

**Board of Selectmen
Meeting Minutes
11/3/08**

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

Nehemiah Project

Representative Carole DeLorey was present. DeLorey spoke of the citizens in support of the initiative. Back in 1999, citizens of Brockton talked about the housing issue forcing people to leave the city. She explained the proposal and the funds raised through local churches and individuals. Land is obtained through the city through low or no cost. She spoke of the other churches involved. In the case of Brockton, four scattered sites were located throughout the city. She spoke of the cost between \$145,000 - \$155,000. The homes are built for families earning 70 – 80 percent of the median income. She was approached by citizens to see if we can bring the program to Easton. Easton is losing its children because they can't afford to live in town. Overall, the group is finding great support for this. Because they are raising funds, they do not have to go through state or federal application processes. DeLorey spoke of the application criteria and is hopeful that only those who are living or having immediately family living in Easton could qualify. They must meet the earning criteria. She spoke of one family that moved into a two bedroom condominium which allowed them to go out and start their own small business. The program helps citizens gain security.

Haederle asked for clarification if the units would count toward our affordable housing goal. DeLorey noted that it would count. It was noted that these are not funded through state or federal grants.

Corona noted that she is familiar with the Brockton Interfaith Community. She explained how the homes are built and how they fit into the neighborhoods.

Barlow suggested that it sounds like the kind of thing we want to be able to support. Barlow asked if the group is looking for land donations. She also asked if there is any church vs. state laws. DeLorey noted no laws and confirmed that they are looking for the land in Easton. DeLorey clarified that the group is a true non profit organization. Barlow also asked about Easton availability and if this is similar to Habitat for Humanity program. Corona confirmed that it is similar and suggested that we would refer this group to the Fair and Affordable Housing Partnership. Corona suggested that there should be a few options available in Easton.

King asked Colton if this would violate the Anti Aid Amendment regarding church and state. Colton stated no; this is a non profit for the purpose of developing affordable housing. He noted that the qualifications are based on income it has nothing to do with faith. DeLorey confirmed that they are not a religious non profit. They have their own 50C3. King also asked if there are qualifications for a particular faith. DeLorey replied no; the only qualifications are living in the town or having family in town; qualifying for a mortgage, and meeting the income guidelines.

King followed up with the concern for the town on the donation of land. Corona agreed that we can look into this.

Cohen asked about the terms of the mortgage. DeLorey noted that it is a 30 year fixed mortgage. Cohen asked who the land is granted to. Attorney Richard Dailey was present and noted that the land is owned by the condominium association. All of the units in Brockton were given mortgages through Harbor One Credit Union. Dailey noted that they also work very closely with South Shore Housing and Development. There are restrictions regarding the sale of the land and this is the case for a period of 40 years.

Corona referred DeLorey to Easton's Fair and Affordable Housing Partnership. She thanked them DeLorey and other supporters for coming in.

Selectmen's Meeting Minutes 11/3/08

Change of dba from Brennan's Restaurant Corporation dba Brennan's Grille & Irish Tavern to "The 402". – 402 Turnpike Street, Easton

Owners Stephen & Christine Brennan were present. Colton noted the request for change in dba. The new business certificate was submitted to the Selectmen's Office today. It was noted that the applicant will need to submit a Certificate of Good Standing from the Secretary of State's Office. Corona noted that the restaurant is open for business. Brennan confirmed that the restaurant is open.

On Barlow's motion, seconded by King, the Board **voted unanimously** to approve the dba change subject to the submission of Certificate of Good Standing.

Verizon New England, Inc./Massachusetts Electric Company - Pole location hearing – Pole P12-1 Bristol Drive, Easton, MA

Right of Way Manager JoAnn Robidoux was present. Haederle read the notice of hearing into the record. Robidoux noted that this pole is requested by the electric company to bring service to the building on Bristol Drive. Colton noted no concerns by the DPW.

On Haederle's motion, seconded by King, the Board **voted unanimously** to approve the pole location.

Long Pond Dam presentation

DPW Director Wayne Southworth and Land Use Agent, Stephanie Danielson were present.

Colton noted that he would like to update the Board on the Long Pond Dam situation. The Commonwealth of Massachusetts has initiated more rigorous inspections of dams. All of the town owned dams inspected over the last couple of years and the only one that came back with some concern is Long Pond. Danielson noted the letter of non compliance that was submitted by the Massachusetts Department of Conservation and Recreation (DCR). Amory Engineers completed the report on behalf of the town and it confirmed previous inspections of the dam. This report must be filed with the Office of Dam Safety by November 11th. Our engineers recommend some minimal work; since the dam doesn't meet the requirement of 100 year storm, they are recommending that we lower the dam. All the recommended work could cost \$300,000.

