

**Selectmen's Meeting Minutes 10/26/10**

**Board of Selectmen  
Meeting Minutes  
10/26/10**

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, Ellen Barlow, Sean Noonan and Town Administrator David Colton were present.

Corona called the meeting to order at 6pm.  
Cohen was not present at this point of the meeting.

Special Town Meeting Warrant Discussion

See the attached draft of the Special Town Meeting warrant.

*ARTICLE 1. AMEND FISCAL YEAR 2011 BUDGET*

Colton explained the need for the article to revise the FY'11 budget.

**Voted:** (Barlow/Haederle) voted unanimously of those present to approve Article 1

*ARTICLE 2. FUND CONTRACT FOR DPW UNION*

Colton explained that the agreement was ratified by the DPW union and offers a 2% wage increase, identical to what has been agreed to by the Clerical and Dispatchers union. The funding articles as proposed on the warrant are necessary to transfer the money from one fund to the appropriate budget.

**Voted:** (Noonan/Barlow) voted unanimously of those present to approve Article 2

*ARTICLE 3. FUND CONTRACT FOR CLERICAL UNION*

Colton referenced the agreement.

**Voted:** (Noonan/Barlow) voted unanimously of those present to approve Article 3

*ARTICLE 4. FUND CONTRACT FOR DISPATCHERS' UNION*

Colton referenced the agreement.

**Voted:** (Barlow/Noonan) voted unanimously of those present to approve Article 4

*ARTICLE 5. CHARTER CHANGE (FINANCE COMMITTEE)*

Colton suggested the article submitted by the Finance Committee would be a significant change and cause conflict with the Town Charter as proposed. *Cohen arrived at this point of the meeting (6:10pm).* The Selectmen discussed the article at length and noted this would also require a ballot question if approved.

**Voted:** (Haederle/Barlow) voted 3-2 *not* to include the Finance Committee article in the warrant. Noonan and Cohen opposed.

*ARTICLE 6. AMENDMENT OF CODE TO REFLECT NAME CHANGE OF HISTORIC DISTRICTS COMMISSION*

Corona explained the request to change the code to reflect the Historic Districts Commission.

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**Voted:** (Haederle/Noonan) voted unanimously to approve Article 6.

**ARTICLE 7. AMENDMENT OF SECTION 215, ARTICLE 11, CLASS II LICENSE REGULATIONS**

Corona explained the process of site plan approval relating to Class II licenses and the need for an amendment.-

**Voted:** (Haederle/Barlow) voted unanimously to approve Article 7

**ARTICLE 8.**

*To transact any other business that may legally come before said meeting.*

**Public Participation**

None

**Selectmen's Notes**

None

**Town Administrator Notes**

None

**Press Notes**

None

**Voted:** (Haederle/Barlow) voted unanimously to adjourn (6 :20pm)

*Respectfully submitted,*

*Mary Southworth*

***List of Documents and Other Exhibits Used:***

Draft #2 Special Town Meeting Warrant

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APPROVED

**TOWN OF EASTON  
COMMONWEALTH OF MASSACHUSETTS**

**WARRANT FOR SPECIAL TOWN MEETING**

**November 15, 2010**

BRISTOL, SS.

To either of the Constables of the Town of Easton in the County of Bristol:  
GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Easton qualified to vote in elections and Town affairs to meet in the Oliver Ames High School Auditorium in said Easton on Monday, the 15th day of November, next, at 7:00 P.M., then and there to act upon the following articles:

**ARTICLE 1. AMEND FISCAL YEAR 2011 BUDGET**

To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to amend the fiscal year 2011 budget, or take any other action relative thereto.

Submitted by Board of Selectmen

*Explanation: This article will amend the FY11 budget to make adjustments for revised revenue projections including final state aid figures. The projected overall impact is a net reduction to the total budget. However, several budgets also require additional funding. At this time, the anticipated budget adjustments are as follows:*

Collector/Treasurer	\$ 15,880
Veterans Department	5,573
Library	3,422
Recreation	2,175
Employee Benefits & Insurance	( 36,571)
Net Reduction	<u>(\$ 9,521)</u>

**Selectmen Recommendation:**

**Finance Committee Recommendation: Recommended**

**ARTICLE 2. FUND CONTRACT FOR DPW UNION**

To see if the Town will vote to appropriate by transfer from available funds a sum of money needed to fund the incremental cost items contained in a collective bargaining agreement with members of the Southeastern Public Employees Association (DPW Unit) for fiscal year 2011, or take any other action relative thereto.

Submitted by Board of Selectmen

*Explanation: The collective bargaining agreements with the DPW, Clerical, and Public Safety Dispatcher Unions expired on June 30, 2010. Funds sufficient to cover the cost of a 2% cost of living increase were appropriated as a set-aside line item in the FY 2011 budget by Town Meeting. We have successfully negotiated a one-year agreement with each of the three unions which grants a 2% cost of living adjustment. Given the uncertainty surrounding the financial condition of the Town in 2012 we were unwilling to extend the contracts beyond one-year. Collective bargaining for further time periods will be conducted after the Town Administrator presents the proposed FY 2012 budget.*

**Selectmen Recommendation:**

**Finance Committee Recommendation:**

**ARTICLE 3. FUND CONTRACT FOR CLERICAL UNION**

To see if the Town will vote to appropriate by transfer from available funds a sum of money needed to fund the incremental cost items contained in a collective bargaining agreement with members of the Southeastern Public Employees Association (Town Clerical Employees' Unit) for fiscal year 2011, or take any other action relative thereto.

