

**TOWN OF NORTON  
FALL ANNUAL TOWN MEETING  
OCTOBER 12, 2011**

The Annual Town Meeting was called to order by Moderator William A. Gouveia at 7:04 PM at the Norton Middle School Auditorium. He introduced the new Fire Chief, Paul Schleicher who led the crowd in the Pledge of Allegiance.

The Moderator recognized some distinguished guests:

State Senator Timilty,  
State Representative Jay Barrows

The Moderator reviewed some pre-meeting rules:

- The last three rows in the back right corner of the auditorium are for non registered voters. Your vote will not count if you are sitting in this area and if you are not a registered voter you must be sitting in this area.
- 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 of the room. 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 although questions to be asked of individuals will be allowed, cross-examination type discussions from the floor will not be allowed.
- In recognizing people to speak, the Moderator will call upon those who have not yet spoken on a topic before recognizing those who have already spoken. The Moderator will recognize motions to move the question, but if in the Moderators opinion there are still people waiting to speak who may add to the discussion, the Moderator will exercise his 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 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.
- 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.

The Town Clerk read the call and return of service as written in the warrant.

**ARTICLE 1 (Requires 4/5 Vote)**

Motion was made by Paul Helmreich, that the Town vote to transfer the amount of \$2,167.76 from Free Cash for the following unpaid bills for which obligation was incurred in prior fiscal years:

<b>\$ 45.00</b>	<b>Fire Department</b>	<b>A &amp; I Radiator</b>
<b>\$ 700.60</b>	<b>Fire Department</b>	<b>Mastria Auto Group</b>
<b>\$ 145.56</b>	<b>Fire Department</b>	<b>Midway Auto Supply</b>
<b>\$ 500.00</b>	<b>Fire Department</b>	<b>P&amp;E Auto Electric, Inc.</b>
<b>\$ 630.86</b>	<b>Fire Department</b>	<b>Specialty Vehicles, Inc.</b>
<b>\$ 145.74</b>	<b>Inspection</b>	<b>The Sun Chronicle</b>

**\$ 2,167.76**

**DECLARED VOTED UNANIMOUSLY BY THE MODERATOR**

**ARTICLE 2 (Requires Majority Vote)**

Motion was made by Paul Helmreich, that the Town vote to implement a Collective Bargaining Agreement between the Town and the Salaried Employees of North America, Local 9158-A, (most Department Heads) for the period beginning July 1, 2011, through June 30, 2012, and confirm the appropriation made under Article 16 of the May 9, 2011, Annual Town Meeting therefore, which amounts are sufficient to fund all of the cost items for the first year of said contract.

**DECLARED VOTED UNANIMOUSLY BY THE MODERATOR**

**ARTICLE 3 (Requires Majority Vote)**

Motion was made by Paul Helmreich, that the Town vote to raise and appropriate the amount of \$10,000.00 to comply with the federally mandated Governmental Accounting Standards Board Statement #45.

**DECLARED VOTED BY MAJORITY BY THE MODERATOR**

**ARTICLE 4 (Requires Majority Vote)**

Motion was made by Paul Helmreich, that the Town vote to transfer the amount of \$187,865.66 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.

**DECLARED VOTED BY MAJORITY BY THE MODERATOR**

**ARTICLE 5 (Requires Majority Vote)**

**LOST FOR LACK OF MOTION (Repairs to HAY Gymnasium)**

**ARTICLE 6 (Requires Majority Vote)**

Motion was made by Paul Helmreich, that the Town vote to accept the provisions of G.L. c.44, §53F½, for the purpose of establishing a separate account for the operation of the Water Department, to be known and classified as the “Water Enterprise Fund”, such account to be maintained by the Treasurer, and all receipts, revenues and funds from any source derived from all activities of the Water enterprise shall be deposited in such separate account, to be operative beginning July 1, 2012.

