

Selectmen's Meeting Minutes 12/13/10

Board of Selectmen Meeting Minutes 12/13/10

The Easton Board of Selectmen met this evening at the Easton Town Offices, Selectmen's Office, 136 Elm Street, with Chair Colleen Corona presiding.

Members present: Colleen Corona, John Haederle, Irwin Cohen, and Town Administrator David Colton

Members not present: Ellen Barlow, Sean Noonan

Corona called the meeting to order at 7pm and noted that this meeting is televised.

Henry Family support request for resolution

Mr. & Mrs. Dan Henry were present. Mr. and Mrs. Henry introduced themselves and Mr. Henry explained that their son was killed by a police officer while away at college. They are trying to still understand the circumstances, looking patiently for the truth and seeking to change the system which denies parents answers when trying to find what really happened to their son. Mr. Henry asked that the Board join in the efforts of a fair and impartial investigation into finding the absolute truth about what happened to their son. Haederle spoke in support of their request for the resolution and stated that he is very familiar with that community in New York where the incident took place. Haederle suggested that the facts of the case warrant an independent investigation by the US Department of Justice. Mr. Henry stated the State Police are involved but they are not leading the investigation.

Colton offered to help draft a letter to the Attorney General. As a Town Administrator and someone who appoints police officers, he finds this investigation to be a conflict of interest. Colton suggested the integrity of the process needs to be paramount in this investigation.

Corona expressed sorrow and condolences to the family for their loss.

Voted: (Corona/Haederle) voted unanimously to support a request for an independent investigation

Draft Housing Production Plan

Community Housing Planner Tim Harrigan was present. Harrigan explained the Housing Production Plan. If the Town does not meet the 10% required affordable housing goal, the Zoning Board of Appeals is allowed to deny 40B plans. The current plan expires in January 2011. The draft plan is very comprehensive and the state requires Selectmen and the Planning Board to adopt the plan. We need to submit comments, edits or deletions to the state by the end of December so that we have a final plan in January.

Colton noted that Harrigan is doing a great job; he's been here five months, 20 hours a week and has accomplished a lot in this time. Harrigan noted the final plan will be placed on the Town's website. It was noted that no action is required by the Selectmen now and the Board should consider giving final approval at the scheduled meeting on January 24, 2011.

Annual License Renewals

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See the attached list of proposed license renewals. Corona explained the two lists; one without pending issues and one with pending issues to resolve.

Voted: (Haederle/Cohen) voted unanimously to approve the list of proposed license renewals without conditions

Licenses with outstanding issues:

Voted: (Cohen/Haederle) voted unanimously to approve the renewal for the Class II license for Tremouliaris Corp., dba TC Automotive contingent upon submission of 2011 workers compensation information

Voted: (Haederle/Cohen) voted unanimously to approve the renewal for the Class II license for Easton Auto Service, Inc., contingent upon submission of 2011 workers compensation information

Voted: (Cohen/Haederle) voted unanimously to approve the Class II license for Silhouette Motors of Easton, Inc., contingent upon submission of 2011 workers compensation information

Voted: (Cohen/Haederle) voted unanimously to approve the Common Victualler license for FB Enterprises, Inc., dba Dunkin Donuts contingent upon submission of 2011 workers compensation information

Voted: (Haederle/Cohen) voted unanimously to approve the Common Victualler license renewal for Khelfa Corp., dba Euro Pizzeria contingent upon submission of 2011 workers compensation information

Voted: (Cohen/Haederle) voted unanimously to approve the Restaurant all Alcohol, Common Victualler, Annual and Sunday Entertainment licenses for with Porticello Inc., dba Porticello Ristorante Restaurant contingent upon satisfying the Board of health requirements

Agricultural Steering Committee appointments

Corona explained that the following individuals requested appointment to the Agricultural Steering Committee:

Edmund Hands

Todd Sandstrum

Alida Cantor (local farmer)

Jennifer Cummings (Natural Resources Trust Representative)

Voted: (Haederle/Cohen) voted unanimously by roll call to appoint the slate
Cohen-slate; Haederle-slate; Corona-slate

Corona reference the Conservation Commission's request to appoint John Grant to the Agricultural Steering Committee as their representative.

Voted: (Haederle/Cohen) voted unanimously by roll call to appoint John Grant to the Steering committee as the Conservation Commission's representative
Cohen-Grant; Haederle-Grant; Corona-Grant

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Historical Commission Appointments

Corona explained the need to appoint the new Commission. Under the bylaw voted at the Annual Town Meeting, there will be seven members of the Historical Commission. The vacancies were advertised and the Board reviewed a request from the Chair of the Historical Commission recommending appointments to the Commission.

Steve Donahue was nominated to represent the Board of Realtors.

Two applicants submitted to serve as landowner in the Historic District; Ed Hands submitted as a current member of the Historical Commission and a Director of the Historical Society and Robert Turner, landowner in the district.

