

Selectmen's Meeting Minutes 1/26/09

**Board of Selectmen
Meeting Minutes
1/26/09**

The 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, Chuck King, Irwin Cohen, Ellen Barlow and Town Administrator David Colton.

Corona called the meeting to order at 7:00pm

HUGS donation to the Recreation Department

HUGS President and Easton's Domestic Violence Officer Denise Papagno, Recreation Director Jennifer Hruniak, HUGS members Teri Wilson, Karen Hetzel, Karen McSherry, Betsy Hocking, Mona Rosen and Barbara Graveline, Recreation Commission members and Police Chief Tom Kominsky were present.

Papagno spoke of the Homework Club and the late bus provided by HUGS. Over \$20,000 was raised from the Family Walk in October. HUGS shares the proceeds with Recreation to help support the Homework Club and the late bus which is offered to the middle school students, free of charge. A check was presented in the amount of \$8,000 to the Recreation Department.

On behalf of the Recreation Department and members of the community, Hruniak accepted the gift and thanked Papagno and other members of HUGS for their generous donation. Approximately 15 to 20 students attend the program each afternoon. Hruniak reiterated that the money is used to help pay for the program, staffing and the late bus.

Papagno spoke of the great community and the support of everyone, including the Police Chief. This support makes Easton a great place to live and work.

On behalf of the Board of Selectmen, Corona also acknowledged Recreation Program Director, Anne Daley and other members of the Recreation Department.

Application for Annual Auctioneer License – Diana Landry dba Couite Landry Auction

Applicant Diana Landry was present.

Voted: (Barlow/Haederle) voted **unanimously** to approve the annual auctioneer license subject to the submission of a business certificate.

Proposed William Street 40B – state comment period deadline

Tony Pires of 34 Williams Street, Tom O'Brien of 39 Williams Street, Michael Belanger of 40 Williams Street and Kevin McIntyre of 69 Williams Street were present and expressed their concerns about the proposed 40B development. See the attached information.

Corona spoke of the proposed 40B development on Williams Street and the opportunity to provide comments prior to the state considering the letter of eligibility.

Corona noted that the Historical Commission has not submitted their comments yet but they will be incorporated into the town's letter to MassHousing; the document continues to evolve. The Fair and Affordable Housing Committee submitted their comments in writing, and we are incorporating their comments as well. Corona suggested that the citizen comments will be reviewed and incorporated into the document where appropriate. Corona and Haederle both noted that they, and the residents who serve on these committees, are residents of this community, and even if we do not agree with a particular proposal, everyone still has to work within the laws. The Board understands their concerns and shared similar concerns with respect to this and other 40B projects.

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Belanger asked if the Board of Health would also comment. Staff Planner Alice Savage was present and stated that the Board of Health will comment if the Board of Selectmen ask them to. At this point in time, the Health Director's comments have been included in the letter to the Board of Selectmen. Colton noted that the Board of Health is an elected board and suggested we will be happy to ask the Board to comment but it will be more effective to have the public ask the Board of Health also.

Lorie Hein of 40 Williams Street referenced the CDM Comprehensive Wastewater Study and suggested there may be some significant public health issues involving the Williams Street area.

Corona noted that she has read CDM's report and the reason the village was listed as an area of concern is the age of the septic systems in the North Easton Village area and the difficulty in replacing systems due to the lot sizes. The study did not find poor soil quality in the area of North Easton Village.

Brian Hoffman of 15 Pine Lane was present and asked what the process would be if the neighbors want to submit a letter outlining their concerns. Corona responded that if the letter is sent to the Board of Selectmen and if the information is relative, the comments will be considered in the comment letter.

One day liquor license request – Stonehill College, Inc.

Voted: (Cohen/Barlow) voted unanimously to approve a one day all alcohol license for an Alumni event on 2/13/09 from 6-10pm at Donahue Hall.

Class II License Hearing- Robert Lundin dba Primary Auto, 590 Turnpike Street, Easton, MA
(20 display vehicles)

Applicant Robert Lundin and Attorney Daniel O'Connor were present.

Colton referenced the application and noted that Mr. Lundin recently purchased the property which was previously licensed to sell used cars. Based on the Building Inspector's review of the application, it is clear that the site was used as an auto repair facility as well as the sale of used cars. Therefore, it is of his opinion that this is a pre-existing, non conforming use.

The DPW/Water Department commented that auto repair is not permitted in the Aquifer Protection District. Colton spoke of the time spent by the Building Inspector, Fire Chief and Executive Secretary researching this issue and it is clear that auto repair has taken place at this location for many years.

When the previous Class II license holder applied for the license, they did not indicate repair but they conducted repair as part of the used car business. Since it is a pre-existing repair facility, the zoning objection that was raised by the DPW/Water division does not apply.