Corona noted that most of the pond is in Stoughton but the dam is in Easton. Colton noted that we had the engineer look to see if we need the dam and it was confirmed that we do. Colton noted that lowering the water in the pond may cause concern for Stoughton in several ways. Colton sent a letter to Stoughton officials and suggested if they want something more, we should work together to seek state funding. Corona asked if this is the only dam under the control of Easton. Danielson confirmed that Morse' Pond and French's Pond are not owned by the town. The Conservation Commission sent letters to the dam owners regarding this issue.

Colton noted that he had a conversation with the Town Manager in Stoughton several months ago.

Southworth confirmed that he spoke with the Stoughton DPW Director over a year ago and they don't want to see the water level lowered as it would affect the amount of water they can withdraw. Stoughton has been in dire water straights and recently tied into MWRA; water is a very valuable resource to the Town of Stoughton. With respect to recommendations, Southworth agrees that we need a structure to hold back the water. Without the dam, we would be flooded out. We would have severe flooding in the downtown area if we were to breach the dam.

Barlow asked how much of Long Pond is in Easton. Danielson referenced a map showing Canton Street. Danielson noted that this would have significant impact on the homes downstream.

Colton noted that right now, we are submitting the report which is due November 30th and the state would review. He predicts we would be before town meeting before next May to get the funding to do the work. In terms of drinking water, Stoughton is getting some water from MWRA. They will insist that they maintain their water supply. Colton suggested that this dam benefits three towns.

Barlow asked about the ability for government grants. Colton spoke of needing government earmarks.

Southworth agreed that we don't have a choice, it's a safety issue; this dam cannot handle a 100 year storm.

Cohen asked the process of lowering the level. Southworth explained the boards that are pulled out.

Selectmen's Meeting Minutes 11/3/08

Corona noted that this is a problem all over the state because of the heightened awareness of the dam safety throughout the state.

Chief Stone spoke of FEMA grants and how you would have to redesign in order to get money.

Corona thanked Danielson and Southworth for coming in with the update.

Shovel Shop public comment period

Corona noted that the Massachusetts Environmental Policy Act (MEPA) Office is asking for public comments. Colton noted that the Turners submitted the Environmental Notification Form to the state which kicks off the MEPA process. MEPA determines if the project merits an Environmental Impact Report. A meeting will take place this Wednesday, at 10:30am at Shovel Shop Bldg. #8. The public is invited and public comment is welcome; and a presentation will be made. Colton suggested that anyone with concerns or has comments about the project should attend so that the state is aware of all the issues. Secondly, there is a period for written comments which closes November 11th. Written comments can be sent to the MEPA Office. Contact the Selectmen or 617-626-1025 or MEPA directly.

Corona asked the status of the project. Colton noted that the Turners are before the Zoning Board of Appeals for a 40B application. The project is a re-use of the Shovel Shop Building and alternations of those buildings by additions. Demolition is also proposed

The 40R proposal is not active at this point in time. The Turners have notified the Planning Department that they are not interested in the 40R process at this time.

Colton suggested that other departments will be represented. Corona noted that any departments with concerns should be submitting them. Colton confirmed that Staff Planner Alice Savage will be submitting on behalf of the town departments. Corona asked if there is anything else we need to add to the comments.

Barlow asked about the wastewater management. Colton noted that they have made a new report to the Planning & Zoning Board; he has not read this yet. Corona noted that if there are concerns, the Board should give Colton discretion to add the Board's concerns to the list of comments as discussed in the past.

Fire Chief Tom Stone was present and noted that his main concern is the parking and accessibility to the building.

Colton reiterated that it's essential that citizens request that an environment impact study be done. We can add this to the Selectmen's comments.

Corona noted that the historic issues are also an issue regarding environmental issues. Colton will email comments to Board prior to submission.

Special Town Meeting Warrant

Article 1.

Colton noted that the amount in Article 1 will change regarding the transfer into stabilization; this will change to \$500,000. We have been fortunate to been provided \$235,000 as part of a settlement on a class action lawsuit. We want to add this to the stabilization fund which will bring the balance of stabilization up to \$2,845,000.

ARTICLE 5. SUPPLEMENT FISCAL YEAR 2009 BUDGETS

To see if the Town will vote to appropriate by transfer from available funds a sum of money to supplement fiscal year 2009 budgets, or take any other action relative thereto.

Colton explained the need to supplement the clerical union contract.

On Barlow's motion, seconded by Haederle, the Board voted unanimously to recommend Article 5.

