you. All those in favor of appointing Aimee to this role for the next one-year period, please raise your hands. All opposed? Motion passes by majority vote as determined by the moderator.

ARTICLE 2 (Majority)

I Bonnie Yezukevich MOVE that the Town vote to authorize the Select Board 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 Transportation, pursuant to G.L. c.90.

OR

I move to approve Article 2 all as printed in the May 15, 2023, Annual Town Meeting Warrant.

ARTICLE 2 AS PRINTED IN THE WARRANT

To see if the Town will vote to authorize the Select Board 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 Transportation, pursuant to G.L. c.90, or take any other action relative thereto.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 3 (Majority)

I Bonnie Yezukevich MOVE that the Town vote to transfer the sum of \$31,000.00 from Free Cash for tree services, including but not limited to the removal of hazardous trees, stump removal, and performance of additional preventative and emergency services Town-wide, including crane rentals and other incidental and related costs.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 4 (Majority)

I Bonnie Yezukevich MOVE that the Town vote to transfer the amount of \$206,893.00 from Free Cash, \$10,810.00 from Water Enterprise Receipts, and \$1,922.00 from Sewer Enterprise Receipts, all as specified, to fund and implement the first year of the three-year Collective Bargaining Agreements between the Town and the following Unions for the period beginning July 1, 2023, through June 30, 2026, and to authorize the Town Accountant to allocate amounts to appropriate departments:

1. From Free Cash, the sum of \$20,196.00 for Local 1702, State Council 93, American Federation of State, County and Municipal Employees, AFL-CIO (Clerical Employees);

2. From Free Cash, the sum of \$46,279.00 for Local 1702, State Council 93, American Federation of State, County and Municipal Employees, AFL-CIO (Highway Department Employees);
3. From Water Receipts, the sum of \$10,290.00 and from Sewer Receipts, the sum of \$1,922.00 for Local 1702, State Council 93, American Federation of State, County and Municipal Employees, AFL-CIO (Water and Sewer Department Employees);
4. From Free Cash, the sum of \$38,600.00 for Norton Police Association, MassCop Local #512;
5. From Free Cash, the sum of \$95,633.00 for Local # 2678, International Association of Firefighters; and,
6. From Free Cash, the sum of \$6,185.00 and from Water Receipts, the sum of \$520.00 for United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC, Local Union 9517 Unit 14, f/k/a SENA-B.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 5 (Majority)

I Bonnie Yezukevich MOVE that the total amount of \$4,740,548.00 be appropriated for the operation of the Water Enterprise for Fiscal Year 2024 from Water Enterprise Receipts (including but not limited to user charges, lease revenue, interest, permits, anticipated receipts, and miscellaneous revenues) in the amount of \$4,243,344.00 and by transferring from retained earnings the amount of \$497,204.00, with \$4,210,722.00 of said sum being appropriated hereunder for direct costs of the Enterprise, and \$529,826.00 of said sum to be appropriated in the General Fund under Article 7 for indirect costs and allocated to the Water Enterprise Fund for funding, as follows:

\$1,242,231.00	Personnel Services
\$1,347,500.00	Other Charges and Expenditures
\$1,620,991.00	Debt Services
<u>\$ 529,826.00</u>	Indirect Costs –
	Charged to Enterprise Fund from
	General Fund and raised under Article 7
\$4,740,548.00	Total for Fiscal Year 2024 – Water

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 6 (Majority)

I Bonnie Yezukevich MOVE that the total amount of \$2,351,071.00 be appropriated for the operation of the Sewer Enterprise for Fiscal Year 2024 from Sewer Enterprise Receipts (including but not limited to user charges, fees, charges, interest, permits, betterments, and miscellaneous revenues) in the amount of \$2,247,214.00 and by transferring from retained earnings the amount of \$20,657.00 and from the West Main Street Betterment Account the amount of \$83,200.00, with \$2,186,124.00 of said sum being appropriated hereunder for direct costs of the Enterprise, and \$164,947.00 of said sum to be appropriated in the General Fund under Article 7 for indirect costs and allocated to the Sewer Enterprise Fund for funding, as follows:

\$ 439,422.00	Personnel Services
\$1,343,489.00	Other Charges and Expenditures
\$ 403,213.00	Debt Services
<u>\$ 164,947.00</u>	Indirect Costs –
	Charged to Enterprise Fund from
	General Fund and raised under Article 7
\$2,351,071.00	Total for Fiscal Year 2024 – Sewer