Corona asked when the repair last took place at this location. Colton replied 2007. Corona questioned if the repair use ceased in 2007 and is resuming now. Colton confirmed this to be the case and suggested that the use had to have ceased for at least two years for it to become an issue of abandonment under the law.

Haederle asked if repair is allowable under zoning now. Colton stated no.

The Board discussed at length the zoning bylaw and the two year protection period.

Corona asked if the applicant would have to appear before the Conservation Commission based on the comment submitted by the Land Use Agent. Colton noted that Land Use Agent has already reviewed the application.

Haederle asked about any existing wetland issues at the site. Colton stated there are no wetland issues or alteration of the property proposed.

Corona asked Colton to clarify with Town Counsel the issue regarding the two year protection based on the issue of abandonment .

Haederle asked if since the business is in the Aquifer Protection District if the applicant has safe practices

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in place for the disposal of hazardous waste.

Barlow asked for clarification of the Conservation Commission's jurisdiction. Colton noted that the Land Use Agent raised a storm water issue, not a wetlands issue.

The Health Director's comment indicated that the Board of Health prohibits floor drains unless connected by an industrial holding tank. Corona asked how the applicant proposes to maintain the safe practices for disposing of waste oil and other hazardous material. Lundin spoke of the double wall tank for the collection of the waste and CYN Environmental Services will come and remove the waste as needed. He has filed with the Department of Environmental Protection.

Corona confirmed that the abutters have been notified.

Corona motioned to approve the Class II license for 20 vehicles, contingent upon the submission of the required bond, clarification from Town Counsel as to the two year time period for a non conforming use and the controlled limitations for repair as suggested by the Board of Health.

With respect to safe repair practices, Colton spoke of the requirements by the state also.

O'Connor offered to submit into the record his research verifying the prior business use at this location. Corona stated that the Board is satisfied with the information presented and just wants to be sure the law is followed.

Cohen seconded the motion and the Board **voted unanimously** to approve the license as recommended by Corona.

FY'10 budget update

Colton spoke of the MMA Conference on Friday, January 23rd and the Governor's announcement that we will face a reduction of FY'09 local aid of 9.7%. At this point in time, we are not sure exactly what will be cut. It is at least \$120,000 or as much as \$260,000 this fiscal year. This is going to create a problem for this year's budget but the cut in the FY'10 budget as proposed could triple or quadruple. We will be looking at a cut of \$900,000 to \$1 million in local aid for FY'10. Colton is working on preliminary budgets and plans to submit a preliminary budget to the Board of Selectmen at the next meeting on February 6th. Colton hopes to have more details from the Governor by that time.

In light of the news regarding FY'10, this will mean significant cuts and layoffs. There are some initiatives that the Governor is proposing to help soften the blow such as a 1% increase on the sales tax on meals, state wide, bringing some money back to the cities and towns. Local meals taxes may be adopted at town meeting and the proposed Telecommunications tax could help net some revenue. The Governor is also challenging all cities and towns to develop health insurance plans that are at least as competitive with the state's Group Insurance Commission's plan. Colton noted that we are doing very well with our current health insurance plan; it is very competitive.

Colton announced that the Director of Planning & Community Development's last day is Friday, January 30th. His position has been cut due to the financial condition of the town. In terms of any reduction of staff, Colton would propose to cut management first, before cutting line people, the ones closest to the service level. In recent years, the Town of Easton has taken a tremendous beating in public safety and DPW services. More recommendations will be made in the budget for FY'10.

Corona agreed that the news is devastating and used the example of the increase in library services reflecting the tough economic times. Corona expressed great disappointment that we passed the override a few years ago to ensure our circumstances and now we are having the revenue taken away at the state level. Although we tried to do the right thing over the last few years by putting money away, we have been put in a very devastating position. This news is devastating to all communities in the Commonwealth of Massachusetts.

Barlow spoke of how much better off the Town of Easton is because we put some money away and we have saved by utilizing some of our regionalization issues. Barlow suggested we would have been much worse off if we hadn't take the appropriate steps.

Minutes

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The Board did not take any on general minutes dated 12/29/08 and 1/12/09

Town Administrator's notes

Colton congratulated Corona on her recent designation as Vice President of the Massachusetts Selectmen's Association. Corona spoke of the educational conferences held at the recent MMA Annual Meeting.

Haederle also spoke of MMA Annual meeting and specifically noted the green energy community initiatives to help make town buildings more efficient.

Press notes

None

Selectmen's notes

None

Public participation

None

Voted: (Haederle/Barlow) voted unanimously by roll call to go into executive session, not to return to open session, for the purpose of discussing labor negotiations. (8:05pm)

Cohen-yes; Haederle-yes; Corona-yes; King-yes; Barlow-yes

Respectfully submitted,

Mary Southworth