

**Selectmen's Meeting Minutes 11/16/09**

**Board of Selectmen  
Meeting Minutes  
11/16/09**

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, Ellen Barlow and Town Administrator David Colton

Members not present: Irwin Cohen

Corona called the meeting to order at 7:00pm

Easton Lions Club request for road closing – Annual Holiday Festival

Lions Members Todd Sandstrum, Chair of the holiday festival and Bill Palmer, President of the Lions Club were present. Sandstrum and Palmer explained the upcoming festival events.

**Voted:** (Haederle/Barlow) voted unanimously to approve the Lions Club's use of the public ways of the Town of Easton to hold the Annual Holiday Festival on December 5th and 6th. Specifically, the section of Main Street from 72 Main Street down to the Rockery area be closed during the Festival Hours of 8-8 on Saturday, 12/5 and 10-6 on Sunday, 12/6. In addition, the area of Barrows Street, the area in front of the Oakes Ames Memorial Hall and the Rockery for set up on Saturday November 28st from 8am – 3pm.

One day liquor license requests – Stonehill College, Inc.

Colton explained two one day license requests.

*One day all alcohol license for an Alumni Networking Reception on November 19, 2009 from 7pm – 9:30pm at the Shields Science Center – Pettit Atrium*

*One day all alcohol license for the Executive Committee for Development on December 15, 2009 from 4:30pm – 6:30pm at Donahue Hall – Irish Studies library*

**Voted:** (King/Barlow) voted unanimously to approve the two one day licenses as requested

Approval of 2010 DPW Supplies Southeastern Regional Services Group (SERSG)

Colton referenced the attached list submitted by the SERSG and recommended approval.

**Voted:** (Barlow/Haederle) voted unanimously to approve the 2010 list of DPW Supplies

Local Historic District Study Committee appointments

Corona referenced the Historical Commission request to appoint to appoint two members to the Local Historic District Study Committee. Gregory Strange of 201 Poquanticut Ave and Deborah Balcarek of 32 Lymon Wheelock Road both have architectural experience.

Barlow asked if anyone came forward from the Real Estate Group. Corona confirmed that a recommendation had not been received from the Real Estate Group

The Board **voted unanimously by roll call** to appoint Gregory Strange and Deborah Balcarek to the Local Historic Study Committee.

*Haederle-Strange and Balcarek; Corona-Strange and Balcarek; King-Strange and Balcarek; Barlow-Strange and Balcarek*

Request for Proposals – Lincoln Street property

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Alice Savage was present and referenced the town owned parcel fronting Lincoln Street which extends to the rear of the Oakes Ames Memorial Hall and the Ames Free Library. Portions of the property are developable. The proposal is to authorize a RFP to sell the property; this would bring revenue into the town.

Colton noted that he spoke with Library Director Madeline Holt and she is aware that there is plenty of time for them to put together their comments. Colton suggested that this is an attempt to recoup some of the money. Colton noted that this wouldn't be money that we could put into the operating budget, it would have to be used for capital. He suggested that the money be used to renovate Frothingham Hall. Colton confirmed that the parcel is about one acre. Savage noted that the total amount is more than an acre but the proposal is for one home.

Barlow stated that she recently had an opportunity to walk behind this area and it the land is beautiful. Corona agreed. Corona suggested we can limit the RFP for a single house lot as well as limiting where the house would be placed and it should be similar in nature to the other homes in the area.

Barlow questioned why we would have the asking price below what the appraisal price. Colton noted that this appraisal is just an estimate. Colton recommends setting the minimum asking price of 80% of the appraisal; this would give a margin of error on the appraisal.

Corona asked about the appraisal and Colton felt they did a really good job on the appraisal. Colton noted that we can reject all bids if we are not happy with what comes in. Corona asked why we wouldn't ask for closer to the appraised value. By lowering the minimum, we may get more than one bid noted Colton. This has to come back to the Board again before it goes to town meeting.