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 7 (2/3 Vote; if Stabilization funding source is removed, Majority)

I Bonnie Yezukevich MOVE that the total amount of \$69,965,686.00 be appropriated for the Fiscal Year to fund the FY24 Operating Budget, all as presented in the Finance Committee's Report. To do so, to raise and appropriate \$66,233,154.00, to raise from Water receipts \$529,826.00, to raise from Sewer receipts \$164,947.00, and further, to transfer \$3,037,759.00 from the following funds for a total appropriation for the Fiscal Year 2024 operating budget of \$69,965,686.00:

Hicks Fund	\$ 200,000.00
Stabilization Fund	\$ 707,500.00
Ambulance Receipts	\$ 850,000.00
Overlay	\$ 100,000.00
Septic Betterments	\$ 35,000.00
Dog Fund	\$ 10,000.00
Debt Exclusion Premium	\$ 11,218.00
Wetlands Protection	\$ 5,000.00
Free Cash	<u>\$ 1,119,041.00</u>
TOTAL TRANSFERS	\$ 3,037,759.00

-	-	<u>FY 2024</u>
		<u>Finance</u>
		<u>Comm</u>
-	-	<u>Recommend.</u>
-	-	-
<u>Personnel Services</u>	<u>510</u>	<u>\$74,300.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$2,400.00</u>
		-
<u>Totals</u>	-	<u>\$76,700.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$300,387.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$42,850.00</u>
		-
<u>Totals</u>	-	<u>\$343,237.00</u>
		-
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$2,015.00</u>
		-
<u>Totals</u>	-	<u>\$2,015.00</u>
		-
<u>Appropriation</u>		<u>\$150,000.00</u>
<u>Transfers</u>	<u>502</u>	
		-
<u>Totals</u>	-	<u>\$150,000.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$242,109.00</u>
<u>Purchase Of Services</u>	<u>520</u>	<u>\$29,000.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$3,420.00</u>
		-
<u>Totals</u>	-	<u>\$274,529.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$209,393.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$39,225.00</u>
		-
<u>Totals</u>	-	<u>\$248,618.00</u>
		-

<u>Personnel Services</u>	<u>510</u>	<u>\$267,945.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$57,511.00</u>
		-
<u>Totals</u>	-	<u>\$325,456.00</u>
-	-	-
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$70,000.00</u>
		-
<u>Totals</u>	-	<u>\$70,000.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$42,482.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$372,500.00</u>
		-
<u>Totals</u>	-	<u>\$414,982.00</u>
		-
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$30,000.00</u>
		-
<u>Totals</u>	<u>570</u>	<u>\$30,000.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$130,055.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$10,150.00</u>
		-
<u>Totals</u>	-	<u>\$140,205.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$700.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$32,200.00</u>
		-
<u>Totals</u>	-	<u>\$32,900.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$137,232.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$22,500.00</u>
		-
<u>Totals</u>	-	<u>\$159,732.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$131,833.00</u>

<u>Charges & Expenditures</u>	<u>570</u>	<u>\$8,175.00</u>
		-
<u>Totals</u>	-	<u>\$140,008.00</u>
-	-	-
<u>Assessment</u>	<u>560</u>	<u>\$4,000.00</u>
		-
<u>Totals</u>	-	<u>\$4,000.00</u>
		-
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$300.00</u>
		-
<u>Totals</u>	-	<u>\$300.00</u>
		-
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$162,375.00</u>
		-
<u>Totals</u>	-	<u>\$162,375.00</u>
		-
<u>Printing</u>	<u>520</u>	<u>\$2,400.00</u>
		-
<u>Totals</u>	-	<u>\$2,400.00</u>
		-
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$52,550.00</u>
		-
<u>Totals</u>	-	<u>\$52,550.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$3,820,856.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$238,545.00</u>
		-
<u>Totals</u>	-	<u>\$4,059,401.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$4,278,029.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$272,400.00</u>
		-
<u>Total</u>	-	<u>\$4,550,429.00</u>
		-
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$218,050.00</u>