Submitted by Board of Selectmen

*Explanation: The collective bargaining agreements with the DPW, Clerical, and Public Safety Dispatcher Unions expired on June 30, 2010. Funds sufficient to cover the cost of a 2% cost of living increase were appropriated as a set-aside line item in the FY 2011 budget by Town Meeting. We have successfully negotiated a one-year agreement with each of the three unions which grants a 2% cost of living adjustment. Given the uncertainty surrounding the financial condition of the Town in 2012 we were unwilling to extend the contracts beyond one-year. Collective bargaining for further time periods will be conducted after the Town Administrator presents the proposed FY 2012 budget.*

**Selectmen Recommendation:**

**Finance Committee Recommendation: Recommended**

**ARTICLE 4. FUND CONTRACT FOR DISPATCHERS' UNION**

To see if the Town will vote to appropriate by transfer from available funds a sum of money needed to fund the incremental cost items contained in a collective bargaining agreement with members of the Southeastern Public Employees Association (Easton Public Safety Dispatchers' Unit) for fiscal year 2011, or take any other action relative thereto.

Submitted by Board of Selectmen

*Explanation: The collective bargaining agreements with the DPW, Clerical, and Public Safety Dispatcher Unions expired on June 30, 2010. Funds sufficient to cover the cost of a 2% cost of living increase were appropriated as a set-aside line item in the FY 2011 budget by Town Meeting. We have successfully negotiated a one-year agreement with each of the three unions which grants a 2% cost of living adjustment. Given the uncertainty surrounding the financial condition of the Town in 2012 we were unwilling to extend the contracts beyond one-year. Collective bargaining for further time periods will be conducted after the Town Administrator presents the proposed FY 2012 budget.*

**Selectmen Recommendation:**

**Finance Committee Recommendation: Recommended**

**ARTICLE 5. CHARTER CHANGE (FINANCE COMMITTEE)**

To see if the Town shall vote to change the Charter of the Town of Easton by deleting subsection (c) Powers and Duties of section C3-5 Finance Committee and substitute the following as a new subsection (c) reading,

(c) Powers and Duties. They shall consider any or all municipal questions for the purpose of making reports or recommendations to the Town.

Submitted by the Finance Committee

*Explanation: The purpose of this article is to bring this charter provision into conformity with Massachusetts General Law 39 Section 16 which uses broader language. MGL 39 Section 16 reads in part, "... who shall consider any or all municipal questions for the purpose of making reports or recommendations to the town..." ... " The existing charter provision states in part, "... such powers and duties with respect to advising Town Meeting on any or all matters which are to come before the Town Meeting....". " That is not in conformity with the letter or spirit of the statute. Changing this Charter subsection was accidentally omitted in 2004 when the comparable bylaw section was corrected. The current bylaw section has the same wording as the powers and duties as set forth in this article.*

**Selectmen Recommendation:**

**Finance Committee Recommendation: Recommended**

**ARTICLE 6. AMENDMENT OF CODE TO REFLECT NAME CHANGE OF HISTORIC DISTRICTS COMMISSION**

To see if the Town will vote to amend the Code of the Town of Easton by deleting "The Easton Historic Districts Commission" wherever it appears and inserting in its place "The Easton Historical Commission" or take any other action relative thereto.

Submitted by the Department of Planning & Community Development

*Explanation: At the Annual Town Meeting in May 2010, the Town voted to adopt a Local Historic District bylaw establishing the Easton Historic Districts Commission and to grant that Commission, pursuant to Chapter 152, Local Historic Districts, the additional role and responsibilities of the Historical Commission. The name change intends to reflect the breadth of the Commission's role and responsibilities.*

**Selectmen Recommendation:**

**Finance Committee Recommendation: Recommended**

**ARTICLE 7. AMENDMENT OF SECTION 215, ARTICLE 11, CLASS II LICENSE REGULATIONS**

To see if the Town will vote to amend Section 215, Article II, Class II License Regulations, of the Code of the Town of Easton as follows:

by deleting the word "principle" in the first sentence of §215-4.C and inserting in its place the word "principal";

by deleting §215-4.F. in its entirety, and inserting in its place a new subsection F. "An application for a new Class II license, a transfer of a Class II license or an application for a modification to an existing Class II license must be accompanied by a site plan approved by the Planning & Zoning Board in accordance with Section 7-10 of the Zoning Bylaws";

by deleting §215-4.J. in its entirety;

to further amend §215-4 by re-lettering the remaining subsections of §215-4 accordingly;

by deleting §215-5.D. in its entirety, and by inserting in its place a new subsection D "The number of motor vehicles for display on the premises shall be limited to the number of vehicles indicated on the Class II license issued by the Board of Selectmen.";

by deleting §215-5.E. in its entirety;

to amend §215-5 by re-lettering the remaining subsections of §215-5 accordingly;

by deleting §215-5.H (formerly I) in its entirety, and by inserting in its place a new subsection H "The investigation of violations under this Subsection shall be delegated to the Police Department and to the Inspector of Buildings, each of which may enter the licensed premises at reasonable times to inspect and investigate the conditions in order to ensure compliance with the terms of the license.", or take any other action relative thereto.