Voted: (Haederle/Corona) voted 2-1 by roll call to appoint Ed Hands as the landowner representative within the district

Cohen-Turner; Haederle-Hands; Corona-Hands

Voted: (Haederle/Cohen) voted unanimously by roll call to appoint Steve Donahue to the Historical Commission as the realtor representative

Cohen-Donahue; Haederle-Donahue; Corona-Donahue

Voted: (Haederle/Cohen) voted unanimously by roll call to appoint Melanie Deware and Gregory Strange to the Historical Commission, term expiration June 30 2014

Cohen-Deware and Strange; Haederle-Deware and Strange; Corona-Deware and Strange

Voted: (Haederle/Cohen) voted unanimously by roll call to appoint Steve Donahue and John Ventresco to the Historical Commission, term expiration June 30, 2012

Cohen-Donahue and Ventresco; Haederle-Donahue and Ventresco; Corona-Donahue and Ventresco

Voted: (Cohen/Haederle) voted unanimously by roll call to appoint Paul Fitzpatrick and Timothy Hurley to the Historical Commission, term expiration June 30 2013

Cohen-Fitzpatrick and Hurley; Haederle-Fitzpatrick and Hurley; Corona-Fitzpatrick and Hurley

Voted: (Cohen/Haederle) voted unanimously by roll call to appoint Karen Cacciapuoti to the Historical Commission as an Alternate, term expiration June 30, 2014

Cohen-Cacciapuoti; Haederle-Cacciapuoti; Corona-Cacciapuoti

Voted: (Cohen-Haederle) voted unanimously by roll call to appoint Greg Galer to the Historical Commission as an Alternate, term expiration June 30, 2013

Cohen-Galer; Haederle-Galer; Corona-Galer

Voted: (Haederle/Cohen) voted unanimously by roll call to appoint Ed Hands to the Historical Commission, term expiration June 30, 2012

Cohen-Hands; Haederle-Hands; Corona-Hands

New England Power Company dba; National Grid – Petition to Construct, Maintain, Operate and Use Transmission Lines Bay Road, Massapoag Ave, Poquanticut Ave & Rockland Street

Haederle read the hearing notice into the record.

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Attorney Robert Sudmyer , James Hannigan, Catherine Connolly of Bowditch and Dewey and Christopher Novak and Marc Bristol of National Grid were present.

Sudmyer explained the request to cross all four streets with a four mile overhead transmission line through Easton and Mansfield. This project is being viewed by the Department of Public Utilities (DPU). There has been extensive public outreach; fact sheets have been sent out to abutters and municipal departments. Follow-up also took place door to door with abutters. A public open house was held in February 2010 and a June presentation to the Board of Selectmen took place and a meeting with the Easton Building Inspector.

Novak spoke of the need to get approval from the DPU. This was filed in August 2010 and a decision is expected in Spring 2011.

Mark Bristol of National Grid spoke of the impact of the right of way. The current schedule now would be to begin construction in November 2011 and end in March/April 2012. Most of the impacts to the right of way are minimal. Police details will be utilized as needed. Novak noted that they filed with Conservation Commission and received an Order of Conditions.

Voted: (Cohen/Corona) voted unanimously to approve the petition as requested

RFP for Valuation Services

Colton explained the RFP for Valuation Services (attached).

Voted: (Haederle/Cohen) voted unanimously to approve the RFP

Town Counsel Services

Colton referenced the attached recommendation for Town Counsel. He explained the process of interviewing the firms and the unanimous vote of the committee to recommend the firm of Blatman, Bobrowski and Mead because of their reputation and experience. Corona noted that all three firms did a great job. Corona noted that we have been very happy with Brackett and Lucas and thanked them for all of their work for the Town of Easton.

Voted: (Haederle/Cohen) voted unanimously to appoint Blatman, Bobrowski and Mead as Town Counsel

Cohen asked if we had any pending issues of concern. Colton suggested that we will review our cases to be sure there are no outstanding issues.

FY'12 Budget

Colton referenced the projections for the FY'12 budget. FY'12 will be a tough year. Revenue projections for FY'12 are less than a 1% increase and we are projecting a 7.5% local aid cut.

Corona noted that Easton has been fortunate, we have been conservative and we have been lucky to have reserves to draw from. We are getting less in state aid than we were getting in 2006. Corona agreed that FY'12 will be a tough year.

Colton noted new growth numbers are a little better than we thought for FY'11. Our property tax numbers have been holding pretty steady and local receipts have been holding pretty well; its really

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state aid we are concerned about in the upcoming year. Colton noted on the expense side, we are projecting a 2012 budget of \$67,828,520 and a deficit of \$2,055,148. We will have more information on health insurance soon but for now, we have calculated a 10% increase and we put in a similar increase for pension. The Southeastern Regional School budget number is still unknown. We assumed a 3% increase for the School Department. We plan to use \$1.3 million in reserves and leaving approximately \$900,000 as a balance in the stabilization fund.

