

Selectmen's Meeting Minutes 9/26/11

Board of Selectmen Meeting Minutes 9/26/11

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, Ellen Barlow, Sean Noonan, Dan Murphy, Todd Gornstein and Town Administrator David Colton

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

One day liquor license requests

Kelly MacLean was present and explained the request for the one day all alcohol license for a Halloween Ball on November 5, 2011 from 7pm – 11pm at the Oakes Ames Memorial Hall. No Easton Police Department detail is required.

Voted: (Noonan/Barlow) voted unanimously to approve the one day license as requested

Proposed license fees 2012

Corona noted that each year, the Board votes the proposed license fees. This year, three communities were surveyed and Corona recommended no changes to the fees.

Corona motioned to keep the fees the same for 2012

Murphy asked about Mansfield's sliding scale fee. Corona explained the sliding scale based on seating capacity and clarified that Easton has not set fees based on seating.

Voted: Barlow seconded the motion and the Board voted unanimously to keep the fees the same for 2012

Vote to name Chestnut Street Fields in honor of Edwin Keach

Corona noted that the Keach family has requested that the new Chestnut Street Fields be named in honor of Edwin Keach. Corona noted that the Recreation Commission did not take a formal vote on the fields due to a lack of a formal policy. Corona suggested that we move forward with naming the fields as we want to purchase signs for the fields.

Noonan asked about the possibility of naming individual fields for other folks as a well. Corona suggested that we should have a naming policy in place for future naming needs and referenced a sample policy that she reviewed that may be adapted for Easton.

Tana Babbitt of 142 Massapoag Ave spoke as a resident, not as a Recreation Commission member and specifically asked why we need to rush to name the fields on Chestnut Street. Colton responded that there is no real rush and noted the Town will be taking ownership of the fields soon so we want to have signs in place without delay. There was much discussion about naming the fields in honor of Edwin Keach.

Selectmen's Meeting Minutes 9/26/11

Voted: (Corona/Barlow) voted unanimously to name the Chestnut Street fields in honor of Edwin Keach

Authorize award of Langwater Pond Dam contract

Colton referenced the low bidder, J. Hockman, Inc., and stated the firm is qualified to do the work. Funding for the project comes from the Conservation Fund. Corona referenced the dams that were inspected and some are under review. Colton noted we are not under orders to do the repairs but if we don't, we may fail the next inspection.

Voted: (Noonan/Barlow) voted unanimously to approve the contract in the amount of \$43,419.77

Agricultural Commission Appointments

Corona explained the Agricultural Steering Committee that has served up until this point and referenced five citizens that applied for appointment to the Agricultural Commission: Todd Sandstrum, Ed Hands, Alida Cantor, Patty Lynch Chambers & Peter Palm

Voted: (Barlow/Murphy) voted unanimously by roll call to appoint Todd Sandstrum, Ed Hands and Alida Cantor to three year terms (June 30, 2014)

Gornstein-Sandstrum, Hands & Cantor; Murphy – Sandstrum, Hands & Cantor; Corona-Sandstrum, Hands & Cantor; Barlow-Sandstrum, Hands & Cantor; Noonan-Sandstrum, Hands & Cantor

Voted: (Barlow/Noonan) voted unanimously by roll call to appoint Patty Lynch Chambers & Peter Palm to two year terms (June 30, 2013)

Gornstein-Chambers & Palm; Murphy-Chambers & Palm; Corona-Chambers & Palm; Barlow-Chambers & Palm; Noonan-Chambers & Palm

Commission on Disabilities Appointment

Corona referenced the application submitted by James Welcome to serve on the Commission on Disabilities.

Voted: (Noonan/Murphy) voted unanimously by roll call to appoint James Welcome to the Commission on Disabilities

Gornstein-Welcome; Murphy-Welcome; Corona-Welcome; Barlow-Welcome; Noonan-Welcome

Subsidized Housing Inventory

Community Planner Tim Harrigan was present. Colton spoke of the Town's goal of achieving the 10% affordable housing goal.

Harrigan referenced the fairly routine audit done by the state and noted the information submitted by the Department of Housing & Community Development is accurate and this new information included all the units proposed at the Shovel Works project. We are currently at 4.73%. Harrigan noted we are making significant progress toward our goals which will give the Town a lot more discretion over 40B applications. The Town can recommend we turn down 40B projects or impose conditions to help the development work within the Town.

Selectmen's Meeting Minutes 9/26/11

Corona suggested that the public often asks why low income housing doesn't count toward our affordable housing goal. Harrigan explained for the home to be included as affordable, it has to be legally restricted.

Pending projects such as Winterberry Hills and Queset Commons were discussed. The Board discussed other pending 40B projects and Harrigan suggested there are a couple of 40B's that have been filed with the state but not the Town as of now.

Harrigan spoke of his intent to begin working with first time home buyers.

Joint Meeting with the Board of Assessors to appoint a new Assessor

Chief Assessor Rob Alford, Assessor Wally Fulcher and Assessor Gerald Noonan were present.

The Assessors opened their joint meeting with the Board of Selectmen at 7:20pm.

Corona confirmed that two individuals applied for the vacancy on the Board of Assessors; said vacancy will be filled until the next election.

Interviews

Brendan Creedon

Brendan Creedon of 342 Bay Road was present. Assessor Noonan asked about Creedon's background and relative experience.