**DECLARED VOTED BY MAJORITY BY THE MODERATOR**

**ARTICLE 7 (Requires Majority Vote)**

Motion was made by Paul Helmreich, that the Town vote to accept the provisions of G.L. c.44, §53F½, for the purpose of establishing a separate account for the operation of the Sewer Department, to be known and classified as the “Sewer Enterprise Fund”, such account to be maintained by the Treasurer, and all receipts, revenues and funds from any source derived from all activities of the Sewer enterprise shall be deposited in such separate account, to be operative beginning July 1, 2012.

**DECLARED VOTED BY MAJORITY BY THE MODERATOR**

**ARTICLE 8 (Requires 2/3 Vote)**

Motion was made by Paul Helmreich, that the Town vote to transfer the amount of \$56,792.00 from certified Free Cash to the Sewer Stabilization Fund.

**DECLARED VOTED UNANIMOUSLY BY THE MODERATOR**

**ARTICLE 9 (Requires 2/3 Vote)**

Motion was made by Paul Helmreich, that the Town vote to authorize the Board of Selectmen to acquire by eminent domain a water main easement from Robert W. Kimball and Paula J. Kimball upon a parcel of land located on the westerly side of 51 Pine Street, Norton, MA, shown as Assessors Map 23, Parcel 57, and described as “Proposed 15 Ft. Wide Water Main Easement” on a plan entitled “Plan of Proposed Water Main Easement 51 Pine St., Norton, Massachusetts Prepared for Town of Norton Water Department,” dated November 11, 2010, prepared by Yarworth Engineering Company, Inc., on file with the Town Clerk, upon such terms and conditions as the Board of Selectmen shall deem appropriate, and to transfer from the Water Surplus Account the amount of \$14,000.00 for such purpose.

**DECLARED VOTED BY 2/3 BY THE MODERATOR**

**ARTICLE 10 (Requires Majority Vote)**

Motion was made by Paul Helmreich, that the Town vote to raise and appropriate the amount of \$10,000.00 for the purpose of having Household Hazardous Waste Collection day(s).

**DECLARED VOTED UNANIMOUSLY BY THE MODERATOR**

**ARTICLE 11 (Requires Majority)**

Motion was made by Paul Helmreich, that the Town amend the vote taken under Article 16 of the May 9, 2011, Annual Town Meeting Warrant by increasing appropriations for certain line items and transferring others and to do so, by raising and appropriating the amount of \$57,232.00, by transferring \$862.00 from

Free Cash, by transferring the amount of \$3,000.00 from 019-293-100 to 001-155-570-5850, and by transferring the amount of \$5,000.00 from 001-543-570 to 001-543-510 as follows:

Account	Department	Use	Amount
001-241-570	Inspection Department	Expense	\$ 5,000.00
001-610-570	Library	Expense	\$ 16,413.00
001-750-594	Interest	Expense	\$ 6,681.00
001-911-570	Unemployment	Expense	\$ 30,000.00
TOTAL SUPPLEMENTS:			<u>\$ 58,094.00</u>

001-155-570	Data Processing	Transfer from 019-293-100	
		to 001-155-570-5850	\$ 3,000.00
001-543-510	Veterans' Services	Transfer from 001-543-570	
		to 001-543-510	\$ 5,000.00
TOTAL TRANSFERS:			<u>\$ 8,000.00</u>

**DECLARED VOTED UNANIMOUSLY BY THE MODERATOR**

### **ARTICLE 12 (Requires Majority Vote)**

Motion was made by Paul Helmreich, that the Town vote to transfer the amount of \$769,400.00 from Free Cash 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.

**DECLARED VOTED UNANIMOUSLY BY THE MODERATOR**

### **ARTICLE 13 (Requires 2/3 Vote)**

Motion was made by Paul Helmreich, that the Town vote to appropriate the amount \$496,405.59 to amend the Fiscal Year 2012 capital improvements budget appropriated under Article 15 of the May 9, 2011, Annual Town Meeting to pay costs of purchasing, or leasing 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 and for the payment of all costs incidental and related thereto, and to do so, by transferring the amount of \$324,073.04 from the Capital Improvements Account, by transferring \$83,000.00 from the Ambulance Reserve Account, by transferring the amount of \$54,332.55 from Article 4 of the May 12, 2008, Special Town Meeting - Account No. 001-171-605-5802-08-604, and by transferring the amount of \$35,000.00 from Water General Expense - Account No. 028-450-570-5700 as follows:

Norton Reservoir Embankment Repairs	Conservation	\$ 328,005.59
Replacement Vehicle	Police Department	\$ 31,000.00
Ambulance #1 (Year 3 of 3)	Fire Department	\$ 83,000.00
Flyght Grinder Pump Replacement	Sewer Department	\$ 10,000.00
Utility Truck w/Crane	Sewer Department	\$ 9,400.00
Replacement Truck	Water Department	\$ 35,000.00
		<u>\$ 496,405.59</u>

**DECLARED VOTED UNANIMOUSLY BY THE MODERATOR**

**ARTICLE 14 (Requires 2/3 Vote)**

**LOST FOR LACK OF MOTION (Transfer to Stabilization Fund)**

**ARTICLE 15 (Requires 2/3 Vote)**

**LOST FOR LACK OF MOTION (Accept Johnson Road as Public Way)**

**ARTICLE 16 (Requires Majority Vote)**

Motion was made by Paul Helmreich, that the Town vote, in accordance with G.L. Chapter 41, §110A, to authorize the Town Clerk's office to remain closed on all Saturdays and to treat Saturdays as a legal holiday for purposes of calculating the time frame for filing matters in that office.

A counted vote was taken:

YES-82      NO-74

**DECLARED VOTED BY MAJORITY BY THE MODERATOR**

**ARTICLE 17 (Requires Majority Vote)**

Motion was made by Paul Helmreich, that the Town vote to adopt a new Town By-Law entitled "Public Consumption of Marijuana or Tetrahydrocannabinol", as set forth in Article 17 of the October 12, 2011, Annual Town Meeting Warrant, prohibiting the public consumption of marijuana and authorizing the Police Department to enforce the same.

**ARTICLE 17 as printed in the Warrant:**

**PUBLIC CONSUMPTION OF  
MARIJUANA OR TETRAHYDROCANNABINOL**

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, §1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

Whoever is found in violation of this by-law shall, when requested by an official authorized to enforce this bylaw, state his true name and address to said official.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c.40, §21, or by noncriminal disposition pursuant to G.L. c.40, §21D, by any police officer of the Town. The fine for violation of this by-law shall be Three Hundred Dollars (\$300.00) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c.94C, §32L.

**DECLARED VOTED BY MAJORITY BY THE MODERATOR**

**ARTICLE 18 (Requires Majority Vote)**

Motion was made by Paul Helmreich, that the Town vote, in accordance with G.L. c.6, §172B½, to adopt a new by-law entitled “Civil Fingerprinting for Certain License Applicants”, as set forth in Article 18 of the October 12, 2011, Annual Town Meeting Warrant, which by-law requires the Police Department to conduct state and national fingerprint based criminal history checks for individuals applying for specified licenses, and further MOVE that the Town vote to authorize the Board of Selectmen, in consultation with the Chief of Police, to adopt appropriate policies and procedures to effectuate the purposes of the by-law.

**ARTICLE 18 as printed in the Warrant:**

**Criminal History Check Authorization**

1. In accordance with the provisions of G.L. c.6, §172B½, the Police Department shall fingerprint the persons listed below and conduct state and national fingerprint-based criminal history checks for such individuals. To carry out these criminal history checks, the Police Department shall be authorized to utilize Federal Bureau of Investigation records; provided, however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with law.

The licensing authority is hereby authorized to deny an application for any license specified herein, including renewals and transfers thereof, from any person who is determined unfit for the license due to information obtained pursuant to this by-law. Factors that shall be considered in making a determination of fitness shall include but not be limited to whether the record subject has been convicted of, or is under pending indictment for, a crime that bears upon the subject’s ability or fitness to serve in that capacity, including any felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, or a sex-related offense.