		-
<u>Totals</u>	-	<u>\$218,050.00</u>
-	-	-
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$9,000.00</u>
		-
<u>Totals</u>	-	<u>\$9,000.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$240,499.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$18,625.00</u>
		-
<u>Totals</u>	-	<u>\$259,124.00</u>
		-
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$2,600.00</u>
		-
<u>Totals</u>	-	<u>\$2,600.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$0.00</u>
<u>Assessment</u>	<u>560</u>	<u>\$300,000.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$0.00</u>
		-
<u>Totals</u>	-	<u>\$300,000.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$91,859.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$14,080.00</u>
		-
<u>Totals</u>	-	<u>\$105,939.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$2,000.00</u>
		-
<u>Totals</u>	-	<u>\$2,000.00</u>
		-
		<u>\$34,706,443.00</u>
		-
<u>Totals</u>	-	<u>\$34,706,443.00</u>
-	-	-
<u>Assessments</u>	<u>560</u>	<u>\$1,717,885.00</u>
		-

<u>Totals</u>	-	<u>\$1,717,885.00</u>
		-
<u>Assessments</u>	<u>560</u>	<u>\$116,000.00</u>
		-
<u>Totals</u>	-	<u>\$116,000.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$879,898.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$139,050.00</u>
<u>Surface Treatment</u>	<u>580</u>	<u>\$13,000.00</u>
<u>Repairs to Private Ways</u>	<u>581</u>	<u>\$1,000.00</u>
		-
<u>Totals</u>	-	<u>\$1,032,948.00</u>
		-
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$80,000.00</u>
		-
<u>Totals</u>	-	<u>\$80,000.00</u>
		-
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$40,000.00</u>
		-
<u>Totals</u>	-	<u>\$40,000.00</u>
		-
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$14,000.00</u>
<u>Reserve Fund Supplement</u>		-
		-
<u>Totals</u>	-	<u>\$14,000.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$184,010.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$10,200.00</u>
		-
<u>Totals</u>	-	<u>\$194,210.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$40,300.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$10,250.00</u>
		-

<u>Totals</u>	-	<u>\$50,550.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$138,000.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$30,540.00</u>
<u>Reserve Fund Supplement</u>		-
		-
<u>Totals</u>	-	<u>\$168,540.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$98,056.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$3,750.00</u>
<u>Veterans Benefits</u>	<u>579</u>	<u>\$200,000.00</u>
<u>Reserve Fund Supplement</u>		-
		-
<u>Totals</u>	-	<u>\$301,806.00</u>
		-
<u>Other Charges & Expenditures</u>	<u>570</u>	<u>\$568,997.00</u>
		-
<u>Totals</u>	-	<u>\$568,997.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$28,249.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$17,550.00</u>
		-
<u>Totals</u>	-	<u>\$45,799.00</u>
		-
<u>Other Charges & Expenditures</u>	<u>570</u>	<u>\$2,000.00</u>
		-
<u>Totals</u>	-	<u>\$2,000.00</u>
		-
<u>Maturing Principal on LT Debt</u>	<u>590</u>	<u>\$2,951,578.00</u>
<u>Repayment of Temporary Loans</u>	<u>594</u>	<u>\$74,904.00</u>
		-
<u>Totals</u>	-	<u>\$3,026,482.00</u>
		-

<u>Interest on Long-Term Debt</u>	<u>590</u>	<u>\$1,666,452.00</u>
<u>Interest on Notes</u>	<u>594</u>	<u>\$32,254.00</u>
<u>Reserve Fund Supplement</u>		-
		-
<u>Totals</u>	-	<u>\$1,698,706.00</u>
		-
<u>Personnel Services</u>	<u>510</u>	<u>\$3,927,425.00</u>
<u>Other Personnel Services</u>	<u>511</u>	<u>\$8,424,000.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$600,000.00</u>
		-
<u>Totals</u>	-	<u>\$12,951,425.00</u>
		-
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$75,000.00</u>
		-
<u>Totals</u>	-	<u>\$75,000.00</u>
		-
<u>Fuel Expenses</u>	<u>540</u>	<u>\$150,000.00</u>
<u>Charges & Expenditures</u>	<u>570</u>	<u>\$888,345.00</u>
		-
<u>Totals</u>	-	<u>\$1,038,345.00</u>
<u>Grand Totals</u>	-	<u>\$69,965,686.00</u>

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

At 7:16 pm, the Annual Town meeting was adjourned and the Special Town Meeting was called to order by the Moderator.

SPECIAL TOWN MEETING

ARTICLE 1 (9/10 Vote)

I Bonnie Yezukevich move that the Town vote to pay the following unpaid bills incurred in a prior fiscal year using \$395.20 from existing Fiscal Year 2023 funds in Account No. 001-192-570:

ACCOUNT	DEPARTMENT	VENDOR	AMOUNT
001-192-570	Municipal Building	Citron Hygiene	\$ 395.20

ARTICLE PASSES BY 9/10 VOTE AS DECLARED BY THE MODERATOR

ARTICLE 2

No action.