Creedon introduced himself and gave background and his experience with his current employer, Farrell, Backlund Insurance Agency. He is experienced in assessing client's risks and liabilities. Assessor Noonan asked if Creedon has had experience with real estate and appraisals. Creedon confirmed yes, through his work in the insurance industry. They look at data to be sure it is all presented to the insurance underwriter. Assessor Noonan asked about licenses. Creedon noted he is licensed in the State of Massachusetts for the next two years and is workers' comp certified. Assessor Noonan asked about Creedon's education. Creedon spoke of his education at Cardinal Spellman High School, Phillips Exeter Academy and Middlebury College. Assessor Noonan asked Creedon about his background in local and state government and asked if he has had experience. Creedon stated that he was a Political Science Major in college and since he was young, he has been holding political signs for his family and has always been part of the community.

Assessor Fulcher spoke of the requirement to take a Department of Revenue (DOR) 101 course and the four day commitment and asked if he could commit. Creedon confirmed yes. Fulcher thanked Creedon for applying.

Barlow asked how the variation from a certified appraiser differs from what Creedon currently does as an insurance risk appraiser. Creedon explained that it is similar.

Murphy asked if he has looked into the role as Assessor. Creedon stated that he saw the advertisement posted online and sought out the former Assessor and talk about the role of Assessor.

Corona asked about certain rules governing conflict of interest which may preclude him from doing some businesses in town and asked if this would be a problem. Creedon confirmed this would not be a problem.

Selectmen's Meeting Minutes 9/26/11

The Board thanked Creedon for applying.

Scott Timulty

Scott Timulty of 199 Poqanticut Avenue was present. Assessor Noonan asked about Timulty's background, education and experience. Timulty spoke of his college education at Curry College, and at Webster University in Florida and specifically spoke of his background in Accounting. For the last 8 ½ to 9 years he has been in the appraisal business. He is state certified for high value and a Massachusetts Certified Real Estate appraiser and he is aware of the need to take the DOR class. Timulty spoke of the appraisals he has done in Easton. Corona suggested that because he has done appraisals in Easton it may mean that he may not be able to act on some abatements and other things but clarified that it doesn't necessary mean he can't do work in the town. Timulty noted his experience through his appraisal work.

Assessor Noonan asked if prior to owning his own business if he worked for real estate appraisal companies. Timulty spoke of his work as an apprentice.

Fulcher noted the requirement of the DOR Class and clarified that up until you complete the course, you can serve but you can't vote. Fulcher thanked Timulty for submitted the application.

Barlow referenced Timulty's sixteen years living in Easton and asked how this may have given him the advantage to do appraisals in Easton. Timulty suggested this is key when knowing the market and suggested you can have pockets in Town with various value ranges; he strongly feels you have to understand the market.

Murphy asked Timulty's understanding of the role as Assessor. Timulty responded the role to be that of creating a tax base and dealing with people that may be requesting tax abatements. Timulty suggested you need to work through the land/home owners and educate them on how the Assessors arrive at the information. He spoke of using prior sales data and how this may be confusing for people to understand. Timulty also suggested the role of Assessor is to create income for the Town.

Corona spoke of conflict and asked if there are any other businesses that he sees as conflict. Timulty suggested no other conflicts.

Assessor Noonan spoke of the excellent Board of Assessors and the excellent Assessor that have saved the Town a lot of money in terms of abatements. Fulcher agreed with the goal of staying out the Appellant Tax Board.

Assessor Noonan suggested that it is important to have background in governmental affairs and spoke of the Creedon family and their background and suggested this is an asset that would be beneficial on Legislation issues to call and contact the State officials when needed.

Barlow asked how important it is to have a certified appraiser. Assessor Noonan suggested it is one of the criteria; the Assessors are all experienced. He spoke of Fulcher's experience as a Building Inspector, his own role as an attorney as well as his construction experience.

Selectmen's Meeting Minutes 9/26/11

Voted: The Board of Selectmen and Board of Assessors voted 4-3 to appoint Scott Timulty as an Assessor

Assessor Noonan – Creedon; Fulcher - Timulty; Gornstein - Creedon; Murphy – Creedon; Corona – Timulty; Barlow – Timulty; Noonan - Timulty

The Board of Assessors adjourned their joint meeting at 7:45pm.

Fire House Study Committee Recommendations

Fire House Study Committee members Steve Merlin, Keith Graveline and Sean Noonan were present. Chief Tom Stone was also present.

Merlin gave background of the formation of the committee to study the Fire House Study Recommendations. He spoke of the committee's role and charge to take existing information on the Fire Department and try to come up with recommendations for the Town whether we need two stations or three, staffing patterns, and so forth. He spoke of the 1998 Fire Study and the fact that nothing happened with those recommendations. Merlin noted the committee took part in a mini Fire Academy understanding what a response team was, using Jaws of Life, ambulance needs in order to help understand the information they were receiving.