2. All applicants for Hawkers and Peddlers, Door-to-Door Sales, Pawn Brokers, Solicitors, or Taxi and Livery licenses, and for any license to sell alcoholic beverages, including the “responsible manager” listed on the license application, shall be subject to the requirements of this by-law.
3. The Board of Selectmen, in consultation with the Chief of Police, shall promulgate regulations for the implementation of this by-law, which may include, but shall not be limited to; establishment of submission deadlines; procedures for making recommendations to the licensing authority or making a licensing decision as a result of such criminal history check; procedures for accessing, correcting or amending any such record; and criteria for fitness determinations in addition to those set forth in Section 1 of this by-law.
4. The Police Department shall charge a fee of one hundred dollars (\$100.00) for each fingerprinting and criminal history check. A portion of the fee, as specified in G.L. c.6, §172B½, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee shall be retained by the Police Department for costs associated with the administration of the fingerprinting system.
5. This by-law shall take effect on May 4, 2012, and after compliance with all requirements of G.L. c.40, §32, have been met.

**DECLARED VOTED BY MAJORITY BY THE MODERATOR**

**ARTICLE 19 (Requires 2/3 Vote)**

Motion was made by Paul Helmreich, that the Town vote, pursuant to G.L. c.43B, §10(a), to amend the Town Charter as recommended by the Charter Review Committee as set forth in the handout entitled, **“Proposed Charter Amendments”, with the corrections set forth in the errata sheet**, and further, that the Town Clerk, in consultation with the Chair of the Charter Review Committee, be authorized to correct any minor typographical errors in the proposed amendments or revise the numbering thereof so as to make numbering system consistent with existing Charter.

**Article 19 documents provided and referred to in this article are attached to these minutes as part of the minutes as addendums A and B and titled as follows:**

**(A) Proposed Charter Amendments**

**(B) Errata Sheet**

**(NOTE: Article 19 addendums appear as approved. See below for Record of Amendments & Motions associated with Article 19)**

**DECLARED VOTED BY 2/3 BY THE MODERATOR**

**RECORD OF AMENDMENTS and MOTIONS FOR ARTICLE 19**

A MOTION to table Article 19 until after addressing Article 20 and Article 21 was made by Robert Kimball. Motion was 2<sup>nd</sup>.

**MOTION TO TABLE ARTICLE--DECLARED VOTED BY MAJORITY BY THE MODERATOR**

A MOTION was made by Diane McElligott to Amend the motion under Article 19 by deleting section 4-2(c) through the words “Water and Sewer Superintendent” and further, to amend Section 4-2 (b) by restoring the deleted language. Motion was 2<sup>nd</sup>.

**AMENDMENT -- DECLARED FAILED BY THE MODERATOR**

A MOTION was made by Fran Gallagher to adjourn the meeting until Wednesday, October 19<sup>th</sup> at 7:00 pm at the Norton Middle School Auditorium. Motion was 2<sup>nd</sup>.

**MOTION to ADJOURN—DECLARED DEFEATED BY THE MODERATOR**

A MOTION to move the Question was made by Luke Grant. Motion was 2<sup>nd</sup>.

**MOTION to MOVE QUESTION --DECLARED VOTED BY MAJORITY BY THE MODERATOR**

## **ARTICLE 20 (Requires 2/3 Vote)**

Motion was made by Paul Helmreich, that the Town vote, pursuant to G.L. c.43B, §10(a), to amend the Town Charter to change the position of Board of Water and Sewer Commissioners from elected to appointed, as set forth in Article 20 of the October 12, 2011, Annual Town Meeting Warrant.

### **ARTICLE 20 as printed in the Warrant:**

1. In Article 3, Elected Officers, delete in Section 3-1(a) the words “a town board of water and sewer commissioners,” delete Section 3-9, Board of Water and Sewer Commissioners, in its entirety, and renumber the remaining sections of Article 3 accordingly;
2. In Section 3-2, insert a new subsection (f), entitled “Board of Water and Sewer Commissioners”, as follows:
  - (f) Board of Water and Sewer Commissioners - The Board of Selectmen shall appoint five persons to serve as members of a Board of Water and Sewer Commissioners. The regular term of each member shall be for three years, and the terms shall be arranged so that as nearly an equal number as is possible shall expire each year.