Haederle asked if we have any hope that the Governor will allow cities and towns to design their own healthcare systems. Colton suggested that the pressure will be on again to do this. Corona noted that this is a main agenda item with the state. Haederle suggested sending a letter to our Legislators. Colton suggested we can invite them to a Selectmen's Meeting. Colton noted much of the deficit is salary and health benefits.

Corona clarified that this budget includes no set aside for raises for next year except for the Fire and Administrative Professional unions which were previously negotiated. Colton noted this is the beginning point of the budget process.

Contract with Badger Meter, Inc. –Cold Water Meters

Colton referenced the bids for water meters. See the attached recommendation submitted by Water Division Operations Manager Jack Marsh.

Corona explained that water meters need to be replaced regularly.

Voted: (Haederle/Cohen) voted unanimously to approve water meter bids submitted by Badger Meter

Approval of Police Department surplus equipment

Colton referenced the request submitted by the Chief of Police to declare fourteen defibrillators as surplus.

Voted: (Cohen/Haederle) voted unanimously to approve the surplus equipment

Southeastern Regional Services Group (SERSG) award of paving contract – Aggregate Industries

Colton referenced the request to award the bid/contract to Aggregate Industries.

Corona noted we use SERSG for all our DPW supplies

Voted: (Haederle/Cohen) voted unanimously to approve the bid/contract to Aggregate Industries

Minutes

General minutes dated 11/19/10 - no action taken

Voted: (Haederle/Cohen) voted unanimously to approve general minutes dated 11/29/10

General minutes dated 12/6/10 - no action taken

Voted: (Cohen/Haederle) voted unanimous by roll call to approve and release executive session minutes dated 11/29/10

Cohen-yes; Haederle-yes; Corona-yes

Public Participation

None

Selectmen's Notes

The Board expressed condolences to Selectman Ellen Barlow for the recent passing of her father.

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Corona announced that Rick and Ann Martin lost their home in a fire recently and Ann Martin asked to express thanks to the Fire Department and the community. Corona spoke of an account at North Easton Savings Bank for those who would like to donate to the Martins.

Voted: (Haederle/Cohen) voted unanimously by roll call to go into executive session for the purpose of discussing litigation, not to return to open session (7:50pm)

Haederle-yes; Cohen-yes; Corona-yes

Town Administrator Notes

None

Press Notes

None

*Respectfully submitted,
Mary Southworth*

List of Documents and Other Exhibits Used:

Agenda Notes

List of 2011 annual license renewals

2011 Annual license renewals – for approval with conditions

Agricultural Steering Committee Charge

Volunteer Information Form – Alida Cantor (Agricultural Steering Committee)

Volunteer Information Form – Edmund Hands (Agricultural Steering Committee)

Volunteer Information Form – Jennifer Cummings (Agricultural Steering Committee)

Volunteer Information Form – Todd Sandstrum (Agricultural Steering Committee)

Request to appointment members to the Historical Commission

Tri County Board of Realtors – nomination for the Historical Commission

Volunteer Information Form – Edmund Hands (Historical Commission)

Volunteer Information Form – Robert Turner (Historical Commission)

Draft Easton Housing Plan

Draft RFP – Valuation Services

Town Counsel recommendation

FY'12 General Fund Revenue Projections

Budget Comparison Summary

Recommendation to award bid/contract for water meters

Badger Meter bid information

Memo for Police Chief requesting declaration of surplus items

SERSG recommendation on paving contract award

Notice of Hearing – New England Power Company petition

New England Power Company – Petition

General minutes dated 11/19/10

General minutes dated 11/29/10

General minutes dated 12/6/10

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Annual Licenses for Renewal 12/13/10

11CL2-09	Robert Lundin dba Primary Auto	590 Turnpike St.	Class II
11CL1-02	Baystate Ford, Inc.	703 Washington St.	Class I
11CL2-14	Bourne Enterprises Inc. dba Bourne's Auto Center	135 Belmont St.	Class II
11CL2-21	S.R.T. Easton Gas and Convenience, Inc. dba Easton Ga	200 Washington St.	Class II
11CL2-22	Godfrey Automotive Inc. dba International Motorwerks	612 Washington St.	Class II

Common Victualler & Some Misc.