The committee discovered the following: a lot of the work is medical and may involve an ambulance so all the calls are not fire related. He spoke of the need to hire firefighters that are paramedics as well. He talked about what they learned during the academy and how to prepare for the calls that come in. Response time is very key to what happens. He spoke of the difference in response time as it related to the 1998 study for two stations vs. three. He spoke of the changes in the community that have taken place since 1998 such as the development of Roche Brothers Plaza, Stonehill College and Hannaford's Plaza. Merlin suggested the Town's current Fire Department staffing numbers is less than ideal. Merlin noted because of budgetary constraints we often end up with only two stations open. The committee's recommendation was to maintain three stations. If a new station were to be built, the committee recommended the Rt. 138 corridor, specifically the area around Hilliard's Candy; down by Stonehill College near the Stoneforge Restaurant.

Graveline suggested Merlin did a great job summarizing the committee's work.

Noonan noted they now know how often we are using mutual aid which is more than what mutual aid was ever intended to provide. Merlin noted that the ambulance calls often turn into hospital calls, losing two staff, members for possibly 3-4 hours. This takes away from what is left on duty causing more of a need for mutual aid.

Corona noted that as a percentage of our total, mutual aid has stayed fairly consistent.

Barlow reiterated that the calls are very different, fire response calls vs. medical responses. Barlow asked if the mutual aid is more of a staffing issue vs. the number of stations. Merlin suggested that if we went to two stations, we really couldn't cut staff.

Selectmen's Meeting Minutes 9/26/11

Barlow spoke of response times and how critical the timing is for the patients. She spoke of the Boston Globe article a few years ago which relates to National Fire Protection Association (NFPA) standards asked if there is a trajectory when using response time numbers. Chief Stone replied that when the Globe study came out, it was skewed, the study didn't take into account that Easton only had two people on that apparatus whereas there should be four. Therefore, Easton's response times are not as good as what the study suggested. Merlin stated that if the engine shows up first, they don't have the equipment they need that they would need from the emergency medical vehicle. The committee suggested that we look at grants to try to get extra equipment to put on the engines. Stone supports this idea and suggested this may be a capital budget acquisition if not a grant. The big ticket item is for the defibrillator monitor. Barlow was impressed with the thoroughness of the committee and the Fire Department personnel. She finds it amazing that Easton only uses one ambulance routinely and questioned if we could get another ambulance as a revenue producer to use for mutual aid calls. Stone spoke of the Town of Westport where they have a third ambulance specifically used for hospital runs and transfers as suggested by Barlow. Stone suggested it most likely just brings in enough revenue to pay the salaries of those called in for the runs.

Corona referenced committee's charge to look at two station model. It is clear that two stations is not a viable option. She spoke of equipment and dispatch recommendations as suggested by the committee. Stone spoke of regional dispatch issue and noted a study was done for Bristol County looking at this very issue. They divided the county in halves; eight communities in each and they came up with staffing and savings that doesn't seem feasible right now. Stone noted the consultant is packaging very limited staffing. They recommend four people to dispatch eight communities and the community representatives disagree with this recommendation. Stone noted we are currently having discussion with Mansfield and Norton regarding this issue.

Murphy asked more about civilian dispatchers; Easton currently has some civilian dispatchers. Stone noted we have been looking at this issue. Colton noted we have looked at this and it can work; we need more capital money for the call center and we need additional civilian dispatchers to put the firefighter back on the street. Stone referenced the Town of Sharon and how Holbrook is dispatching Sharon's calls. This is another option. Murphy reiterated that this is a key issue on getting a firefighter back on the road.

Corona noted that the 1998 study was not implemented and the recommendations are very important; clearly we need more staffing. She suggested that any indication of a two station plan needs to come off the table. Barlow asked if the stations were better strategically located throughout town if two stations could work. Merlin suggested the Five Corners area and the Rt. 138 corridor are the ideal locations but the response times will not work as we have had so much development in Easton since that time. The possibility of the train coming through town was briefly discussed.

Murphy asked about the percentage of calls per station. Stone noted there are maps that show and they are fairly evenly distributed.

Merlin thanked Chief Stone for all of his information and noted the timely manner in which they receive the information.

Selectmen's Meeting Minutes 9/26/11

Corona noted the study was so informative and she spoke of the financial issue of staffing. Stone commended the committee and noted their terrific job in their research.

Corona noted in closing, we will continue to talk about dispatch, we will look at grant or capital to equip the fire trucks and we will do what we can to improve the staffing.

Graveline noted the ISO Rating of the Town and how this has a huge impact on the resident's homeowner's insurance ratings. Graveline suggested if the Town we were rated again, we may fall to the next level, 5, and this will affect the homeowner's rates.

Murphy asked about the two firefighter vacancies. Stone clarified that the one firefighter has been away on active duty should be back the end of November. Stone spoke of the process underway which involves Civil Service to hire another firefighter. Stone noted the intent to hire and train a new firefighter as possible noting the earliest available academy is in the spring.

In summary, Corona noted we are facing other public safety issues as well and we will make the changes we can make right away for equipment and looking at dispatchers and after receiving the committee's recommendation, we now know the three station model is right for the Town.

Fire Union President John Dzialo was present and offered to conduct a mini Fire Academy which the Selectmen could attend.

Corona noted two women from Pakistan toured the Fire Station; they had an excellent tour and they were impressed with the staff, the level of service, and the level of fire protection. Corona thanked the Firefighters for taking them on the tour.

The Board took a brief recess at 8:30pm and reconvened at 8:35pm.

