

**TOWN OF NORTON
SPECIAL TOWN MEETING
JANUARY 19, 2011**

The Annual Town Meeting was called to order by Moderator William A. Gouveia at 7:00 PM at the Henri A. Yelle Elementary School Gymnasium. He recognized special guest, Brian Coughlin, Chair and coordinator for the First Night event, and thanked him for the efforts in making the event such a success.

The Moderator recognized the following State Representatives as distinguished guests who made a presentation to Brian Coughlin.

Jay Barrows, State Representative
Steven Howitt, State Representative
Elizabeth Poirier, State Representative

Brian Coughlin led the crowd in the Pledge of Allegiance along with the other members of the First Night Committee.

The Moderator reviewed some pre-meeting rules:

- Non Voters must sit in the side set of bleachers and registered voters should not in order to have your vote counted.
- If you wish to address this meeting, you must do so only after being recognized by the Moderator. There is a microphone located up front and one located in the center 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.

The Moderator recognized Mr. Purcell, Town Manager at his final Town Meeting, thanked him for his work and dedication to the Town and wished him the best on his pending retirement.

ARTICLE 1 (Requires 9/10 Vote)

Motion was made by Thomas Deluca, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$281.50 from Free Cash for the following unpaid bills for which obligation was incurred in prior fiscal years:

\$ 252.50	Planning	MCLE
\$ 29.00	Fire Department	High Tech Automotive

\$ 281.50

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 2 (Requires Majority Vote)

Motion was made by Thomas Deluca, Chairman of the Finance Committee, that the Town vote to transfer:

- the amount of \$39,200.00 from Account No. 001-122-606-5802-09-602 (Article 2 of the June 8, 2009, Special Town Meeting),
- the amount of \$82,930.00 from Account No. 001-910-511-5171, and
- the balance of \$31,269.00 from Free Cash

to fund and implement a Collective Bargaining Agreement between the Town and the International Association of Firefighters Local #2678 for the period of July 1, 2008, through June 30, 2011.

A MOTION to Amend Article 2 was made by Robert Kimball and seconded. The Motion was to increase the 2nd bullet above from \$54,218.00 as originally moved to 82,930.00.

AMENDMENT -- DECLARED VOTED BY MAJORITY THE MODERATOR

(AMENDED MOTION) DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 3 (Requires Majority Vote)

Motion was made by Thomas Deluca, Chairman of the Finance Committee, that the Town vote to amend the vote taken under Article 25 of the June 7, 2010, Annual Town Meeting Warrant by increasing appropriations for certain line items and transferring others and to do so, by transferring the additional amount of \$5,000.00 from Free Cash to Account No. 001-241-570 and by transferring the amount of \$8,000.00 from Account No. 019-293-100 to Account No. 001-155-570 as follows:

Account	Department	Use	Amount
001-241-570	Inspection	Expense	\$ 5,000.00

TOTAL SUPPLEMENTS: \$ 5,000.00

001-155-570	Data Processing	Transfer from 019-293-100 to 001-155-570-5850	\$ 8,000.00
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TOTAL TRANSFERS: \$ 8,000.00

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 4 (Requires Majority Vote)

Motion was made by Thomas Deluca, Chairman of the Finance Committee, that the Town vote to accept the provisions of Massachusetts General Laws Chapter 138, Section 33B, to authorize the Board of Selectmen to permit licensees under Massachusetts General Laws Chapter 138, Section 12, such as restaurants, taverns and bars, to sell alcoholic beverages between the hours of 10:00 A.M. and 12:00 Noon on Sundays, the last Monday in May, and on Christmas Day, or on the day following when said day occurs on Sunday.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 5 (Requires Majority Vote)

Motion was made by Thomas Deluca, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$5,000.00 from the Massachusetts Water Pollution Abatement Trust Interest Earnings account for bond-related administrative costs of the Massachusetts Water Pollution Abatement Trust (WPAT) loan program.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 6 **LOST FOR LACK OF MOTION** (Water Main Easement)

ARTICLE 7 (Requires Majority Vote)