2011-13	Easton Golf Range LLC dba Golf Country	530 Turnpike St.	Common Victualler
2011-6	LBK, LLC dba Burkert King #3984	479 Foundry St.	Common Victualler
2011-21	Mariva, Inc. dba D'Angelo Sandwich Shop	646 Washington St.	Common Victualler
2011-14	TARU Inc. dba Pizza Express & NY Deli	111 Belmont St.	Common Victualler
2011-18	Depot Donuts, Inc. dba Dunkin Donuts	700 Depot St.	Common Victualler
2011-8	Lima & Medeiros, Inc. dba Dunkin Donuts	285 Washington St.	Common Victualler
2011-7	Easton Village Donuts, Inc. dba Dunkin Donuts	3 Roche Bros Way	Common Victualler
2011-20	The Fresh Catch III, Inc. dba Fresh Catch Easton	661 Washington St.	Common Victualler
2011-4	2 Belmont Corp dba Honey Dew Donuts	2 Belmont St.	Common Victualler
2011-16	Kermina LLC dba Mina's Pizza	620 Washington St.	Common Victualler
2011-10	Papa Gino's Inc. dba Papa Gino's	594 Washington St.	Common Victualler
2011-EG1	Papa Gino's Inc. dba Papa Gino's	594 Washington St.	Electronic Game
2011-15	Sofos Corporation dba Sophie's Pizza Place	479 Turnpike St.	Common Victualler
2011-5	Belsub Corp. dba Subway #25845	Two Belmont St.	Common Victualler
2011-17	Target Corporation dba Target Store T2267	41 Robert Dr.	Common Victualler
2011-3	ABP Pizza Inc. dba Ultimate Pizza	277 Turnpike St.	Common Victualler
2011-19	Marawi, Inc. dba White Hen Pantry 1-0201-2	277 Turnpike St.	Common Victualler
2011-1	Sing Yee Restaurant	379 Turnpike St.	Common Victualler
2011-12	Hilliards House of Candy, Inc.	316 Main St.	Common Victualler
2011-9	McMenamy's Hamburger House, Inc.	181 Washington St.	Common Victualler
2011-23	Bill's House of Pizza	97 Main St.	Common Victualler
2011-27	Andrews Farm Store	123 Belmont St.	Common Victualler
2011-26	Avellino Pizzeria, Inc.	700 Depot St.	Common Victualler
2011-2	Paul Stathakis, Inc. dba Easton House of Pizza	669 Washington St.	Common Victualler
2011-30	Kavar Enterprises, Inc. dba Chaloo's Restaurant	574 Washington St.	Common Victualler
2011-11	Pepperoni's Easton LLC dba Piezonis Pizza	25 Robert Dr.	Common Victualler
2011-22	Janice Sarafoglou dba Main Street Café	122 Main St.	Common Victualler

All Alcohol / Beer & Malt Package Store

R & A Inc. dba Pops	670 Depot St.	Package All Alcohol
Easton Beverages, Inc. dba The Wine Guys	20 Roche Bros Way	Package B/W
Pedell Inc. dba Hennessy's Package Store	589 Washington St.	Package All Alcohol
Gendrons Dream Force, Inc dba Shovelshop Spirits	282 Washington St.	Package All Alcohol
Alchemie Investments V, LLC dba South Easton Variety	447 Turnpike St.	Package B/W
Paparo Liquors, Inc. dba Scott's Fine Wines & Spirits	669 Washington St.	Package All Alcohol

Annual Licenses for Renewal 12/13/10

All Alcohol /Beer & Malt Package Store

Elizabeth Ball Constantine dba Tedeschi Food Shops	497 11 Columbus Ave.	Package B/W
AJAY Variety Corp. dba Highland Variety	95 Highland St.	Package B/W
Shiv Om Liquor Corporation dba Independent Liquors	503 Foundry St.	Package All Alcohol
Marawi, Inc. dba White Hen Pantry 1-0201-2	277 Turnpike St.	Package B/W

Vehicle for Hire

2011-VEH1 A & T Taxi of South Shore, LLC dba A & T Taxi & Livery	31 Tosca Dr. Stough	Vehicle for Hire
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Annual Licenses for Approval (12/13/10)