Shovel Works Project – Letter of Intent Review

Special Counsel Rebecca Lee was present and introduced herself as Special Counsel to the Town. Lee gave background that in April 2010, the Town bound into Letter of Intent between the Town of Easton and Beacon Communities. This came about when the Town reacted to the proposal of the current owners of the Shovel Works site to redevelop the property. The public/private partnership came into place. This was approved at Town Meeting and since that time, Beacon has been working hard on the project and the Town has been working hard on pulling together pieces of the transaction that involve the Town of Easton.

Lee referenced the summary of the Letter of Intent which shows the 2011 response showing where we are now. Lee reviewed the letter by subject:

Preservation Restriction & Open Space Restriction
Community Preservation Act Loan
Town Wastewater Treatment Plant
Tax Increment Financing

Finance Committee member Mike Ferrara was present and asked about environmental due diligence on what is required before closing on the Shovel Works property. Lee noted the Letter

Selectmen's Meeting Minutes 9/26/11

of Intent requires that reports be available and the covenants regarding clean up will be in the loan agreement. The Town will be aware of reports filed with the Department of Environmental Protection (DEP). Lee suggested that before the first building construction takes place, there will be no concerns and the bank would have the same concerns as well. The lenders concerns are very common to one another. This is very commercially standard and this is not a surprise. Ferreira asked if issues are identified in Phase I or Phase II testing and if this will this be done before the closing takes place. Lee noted no, this will have to be done by Beacon post closing. Lee noted remediation will begin after the closing. Ferrara noted there is no standard in the Letter of Intent to deal with remediation before the closing. There was much discussion.

Howard Cohen CEO of Beacon was present and noted the Town isn't taking any construction risk. The Town will get its money back if it isn't built or remediated. Ferreira asked if there are issues that can't be remediated, what happens. Lee noted the fact of the matter is that remediation will be required by all the lenders. This may involve trucking away dirty dirt. Any mediation will be done in accordance with plans filed and approved by the DEP. There was much discussion about the definition of completion. This will include environmental remediation.

Ferrara asked about the appraisal of the property and if this has been completed for the lender, Bank of America. Lee noted it is in process and we haven't seen this yet.

After summary, Corona noted that other updates will follow.

Discussion re: Fall Town Meeting

Colton spoke of the possible need of a Special Town Meeting and noted we don't need to have a meeting before we set the tax rate. The Board agreed to hold a Special Town Meeting sometime in January unless something urgent arises sooner.

Selectmen's Meeting Schedule

Corona referenced the meeting scheduled for October 31st (Halloween). The Board agreed to cancel the October 31st meeting. Colton noted if we need to vote on something, we can call a quick meeting.

Review of Draft Emergency Preparedness Flier

Colton referenced the draft flier created by Ellen Barlow after Hurricane/Tropical Storm Irene. Barlow worked with Town safety departments when preparing the flier. The Board discussed the resource numbers listed on the flier in effort to help people during an emergency situation. The Board thanked Barlow for the great work on the flier. Barlow commended Citizen Business Advocate Kit Minsky for her help creating the flier and her suggestions.

Corona announced that the Selectmen will be distributing information at the Town booth during the NRT Fair on Sunday, October 2nd. Other information will be available at the table and residents will be able to register to receive the online Town Crier Newsletter as well as registering for the Town's FaceBook page.

Authorize execution & delivery of MassWorks grant agreement

Colton referenced two grant applications submitted through the GrantWorks project.

Selectmen's Meeting Minutes 9/26/11

Colton asked that the Board authorize the Chairman of the BOS to sign the documents if we are granted the grant.

Voted: (Barlow/Murphy) voted unanimously to allow the Chair to enter into a contract/agreement with the Executive Office of Housing and Economic Development for the pending MassWorks grant applications if said grants are awarded to the Town

Town Administrator Notes

None

Press notes

None

Selectmen's notes

Corona spoke of the two Pakistani women that visited Easton as part of the U.S. Pakistan Professional Partnership Program for Public Administrators. Corona suggested they had a wonderful visit and noted that this was a great program to take part in.

Minutes

Voted: (Noonan/Barlow) voted unanimously to approve general minutes dated 8/15/11

Voted: (Barlow/Gornstein) voted unanimously to approve general minutes dated 9/6/11

Public Participation

None

Voted: (Corona/Barlow) voted unanimously by roll call to go into executive session to discuss collective bargaining, not to return to open session (9:15pm)

Gornstein-yes; Murphy-yes; Corona-yes; Barlow-yes; Noonan-yes

Respectfully submitted,

Mary Southworth

List of Documents and Other Exhibits Used:

Agenda Notes

Selectmen's License Fees and comparison of other Towns

Repairs to Long Pond Dam-Recommendation

Town Meeting Vote establishing Agricultural Commission

Memo from Land Use Planner re: Agricultural Commission appointments

Volunteer Form – Applicant Alida Cantor

Volunteer Form – Applicant Patty Lynch Chambers

Volunteer Form – Applicant Edmund Hands

Volunteer Form – Peter Palm

Volunteer Form – Todd Sandstrum

Volunteer Form – Jim Welcome

State Subsidized Housing Memo

DHCD Easton 40B Subsidized Housing Inventory

Emergency Planning Flier

Selectmen's Meeting Minutes 9/26/11

Volunteer Form & resume – Brendon Creedon

Volunteer Form & resume – Scott Timulty

Report of the Fire House Study Committee – July 29, 2011

Selectmen's Meeting Minutes 8/15/11

Selectmen's Meeting Minutes 9/6/11

Shovel Works – Letter of Intent Review

Report of the Fire House Study Committee

July 29, 2011

Report of the Fire House Study Committee
July 29, 2011

Charge to Fire House Study Committee (Exhibit 1):

