

**TOWN OF NORTON
SPECIAL TOWN MEETING
MAY 13, 2013**

The Special Town Meeting was called to order by Moderator William A. Gouveia at 8:00 PM at the Norton Middle School Auditorium. The Moderator reminded the voters that the same rules he reviewed in the beginning of the Annual Town Meeting applied.

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

ARTICLE 1 (Requires 9/10 Vote)

Motion was made by Lee Tarantino, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$5,989.40 to be transferred from Free Cash to pay the following unpaid bills incurred in a prior fiscal year:

ACCOUNT	DEPARTMENT	VENDOR	AMOUNT
131	Finance Committee	The Sun Chronicle	\$ 64.40
940	Miscellaneous	Zurich Deductible Recovery Group	\$ 5,000.00
940	Miscellaneous	Scottsdale Insurance Company	\$ 637.50
940	Miscellaneous	Cook & Company Insurance Services	\$ 287.50
			<u>\$ 5,989.40</u>

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 2 (Requires Majority Vote)

Motion was made by Lee Tarantino, Chairman of the Finance Committee, that the Town vote to transfer the total amount of \$33,900.00 from Free Cash, as specified, to fund and implement Collective Bargaining Agreements between the Town and the following Unions as listed in the warrant.

ARTICLE 2 details as printed in the Warrant:

1. The sum of \$3,400.00 to fund the FY 2013 cost increases for a two-year contract for the period beginning July 1, 2012, through June 30, 2014, for Local 1702, State Council 93, American Federation of State, County and Municipal Employees, AFL-CIO (Highway-Water/Sewer Department Employees;
2. The sum of \$3,250.00 to fund the FY 2013 cost increases for a three-year contract for the period beginning July 1, 2011, through June 30, 2014, for the Norton Police Association;
3. The sum of \$25,500.00 to fund the FY 2013 cost increases for a three-year contract for the period beginning July 1, 2011, through June 30, 2014, for the International Association of Fire Fighters, Local 2678; and,
4. The sum of \$1,750.00 to fund the FY 2013 cost increases for a three-year contract for the period beginning July 1, 2011, through June 30, 2014, for the Norton Police Superior Officers Association.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 3 (Requires Majority Vote)

Motion was made by Lee Tarantino, Chairman of the Finance Committee, that the Town vote to amend the vote taken under Article 17 of the May 14, 2012, Annual Town Meeting by increasing appropriations for certain line items and to do so, by transferring the additional amount of \$155,259.77 from Free Cash as follows:

ARTICLE 3 detail grid as printed in the Warrant:

DEPARTMENT	ACCOUNT	USE	AMOUNT
Town Manager	001-123-510	Salaries (Shortfall)	\$ 560.00
Legal Services	001-151-570	Services	\$ 15,000.00
Town Clerk	001-162-570	Equipment Expense	\$ 2,100.00
Employee Benefits	001-910-510	Contributory Retirement Expense	\$ 6,262.77
Misc	001-940-540	Expense (Gas and Diesel)	\$ 12,000.00
Snow Removal	001-423-570	Miscellaneous Expenses	\$ 114,337.00
Street Lighting	001-425-570	Expense	\$ 5,000.00
		TOTAL SUPPLEMENTS:	\$ 155,259.77

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 4 **LOST FOR LACK OF MOTION** (Supplement FY13 Water Enterprise budget)

ARTICLE 5 **LOST FOR LACK OF MOTION** (Supplement FY13 Sewer Enterprise budget)

ARTICLE 6 **LOST FOR LACK OF MOTION**
(transfer funds from High School Feasibility to Construction Project)

ARTICLE 7 (Requires Majority Vote)

Motion was made by Lee Tarantino, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$53,000.00 from the Overlay Surplus Account to the Fiscal Year 2009 Overlay Account for an abatement to Verizon New England, Inc., for taxes assessed in Fiscal Year 2009 upon poles and wires located in or over public ways in the Town of Norton, all as a result of the recent decision of the Massachusetts Appeals Court on this issue.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 8 (Requires Majority Vote)

Motion was made by Lee Tarantino, Chairman of the Finance Committee, that the Town vote to approve Article 8 as written in the May 13, 2013, Special Town Meeting Warrant, thereby approving, confirming, and authorizing, pursuant to G.L. c. 59, Section 38H(b), and any other enabling authority, all of the actions set forth therein.