Licensee	Address	License
Columbian Corporation of Easton dba Knights of Columbus	375 Foundry St.	Club All Alcohol
Columbian Corporation of Easton dba Knights of Columbus		Common Victualler
Columbian Corporation of Easton dba Knights of Columbus		Misc - Elect Game & Billiard
Columbian Corporation of Easton dba Knights of Columbus		Entertainment - Sunday
Columbian Corporation of Easton dba Knights of Columbus		Entertainment - Annual
99 Restaurants of Boston , LLC dba 99 Restaurant - Pub	99 Belmont St.	Restaurant All Alcohol
99 Restaurants of Boston , LLC dba 99 Restaurant - Pub		Common Victualler
Café Hayashi, Inc.	447 Turnpike St. - Unit No. 8	Restaurant Wine & Malt
Café Hayashi, Inc.		Common Victualler
T & K Casa Inc, dba Doyle's Bar & Grill	956 Washington St.	Restaurant All Alcohol
T & K Casa Inc, dba Doyle's Bar & Grill		Misc - Electronic Game
T & K Casa Inc, dba Doyle's Bar & Grill		Entertainment Sunday
T & K Casa Inc, dba Doyle's Bar & Grill		Entertainment Annual
T & K Casa Inc, dba Doyle's Bar & Grill		Common Victualler
Easton Country Club Ltd.	265 Purchase St.	Restaurant All Alcohol
Easton Country Club Ltd.		Entertainment Sunday
Easton Country Club Ltd.		Entertainment Annual
Easton Country Club Ltd.		Common Victualler
Arturo Lopez-Michel dba El Mariachi Mexican Restaurant	620 Washington St. - Unit 6	Restaurant All Alcohol
Arturo Lopez-Michel dba El Mariachi Mexican Restaurant		Common Victualler
The Fresh Catch II, Inc. dba Fresh Catch Rest. & Sushi Bar	285 Washington St.	Restaurant All Alcohol
The Fresh Catch II, Inc. dba Fresh Catch Rest. & Sushi Bar		Entertainment Sunday
The Fresh Catch II, Inc. dba Fresh Catch Rest. & Sushi Bar		Entertainment Annual
The Fresh Catch II, Inc. dba Fresh Catch Rest. & Sushi Bar		Common Victualler
Lucky Garden Corporation dba Ho Yon Garden Restaurant	620 Washington St.	Restaurant All Alcohol
Lucky Garden Corporation dba Ho Yon Garden Restaurant		Common Victualler
Georgia Pizza, Inc. dba Lindo's Pizza	447 Turnpike St.	Restaurant Wine & Malt
Georgia Pizza, Inc. dba Lindo's Pizza		Misc - Electronic Game
Georgia Pizza, Inc. dba Lindo's Pizza		Common Victualler
Fin Mag Inc, dba Maguires	503 Foundry St.	Restaurant All Alcohol
Fin Mag Inc, dba Maguires		Entertainment Sunday
Fin Mag Inc, dba Maguires		Entertainment Annual
Fin Mag Inc, dba Maguires		Common Victualler
Milan A.C. Corp dba Mario's Trattoria	260 Washington St.	Restaurant Wine & Malt
Milan A.C. Corp dba Mario's Trattoria		Common Victualler

Annual Licenses for Renewal 12/13/10 - WITH CONDITIONS

**Annual Licenses for Renewal 12/13/10
for approval - with conditions**

Class II License:

11CL2-18	Tremouliaris Corp dba TC Automotive	720 Depot St.	approved contingent upon submission of 2011 workers' compensation information
11CL2-23	Easton Auto Service, Inc.	559 Washington St.	approved contingent upon submission of 2011 workers' compensation information
11CL2-17	Silhouette Motors of Easton, Inc.	38 Foundry St.	approved contingent upon submission of 2011 workers' compensation information

Common Victualler License:

2011-24	FB Enterprises, Inc. dba Dunkin Donuts	606 Washington St.	approved contingent upon submission of 2011 workers' compensation information
2011-25	Khelfa Corp dba Euro Pizzeria	3 Roche Bros Way	approved contingent upon submission of 2011 workers' compensation information

Restaurant All Alcohol/Common Victualler License/Annual & Sunday Entertainment:

	Porticello Inc. dba Porticello Ristorante	454 Turnpike St.	approved contingent upon satisfying Board of Health requirement
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DRAFT FOR DISCUSSION PURPOSES ONLY (11/29/10)

VALUATION SERVICES – REQUEST FOR PROPOSALS

BOARD OF SELECTMEN

EASTON, MASSACHUSETTS

ISSUE DATE: DECEMBER __, 2010

DUE DATE: JANUARY __, 2011

DRAFT FOR DISCUSSION PURPOSES ONLY (11/29/10)

1. **Scope of the Appraisal**

The Town of Easton seeks to engage an MAI appraiser licensed in the Commonwealth of Massachusetts who has extensive experience in the valuation of commercial real estate (including market rate and affordable apartments, market rate and affordable condominiums, and mixed use projects) (the “Appraiser”) to estimate the Loss In Value (as defined below) attributable to the recording in the Bristol County (Northern District) Registry of Deeds, of an historic preservation restriction that will benefit the Town of Easton (the “Town”) and burden the property known as the Ames Shovel Works in North Easton, MA (“Property”). Such historic preservation restriction (the “Restriction”) shall be substantially in the form attached as Exhibit A and encumber the Property in perpetuity. The Town is seeking an estimate of the Loss In Value due to the limits on the scale, scope and mix of the development that will be permitted at the Property as a result of the Restriction. The valuation approach to be employed by the Appraiser is described herein.

2. **The Property**

The Property contains approximately 8.17 acres (356,147± s.f.) and is bounded by Oliver and Main Streets in North Easton, Massachusetts. It contains approximately 15, 1- 3 story buildings constructed in the mid-19th century (some have later additions). Photographs of the Property are attached as Exhibit B. A number of industrial and office companies occupy approximately 50% of the available space at the Property. The Property is located in the Industrial (I) Zoning District and the Aquifer Protection Overlay District under the Town of Easton’s Zoning Bylaw, as amended. A site plan of the “Original Development Proposal” prepared by the current owner of the Property (“Seller”) is attached as Exhibit C; that project would not be subject to the Restriction. The “Revised Development Proposal” proposed by the private developer that has the Property under a purchase and sale agreement (“Buyer”) is shown on Exhibit D; that project would be subject to the Restriction.