General: Upon recommendation of the Town Administrator, the Board of Selectmen appointed a three person Fire House Study Committee with the following limited charge: "Many believe that Easton is better off with three fire houses and 36 full time firefighter/paramedics than the lesser number. Although this may be true, the essential question to the committee is whether and under what conditions the Town could provide adequate public safety with two fire houses and 32 firefighter/paramedics. The Selectmen do not expect that this committee will produce a detailed solution."

Procedures: "The three member study committee should confine itself to the review of existing information about Easton and surrounding towns, as well as, input from the Fire Chief, firefighters, and town financial officers."

Report: "The Study Committee shall report to the Board of Selectman as soon as practical. The Study Committee report should, in a straightforward manner, recommend whether it is possible, and based on the existing information as stated above, to adequately protect the public safety of the Town with two fire houses and a complement of firefighter/paramedics of fewer than 36. The report should also include steps the town should take and identify any additional information the town may need."

Mission Given to the Committee (Exhibit 2):

1. "Should the Town move to permanently reduce the number of fire houses to two? Or should the Town continue to operate one fire house part time and work towards the eventual restoration of a full complement of staff?"
2. "What number of fire personnel should be deployed to staff two fire houses if the Town permanently reduces the number of active fire houses to two?"
3. "Which location should be closed?"
4. "Are the two remaining locations appropriate? If not, generally speaking, what alternative location would produce an adequate result?"

Committee Findings, Conclusions, and Recommendations:

For the reasons stated herein, this committee recommends that the town should strive at all times to have three stations open in the best interests of our citizens. In these turbulent economic times, municipalities will be faced with difficult choices. Finding the balance between what is needed and what a town can afford is the crux of what this committee has looked into.

Report of the Fire House Study Committee July 29, 2011

The committee has spent three months compiling data, interviewing town and fire department personnel, and asking for public input. The committee feels we have done a thorough job of looking at all the aspects for which this committee was charged. In order to properly understand our task, we participated in a three-hour mini Fire Academy to help us truly understand the role of the firefighter and EMT/paramedic (Exhibit 17).

Looking back to the paid consultant study that was done in 1998 (Exhibit 3), it seems the town deferred the inevitable. It did not really address the Fire Study conclusions/recommendations. We recognize that the 1998 report ended up as a draft report only and it was never finalized or adopted by the town. Now, thirteen years later, the town faces the same issues as it did back then. As we discovered, this is a question of how to balance scarce municipal resources and finances and yet maintain an adequate level of staffing within nationally recognized standards. It is also evident that all surrounding communities are faced with the same issues. We are a study committee and take no position on how to advise the town on resource allocation. That decision is up to the Town Administrator, Board of Selectmen, Finance Committee, and ultimately, Town Meeting.

Attached hereto are numerous reports and exhibits on which we based the recommendations and conclusions this committee is submitting to the Board of Selectmen.

Addressing Each Task Assigned to the Committee:

Number of Fire Houses: The committee compiled relevant data in analyzing this question. We determined that because of the locations of the existing fire houses, closing a fire house on a permanent basis is not recommended at this time. The critical factors in coming to this conclusion were:

- 1) According to the National Fire Protection Association (NFPA), the recommended response time for fire emergency and medical services is as follows: one minute to process the call, one minute for on duty personnel to gear up and be on the vehicle, and four minutes to reach the scene. The 1998 study provides analysis that indicates that even with the three station configuration that currently exists, the Town of Easton only meets that criterion 50% of the time. It further states that with a two station configuration, it would meet that criterion only 33% of the time.

It is clear to the members of this committee, that even with the three station configuration, we are not up to the standards of the NFPA. This is of particular concern because the evidence presented to us indicates that a fire doubles in size every minute. Accordingly, it makes no sense to us to have a situation where the town only has a two station configuration. It is particularly important to note the major changes in the town that have occurred since the 1998 study. For example, the addition of the Highland Plaza on Rt. 106 near the Mansfield side, the addition of the Roche Bros complex with medical buildings on the Rt. 138 Stoughton side, and the continued development of homes and other structures within the town. Also to be noted is the ongoing construction of new dormitories at

Report of the Fire House Study Committee

July 29, 2011

Stonehill College and the recent approval of the Ames Shovel Works project. It appears to us that if these structures had been in existence at the time of the 1998 report, the report probably would not have considered a two station configuration and would have been more vocal in the option of the town having a four station configuration. It is to be noted that the 1998 study referred to a two station configuration, a three station configuration, and a potential four station configuration.

