

**Board of Selectmen
Meeting Minutes
4/6/09**

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, Irwin Cohen and Town Administrator David Colton.

Corona called the meeting to order at 7:00pm

Upcoming DPW Events

Colton announced the following upcoming events:

Easton Water Division Household Hazardous Waste Collection Day – Saturday, April 25, 2009
8am to noon at the DPW 130 Center Street

Water Division 25th Annual Open House Saturday, May 2nd 10am – 12:30pm 417 Bay Rd

22nd Annual Canoe River Awareness Day Saturday, May 9th 10 am to noon – Bass Pro Shops,
Foxborough, MA

Arbor Day Celebration 2009, Friday, May 1, 2009 at 9am at the Pond Street Monument

One day liquor license requests – Stonehill College, Inc. (7)

Stonehill College has requested the following one day liquor licenses:

A beer and wine license for the 18th Annual Peter Mareb Lecture on April 16, 2009 from 6-8pm at the Martin Institute

A beer and wine license for a Benefactor and Student Scholarship Dinner on April 25, 2009 from 6-9pm at Alumni Hall

A beer and wine license for a Night of Celebration – Department of Intercollegiate Athletics on April 29, 2009 from 5 to 11pm at Alumni Hall

An all alcohol license for a Trustee Dinner on May 14, 2009 from 5:30 to 9pm at the Martin Institute

An all alcohol license for a Baccalaureate Dinner on May 16, 2009 from 5:30 to 9pm at Donahue Hall

An alcohol license for a Commencement Luncheon on May 17, 2009 from noon to 3pm at the Martin Institute

An all alcohol license for a President's Dinner on May 28, 2009 from 6pm to 11pm at the Sally Blair Ames Sports Complex

No Easton Police Details are required as Stonehill provides their own detail for these events.

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

Transfer of retail package goods wine and malt license from Dynasty Corp., dba Dynasty Convenience Shoppes to Neil's Convenience Corp., dba Neil's Convenience – 750 Washington Street, Easton, MA

Applicant Sunil Patel was present.

Haederle read the notice of hearing into the record.

Corona noted that Patel previously held the package store license and it was subsequently transferred. Patel proposed no changes to the convenience store. Under Patel's previous ownership, two violations were noted, and on both occasions the license was suspended. Patel indicated that he is aware of the Town's Liquor License Violation Policy. Corona asked if he is aware the staff must be trained to check for valid identification. Patel stated yes, he is aware that he cannot sell to anyone under 21 and Patel suggested he will purchase and ID scanning machine. Patel further noted that he will ensure that the employees are trained on how to use the machine.

King asked how often he would be present at the store. Patel indicated 40-50 hours per week. Corona also noted that it's not a defense to say that someone used an out of state license; the out of state license is not acceptable in Massachusetts. Corona noted that the ABCC will look at these violations when reviewing the transfer. She noted that the Police Department conducts two alcohol compliance checks per year and the Town takes these violations very seriously. Patel noted that the violations will never happen again.

Cohen noted that more and more establishments are requiring that identification be checked for everyone, regardless of their age.

There were no further questions raised by the Board, the Applicant or members of the audience.

Voted: (King/Barlow) voted unanimously to approve the transfer

Cultural Council appointments

Voted: (Haederle/Barlow) voted unanimously by roll call to appoint Brian O'Neill of 29 Canton Street to the Cultural Council (term expiration 6/30/2012)

Cohen-O'Neill, Haederle-O'Neill, Corona-O'Neill, King-O'Neill, Barlow-O'Neill

Voted: (King/Cohen) voted unanimously by roll call to appoint Christine Junge of 29 Canton Street to the Cultural Council (term expiration 6/30/2012)

Cohen-Junge, Haederle-Junge, Corona-Junge, King-Junge, Barlow-Junge

Human Rights Committee appointments

Voted: (King/Barlow) voted unanimously by roll call to appoint Colleen Corona as the Selectmen representative to the Human Rights Committee

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

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It was noted that the School Committee appointee to the Human Rights Committee is Jane Martin.