3. **Valuation Approach**

The valuation shall be undertaken in conformance with the 2010/2011 Uniform Standards of Professional Appraisal Practice (USPAP) and/or M.G.L. Ch. 44B, § 5(f) (Community Preservation Act enabling statute), a copy of which is attached as Exhibit E. The CPA statute provides that “no such real property, or interest therein, shall be acquired by any city or town for a price exceeding the value of the property as determined by such city or town through procedures customarily accepted by the appraising profession as valid.” The date of value shall be the date of the Appraiser’s valuation. The Town will provide to the Appraiser, development cost, rent, and operating cost assumptions for the Revised Development Proposal; such data is not available for the Original Development Proposal. The Appraiser’s report shall clearly describe the analyses and findings in detail and shall be completed and delivered to the Town within 45 days of authorization by the Town.

4. **Background**

For the purposes of this appraisal, the following information should be considered by the Appraiser:

- The Seller is an experienced multifamily developer who purchased the Property in 2007 and obtained a Ch. 40B Comprehensive Permit (currently on appeal) for the Original Development Proposal. The Seller is motivated to sell at a price that reflects its purchase price plus the value it created during its predevelopment activities, as well as reasonable compensation for the foregone business opportunity value associated with its agreement to convey the Property to the Buyer.
- The Buyer is an experienced owner, operator, and developer of approximately 10,000 multifamily housing units in New England and the mid-Atlantic area. The Buyer has constructed a number of successful mixed-income, multifamily developments in the region, some of which were historic preservation projects.
- The Property sale is an arms-length transaction; the Buyer and Seller do not have any affiliation with each other.

5. Methodology

The appraisal shall estimate the value of the development rights foregone as a result of the Restriction by noting the difference of the following two valuations:

Original Development Proposal Valuation – The value to the Seller of the Property assuming the mixed-use redevelopment program as proposed in the originally-approved Ch. 40B comprehensive permit, consisting of: (i) 160 rental apartments, of which 120 units are to be market rate apartments and 40 units would be apartments affordable to households with incomes at 80% or less of area median income (“AMI”); (ii) 17 condominiums, of which 5 would be affordable to households earning not more than 80% of the AMI and 12 would be market rate units; and (iii) 15,000 gross square feet of commercial space, 6,500 gross square feet of community space, and 1,750 square feet of support space. A copy of the approved Ch. 40B permit for the Original Development Proposal is attached as Exhibit F. The Appraiser shall assume that all discretionary permits have been or will be obtained for this development proposal.

Revised Development Proposal Valuation – The as-is market value of the Property assuming development of the Revised Development Proposal proposed by the Buyer, consisting of (i) 119 units, of which 95 will be market rate rental apartments and at least 20% (24) will be affordable rental apartments rented to households with incomes at or below 50% of AMI; (ii) cultural/historic facilities (940± s.f.); and (iii) a 2.2± acre open space area available to the public. The Appraiser shall assume that all discretionary permits have been or will be obtained for this development proposal. A copy of the approved Ch. 40B permit for the Revised Development Proposal is attached as Exhibit G. In addition, and as an alternative, the Appraiser shall calculate the Loss of Value if the Revised Development Proposal were to create 25% affordable units (30 units) that are rented to households earning no more than 60 percent (60%) of the AMI.

Loss in Value – The Loss In Value attributed to the recording of the Restriction shall be the difference between the value of the Property under the Original Development Proposal, and the value of the Property under the Revised Development Proposal. The Appraiser may assume that the market value of 1,000 square feet of commercial space is equivalent to 1 residential dwelling unit as proposed under the Original or Revised Development Proposals.

6. Development Program Assumptions

The Original Development Proposal is summarized as follows:

Rental Apartments	
Market Rate Units	120 Units
Affordable Units	<u>40 Units</u> (up to 80% of AMI)
Total	160 Units
Condominium Units	
Market Rate Units	12 Units
Affordable Units	<u>5 Units</u> (up to 80% of AMI)
Total	17 Units
Other	
Commercial	15,000 GSF
Community	6,500 GSF
Support Space	<u>1,750 GSF</u>
Total	23,250 GSF
Parking Spaces	373 spaces

The Revised Development Proposal is summarized as follows:

Rental Apartments ¹	
Market Rate Units	95 Units
Affordable Units	<u>24 Units</u> (up to 50% of AMI)
Total	119 Units
Condominium Units ²	
Market Rate Units	89 Units
Affordable Units	<u>N/A Units</u>
Total	89 Units
Other	
Commercial	0 GSF
Community	940 GSF
Support Space	<u>5,925 GSF</u> ³

¹ Alternatively, the Revised Development Proposal may include 30 affordable apartments (for households earning up to 60% of AMI) and 89 market rate rental apartments.