**Voted:** (Haederle/Barlow) voted unanimously to request an RFP for the property

### Approval of Clean Energy Choice Grant Agreement

Colton referenced the grant agreement which would give the Town of Easton money for outreach and educational materials and a small solar lighting system to illuminate the sign at the Town Offices.

**Voted:** (Haederle/Barlow) voted unanimously to approve the Clean Energy Choice Grant Agreement

### Contracts with Whalley Computers Associates– High School Project

Colton referenced the contracts approved by the Municipal Building Committee as part of the high school project to purchase computers and technical equipment. One contract is in the amount of \$44,156 and the other is in the amount of \$33,208.

**Voted:** (King/Barlow) voted unanimously to approve the contracts with Whalley Computers as presented to the Board

The Board took a brief recess at 7:18pm and reconvened at 7:25pm.

### Presentation of the Shovel Shops Redevelopment Proposal

Colton referenced the alternative proposal for the Shovel Works site. See the attached presentation submitted by Beacon Communities Development, LLC. Colton specifically spoke of the Purchase and Sales Agreement between Beacon Communities and the Turner Brothers, contingent upon a number of things having to do with the Town. The Historical Commission received the presentation last week and the Finance Committee, Planning Board, Conservation Commission and CPA Committee will hear the presentation in December. A town meeting will follow.

Colton explained that approximately one year ago it became clear we needed to find someone else to step in to help out with the Shovel Shop site. Colton contacted Senator Brian Joyce to see if he had any advice and he recommended Beacon Communities Group.

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Brian Joyce was present and introduced himself as a private attorney for the Beacon Communities Group; he will have no part of any of the state permitting process; he will be involved with local permitting only. Joyce spoke of the intent to preserve the historic site. Beacon's proposal would stop the other proposal which would have had a detrimental impact on this historic site. This new proposal will enhance the North Easton area. They came up with a proposal with more open space; a public park space which will revitalize the area. The residential proposal for 119 units could spur a small restaurant; they expect some additional sewer capacity. The fiscal analysis will have a positive impact on the Town, \$1.3 million. The Turners' earlier proposal would have a negative impact on the Town, \$5.1 million. This proposal provides development they feel that the town will welcome as well as providing homeownership vs. rental. Howard Cohen, President of Beacon Communities Group and Jason Korb, Vice President were introduced to the Board.

Howard Cohen introduced himself and briefly explained what they propose for the site. They intend to work cooperatively with the Town. He sees this as a partnership between the Town of Easton and themselves.

Corona asked Colton to give a brief update on what is going on with the Turners with respect to the status of the project. Colton noted that the Turners continue to pursue the appeal to the Zoning Board's Comprehensive Permit with the Housing Appeals Board; they continue to apply for demolition permits. We are hoping that we can convince the Turners to drop the appeals pending the outcome of this proposal.

Cohen gave the company background of Beacon Communities Group and stated that he is the Chief Executive Officer. Beacon operates in seven states. When they saw the Friends of the Ames Shovel Works proposal, it fit into what they are expert and good out. Cohen provided the Board with a PowerPoint presentation and depicted a development they did in Haverhill, MA. They worked with City of Haverhill and developed Cordovan Courtyard which led to other developments in the downtown Haverhill area.

Cohen also spoke of the old Wilbur School in Sharon, MA. There were a number of failed development efforts. They are worked on this development for a total of 75 units. This is very similar to the location of the Shovel Works as it is in downtown Sharon.

The Walkover Shoe Building in Brockton, MA is another example of work completed by the Beacon Communities Group. Initially they looked at this building as historic rehab but found that the building could not be restored. In working with the architect, they were able to recreate the image of the old Walkover Building. King asked the specific location in Brockton. Cohen noted Perkins Avenue. The new development is now known as the Walkover Commons.

New Haven Connecticut is another example where old buildings built in the 1920 were run down. This building now services the Yale University; they worked closely with the university which rents a large number of the units.

Cohen spoke of The Woodlands in Abington, MA., near the train station; 20% affordable 80% market rate units.

In Watertown, MA in the Pleasant Street area, many condo units were built with the potential to build more in the foreseeable future.