- 2) Looking at the 2010 Annual Report of the Easton Fire and Rescue Department, submitted by Chief Stone (Exhibit 15), the committee believes the Chief is the appropriate person to utilize the resources given to his department through the town budgetary process. Our recommendation not to permanently close a fire station at this time will allow the Fire and Rescue Department to complete its mission statement, which reads as follows: "The Easton Fire and Rescue Department is committed to protecting the people, property, and environment within our community."
- 3) This committee is cognizant of the reality that at certain times and due to budgetary constraints that in fact we exist with only the two station configuration. This occurs when on duty available manpower is limited to only 5 personnel. One might think that if the town can survive during these periods with only the two station configuration, then it should also be able to do so permanently. Yet, this committee notes two points. First, there is a personnel shortage even with staffing at current full levels and three open stations. This, in our opinion, would be true even with a two station configuration and no cuts in existing personnel. Second, there is a less than adequate response time with the two station configuration.

We have reached this conclusion by using national Fire safety standards which recommend a four person per vehicle response to any fire. A four person response allows two personnel to enter the scene and two personnel to remain outside as set up and back up. We note that even with the current full complement, a two person vehicle is usually first on the scene. This allows only one person to enter the premises without backup support. Having a permanent two station configuration does not solve this problem and may in fact exacerbate it.

- 4) The committee recommends that the town officials review the financial data provided to our committee by Town Accountant Wendy Nightingale (Exhibit 14). Those figures give the cost, exclusive of personnel, of maintaining each of the present three fire stations. It is clear from those figures that the cost savings of closing any one of the buildings is negligible.

Report of the Fire House Study Committee
July 29, 2011

Committee Recommendations:

Since our recommendation at this time is not to close a fire station, it makes the other three tasks given to the committee irrelevant. However, having said this, we do have other recommendations related to the future of the Town of Easton Fire and Rescue Department.

- 1) We recommend the town request from the Insurance Services Organization (ISO) a new survey to determine the town's Public Protection Classification (PPC). The last survey was done in 2002 and the town received a rating of 4, bordering on a 5, with 1 being the best and 10 being the worst. The PPC rating can affect insurance premiums for residential and commercial properties. The request for a new survey must come from the Town Administrator or Board of Selectmen. By classifying a community's ability to suppress fires, ISO helps the community evaluate its public fire protection services. The program provides an objective, countrywide standard that helps fire departments in planning and budgeting for facilities, equipment, and training. The PPC program provides incentives and rewards for communities that choose to improve their firefighting services.
- 2) The committee recommends the town uses the 1998 study as the basis for addressing the 21st century needs of our Fire and Rescue Department. Even though all municipalities are facing budgetary constraints, the issues raised in the 1998 study should no longer go unaddressed. In addition, mutual aid should not be relied upon to handle day-to-day routine calls. Mutual aid should only be utilized for those unusual incidents that a community cannot handle on its own as stated by Chief Stone in his 2010 Annual Report.
- 3) The committee recommends based on the evidence presented to us that if a new fire station were to be built, it would ideally be located on Rt. 138, between Main and Belmont (Rt.123) Streets.
- 4) The committee recommends the town by way of grants or capital budgeting look into a way of finding resources to upgrade fire vehicles to be certified for advanced life support kits and monitors. The committee has discovered that if a fire truck is the first to respond to a medical emergency that even if those firefighters are trained as paramedics, they are limited in the services they can provide. Without such advanced life support kits and monitors, they are hampered in providing critical emergency services until a second vehicle carrying this equipment arrives at the scene.
- 5) The committee recommends that the appropriate town officials review and determine what should be considered adequate staffing patterns for the Fire and Rescue Department. We further recommend that prior to the next collective bargaining contract, that a thorough review be made of vacation, personal, and time off policies. We note that by contract these policies affect the ability of the Fire and Rescue Department to deploy a full complement per shift and this contributes to the current rolling closure of one station (Exhibit 16).

Summary – Letter of Intent Provisions (Ames Shovel Works Project)

<u>A. Preservation Restriction and Open Space Restriction</u>	<u>2011 Documentation</u> ¹
<ul style="list-style-type: none"> • Town acquisition of a preservation restriction on the entirety of the Ames Shovel Works property (“<u>Property</u>”) and the rehabilitated Ames Shovel Works project (“<u>Project</u>”) in perpetuity, for not more than \$3m (using Community Preservation Act funds) (p. 1-2). • Value to be established by an independent appraisal, and to be reduced dollar-for-dollar by Greater Attleboro-Taunton HOME Consortium Funds (p.1-2). 	<ul style="list-style-type: none"> • The Town and Beacon have negotiated a perpetual Preservation Restriction which the Town will acquire for \$3m. • The value of the Preservation Restriction is supported by an independent appraisal commissioned by the Town. The amount of the CPA Loan (see below) has been reduced by the amount of the HOME award made for the Project (\$150,000). • The Preservation Restriction awaits approval as to form by the Massachusetts Historical Commission.
<ul style="list-style-type: none"> • Exercise of oversight role by Easton Historical Commission (p. 2). 	<ul style="list-style-type: none"> • The Historical Commission will have oversight over all exterior changes to the structures at the Property as well as the landscaping and signage. • At its September 13 meeting, the Historical Commission approved the final plans for the Project, subject to its approval of certain final shop drawings and specifications.
<ul style="list-style-type: none"> • Creation of open space area for public use in perpetuity (p.1). 	<ul style="list-style-type: none"> • The Town and Beacon have negotiated a conservation restriction that will result in three open space areas at the Property. These areas will be available to the public for passive recreation purposes. In addition, the pedestrian pathways at the Project connecting to North Easton Village will be open to the public. The rules and regulations for the open space areas will be subject to the mutual agreement of Beacon and the Town.