ARTICLE LOST FOR LACK OF MOTION AS DECLARED BY THE MODERATOR

ARTICLE 3 (Majority)

I Bonnie Yezukevich MOVE that the Town vote to amend the vote taken under Article 6 of the June 7, 2022, Annual Town Meeting by increasing appropriations for certain line items and to do so, by transferring the additional amount of \$126,682.00 from Account No. 001-910-511-5171 as follows:

Account	Department	Use	Amount
001-300	Norton Public Schools	Transportation	\$ 101,682.00
001-940-570	Miscellaneous	Insurances	\$ 15,000.00
001-940-570	Miscellaneous	Medicaid Reimbursement	\$ 10,000.00
TOTAL FY23 OPERATING BUDGET SUPPLEMENTS:			\$ 126,682.00

ARTICLE 4

No action.

ARTICLE LOST FOR LACK OF MOTION AS DECLARED BY THE MODERATOR

ARTICLE 5

No action.

ARTICLE LOST FOR LACK OF MOTION AS DECLARED BY THE MODERATOR

ARTICLE 6

No Action.

ARTICLE LOST FOR LACK OF MOTION AS DECLARED BY THE MODERATOR

ARTICLE 7

No action.

ARTICLE LOST FOR LACK OF MOTION AS DECLARED BY THE MODERATOR

ARTICLE 8 (Majority)

I Bonnie Yezukevich MOVE that the Town vote to transfer the amount of \$85,000.00 from Free Cash for the purpose of replacing the traffic signal at Norton Fire Department Headquarters – Station 2 located at 70 East Main Street, including all other incidental and related costs.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 9

No action.

ARTICLE LOST FOR LACK OF MOTION AS DECLARED BY THE MODERATOR

ARTICLE 10 (Majority)

I Bonnie Yezukevich MOVE that the Town vote to transfer the amount of \$25,000.00 from Free Cash for an engineering consultant to redesign, alter, and/or relocate the layout of the intersection of Mansfield Avenue, Taunton Avenue, and Main Street in Norton, portions of which are State roadways.

Resident Kim Arena questioned as to whether any action has been taken on this. Robert Kimball, chair of the Traffic Commission explained that he has researched this and has had a joint meeting with State Representatives and State Senators on what they needed to do for that intersection. Mr. Kimball explained that he is not sure on what is going to happen and it will be done by engineers and the state. He said all the town is committed to is \$200,000.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 11 (Majority)

I Bonnie Yezukevich MOVE that the Town vote to transfer the amount of \$15,000.00 from Free Cash to supplement the vote taken under Article 13 of the October 19, 2015, Annual Town Meeting for the engineering and design of the multi-purpose recreational Norton Rail Trail Project, including any incidental costs associated with the Project.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 12 (Counted or Unanimous)

I Bonnie Yezukevich MOVE that the Town vote to authorize the Select Board to petition the General Court for special legislation (i) to authorize the Town Treasurer, per the Town's cash and investment policy and in consultation with the Select Board, to invest Town of Norton trust funds in accordance with the Prudent Investor Rule and sections 3, 4, 5, 8 and 9 of chapter 203C, all as set forth below, (ii) 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 (iii) to authorize the Select Board to approve amendments which shall be within the scope of the general public objectives of the petition as follows:

AN ACT AUTHORIZING CERTAIN INVESTMENTS BY THE TREASURER OF THE TOWN OF NORTON

SECTION 1. Notwithstanding any general or special law to the contrary, the treasurer of the town of Norton is hereby authorized to invest any trust funds of the town in the custody of the treasurer in accordance with the Prudent Investor Rule and sections 3, 4, 5, 8, and 9 of chapter 203C of the General Laws and in accordance with the Town of Norton cash and investment policy, as the same may be amended by the town of Norton, acting by and through the Select Board, from time to time.

SECTION 2. Section 54 of chapter 44 of the General Laws shall not apply to the town of Norton.

SECTION 3. This act shall take effect upon its passage.

Resident, Joe Cogliano questioned as to what Section 2 as to what it means. Treasurer/Collector Paula Linhares explained that we are currently working with a legal list of equities and securities we can invest in.