Treehouse in Easthampton, MA, is another example of a three phase project; they developed several luxury single family homes; then multi generational homes; several units for the foster families; 3-5 bedroom units. They created senior units to promote foster grandparents. In six months or so, they will start to build the single family units.

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Southwood Square in Stamford, CT, is the site of one of the worst public housing developments. It was torn down and replaced with mixed income homes. This was extremely well received in the Stanford area.

Cohen stated that some of the developments were 40B; all of them involved very complicated, very layered financing. They worked very cooperative with many state agencies.

Jason Korb introduced himself and noted that he has been with the company for five years. He has worked on every one of the historic projects except for project in New Haven, CT. These buildings are different. He spoke of the Shovel Works site and affirmed that Beacon is very excited about this project. This is very morally and ethically meaningful. An overview of the program significantly reduces what the Turners are proposing. Beacon's proposal will keep the historic buildings intact and create public space. There will be two separate areas for public open space. They will be looking for the Town to help with this. Historic tax credits were discussed and in time, the historic units would be converted to condominiums. Pictures of Beacon's proposal of the Shovel Works site were shown on the PowerPoint presentation.

The proposal was discussed at length. See the attached map area of the site. Korb noted that Easton's downtown area has a lot of historical buildings and they want to promote a place for people to walk through. Without the Friends initial plan, they wouldn't have been able to come up with this proposal. Beacon's goal is not to just propose minor renovations but more importantly to bring the buildings back to their original historical state.

Colton spoke of the financial structure of the proposal. He noted the \$44 million project and stated that this will require a mix of state and affordable housing as well as historic tax credits. He spoke of the application process and the difficulty of this. The Town will need to become involved to have this become a reality. The Town will propose to pay for a wastewater treatment plant for the site which will service part of the North Easton village area. The funding will be bonded. Colton suggested that this will hopefully help develop the downtown area. The project will require \$7.5 million in CPA funding; a combination of grants and loans. The three legal purposes of using CPA funds are historic preservation, open space and affordable housing. This builds all of the criteria for a community preservation projects. The loans are proposed to be repaid be paid by the sale of condos. Colton also noted that the financial structure is not set in cement; we continue to discuss this. Colton introduced George Cole, the Town's financial consultant on this project.

George Cole of GLC Development Resources, Inc., introduced himself and gave background of his company. They serve many municipalities including the Commonwealth of Massachusetts and many other public authorities. They are very familiar with this type of analysis and development. Cole stated that he had offered with another nonprofit to buy the site from Arnold Tofias years ago and an agreement was not made. Tofias subsequently sold the site to the Turners. During that period, they did a complete financial analysis of the development. He was also engaged by the Friends to review the Turners' proposal and the use of tax credits. The Friends came to the conclusion that a historic renovation of the site would require a subsidy of some type in addition to historic tax credits. Cole has been asked to assess Beacon's development proposal and to look at direct subsidy and loans in terms of fairness to the Town. He understands that there has to be a balance between Beacon's interests and the Town's interests.

Colton spoke of the Town's general benefits with respect to the proposal. Open space in the center of town is a very important factor. The demolition delay permit runs out in August; the only other choice is to wait and see what the Turners choose to do. The benefit to the Historical Society was discussed. The pedestrian walkway through the site is a bonus. This proposal provides a significant increase to our affordable housing inventory. CPA funds can be used for this purpose and when it is paid off, we get to use it for something else. There will be fiscal impacts from both the Turners' proposal and Beacon's alternative proposal.

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King asked what period of time the financial impact grasps. Colton stated forever. Barlow spoke of looking at short term impact vs. long term. Colton noted that he has reviewed Beacon's numbers and suggested that they have used reasonable estimates. He feels that this should be independently evaluated just like what we did for Queset Commons. George Cole will help us analyze this data. Colton feels that by rejecting the Turners' proposal and accepting this one, it is a significant positive impact.