Corona referenced Carol Allen's application.

Voted: (King/Barlow) voted unanimously by roll call to nominate Carol Allen as the Chair of the Human Rights Committee

Cohen-Allen, Haederle-Allen, Corona-Allen, King-Allen, Barlow-Allen

Officer George Allen will automatically be appointed to the committee as he is the Civil Rights Officer for the Town of Easton.

Presentation of the Southeastern Regional School Budget

Superintendent Lopes was present along with School Committee Representative Ralph Armstead. Lopes presented the attached 2010 budget to the Board.

Corona thanked Lopes and noted that she is on the bargaining team for the Southeastern Regional School.

Colton congratulated the Superintendent for taking into account the needs of the communities.

Haederle asked about the proposed wastewater treatment plant. Lopes noted that this is a goal to obtain this by 2012. The school uses about 12,000 gallons of water daily. They are working on water conservation and they predict that the level will lower and the Department of Environmental Protection may agree we do not need to have the plant. However, a special account has been established for this purpose. Haederle asked if there is an opportunity to tie this into our regional approach. Corona stressed the importance of sharing this information with the Town's consultant, Camp, Dresser and McKee.

Armstead spoke of the different approaches they were researching with respect to the wastewater treatment plant.

Corona thanked Lopes and Armstead for coming in to present the budget

Corona noted that the Board is not taking positions on the budgets at this point in time.

State of water supply conservation Phase I

The Board discussed the attached requested submitted by Operations Manager Water Division, Jack Marsh.

Voted: (Barlow/Corona) voted unanimously to declaration a "State of Water Supply Conservation" Phase I

This is necessary to conform to the requirements of the Town's Water Management Act Permit issued by the Department of Environmental Protection.

Review of departmental budgets

School Department

Superintendent William Simmons, Assistant Superintendent Mike Green and School Committee Chair Caroline O'Neill were present.

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Simmons thanked the Board for the opportunity to present the budget. He spoke of the proposed budget presented to the School Committee last week. This budget represents a 2% increase. This is a decrease from 3%; this eliminates eight staff positions. Even with the cuts, there are a number of factors that have not been decided.

Simmons noted that collective bargaining with each of the six unions will take place; the Teachers Union to meet first. The School Department will attempt to cover positions through attrition and unless we reach common ground, the School Department will need to look at additional staff reductions.

Simmons suggested that it will not be surprising that they may be in a position later next month to suggest a lower percentage increased budget. All expense budgets are level funded or reduced with exception of Transportation. The bus contract has increased slightly; the other exception for an increase is in Special Education. The reduced service budget was voted by the School Committee and this includes the following:

- Elimination of two elementary school teachers
- Elimination of a half time SPED kindergarten teacher
- Elimination of half time SPED kindergarten paraprofessional
- Reduce the Gifted and Talented Specialist to 60 FTE
- Elimination of a half time guidance counselor at the high school
- Elimination of a half time guidance counselor at the middle school
- Elimination of a math teach at the high school
- Elimination of a technology specialist position

Finally, word from the Governor's Stimulus Bill still needs clarification and although recommendations have been made; the Legislature has to approve these things. Simmons suggested that the impact of the stimulus money has not produced the result we were hoping for. Simmons spoke of the new special education money, \$450,000. One half of the money must be spent for programs not currently in existence.

In summary, the School Committee must move forward with the budget process. A public hearing was held, a budget was voted, they will also appear before the Finance Committee and they will be prepared to recommend a budget at the upcoming Annual Town Meeting.

Corona recapped the budget process and all the uncertainties; she asked about hiring staff and what happens when the stimulus money is gone.

Simmons spoke of the Special Education Stimulus Package and starting programs that are cost efficient later; he spoke of the Autistic Program in Easton through grade five and how we need to proceed into the higher grades. Simmons suggested that this is a perfect opportunity.

Colton spoke of Local Aid and the \$1 million swing; we are going to have significant impacts. He has been working very closely with the Superintendent on the budget issues.

Barlow spoke of the discouragement of being in a budget crisis after passing an override; she asked what the reductions will mean to the children in Easton as far as guidance, technology, etc.