ARTICLE PASSES BY UNANIMOUS VOTE AS DECLARED BY THE MODERATOR

At 7:30 pm, Moderator Conway made a motion to dissolve the Special Town Meeting. Motion was seconded and the Annual Town Meeting was called to order.

ANNUAL TOWN MEETING.... Continued

ARTICLE 8

No Action.

ARTICLE 8 LOST FOR LACK OF MOTION AS DECLARED BY THE MODERATOR

Norton resident Steven Evans spoke regarding article 7 and explained that normally the budget is revied page by page and not in bulk. He also asked to explain why it was a 2/3 vote.

He was informed that he could reconsider after 3 articles, which would be article 10.

ARTICLE 9 (2/3 Vote b/c of Capital Improvements Account)

I Bonnie Yezukevich MOVE that the Town appropriate the total sum of \$1,064,788.00 for the purchase, or lease for periods of time up to or in excess of three years with an option to purchase, and equip the new and/or replacement capital items or for capital projects for various Town Departments, and for the payment of all costs incidental and related thereto, for the purposes and in the amounts set forth in the Finance Committee's Recommendations and in the Chart entitled, "Article 9 Proposed FY24 Capital Budget", and to meet said appropriation, to transfer \$677,988.00 from the Capital Improvements Account, \$166,000.00 from the Water Enterprise Retained Earnings, \$28,000.00 from the Dog Fund, and \$192,800.00 from the Ambulance Reserve Fund, all as printed under Article 9 of the May 15, 2023, Annual Town Meeting Warrant.

DATA PROCESSING - IT (155)	
Replacements for end of life equipment, unfunded mandates and equipment repairs.	\$35,000.00
E-Permitting (Software, Hardware, and Miscellaneous Set-Up Fees and Expenses)	\$81,096.00
ELECTIONS (162)	
Ballot Machines (Two)	\$11,500.00
POLICE DEPARTMENT (210)	
Firing Range Ventilation System	
Police Line Cruiser Replacements (Three)	\$182,000.00

CEW Tasers (Year 3 of 5)	\$21,000.00
FIRE DEPARTMENT (220)	
Ambulance	\$89,000.00
Replace Staff Car (80/20: Ambulance \$52,800; Capital \$13,200)	\$66,000.00
Jaws/Heavy Rescue Equipment (80/20: Ambulance \$40,000; Capital \$10,000)	\$50,000.00
Structural Firefighting Hose	\$20,000.00
Turnout Gear Replacement (50/50: Ambulance \$11,000; Capital \$11,000)	\$22,000.00
ANIMAL CONTROL (292)	
Construction and Paving of Roadway at Hill Street Animal Shelter	
(50/50: Dog Fund \$28,000; Capital \$28,000)	\$56,000.00
NORTON PUBLIC SCHOOLS (300)	
District Wide Wifi Replacement	\$124,342.00
HIGHWAY (420)	
2 Sanders 3 Yd/2 Yd for 1-Ton Dump Trucks	\$15,000.00
Peterbilt Dump Truck (Year 3 of 5)	\$28,150.00
John Deere 5090M Utility Tractor Diamond Boom Mower (Year 4 of 4)	\$34,300.00
Tire Changer and Balancer for Highway/Police	\$10,000.00
TREE DEPARTMENT	
Bucket Truck (Year 5 of 5)	\$53,400.00
SUBTOTAL:	\$898,788.00
WATER (450)	
Dodge Ram 2500 4x4 Pick Up with utility body and plow (RE)	\$73,000.00
Caterpillar 305CR Mini Excavator with additional bucket and counter weight (RE)	\$93,000.00
SUBTOTAL WATER PROJECTS:	\$166,000.00

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

ARTICLE 10 (2/3 Vote)

I Bonnie Yezukevich MOVE that the Town vote to appropriate the sum of \$375,000.00 for the engineering, planning, designing, permitting and/or constructing in-tank aeration systems at the ground

storage tank located at Cottage Street to improve water quality and appurtenances, including legal, administrative and all other incidental and related expenses associated with the project, and that to meet this appropriation the Treasurer, with the approval of the Select Board, is hereby authorized to borrow such amount pursuant to G.L. c. 44, §§7 or 8, or any other enabling authority, and to issue bonds and notes of the Town therefor; provided, however, that although these will be general obligation bonds of the Town, it is anticipated that they will be repaid from the Water Enterprise.

