

Diane Battistello, Chairman
Ellen Vallentine, Vice-Chairman,
Corey Marsden, Clerk
Christian A Zahner IV, Health Agent
Phyllis Drayton, Assistant Health Agent

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TOWN OF NORTON

Commonwealth of Massachusetts

Board of Health

70 East Main Street Norton, MA 02766



The Norton Board of Health held a meeting on February 6, 2024 at 5 :00PM. The following members were present: Diane Battistello, Chairman, Ellen Valentine, Vice Chairman, Corey Marsden, Clerk, Christian Zahner, Health Agent, Margaret A. Tavares, Administrative Secretary

Guests: Attorney Gregg Corbo, Town Counsel, Attorney Peter Dunning, Attorney Michael Rosen , Jamey Lagor, NE Ice Cream, Aaron Farbo, Nicole Mello, PHN and several residents from Norton Mobile Estates, list attached.

Call to order: Ms. Battistello, Chairman called the meeting to order at 5:05 PM.

Old Business:

Attorney Rosen for New England Ice Cream started discussion regarding the letter proposing mitigation per the Board's request from the January 9, 2024 meeting. Attorney Rosen said the proposed mitigation identifies 5 areas where New England Ice Cream could reduce noise at site. (memorandum attached). The mitigation involves:

- Re-assigning a manager to 3rd shift, solely focused on adherence to mitigation measures.
- 25 % driver start times were adjusted, those trucks will not be turned on until 5:00am
- Reduce number of vehicles running in back of building by more than 50% during 3rd shift
- During 3rd shift, 40% of vehicles will be shuttle to front of building, so noise will be shielded by building.
- Transition 1 additional truck from Norton to Haverhill, Ma

Attorney Rosen said that they have actually implemented these changes for the last two week. The Board asked for a clarification as to the number of vehicles instead of percentage of vehicle that are involved in the mitigation. The Board asked the residence of Norton Mobile Estates if they have noticed a noise difference since mitigation began. The consensus was they did not.

Attorney Rosen spoke of a sound study that was performed on a Tuesday night, all night till Wednesday morning. The findings were compared to the ambient level from the study that Norton Mobile Estates had previously done. New England Ice Cream claims the study does demonstrate a reduction in noise and vibration.

Peter Durning, Attorney for Norton Mobile Estates, spoke of the issue of New England Ice Cream sound testing and that he and Norton Mobile Estates did not have an opportunity to review the results of the testing.

The residence of Norton Mobile Estates had an opportunity to speak and talk on the noise and vibrations coming from New England Ice Cream. The discussion generated questions the Board had for the residence and NE Ice Cream.

After hearing from all parties, Attorney Corbo, Counsel for the Town of Norton, read the motion:

1. By **February 13, 2024**, NEIC shall submit a revised interim mitigation plan to show more details concerning its operations to include but not be limited to the actual number of trucks that will be in each location on the property and at what times, with a graphic, and describing the no idling policy.
2. By **February 9, 2024**, NEIC, by and through its sound engineer, shall set up monitoring equipment in the three locations discussed during the meeting to continuously measure sound and vibrations generated at the property between February 9, 2024 and February 23, 2024, with the results being submitted to the Board and Norton Estates' attorney by **February 27, 2024**.

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3. On **February 16, 2024**, NEIC's sound engineer will review the first week of data with NEIC and NEIC will implement additional measures to abate noise and vibrations if they exceed acceptable levels.
4. NEIC will investigate the feasibility of expanding and increasing the height of the existing sound barrier separately from the project pending before the Planning Board and it will implement such expansion and/or height increase as soon as possible, with the results of such investigation being submitted to the Board and Norton Estates by **February 27, 2024**.
5. Norton Estates may submit any additional information to the Board, including any results from its own sound study, by **February 27, 2024**, with a copy to NEIC.

Ms Battistello moved to accept the motion, Ms Valentine 2nd

Vote 3-0

Corey Marsden, was introduced to board as our new Board member.

The board reviewed, January 2024 monthly reports of the:

- **The Public Health Nurse**
- **The Health Agent**
- **The Assistant Health Agent**
- **Animal Control**

Bills signed by Health Agent:

Elan Financial, Health Agent's Clothing	\$279.65
Colonial Municipal Group, BOH Truck	\$51240.00
MEHA, Health Agent Seminar	\$100.00
Produce Barn, office supplies	\$14.38
New England Truck Caps, Inc	\$2138.00

Ms. Battistello made a Motion to adjourned. Ms. Valentine 2nd. Vote 3-0 adjourned 7:10pm

Meeting Adjourned

Next Meeting: March 5, 2024 @ 5:00pm

List of Documents & Other Exhibits used at meeting:

- **New England Ice Cream mitigation plan and sound study**
- **PHN Monthly Report, January 2024**
- **Health Agents Monthly Report, January 2024**
- **Assistant Health Agents Monthly, January 2024**
- **Animal Control Officer Monthly Report, January 2024**

Please note that it is possible that a vote or votes may be taken by the Board regarding the above agenda items.



Town of Norton

Board of Health Minutes Acceptance

Town Clerk Date/ Time Stamp

NORTON TOWN CLERK

2024 MAR -7 PM 4:07

Board of Health Meeting

BOARD / COMMITTEE

March 5, 2024

5:00 p.m.

DATE

TIME

Acceptance of Minutes Date 2/6/24

MEETING MINUTES

Diane Battistello - Chairman

Ellen Valentine Vice - Chairman

Corey Marsden- Clerk