Motion was made by Thomas Deluca, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$20,000.00 from the Water Surplus Account for the purpose of conducting a Drinking Water Feasibility Study.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 8 LOST FOR LACK OF MOTION

(transfer \$ from Sewer Misc to Sewer Stabilization)

ARTICLE 9 LOST FOR LACK OF MOTION

(transfer \$ from Sewer Stabilization to W/S Budget to upgrade SCADA system)

ARTICLE 10 LOST FOR LACK OF MOTION (transfer \$ from Sewer Stabilization to W/S Budget for legal and engineering services to implement Regional Sewer District)

ARTICLE 11 (Requires Majority Vote)

Motion was made by Thomas Deluca, Chairman of the Finance Committee, that the Town vote to amend its by-laws under the chapter entitled “Dog Control” as printed in the January 19, 2011, Special Town Meeting Warrant.

ARTICLE 11 as printed in the Warrant:

To see if the Town will vote to amend its by-laws under the chapter entitled “Dog Control” as follows:

- (1) By inserting, prior to the text in Section 9, the following new sentence:

The annual dog license period shall run from January 1st to December 31st, inclusive, of each calendar year.

and

- (2) By changing the date on which late fees will begin to accrue from June 1 to March 1, by deleting in Section 9 all references to “June 1”, and inserting in place thereof “March 1”, so that the by-law will provide as follows:

Should any owner or keeper of a dog fail to license that dog before March 1st, that owner or keeper shall pay a late fee of five dollars plus an additional fee of one dollar per month beginning March 1, before obtaining said license, excepting a dog brought into the Town as provided in Section 138 of Chapter 140, Massachusetts General laws, this late fee shall be applicable from the 61st day after arrival of such dog. Any person maintaining a kennel in the Town of Norton, who fails to license as proscribed by this section and the Laws of the Commonwealth, shall pay a late fee of ten dollars plus an additional fee of two dollars per month beginning March 1. All late fees shall be retained by the Town Treasurer in the Reserve Appropriation for Norton Dog System established under Article 16 of the Special Town Meeting of May 21, 1986.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 12 (Requires Majority Vote)

Motion was made by Thomas Deluca, Chairman of the Finance Committee, that the Town approve Article 12 as written in the Warrant, thereby approving, confirming, and authorizing, pursuant to G.L. c.40, §59, and G.L. c.23A, §3F, all of the actions set forth therein.

ARTICLE 12 as printed in the Warrant:

To see if the Town will vote, pursuant to G.L. c.40, §59, and G.L. c.23A, §3F, to:

- (a) approve a Tax Increment Financing (“TIF”) Plan and Agreement between the Town, Horizon Beverage Company, Inc., (“Company”), and E/R Properties Limited Partnership, in the form substantially as on file with the Town Clerk, for property located at 45 Commerce Way, shown as: Assessors Map 25, Parcel 1; Assessors Map 25, Parcel 92; Assessors Map 24, Parcel 115; which TIF Plan and Agreement provide for real estate tax exemptions over a thirteen (13) year period at the exemption rate schedule set forth therein;
- (b) confirm the Board of Selectmen’s selection of the location of the project in the Norton Commerce Center Economic Opportunity Area (“EOA”), as amended, and approve the Company’s Certified Expansion Project application;
- (c) authorize the Board of Selectmen to execute the TIF Agreement, and approve submission to the Massachusetts Economic Assistance Coordinating Council of the TIF Agreement and Plan and Certified Expansion Project application, all relating to the project as described in the TIF Agreement, and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to obtain approval of the TIF Plan and Agreement, Certified Expansion Project application, and related submissions, including, as may be necessary or appropriate, the Economic Opportunity Area and TIF Zone, and, subsequent to the EACC’s approval, to implement the TIF Agreement.

A MOTION was made by Robert Kimball and seconded to allow Mr. Michael Epstein, a non-resident and Attorney for Horizon Beverage to address the Town Meeting.

DECLARED VOTED BY THE MODERATOR

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

The Annual Town Meeting was declared Adjourned at 8:15 PM.

ATTEST:

Danielle M. Sicard
Town Clerk