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

Steven Evans made a motion to reconsider Article 7 to read all the pages in the budget. Motion was second. A hand count was taken. Motion failed.

ARTICLE 11 (2/3 Vote)

I Bonnie Yezukevich MOVE that the Town vote to appropriate the sum of \$900,000.00 for the engineering, test well drilling, designing, permitting and/or constructing the replacement of drinking water wells and appurtenances, including legal, administrative and all other incidental and related expenses associated with the project, and that to meet this appropriation the Treasurer, with the approval of the Select Board, is hereby authorized to borrow such amount pursuant to G.L. c. 44, §§7 or 8, or any other enabling authority, and to issue bonds and notes of the Town therefor, provided, further that although these will be general obligation bonds of the Town, it is anticipated that they will be repaid from the Water Enterprise.

Resident Tim Griffin asked if there were requirement to be eligible for 80% of the funding. Town Manager, Michael Yunits said hopefully there will be money coming from the Congressmen, but right now we don't know.

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

ARTICLE 12 (Majority)

ARTICLE 12

To see if the Town will vote to amend the General Bylaws to expressly exempt all Town buildings and facilities, new or existing, from the payment of water and sewer tie-in or related fee requirements, or take any other action relative thereto.

(SELECT BOARD)

FINANCE COMMITTEE: Not recommended.

Resident Bob Kimball made a motion to change the General bylaw by inserting a new paragraph to read "All Town building and facilities, new or existing, shall be exempt from the payment of water and sewer tie-in or related fee requirement." Motion was seconded. Motion passed.

Resident Jim Jarden made a motion to amend Article 12 as follows: By striking the words or related (below) Motion was seconded.

“To see if the Town will vote to amend the General Bylaws to expressly exempt all Town buildings and facilities, new or existing from the payment of water and sewer tie-in ~~or related~~ fee requirements, or take any other action relative thereto”

Motion passed.

Resident William Gouveia asked what the basis was for the Finance Committee not to recommend this article.

Resident Keith Silver made a motion to move the question. Motion was seconded.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 13

Not Recommended.

ARTICLE LOST AS DECLARED BY THE MODERATOR

ARTICLE 14 (Majority)

I Bonnie Yezukevich MOVE that the Town vote to transfer the amount of \$3,000.00 from Free Cash for the purpose of collecting and disposing of discarded items abandoned along the roadways and throughout the Town that require special handling, including all other incidental and related costs.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 15 (Majority)

I Bonnie Yezukevich MOVE that the Town vote to transfer the amount of \$10,000.00 from the Water Pollution Abatement Trust Program Reserve for Appropriation Account to support administrative costs of the Water Pollution Abatement Trust Program.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 16 (2/3 Vote)

I Bonnie Yezukevich MOVE that the Town vote to amend the Norton Zoning Bylaws, Chapter 175, Article XIII of the General Code, Floodplain District, by inserting the underlined text, deleting the ~~strike through text~~, and renumbering the various sections accordingly, and, reorganizing as shown in the corresponding informational parentheticals, all as printed under Article 16 of the May 15, 2023, Annual Town Meeting Warrant.

ARTICLE 16 AS PRINTED IN THE WARRANT

To see if the Town will vote to amend the Norton Zoning Bylaws, Chapter 175, Article XIII of the General Code, Floodplain District, by inserting the underlined text, deleting the ~~striketrough-text~~, and renumbering the various sections accordingly, and, reorganizing as shown in the corresponding informational parentheticals, all as follows, or take any other action relative thereto:

ARTICLE XIII

Floodplain District

§175-13.1 Purpose. The purpose of the Floodplain Overlay District is to:

1. Ensure public safety by reducing the threats to life and personal injury
2. Eliminate new hazards to emergency response officials
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
5. Eliminate costs associated with the response and cleanup of flooding conditions
6. Reduce damage to public and private property resulting from flooding waters

§175-13.2 Definitions. The following definitions should be applied to the Floodplain Overlay District. Terms and words not defined herein but defined by FEMA shall have the meanings given therein unless a contrary intention clearly appears.

BASE FLOOD ELEVATION. The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATION CERTIFICATE. An elevation certificate is a document that lists a building's location, lowest point of elevation, flood zone and other characteristics, according to FEMA. It is used to enforce local building ordinances and to help determine flood insurance rates.

FLOOD BOUNDARY AND FLOODWAY MAP. An official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway.