¹ “Beacon” = BC Shovel Works LLC, a Massachusetts limited liability company established by Beacon to undertake development of the Project. The 2011 documentation includes the TIF Agreement, the Affordable Housing Agreement (TIF/40B), the Conservation Restriction, the Preservation Restriction, the Waste Water Treatment Plant Easement Agreement, and the Service Allocation Agreement, all of which are in draft form, and the Town loan documents, which are in progress.

<ul style="list-style-type: none"> • Open space area maintenance and management costs to be by parties other than the Town (p. 2). 	<ul style="list-style-type: none"> • All such maintenance and management costs shall be borne by Beacon.
<ul style="list-style-type: none"> • As security for the Preservation Restriction, Beacon's first mortgage lender shall guarantee repayment of the \$3,000,000 in the event construction of the Project is not completed (p.2). • Guaranty to be released at Project completion (p.2). 	<ul style="list-style-type: none"> • In lieu of a guaranty, Beacon will provide a letter of credit from a financial institution acceptable to the Town; the Town will be the named beneficiary on the LoC. • When Project construction is completed, as evidenced by the issuance of certificates of occupancy for the entirety of the Project, the letter of credit in favor of the Town shall be released.
<ul style="list-style-type: none"> • The Preservation Restriction and Conservation Restriction shall be senior in lien priority to all financing on the Property (p.2). 	<ul style="list-style-type: none"> • Both restrictions will be senior in lien priority so they would remain in full force and effect after any foreclosure.
<p>B. <u>Community Preservation Act Loan</u></p>	<p><u>2011 Documentation</u></p>
<ul style="list-style-type: none"> • Town to make an up to \$4.5m loan for construction of the Project (p.3). • Borrower to be a single purpose affiliate of Beacon (p.3) 	<ul style="list-style-type: none"> • As noted above, loan amount has been reduced by the amount of the HOME loan, to \$4.35m. • The Borrower will be BC Shovel Works LLC, an entity created to develop the project, as well as its two members, BC Shovel Works One LLC and BC Shovel Works Two LLC.
<ul style="list-style-type: none"> • Loan to be funded when all other financing is in place (p. 3). 	<ul style="list-style-type: none"> • Loan will be funded at Beacon's acquisition of the Property and the closing of all debt/equity construction financing for the Project (November closing date anticipated).
<ul style="list-style-type: none"> • Beacon to have permanent financing commitment in place at closing of the Town's CPA loan (p. 3). 	<ul style="list-style-type: none"> • Beacon will have in place at the closing, permanent financing commitments for both the affordable units and the market rate units at the Project.
<ul style="list-style-type: none"> • The maturity date shall be 16 years from the closing of the permanent financing for the Project (p. 3). • The Town CPA loan shall have a 3% interest rate, compounded annually, which interest shall be paid based upon net cash flow (p. 3). 	<ul style="list-style-type: none"> • The maturity date will be the 16th anniversary of the closing of the permanent financing for the market rate units in the Project. • This will be reflected in the Promissory Note signed by Beacon as maker, for the benefit of the Town, as holder.

<ul style="list-style-type: none"> • <u>Repayment</u> – Interest on the Town loan will be repayable from 50% of cash flow available for distribution. Principal, together with accrued and unpaid interest, shall be due and payable on the Maturity Date, if not earlier paid (p. 3-4). • “Cash flow available for distribution” is as defined in the Letter of Intent (p.4). • If the market rate units are sold as condominiums (which is subject to Town approval), then the Loan will be repaid from “Cash Available for Loan repayment to the Town” as set forth in the LoI; these are proceeds available after payment in full of the first mortgage loan (p. 4-5). 	<ul style="list-style-type: none"> • These terms will be reflected in the Beacon Promissory Note in favor of the Town. • This formula will be in the Beacon Promissory Note and the Loan Agreement. • This will be set forth in the Beacon Promissory Note and the Loan Agreement.
<ul style="list-style-type: none"> • Security for the Town’s loan (p. 4) will consist of: <ul style="list-style-type: none"> (a) A Beacon affiliate completion guaranty for construction completion and lease-up to a permanent financing closing; (b) Bank guaranty of repayment of the Town loan; and (c) Second mortgage lien on the Property and the Project. 	<ul style="list-style-type: none"> (a) The completion guaranty will be from the Beacon “parent” company, Beacon Communities Development LLC (“<u>Guarantor</u>”). (b) In lieu of a guaranty, Bank of America will extend a \$4.35m letter of credit to the Town (which will be held by the Town). The terms of release of the Letter of Credit (<i>i.e.</i>, when it is terminated) are under discussion. (c) The Town will have either a second mortgage or a co-first mortgage with Bank of America depending on the final agreement of the parties with respect to the termination of the letter of credit, and there will be an agreement addressing the rights and remedies of BoA and the Town w/r/t Beacon defaults and protection of the Town’s mortgage lien position.
<ul style="list-style-type: none"> • The Town will receive an environmental indemnification agreement with respect to the Project and the Property (p.6). 	<ul style="list-style-type: none"> • The Town will receive a full environmental indemnification from the Guarantor and the Borrower; this Agreement will survive the payment of the Town’s loan.
<ul style="list-style-type: none"> • Disbursement of Town funds to be pursuant to requisitions in a form approved by the Town (p.4). 	<ul style="list-style-type: none"> • This will be reflected in the Town’s Loan Agreement with Beacon or another loan document (<i>e.g.</i>, a disbursement agreement).