King asked how the historic preservation easement is valued. Colton noted that this has to be verified by appraisal. The Turners' proposal is 182 units plus commercial space. He explained how the calculation is done. Joyce noted that Beacon is proposing fewer units which creates additional open space.

King asked about the affordability factor of the housing units. Colton and Savage explained that the affordable units are going to be limited to households earning less than 50% of the area median income (AIM).

King asked about Joyce's involvement and his potential conflict. Colton spoke of the need to solve a problem and in turn asking Joyce for advice. Colton knew that Joyce was Chair of the Senate and he has the experience. Joyce noted that he has been a lawyer longer than he has been in public office he has a firm in Canton. The Shovel Works site is an extraordinary site and you need to make this work financially. When Beacon met with the Turners, he explained the formula that it would take to make it work. The owners realized that they didn't have what it takes to make this happen. Joyce has the interaction with the state and Beacon and Joyce has engaged with outside council and sent a detailed disclosure to the State Ethics Commission to ensure that they didn't come close to any ethical gray areas. Joyce will not have any dealings with the state agencies so that there is not even an appearance of a conflict.

Cohen added that Senator Joyce is not on a contingent fee; he is paid as counsel and the method of compensation has been approved by the State Ethics Commission.

King asked about the risk that Beacon has as well as the risk for the Town. Cohen explained that they have been working on this for over eight months and will have a closing in 18 months or so after having spent a lot of money in other expenses. He spoke of the town meeting and the need to vote. He spoke of the risks involved and the concerns of Beacon. A large part of the incentive for the Town is the condominium development. Beacon has been in business since the late 1960s and they have another part of their business that is a little more stable and less risky development. The Town should be judging Beacon on their track record and talk to other communities and feel comfortable that they can bring this project to completion. Senator Joyce spoke of the Town of Randolph and the Town of Sharon and their positive relationships with Beacon. Joyce noted that there needs to be a very cooperative effort.

Haederle asked if there is a known precedent of use of CPA funds. Colton responded that there are examples of CPA funds being loaned. Town Counsel Ellen Doucette has commented that this is not common but the statute is very specific, it doesn't tell you exactly how to spend the money, there is no prohibition in the statute that states you can't take out a loan. Attorney Doucette spoke with the Department of Revenue and they don't see any problem with this. Haederle asked if we would tie up the funds that would jeopardize other CPA projects. Colton noted that they are looking to avoid having this problem. We know that they have other goals and their goals have merit. They have worked long and hard to come up with a plan that is good for the Town. We want to be sure that this proposal doesn't destroy what they want to do. Once we have the right balance, we can go forward and do our own analysis on the CPA goals to be sure that we can finance what we want to do.

Senator Joyce noted that this proposal does meet all three goals of using CPA funds and understands the concern of using other CPA funds for other projects.

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Barlow asked about CPA funding and if we cannot use the CPA funds as intended in the Beacon proposal, what would the Town have to borrow. Colton spoke of the 10% minimum needed for each CPA account. The 70% over that can be set aside to use the funds for any of the purposes. Corona noted that the 70% can be used for anything. Corona agreed that we need to have firm numbers on this. This is an ongoing negotiation and the Town needs to preserve the CPA's ability to fund their goals. Colton believes we can put this together to allow CPA to accomplish their goals; again they are very important to the town.

Corona asked for examples where Beacon was provided an asset to move the projects along. Cohen spoke of the Town of Sharon and the need to remove asbestos. They sold the building and the land; if they sold the parking lot for market rate to build condominiums and their use of the land which made the development feasible, made a \$5 million contribution. In Haverhill, they took a town parking lot used by merchants to do their development. They had to go through extensive city council hearings, but without that, they wouldn't have had adequate parking for the site. Weymouth has given them CPA funds on a soft loan basis. They got several million dollars of city funds for that proposal. In New Haven, the city spent \$6 million building roads for the development. They are looking to enhance value to the Town.

Joyce noted that the 8 acres in Easton and even with the Town's contribution, it has a net impact positive of \$1.3 million. Colton noted it is more if you factor in the loss of \$5 million based on the Turners' proposal; the outcome is greater for the town.