The Board of Water and Sewer Commissioners shall be in charge of policy matters related to the water and sewer department. The Board shall also participate in discussions with other communities regarding inter-municipal structuring of water use or sewage disposal, and advise the Board of Selectmen of their recommendations concerning these matters. The Board of Water and Sewer Commissioners shall maintain a plan and inventory of the town’s water and sewer infrastructure. It shall also develop and update, as needed, a master plan for future maintenance and growth of the town’s water and sewer services. The Board of Water and Sewer Commissioner’s shall submit annual budget requests for water and sewer system operations and development to the Town Manager.

3. In Article 8, insert a new section after the last section of such Article, as follows:

#### **APPOINTED BOARD OF WATER AND SEWER COMMISSIONERS**

The vote under Article 20 of the October 12, 2011, Town Meeting to amend the charter to change the Board of Water and Sewer Commissioners from elected to appointed shall take effect immediately upon approval by the voters at the 2012 Annual Town Election, and the elected Board of Water and Sewer Commissioners shall thereupon be abolished. Provided, however, that any incumbent member of the Board of Water and Sewer Commissioners holding office as of the date of said election shall continue to serve as a member of the Board of Water and Sewer Commissioners until the expiration of their respective elected term or sooner resignation, retirement or recall. Upon the expiration of the term of an elected Water and Sewer Commissioner, the Board of Selectmen shall make an appointment in accordance with sections 3-2(f).



Any individual elected to the position of Board of Water and Sewer Commissioner 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 3-2(f)(2) of the charter. To increase the Board to five members, immediately after the approval of the voters of the charter amendment the Board of Selectmen shall forthwith appoint one person to serve a two-year term and one for a three-year term.

A counted vote was taken:

YES-63      NO-34

1<sup>st</sup> vote --DECLARED DEFEATED BY MAJORITY BY THE MODERATOR

**A MOTION** was made (After the vote for Article 19) by Paul Helmreich to reconsider Article 20. The Motion was 2<sup>nd</sup>.

A counted vote was taken:

YES-46      NO-35

MOTION TO RECONSIDER-- DECLARED PASSED BY MAJORITY BY THE MODERATOR

A counted vote was taken:

YES-62      NO-20

**ARTICLE 20--DECLARED VOTED BY 2/3 BY THE MODERATOR**

### **ARTICLE 21 (Requires 2/3 Vote)**

Motion was made by Paul Helmreich, that the Town vote, pursuant to the provisions of G.L. c.43B, §10(a), to amend the Town Charter to change the Town Clerk from elected to appointed, as set forth in Article 21 of the October 12, 2011, Annual Town Meeting Warrant.

### **ARTICLE 21 as printed in the Warrant:**

1. Amend Section 3-1(a) by deleting, after the words, "water and sewer commissioners," the words "a town clerk."
2. Delete Section 3-5, entitled, "Town Clerk," in its entirety and renumber the remaining sections of Chapter 3 accordingly.
3. Insert in Section 4-2(b) in the list of appointments to be made by the Town Manager, after the words "a Fire Chief and other officers", the words "a Town Clerk";
4. Amend Article 8, Transitional Provisions, by inserting a new section at the end of such Article, as follows:

APPOINTED TOWN CLERK

The vote under Article 21 of the October 12, 2011, Town Meeting to amend the charter to change the position of Town Clerk from elected to appointed shall take effect immediately upon approval by the voters at the 2012 Annual Town Election, and the position of elected Town Clerk shall be abolished. Any individual elected to the position of 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 4-2(b) of the town charter.

A counted vote was taken:

YES-76      NO-22

**DECLARED VOTED BY 2/3 BY THE MODERATOR**

**A MOTION** was made (After the vote for Article 21) by Ralph Stephanelli to reconsider Article 21. The Motion was 2<sup>nd</sup>.      **MOTION TO RECONSIDER-- DECLARED DEFEATED BY MODERATOR**

The Annual Fall Town Meeting was declared Adjourned at 11:10 PM.

ATTEST:

Danielle M. Sicard  
Town Clerk