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as ~~Zone A or E.~~ **special flood hazard areas.**

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST ADJACENT GRADE. The lowest point of the ground level immediately next to a building.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.*

RECREATIONAL VEHICLE. A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - see **FLOODWAY**.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

1. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE. For floodplain management purposes, a walled and roofed building **including**. **This definition also includes** a gas or liquid storage tank; that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Work on structures that are determined to be substantially damaged is considered to be substantial improvement, regardless of the actual repair work performed.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure (or smaller percentage if established by the community) before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed.

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation result in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile,

column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

VARIANCE. A grant of relief by a community from the terms of a flood plain management regulation.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE. Watercourse includes any canal, channel, conduit, creek, culvert, ditch, drain, gully, ravine, reservoir, perennial stream, wash, waterway or wetland. Watercourses do not include man-made drainage ways.

ZONES, FLOOD –

ZONE A. An area of special flood hazard without water surface elevations determined

ZONE A1-30 and ZONE AE. An area of special flood hazard with water surface elevations determined

ZONE AH. Areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO. An area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (*Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.*)

ZONE A99. An area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

~~ZONES B, C, AND X.~~ Areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (*Zone X replaces Zones B and C on new and revised maps.*)

ZONE V. An area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

ZONE V1-30 and ZONE VE. An area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

§175-13.3 Location. The Floodplain District is herein established as an overlay district.

- a. The District includes all special flood hazard areas designated within the Town of Norton, Bristol County Flood Insurance Rate Map (FIRM) **dated July 6, 2021** issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated **July 6, 2021**. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.
- b. The map panels of the Bristol County FIRM that are wholly or partially within the Town of Norton are Panel Numbers 25005C0039F, 25005C0043F, 25005C0044F, 25005C0109F, 25005C0127F, 25005C0131F, 25005C0132F, 25005C0134F, 25005C0136F, 25005C0137F, 25005C0141F, 25005C0151F and 25005C0153F dated July 7, 2009, and Panel Numbers 25005C0107G, 25005C0126G, 25005C0128G, 25005C0129G, and 25005C0133G, dated July 16, 2015.

§ 175-13.4. Use regulations.

A. Reference to existing regulations.

- (1) The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, shall comply with MGL c. 131, § 40, and with the following:
 - (a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high-hazard areas ~~(currently 780)~~;
 - (b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 - (c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
 - (d) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
 - (e) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5); (f) Town of Norton Zoning Bylaw; and
 - (g) Town of Norton Wetlands Bylaw, if any.
 - (h) Town of Norton Stormwater Management Bylaw, Chapter 133 of the Norton General Bylaws.**
- (2) Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

B. Permitted uses. The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided they are permitted in the underlying zoning district and they do not require structures, fill, or storage of materials or equipment:

- (1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- (2) Forestry and nursery uses.
- (3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- (4) Conservation of water, plants, wildlife.
- (5) Wildlife management areas, foot, bicycle, and/or horse paths.
- (6) Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- (7) Buildings lawfully existing prior to the adoption of these provisions and minor alterations that do not increase the floor space of the structure.

C. Special permit uses. The Planning Board may, after a duly advertised public hearing, grant a special permit for a building, structure or use in the floodplain, provided that such building, structure or use is permitted in the underlying zoning district and subject to the following limitations:

- (1) No permit shall be issued to fill or excavate in the floodway or to build a new structure or to substantially improve an existing structure in the floodway;
- (2) In Zones A and AE, the proposed use, including filling or excavating, when combined with all existing uses, shall not increase the water surface elevation of the one-hundred-year flood more than zero inch at any point. This is to be so certified to the Planning Board by a registered professional engineer upon application for the special permit.

D. Other use regulations.

~~(1) Within Zones AH and AO on the FIRM, adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.~~

~~(2) In zones along watercourses that have a regulatory floodway designated on the Bristol County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.~~

- ~~(3)~~ (1) All subdivision proposals shall be designed to minimize flood damage, including that all utilities and facilities shall be located and constructed to minimize or eliminate flood damage and that adequate stormwater drainage controls are provided to reduce exposure to flood hazards and so that there, at a minimum, shall be no increase in stormwater runoff when post-construction conditions are compared to pre-construction conditions, using drainage calculations prepared by a licensed professional engineer.