² Condominium conversion is expected after the end of the 5th year of occupancy for the market rate units, but is subject to Town approval. The affordable units will be income-restricted via an affordable housing restriction for the benefit of the Town; their conversion to condominiums may occur after the expiration of any applicable compliance periods (e.g., with respect to Low Income Housing Tax Credits), and such conversion will also require Town approval. They will be perpetually income-restricted so that future buyers will themselves be income-eligible.

Total	6,865 GSF
Open Space	2.2± Acres
Parking Spaces	236 Spaces

7. General Conditions

(a) The Town of Easton, acting by and through its Board of Selectmen, seeks to compare the relative breadth and depth of experience proffered by interested firms. The Town of Easton reserves the right to waive any informality or reject any proposal. Proposals are due in the Office of the Town Administrator, David A. Colton, Easton Town Hall, 136 Elm Street, North Easton, MA 02356, by 10:30 a.m. on October 13, 2010. One (1) original and six (6) copies of each proposal must be delivered in a sealed envelope by the due date/time. Each proposal should be individually bound and marked “original” or “copy,” as appropriate. Proposals delivered by fax or email will not be accepted.

(b) Each proposal should specify the following:

- (i) The name of the Appraiser who will direct the appraisal;
- (ii) A detailed description of the Appraiser’s relevant experience and the relevant experience of the appraisal firm;
- (iii) A summary description of the appraisal firm and its appraisal principals;
- (iv) A list of 4 references;
- (v) A description of the proposed appraisal services if they are proposed to vary in any material respect from the approach outlined in this Request for Proposals (“RFP”); and
- (vi) A flat fee for the work to be performed. The fee should contemplate one meeting with Town officials to discuss the appraisal report.

(c) In responding to this RFP, the vendor accepts full responsibility for understanding the RFP in its entirety, including making any inquiries to the Town of Easton as may be necessary to gain such understanding. The Town of Easton reserves the right to disqualify any vendor who demonstrates less than such understanding. Further, the Town reserves the right to determine, at its sole discretion, whether the vendor has demonstrated such understanding. The Town’s rights shall extend to cancellation of the award, if an award has been made, and any such disqualification or cancellation shall be at no fault, cost or liability whatsoever to the Town of Easton.

(d) All information provided by the Town in this RFP is offered in good faith. Individual items are subject to change at any time. The Town makes no representation or

³ Fitness Room, etc.

warranty that the information contained in this RFP is without error. The Town is not responsible or liable for any use of such information or for any claims asserted that are related thereto.

(e) Verbal communications shall not be effective unless formally confirmed in writing by a specified procurement official in charge of managing this RFP process. In no case shall a verbal communication govern over written communication. Inquiries, questions, and requests for clarification related to this RFP should be directed in writing to:

Town of Easton
136 Elm Street
North Easton, MA 02356
Attention: David A. Colton, Town Administrator
Email: DColton@easton.ma.us

Informal communications shall include, but are not limited to, requests from/to vendors or vendors' representatives in any capacity, and communications to/from any Town of Easton employee or representative.

(f) Formal communications include, but are not limited to:

- (i) Questions concerning this RFP must be submitted in writing by email to DColton@easton.ma.us and be received prior to ____ p.m. on December ____, 2010;
- (ii) Vendors may (x) recommend to the Town any changes to or enhancements of, this RFP which might be in the Town's best interest, or (y) commend to the Town discrepancies, errors or omissions in this RFP, which in each case, must be submitted in writing by email to DColton@easton.ma.us and be received prior to ____ p.m. on December ____, 2010;
- (iii) Inquiries about technical interpretations must be submitted in writing by email to DColton@easton.ma.us prior to ____ p.m. on December ____, 2010;
- (iv) Inquiries for clarifications/information that will not require an addendum to this RFP may be submitted verbally to the Town Administrator at any time during the response period;
- (v) Verbal and/or written presentations and pre-award negotiations under this RFP; and
- (vi) Addenda to this RFP.

(g) The Town of Easton will make a good-faith effort to provide a written response to each question or request for clarification that requires an addendum within five (5) business days. All questions, answers and an addendum will be shared with all recipients of this RFP.

The Town of Easton will not respond to any questions or requests for clarification that require an addendum if such questions or requests for clarification are received after ____ p.m. on December ____, 2010.

Attachments

- Exhibit A: Form of Historic Preservation Restriction
- Exhibit B: Photographs of the Property
- Exhibit C: Site Plan, Original Development Proposal
- Exhibit D: Site Plan, Revised Development Proposal
- Exhibit E: M.G.L. Ch. 44B, § 5(f)
- Exhibit F: Approved Ch. 40B Permit for Original Development Proposal
- Exhibit G: Approved Ch. 40B Permit for Revised Development Proposal

EXHIBIT A

Proposed Form of Historic Preservation Restriction

[See attached]

EXHIBIT B

Photographs of the Property

[See attached]

EXHIBIT C

Plan of Original Development Proposal (w/o Restriction)

[See attached]

EXHIBIT D

Plan of Revised Development Proposal (w/Restriction)

[See attached]