Simmons noted that all the reductions were made very carefully and noted that student enrollment continues to increase.

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Corona noted for the record that the Selectmen understand that this is a very preliminary budget.

In closing, Simmons suggested that he doesn't believe that cutting eight positions will be the end of this.

Corona thanked the School Officials for coming in.

Brockton Interfaith Community/Nehemiah; Town Owned Development Sites

Acting Director of Planning & Community Development Alice Savage and BIC/Nehemiah Partnership Representative Carol DeLorey were present.

DeLorey gave some background information on the BIC/Nehemiah Partnership. After completion of homes built in Brockton for their residents, people in Easton asked if BIC/Nehemiah could bring something similar to the Town of Easton. Since that time, DeLorey met with many people involved within many religious organizations and they agree that we need homes that people can afford to buy. Each home looks like a two family home. She spoke of the application process; applicants have to be approved for a mortgage, they must have good credit and go through first time homebuyers program. The lottery process was discussed. Condo fees were also discussed.

Savage spoke of the two lots being considered for development and the process involved in choosing them. Easton's Affordable Housing Production Plan was certified as being in compliance in 2005. Last summer, Savage started looking through all of the Town owned parcels to see if any lots were feasible. The Land Use Agent physically checked twelve parcels for development potential. Two seemed to be suitable for development; 12A Highland Street and 249 Prospect Street. At this point in time, CPA funds are being considered to perform pre-development activities such as surveying, percolation tests and preparation of preliminary plans to develop two family homes on each lot. The CPA Committee has approved the initial funding for the two lots; a Town Meeting vote is required. With Town Meeting approval, CPA funds would be used for a survey plan and a percolation test. They also would confirm the wetland lines. If the perk tests failed, the development would not move forward.

Savage noted that the Town would not sell the parcel until it was approved for a comprehensive permit. The Town would want to get credit under the Affordable Housing Plan for the affordable units. Savage stated that these are parcels obtained by tax title; we did not spend money on these parcels to purchase them.

Savage clarified that to qualify for a mortgage for one of these homes, the homeowner must earn less than 80% of Area Median Income; this is approximately \$62,900 or less to qualify for a family of four.

Colton asked if there is opportunity for local preference. DeLorey stated that 70% of the units can be restricted for local preference.

Corona asked about the experience in Brockton and how that's been. DeLorey replied that it's been wonderful, very successful. The homes have nice looking flowers and swing sets in the back yards.

BIC/Nehemiah Member John Phinney of 25 Coughlin Road was present and spoke of his involvement and support of the BIC/Nehemiah project. He compared the project's similarity to

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other Habitat for Humanity projects. Phinney spoke of how nice it is to see how happy people are to have these homes.

John Morley of 112 Randall Street reiterated that BIC/Nehemiah is a nonprofit organization.

Gail Ziniti of 253 Prospect Street spoke of her residency in Easton for 37 years on Prospect Street. She asked about the zoning and if this is still considered a residential area. Corona explained the comprehensive permit process and how 40B developments can be built in residential areas. Ziniti expressed concern with the lot on Prospect Street and its proximity in the Hockomock Swamp area. She noted the concern with water in basements and suspects that this is a very wet area of town. Corona explained that this part of the process seeking CPA funds to help the Town find out if the lot is feasible for building a home. Ziniti again questioned the zoning and noted how the Town is usually strict about this.

Judy Matheson, owner of 12 Highland Street spoke of the lot next to her (12A Highland Street) which is being considered for development. Matheson noted that her family has lived in the Town and have been taxpayers for over 60 years. Matheson suggested that the strip of land in question has always been deemed unbuildable. After listening to the presentation, Matheson suggested the proposed structure would be an eyesore. She asked if anyone has considered the impact of all the people living on this lot and the impact of others in the area. Matheson suggested that so much attention has been given to BIC/Nehemiah group proposal and not the people who have lived here their whole lives. Corona responded that although she understands the concern, she doesn't agree with the comments that this will be an eyesore.