ARTICLE 6. FUND CONTRACT FOR PROFESSIONAL/ADMINISTRATIVE UNION

To see if the Town will vote to appropriate by transfer from available funds the sum of money needed to fund the incremental cost items contained in a collective bargaining agreement with members of the UNITED

Selectmen's Meeting Minutes 11/3/08

STEELWORKERS AFL-CIO, CLC, LOCAL 16031 UNIT – SUPERVISORY for fiscal year 2009, or take any other action relative thereto.

Colton explained the Administrative/Professional Union Contract needs to be funded.

On Cohen's motion, seconded by Barlow, the Board voted unanimously to recommend Article 6.

ARTICLE 7. PURCHASE OF LAND ON CENTER STREET

To see if the Town will vote to authorize the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, §14 to purchase for aquifer protection purposes, by quitclaim deed, a good and marketable title to the property owned by Deborah A. Faria, consisting of 1.989 acres of land, more or less, together with an access and drainage easement and improvements thereon and thereunder shown on a plan entitled "Survey and Division of Land located at 160 Center Street Easton, MA Surveyed for the Town of Easton by Ribelin Land Surveyors, Inc. 301 West Center Street, West Bridgewater, Ma Date: August 16, 2008", being a portion of the property which is recorded at the Bristol North Registry of Deeds in Book 4417, Page 105, that to fund said purchase including all costs incidental and related thereto the sum of \$200,000 be appropriated by transfer from Water Surplus, and further that the Board of Selectmen be authorized to enter all agreements and execute any and all instruments as may be necessary on behalf of the Town of Easton to effect said purchase, or take any other action relative thereto.

Colton explained the article.

On King's motion, seconded by Haederle, the Board voted unanimously to recommend Article 7.

ARTICLE 8. LONG TERM LEASE FOR PUBLIC SAFETY SOFTWARE

To see if the town will vote to authorize the Board of Selectmen to enter into a ten-year lease with Information Management Corporation to provide public safety software to the Easton Police Department, or take any other action relative thereto.

Colton explained the article.

On Barlow's motion, seconded by King, the Board voted unanimously to recommend Article 8.

ARTICLE 9. DPW WATER DIVISION – WATER RESTRICTION POLICY

Colton explained. Corona noted that the limit is 65 gallons of day per person; we do well with this but the outdoor irrigation is the issue.

On King's motion, seconded by Barlow, the Board voted unanimously to recommend Article 9.

ARTICLE 10. ACCEPTANCE OF DEED OF EASEMENT AND WATER MAIN – DORCHESTER BROOK HOMEOWNERS ASSOCIATION TRUST

To see if the Town will vote to authorize the Board of Selectmen to accept the perpetual, non-exclusive, right and easement to enter in and upon a private way known as Arbor Way for the purpose of installing, maintaining, inspecting, replacing, reconstructing, and operating the water main and to accept the right, title and interest in the water main located within, under and through Arbor Way and the fire hydrants and associated infrastructure passing through said Arbor Way and located on the various lots within said subdivision, as shown on a certain plan entitled "Definitive Subdivision Plan of Dorchester Brook Estates," dated May 23, 2001, prepared for Marshall Realty Trust by E.T. Engineering Enterprises, Inc., and recorded with Bristol County Northern Registry of Deeds in Plan Book 409, Pages 9-20.

Colton explained Article 10

On Barlow's motion, seconded by Haederle, the Board voted unanimously to recommend Article 10.

Election worker appointments

Corona referenced the recommendation by the Town Clerk to appoint the following citizens:

David Olson – 25 Baldwin Street – Warden Precinct 2

Robert Foster – 309 Foundry Street – Deputy Warden Precinct 2

Joseph Techiera – 9 Susan Road – Election Worker

On Barlow's motion, seconded by Haederle, the Board voted unanimously to approve the slate.

Cohen-slate; King-slate; Barlow-slate; Corona-slate; Cohen-slate.

Selectmen's Meeting Minutes 11/3/08

Minutes

On Haederle's motion, seconded by Barlow, the Board **voted 4-0-1** to approve general minutes dated 10/20/08
Cohen abstained.

On Haederle's motion, seconded by King, the Board **voted unanimously** to approve executive session minutes dated 10/6/08, as amended by Haederle.

Town Administrator's notes

None

Press notes

None

Selectmen's notes

Corona announced the Veterans Day Parade for Tuesday, November 10th beginning at 11am;

Corona congratulated the OAHS Marching Band and their win of the Division II at the US Scholastic Band Association Competition.

Public participation

None

On Haederle's motion, seconded by King, the Board **voted unanimously** to adjourn. (7:55pm)

Respectfully submitted,

Mary Southworth