- (4) Existing contour intervals of site and elevations of existing structures shall be included on the plans provided.
- (5) There shall be established a "routing procedure" which shall circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health and Building Inspector and for comments which shall be considered by the appropriate permitting board prior to issuing applicable permits.
- (6) Base flood elevation data. Base flood elevation data is required for subdivision proposals or other developments greater than five lots or five acres within unnumbered A Zones.
- (7) In all special flood hazard areas it shall be the responsibility of the owner or builder to notify in writing prospective owners of the floodplain designation and the availability of flood insurance.

E. Procedures in case of noncompliance.

- (1) In case of a zoning violation, the administration and enforcement of bylaws, including violations and penalties, shall be as dictated in ARTICLE XI of the Norton Zoning Bylaws, and overseen by the Building Commissioner.**
- (2) If a zoning violation occurs, the Building Commissioner is to dictate the best avenue for remediation to ensure maximum compliance given the circumstances.**
 - (a) Violators will be required to meet all FEMA standards, NFIP regulations, provide elevation certificates, and may be required to provide temporary elevation certificates at the discretion of the Building Commissioner.**
 - (b) Violators will be required to meet all other applicable state and local regulations.**
- (3) If the applicant has a grievance with the Decision, they may appeal the Building Commissioner's Decision to the Zoning Board of Appeals as per § 175-10.8 of the Norton Zoning Bylaws. If the grievance is related to a structure, applicants may appeal to the Building Codes Appeal Board (BCAB).**

§175-13.5 Abrogation. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

§175-13.6 Disclaimer of Liability. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

§175-13.7 Severability. If any section, provision, or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

§175-13.8 Designation of community Floodplain Administrator. The Town of Norton hereby designates the position of ~~Conservation Director~~ **Building Commissioner** to be the official floodplain ~~administrator~~ **and NFIP administrator** for the Town.

§175-13.9 Requirement to submit new technical data. If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months,

notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor,
Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation,
251 Causeway Street,
Boston, MA 02114

§175-13.10 Variances to building code floodplain standards. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

1. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.
2. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

§175-13.11 Variances to local zoning bylaws. Variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if:

1. Good and sufficient cause and exceptional nonfinancial hardship exist;
2. The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
3. The variance is the minimum action necessary to afford relief.

§175-13.12 Permit requirements. The Town of Norton requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

§175-13.13 Permit review process. The Town of Norton's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed

development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

~~§175-13.14 Subdivision proposals. All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:~~

- ~~1. Such proposals minimize flood damage.~~
- ~~2. Public utilities and facilities are located & constructed so as to minimize flood damage.~~
- ~~3. Adequate drainage is provided.~~

~~§175-13.1514 Base flood elevation data for subdivision proposals. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.~~

~~§175-13.1614 Unnumbered A zones.~~ In A Zones, in the absence of FEMA BFE data and floodway data, ~~the building department will review and reasonably utilize~~ **the applicant will provide, and the Town staff will subsequently review,** base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

~~§175-13.1715 Floodway encroachment.~~

1. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

~~2. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.~~

~~3. The Town of Norton prohibits encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.~~

§175-13.1816 Watercourse alterations or relocations in riverine areas. In a riverine situation, the ~~Conservation Agent~~ **NFIP Administrator** shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent Communities, especially upstream and downstream
2. Bordering States, if affected
3. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114
4. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

~~§175-13.19 AO and AH zones drainage requirements. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.~~

§175-13.2017 Recreational vehicles. In ~~A1-30, AH, and~~ AE Zones, ~~V1-30, VE, and V Zones,~~ all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

§175-13.2118 Local enforcement. The ~~Conservation Director~~ **NFIP Administrator** is the assigned Town official responsible for all local enforcement procedures for non-compliant floodplain development.

(PLANNING BOARD)

Chair of the Planning Board, Timothy Griffin explained that this is an update to the flood plan bylaw and that FEMA is requiring Norton have the bylaw updated by the end of the year or there is a possibility that Norton residents could lose their flood plan premium.

Norton resident Joe Cogliano spoke and feels there are a lot of issues with this bylaw. He would like it amended as early as fall and expressed his desire to work the Board to review some of some of these issues.

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

ARTICLE 17

No Action.

ARTICLE LOST FOR LACK OF MOTION AS DECLARED BY THE ODERATOR

ARTICLE 18

No Action.

ARTICLE LOST FOR LACK OF MOTION AS DECLARED BY THE MODERATOR

At 8:16 pm the Moderator made a motion to dissolve the Annual Town Meeting. The motion was second.

A TRUE COPY ATTEST:

**Lucia B. Longhurst
Town Clerk**