Haederle asked about wastewater treatment plant and how it is funded. Corona noted that the wastewater treatment plant will have to be funded by an enterprise fund. This will be separate fund from the town general budget. The sewer department would be voted at town meeting. Colton noted that the Town will have to spend funds and then get paid back by the enterprise fund.

Joyce suggested that the Turners already have permitting for the wastewater treatment plant and it is greater than the area that they would need under this proposal.

King asked about time frames. Cohen spoke of historic tax credits and how this works. There is a five year period on the market rate units; you get the credit up front and then you have to have the housing in accordance and then you can change the housing after that. Then a conversion can take place to sell the units. This will take a period of time to do. Rent to own program is an option. Affordable units have to stay rental for 15 years. 20 % rental 80% for sale for a while. The lottery process was discussed. Joyce noted that these units are affordable in perpetuity.

Haederle asked the status of the Wilbur School Project in Sharon, MA. Cohen noted that they plan to begin occupancy in January 2010. Tours can be accommodated.

Corona went on the tour and stated that Beacon did a beautiful job. The building has large windows and wide hallways. Corona spoke with Sharon Board of Selectmen members and they are thrilled with Beacon and suggested that Beacon is a great company to work with. Joyce stated that this Saturday, December 12<sup>th</sup> at 10am another tour will be given.

Corona asked about the train and if they feel the train will have a negative or positive impact and are they willing to work with the train if it comes through. Cohen stated that they don't care one way or another. Beacon does not feel it will really make a difference. Korb added that there are a number of things they can do if the train comes through. They can double insulate the windows. Corona asked if they would work to keep the passage way open. Korb confirmed that absolutely they would work toward this.

Corona asked about donation to the Historical Society, tenement building. Korb agreed it would be a restored donation.

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Barlow asked if this project would be responsible for taking care of some traffic mitigation problems in the area. Colton noted that this has not been discussed. Korb doesn't feel that the traffic impact would be greatly impacted. Colton noted that we will discuss this further and suggested some mitigation would be necessary.

Corona summarized that this is an ongoing negotiation. Again, we need to preserve the CPA funding so that they can move forward with their purchases and goals. Colton agreed that we want to put together a plan that would work for CPA Committee. Corona noted that we want to be sure that the town is fiscally responsible. The Board and Cohen agreed. Also, we want to preserve our community; we will need to make some contribution to make a development of this type work for the community. She spoke of the Unity Church and the money we invested to preserve that building. Joyce noted that a significant amount of money came from the state on the matching funds. Colton noted that our interests need to coincide to make this work. We are not just saving the site from what was proposed; we are proposing something head and shoulders above what was proposed.

Joyce noted that they are very appreciative of the opportunity to discuss this. This will be further discussion and everything will be open and transparent. Information will be placed on the Town's website. We have what appears to be a winner to the Town and it has a net positive impact to the taxpayers. Corona noted that if everything goes well overall and with the negotiations. Colton noted that we are always open to any and all ideas.

Rick Martin of 1 Martin Terrace asked if Beacon Communities is part of Beacon Properties. Cohen explained that it was part of the same company. Martin noted that he has done a lot of projects in the Boston area and they were very good to deal with. We need to keep in mind that this is not just a historic site in Easton but in the country. He referenced the buildings as proposed on the plan. He hopes that the town gets involved with this. Generations down the road will say thank you.

Dotty Fulginiti of 78 Elm Street asked if there had been any consideration given to a 40R development vs 40B. Colton noted that we haven't ruled this out; we are still talking about this. Beacon is open to this also.

Citizen Sean Noonan of 35 Black Brook Road was present and asked about the CPA loan. Colton noted that this is still under consideration.

### Town Administrator's notes

None

### Press notes

None

### Selectmen's notes

Corona spoke of the recent Veterans Day Parade.

### Public participation

None

**Voted:** (Barlow/King) voted unanimously to adjourn (9:15pm)

*Respectfully submitted,*

*Mary Southworth*