ARTICLE 8 as printed in the Warrant:

To see if the Town will vote to authorize and approve an Agreement for Payment in Lieu of Taxes (a so-called "PILOT Agreement") pursuant to the provisions of G.L. Chapter 59, Section 38H(b), and any other enabling authority, between the Town of Norton and DG Clean Power LLC and/or Enfinity SPV, as negotiated by the Board of Selectmen for payment of taxes related to personal property associated with construction and operation of a solar renewable energy generation facility to be installed, owned, and operated by Enfinity SPV, on land now or formerly owned by Joseph P. DeFiore, Jr., Trustee of Key Realty Trust, at 83 East Hodges Street and described more particularly as Assessor's Map 35, Lot 10-01; and further, to authorize the Board of Selectmen and Town Manager to take such action as may be necessary to carry out the vote taken hereunder, or take any other action relative thereto.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 9 (Requires Majority Vote)

Motion was made by Lee Tarantino, Chairman of the Finance Committee, that the Town vote to authorize the Board of Selectmen to enter into renewable energy power purchase and/or net metering credit purchase agreements, including agreements for power and credits generated by solar photovoltaic systems, for terms of up to thirty years on such terms and conditions as the Board of Selectmen deems in the best interests of the Town, and to authorize the Board of Selectmen to take all actions necessary to implement and administer such agreements.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 10 **LOST FOR LACK OF MOTION** (Capital Improvements Fund)

ARTICLE 11 (Requires 2/3 Vote)

Motion was made by Lee Tarantino, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$146,311.00 from the Capital Improvements Fund to supplement the Fiscal Year 2013 Capital Improvements budget appropriated under Article 16 of the May 14, 2012, 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, and equipping a new Highway Department truck and plow to replace the vehicle involved in a head-on collision, and for the payment of all costs incidental and related thereto.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 12 (Requires 2/3 Vote)

Motion was made by Lee Tarantino, Chairman of the Finance Committee, that the Town vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept the deed of a fee simple interest or less in all or a portion or portions of the parcel described below, currently owned by Daggett-Crandall-Newcomb Home, Inc., a Massachusetts corporation, upon such terms and conditions as the Board shall determine to be appropriate, for general municipal purposes, including conveyance by the Board of Selectmen, said parcel of land being described as:

That certain parcel of land, together with all the buildings and improvements thereon, located off Newcomb Street and Newland Street in Norton, being more particularly described as Lot 5 on Assessor's Map 5, and being shown as Lot 2 on Land Court Plan 35049A, Sheet 3, said plan prepared by Schofield Brothers, Inc., and dated April 9, 1965, and October 28, 1970, and recorded with the Bristol County Northern District Registry of Deeds, and being a portion of the premises described with said Deeds in Book 1499, Page 899.

and, further, that the Town vote to a) borrow the sum of \$338,000.00 for this purpose and any expenses related thereto; b) authorize the Town Treasurer with the approval of the Board of Selectmen in order to meet such appropriation to borrow a sum of money under Chapter 44, Section 7, of the General Laws as amended or any other enabling authority, and to issue bonds or notes therefore; c) authorize the Board of Selectmen to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from any state and/or federal programs including those in aid of conservation land acquisition and to accept and expend the same; d) authorize the Board of Selectmen to convey all or a portion of the above property upon such terms and conditions as it deems appropriate; and (e) authorize the Board of Selectmen and Town officers to enter into all agreements and execute any and all instruments and take all related actions necessary or appropriate to effect the interest of the foregoing.

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 13 (Requires Majority Vote)

Motion was made by Lee Tarantino, Chairman of the Finance Committee, that the Town vote to amend the Town of Norton By-Laws, "Mandatory Connection to Common Sewer" as written in the May 13, 2013, Special Town Meeting Warrant.

ARTICLE 13 as printed in the Warrant:

The owner or occupant of any building upon land abutting on a private or public way, in which there is a common sewer installed prior to or after the effective date of this by-law, shall, upon a violation of Title 5 of the State Sanitary Code, as it may be amended from time to time, or within five years of availability of such common sewer, whichever shall occur sooner, connect the same therewith by a sufficient drain; provided further that any owner or occupant subject to an order to connect dated on or before the effective date of this by-law shall not be relieved of the obligations thereunder as a result of the adoption of this by-law.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

RECORD OF ADDITIONAL MOTIONS FOR ARTICLE 13

A MOTION to Amend Article 13 was made by Luke Grant to move that the Town will vote to postpone action on Article 13 of the Special Town Meeting until such time as the Water and Sewer Commission has determined the financial implications of modifying the current by law. Motion was 2nd.

ADDITIONAL MOTIONS -- DECLARED FAILED BY MAJORITY BY THE MODERATOR

ARTICLE 14 (Requires Majority Vote—Counted Vote Requested)

Motion was made by Robert Kimball, Chairman of the Board of Selectmen, and seconded to move Article 14 as printed in the warrant with changes to Section 2.

ARTICLE 14 as printed in the Warrant with the new Section 2:

That the Town will vote to authorize the Board of Selectmen to seek special legislation as set forth below for the purpose of ensuring that low or moderate income housing authorized by the Town to be built or created under G.L. chapters 40A, 40B, or 40R shall be included for purposes of G.L. c.40B, §20 on the Subsidized Housing Inventory maintained by the Department of Housing and Community Development as “affordable housing”; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto:

An Act Relative to Affordable Housing in the Town of Norton

Section 1. Notwithstanding the provisions of sections 20 through 23 of chapter 40B of the General Laws, or of any other general or special law or state regulation to the contrary, the determination of whether the Town of Norton has low or moderate income housing in excess of ten per cent of the total housing units reported in the latest federal decennial census for the Town of Norton for purposes of section 20 of said Chapter 40B, which determination is reflected in a list known as the Subsidized Housing Inventory (“SHI”) as maintained by the Massachusetts Department of Housing and Community Development or by a successor department regardless of its name, shall be calculated as follows. As of the date an approval decision is filed with the Norton Town Clerk and through and including the expiration date of the decision as provided by applicable statute or regulation and any extension of such decision granted by action of the Town or the General Court, the SHI shall include all of the following:

1. Any affordable housing unit approved under any local zoning provision under G.L. c.40A, including a so-called Local Initiative Program project, provided that the affordable unit shall be required to have a permanent deed restriction to restrict occupancy or ownership of the unit to an “Income Eligible Household” as presently defined under the Department’s regulations at 760 CMR 56.02;
2. Any affordable housing unit in a homeownership project approved under G.L. c.40B or G.L. c.40R; and
3. Any rental housing unit in a rental project approved under G.L. c.40B or G.L. c.40R.

Provided further that if any such approval decision is appealed, the unit or units at issue shall continue to be listed on the SHI unless and until the approval decision is finally overturned by a court of competent jurisdiction.

Section 2. This act shall be applicable to all low or moderate income housing approved under G.L. c.40B and no comprehensive permit (as originally issued or as later modified) shall be in

existence or extended for more than ten years from the date of the issuance of the original permit (from the date that it was filed with the municipal clerk's office) or the date upon which the permit took final effect upon termination of litigation affirming the original permit, whichever date occurs later.

Section 3. This act shall take effect upon passage.

A counted vote was taken:

YES-85 NO-1

DECLARED VOTED BY MAJORITY BY THE MODERATOR

(NOTE: Article 14 appears as voted)

RECORD OF ACTIONS TAKEN FOR ARTICLE 14

The Moderator called a 3 minute recess before allowing Article 14 to be moved.

ARTICLE 15 (Requires Majority Vote—Counted Vote Requested)

Motion was made by Robert Kimball, Chairman of the Board of Selectmen, and seconded to move Article 15 as printed in the warrant with changes to Section 5.

ARTICLE 15 as printed in the Warrant with the new Section 5:

That the Town will vote to support the amendment of G.L. c.40B for the purpose of providing relief to cities and towns from the financial and administrative burdens imposed upon municipalities by the approval of affordable housing under said chapter, which approved housing units do not count as "affordable housing units" for purposes of G.L. c.40B, §20 for inclusion on the Subsidized Housing Inventory maintained by the Department of Housing and Community Development, and, for such purposes, to authorize the Board of Selectmen to submit to its State Representative and State Senator the below legislation for consideration by the General Court, or take any other action relative thereto:

An Act Relative to Municipal Relief with Respect to Temporary Recognition of Affordable Housing Approved by Municipalities

Section 1. It is hereby recognized that, due to fiscal circumstances beyond the control of municipalities and developers of affordable housing, it can be difficult to build affordable housing projects even after such projects have been locally approved.

Section 2. It is hereby further recognized that there are municipalities who have approved low and moderate income housing that would provide low or moderate income housing of ten percent or greater of the total housing units reported in the latest federal decennial census for purposes of section 20 of chapter 40B of the General Laws; however, not all of the approved and still eligible to be constructed projects have been constructed.

Section 3. It is hereby further recognized that low and moderate income housing projects that have been approved and are still eligible to be constructed should be included in the calculation of whether a municipality has low or moderate income housing of ten percent or

greater of the total housing units reported in the latest federal decennial census for purposes of section 20 of chapter 40B of the General Laws and, so, shall be reflected in the list known as the Subsidized Housing Inventory (“SHI”) maintained by the Massachusetts Department of Housing and Community Development.

Section 4. Section 20 of Chapter 40B of the General Laws is hereby amended by deleting in its entirety subsection (1) of the definition of “Consistent with Local Needs” and by inserting in place thereof the following: (1) low or moderate income housing units, which either exist or have been locally approved and notice of the approval has been filed with the city or town clerk and the approval has not yet expired and which are in excess of ten percent of the housing units reported in the latest federal decennial census of the city or town or on sites comprising one and one half per cent or more of the total land area zoned for residential, commercial or industrial use.

Section 5. This act shall be applicable to all low or moderate income housing approved under G.L. c.40B and no comprehensive permit (as originally issued or as later modified) shall be in existence or extended for more than ten years from the date of the issuance of the original permit (from the date that it was filed with the municipal clerk’s office) or the date upon which the permit took final effect upon termination of litigation affirming the original permit, whichever date occurs later.

Section 6. This act shall expire, without any further action of the General Court seven years from the date of approval, unless sooner renewed; provided, however, that any low or moderate income housing appearing on the above-referenced SHI at the time of expiration of this act shall continue to be governed by the provisions of this act until expiration of local approval.

Section 7. This act shall take effect 120 days after its passage.

A counted vote was taken:

YES-86 NO-1

DECLARED VOTED BY MAJORITY BY THE MODERATOR

(NOTE: Article 15 appears as voted)

The Special Town Meeting was declared Adjourned at 9:24 PM.

ATTEST:

Danielle M. Sicard
Town Clerk