Submitted by Board of Selectmen

*Explanation: The Selectmen issue the Class II license to businesses involved in used car automobile sales. The intent of the by-law change is to ensure that applicants are compliant with the zoning by-law before applying to the Selectmen for a permit.*

**Selectmen Recommendation:**

**Finance Committee Recommendation: Recommended**

**ARTICLE 8.**

To transact any other business that may legally come before said meeting.



You are directed to serve this Warrant by posting attested copies thereof one at each meeting house and post office and one at the Oliver Ames High School Auditorium and one at the Town Offices, fourteen days at least before the time of holding said meeting.

Given under our hands this 26<sup>th</sup> day of October the year Two Thousand Ten.

\_\_\_\_\_  
Colleen A. Corona, Chair

\_\_\_\_\_  
John S. Haederle, Clerk

\_\_\_\_\_  
Irwin M. Cohen

\_\_\_\_\_  
Ellen Barlow

\_\_\_\_\_  
Sean T. Noonan

EASTON BOARD OF SELECTMEN

Easton, Mass \_\_\_\_\_

By virtue hereof and as within directed, I have this day posted attested copies of this Warrant.

\_\_\_\_\_, Constable of Easton

**OFFICIAL PROCEDURES TO BE USED AT TOWN MEETING**  
**Approved - Town Meeting - May 1978**

- 1. Main Motion:** **Debatable**  
When a motion has been made, seconded and stated by the Chair, the assembly is not at liberty to consider any other main motion until this motion has been disposed of.
- 2. Motion to Amend:** **Majority Vote Required** **Debatable**  
This motion is to change, add, or omit words in the original main motions.
- 3. Motion to Amend the Amendment** **Majority Vote Required** **Debatable**  
This is a motion to change, add, or omit words in the first amendment.  
Method of Vote: The first vote is on changing words of second amendment. If the first vote adopts the change, the second vote is on the first amendment as changed or amended. The third vote is on adopting the main motion as changed or amended.
- 4. Motion to Commit or Refer:** **Majority Vote Required** **Debatable, Amendable**  
When a motion becomes involved through amendments or when it is wise to investigate a question more carefully, it may be moved to commit or refer the motion to a committee for further consideration.
- 5. Motion to Close Debate** **2/3 Vote Required** **Not Debatable**  
When debate does not seem to be shedding additional light on a question, you may move to end it by calling the question: "Mr. Moderator, I call the question." You must be recognized by the Chair before making this motion. As soon as this Motion is made, debate ceases and a vote on closing debate is taken. If the motion is carried, a vote is immediately taken on the question under consideration.
- 6. Motion to Reconsider:** **Majority Vote Required** **Debatable**  
This motion must be made the same day as the original motion was carried or defeated. "A vote can be reconsidered only once."
- 7. Motion to Adjourn:** **Majority Vote Required** **Debatable**  
This motion is always in order except (a) when a speaker has the floor, (b) when a vote is being taken, (c) after it has just been voted down (d) when the assembly is in the middle of some business which cannot be abruptly stopped. A definite time and place must be set.

**MISCELLANEOUS MOTIONS**

These motions (or questions) are not necessarily related to the Main Motion and do not fall within the order of precedence. They may be made as appropriate or necessary.

- 1. Question of Privilege:** A motion unrelated to the business taking place, e.g. "Question of privilege, please! It is too noisy. I request that the Chair ask that all talking be stopped."
- 2. Point of Information:** Motion used to ask a question or obtain clarification of facts pertaining to the motion at hand. "Point of information, please! What would be the cost to repair this piece of machinery rather than replace it?" There is no vote or debate. The Chair provides the information sought.
- 3. Point of Order:** This motion is always in order but can be used only to present an objection to some method of parliamentary procedure. "Mr. Moderator, I rise to a point of order!" Then the objection is stated. There is no vote or debate and the Chair immediately rules on the point of order.
- 4. Point of No Quorum:** This motion requires no second and is not debatable. No other motion may be applied to it. It may not be used to interrupt a speaker. When the point is properly raised, the Moderator must then ascertain whether or not a quorum exists.
- 5. Secret Ballot:** At any Annual or Special Town Meeting when any article is put to the meeting for a vote, if a voter stands to request a secret ballot, he shall be promptly recognized by the Moderator and if on inquiry by the Moderator such voter is joined by at least 29 other standing voters, the Moderator shall automatically order a secret ballot without a debate.