<ul style="list-style-type: none"> • Construction of the Project will be monitored by a construction inspector reporting to the Town (p.5). 	<ul style="list-style-type: none"> • Bank of America, the Town, and a third lender (Affordable Housing Trust Fund) will have a third-party consultant providing field (progress) reports in connection with each monthly requisition, and regularly monitoring construction of the Project so that it is in accordance with the plans approved by the lenders (including the Town, acting through the Historical Commission).
<ul style="list-style-type: none"> • Beacon affiliate to receive a maximum \$2,000,000 developer fee (p.5). 	<ul style="list-style-type: none"> • This will be reflected in the Town's Loan Agreement with Beacon.
<ul style="list-style-type: none"> • The Property shall not be transferred before the condominium conversion (<i>i.e.</i>, before construction of the Project is complete), without the Town's consent (p.7). 	<ul style="list-style-type: none"> • This concept will be in the Loan Agreement.
<p>C. <u>Town Waste Water Treatment Plant</u></p>	<p><u>2011 Documentation</u></p>
<ul style="list-style-type: none"> • The Town committed to creating a Sewer Enterprise Zone to allow the financing of a new North Easton Waste Water Treatment Plant (WWTP) (p.7). 	<ul style="list-style-type: none"> • Town Meeting voted in 2010 to authorize creation of the District, and the Board of Sewer Commissioners has created the district.
<ul style="list-style-type: none"> • The WWTP will be located on the Property and have capacity of up to 50,000 gallons per day, with the excess capacity to be allocated by the Town at its discretion (p.7). 	<ul style="list-style-type: none"> • The Town and Beacon have substantially agreed upon the form of a WWTP Easement Agreement which allows construction of the WWTP and related piping, etc. on the Property, as well as a Service Allocation Agreement so that 20,000 gpd of WWTP capacity will be allocated to the Project. • The Town will make an annual payment for use of portions of the Property for a term of years. The payment terms are under discussion.

<ul style="list-style-type: none"> The WWTP is to be constructed, financed, operated and maintained by the Town (p.7). 	<ul style="list-style-type: none"> The Town has bid a construction contract for the WWTP and the North Easton Village Sewer System; the bid award is subject to approval by the Board of Selectmen. The Town will finance the WWTP with a low-interest loan from the Massachusetts Water Pollution Abatement Trust in the maximum principal amount of \$4,819,000. The MWPAT approved the loan at their September 8, 2011 meeting. The Town has also applied for a \$1.5m grant from DHCD's Community Development Action Grant program to help fund the WWTP. If as expected, this grant is awarded, it will help lower the betterment to be assessed against Beacon as well as other owners of properties in North Easton to be served by the WWTP.
<p>D. <u>Tax Increment Financing</u></p>	<p><u>2011 Documentation</u></p>
<ul style="list-style-type: none"> The Town shall create an Urban Center Housing-Tax Incentive Financing District pursuant to the UCH-TIF Act, to include the Property (p.8). 	<p>This was approved by a 2010 Town Meeting vote. The UCH-TIF Plan and its exhibits (including the TIF Agreement and the Affordable Housing Restriction) were approved by the Board of Selectmen on August 15, 2011.</p>
<ul style="list-style-type: none"> The Town shall enter into an UCH-TIF Agreement (see p.8) pursuant to which Beacon will pay property taxes at the Property as follows: <ul style="list-style-type: none"> (a) taxes assessed on property in FY 2011, increased at a rate of 2.5%/year for a term ending on the 10th anniversary of the date of the permanent loan closing; (b) the TIF benefits will cease for each condominium unit as the unit is sold; and (c) the TIF Agreement will terminate on the 10th anniversary of the permanent closing date. 	<ul style="list-style-type: none"> The Town has negotiated a draft TIF Regulatory Agreement that has been approved by the Board of Selectmen and awaits DHCD approval. The TIF Plan and its exhibits (including the TIF Agreement) is subject to such changes as DHCD may require and the Chair of the Board of Selectmen deems in the best interest of the Town. The TIF Agreement provides for the formula outlined, using a 2012 base year given the delay in the closing of the Project financing. It provides that condominium units will be liable for full taxes upon their sale to third parties, and that the agreement will terminate on the earlier of (i) the 10th anniversary of the permanent loan closing date for any portion of the Project, or (ii) June 30, 2024.

<ul style="list-style-type: none"> • 20% of the units at the Project will be affordable to households with annual incomes of 50% or less of the area median income (p.9). 	<ul style="list-style-type: none"> • At least 25% of the 113 units at the Project will be affordable to households earning 60% or less of the area median income. (Beacon has committed that this will be 30 units.) Up to 12 of the units will be rented to households earning up to 30% of the area median income.
<ul style="list-style-type: none"> • There will be a perpetual affordable housing restriction on the Property with respect to the affordable housing units (p.9). 	<ul style="list-style-type: none"> • The Affordable Housing Restriction will bind the Property forever.