EXHIBIT E

M.G.L. Ch. 44B, § 5(f)

[See attached]

EXHIBIT F

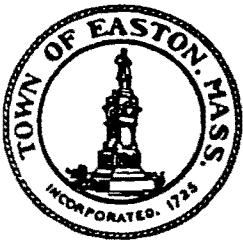
Approved Ch. 40B Permit for Original Development Proposal

[See attached]

EXHIBIT G

Approved Ch. 40B Permit for Revised Development Proposal

[See attached]



TOWN OF EASTON
MASSACHUSETTS
Office of the Town Administrator

DAVID A. COLTON
Town Administrator

Interoffice Memorandum

To: Board of Selectmen
From: David A. Colton, Town Administrator
Colleen A. Corona, Board of Selectmen Chair
Walter Mirrione, Board of Appeals Chairman
Subject: Town Counsel Recommendation
Date: 12/6/10

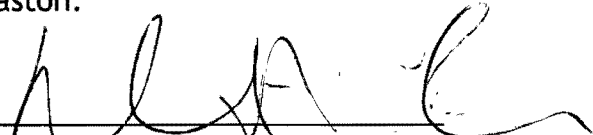
Interviews for Town Counsel services were held on Monday November 15, 2010 with the three finalists: Brackett and Lucas; Blatman, Bobrowski and Mead; and Murphy, Hesse, Toomey and Lehane. Our unanimous recommendation is that the Selectmen designate Blatman, Bobrowski and Mead as Counsel for the Town of Easton because they possess an exceptional level of experience, have demonstrated a high degree of competence, have successfully represented over 100 municipalities, and propose to represent Easton at a responsible fee.

Easton would be served primarily by Jason (Jay) Talerma (Attorney Talerma most recently represented the Board of Appeals in the Turner 40B matter) and Lisa Mead. Jay Talerma has more than a decade of experience in municipal law and has a strong litigation background particularly in zoning and environmental matters. In addition, Jay has served his own community of Norfolk as a member of many Boards and Committees including the Conservation Commission, CPA Committee, By-law review Committee and Master Plan Committee. Lisa Mead is the former three term mayor of Newburyport and City Solicitor for Somerville whose strengths include procurement and finance law, licensing, public construction and state and federal relations.

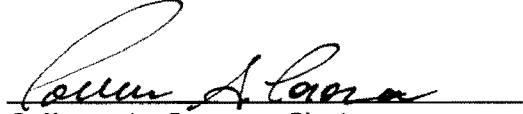
They would be supported by Mark Bobrowski who literally wrote the book on land use planning (The Handbook of Massachusetts Land Use and Planning Law, 1993 & supplemented annually) which is used as the reference for zoning interpretation and enforcement state wide. Attorney Bobrowski is also a professor of Law (since 1986) at the New England School of law.

Together the firm currently serves as Town Counsel the Towns of Ashland, Bellingham, Deerfield, Kingston, Maynard and Southbridge. At \$155 per hour (the second lowest of the group) with a not to exceed cap of \$7,500 per month compares well with our current budget and expense history. During 2010 we expended on average \$5,400 per month on these services at an hourly rate of \$145. If the same number of hours were spent our cost would not exceed \$5,800. An additional \$400 per month for a firm of this caliber is an excellent value for the Town.

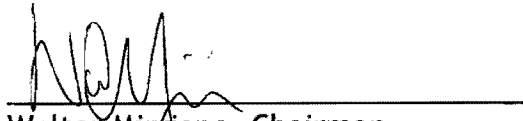
It is clear that both Mead and Talerman are enthusiastic about municipal government and possess the skills, abilities, and integrity necessary to be excellent Town Counsel for Easton.



David A. Colton, Town Administrator



Colleen A. Corona, Chair
Board of Selectmen



Walter Mirrone, Chairman
Board of Appeals



TOWN OF EASTON
DEPARTMENT OF PUBLIC WORKS
Water Division

417 Bay Road Easton, MA 02375-1416
Tel. (508) 230-0850 Fax: (508) 238-6485



INTEROFFICE MEMORANDUM

TO: DAVID COLTON, TOWN ADMINISTRATOR
FROM: JOHN J. MARSH, OPERATIONS MANAGER
SUBJECT: WATER METER BID
DATE: 12/08/2010

Sealed bids were opened on Monday, December 6, 2010 at 9:00 a.m. at the Town Office for cold water meters. Present for the bid openings were Wayne Southworth and myself. Two (2) bids were received however the second bid was not accepted as it was delivered after the 9:00 AM deadline:

Badger Meter, 4545 W. Brown Deer Road, Milwaukee WI 53223 at \$95,662.00

Stiles Co., Inc, 922 Pleasant Street, Norwood MA 02062 (Bid Rejected – Late)

I would like to recommend we award the bid to the low bidder, Badger Meter in the amount of \$95,662.00. Badger Meter has supplied the town with water meters for more than thirty years. They provide a quality product as well as excellent customer service.