DeLorey responded to Matheson and explained that this is not a tenement home proposal; the people who live in the home will be homeowners and they will be just as proud of their home as any other homeowner. She agreed with the water concerns and stated that they will not build and flood someone else's property.

Dorothy Fulginiti of 78 Elm Street asked what the options would be for the two parcels if BIC/Nehemiah doesn't move forward. Corona responded that the Town is in an economic crisis right now. Under the 40B laws, our existing bylaws don't apply. What's appealing about this proposal is that the Town has some control over what the building will look like. The Town can say that we don't want things be waived under this proposal such as setbacks, etc.

Janet Matheson, a resident of E. Bridgewater stated that she and her family grew up at 12 Highland Street. Matheson expressed the same concern as Ziniti with the cellars filling up with water. She asked why BIC/Nehemiah can't rehabilitate foreclosed properties instead of building two new homes.

David Thomas, a resident of E. Bridgewater also expressed concern about the lot next to 12 Highland Street. Thomas suggested there wouldn't be enough room for both the home and parking. Thomas suggested that the land will not perk because of the wetlands and the parking would be a disaster. Thomas also suggested that the building as proposed wouldn't fit in with the rest of the neighborhood.

A Prospect Street resident asked for clarification of the proposed amount of floors for each home. DeLorey distributed proposed pictures.

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Haederle asked if the proposed new homes would have basements. DeLorey stated that that each home would have full basements. Heating systems and washer and dryer hook ups would be accommodated.

Haederle asked Savage if they had looked at suitability for planning purposes. Savage said yes.

A Prospect Street resident asked the maximum number of proposed parking for each unit. DeLorey suggested two parking spots for each unit.

Joe Zuniti of 253 Prospect Street asked if the Town has record of how many times the parcel has been perk tested and hasn't perked. Corona noted that the Town's proposal now is to see if this land can be perked; the Town couldn't rely on a test that may have been done 20 years ago. Savage suggested that she had no record of perk tests previously done on the parcels.

Michael McKenna of 10 Highland Street noted that the lot on Highland Street is an Aquifer Protection Zone and asked if the Town has considered this issue before proposing to building on the lot. Corona noted the different regulations under 40B and stated that we have to look into this; this is part of the whole process.

Sandra Anderson of 14 Highland Street stated that she lives right in back of the parcel proposed on Highland Street and is concerned about parking with this proposed building. She proposed to put a gate at the end of her driveway because people use her driveway now to turn around. She commented on the land in Brockton and how it was ugly and suggested that this piece of land on Highland Street is not ugly and the proposed building would be an eyesore. Corona referenced some development next to Anderson's property and asked what will be built next to her now. Anderson is not sure and is inquiring with the town hall departments; it may be a proposed one story dwelling.

Corona noted that the Town of Easton, as landowners, has rights to build and that is why the abutters were notified and we have the right to look at proposals and look to see if these parcels are suitable for building. Again, the Applicants have to qualify for a mortgage; they have to pay their mortgage just like everyone else that owns a home. If this proposal moves forward, we can incorporate some concerns into the agreement.

Anderson asked for the addresses of the homes built by BIC/Nehemiah in Brockton so she can see the homes. DeLorey agreed to give her the property addresses.

Aubrey Wry of 14 Highland Street suggested that the water is a problem. He asked for the proposed dimensions of the house. DeLorey distributed copies of the plan dimensions.

Brian Wager 12 Highland Street commented that this parcel is a wildlife sanctuary and suggested that the peace of mind of the neighborhood is in jeopardy. This new home will be boxing the area, taking away the country out of the neighborhood.

Corona referenced the open space parcels acquired by the Town of Easton through CPA funds. Property owners have rights and we do not have control over some of the building in Easton. This land must be investigated to see if it is suitable.

Haederle spoke of the acres of conservation areas in Easton which is much greater than other communities.

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Michael McKenna of 10 Highland Street asked how the lots were chosen. Corona noted that these parcels came up on the tax title list.

The process of Town Meeting was discussed.

Cable Advisory PAC

Chairman Paul DiNicola was present to briefly update the Board on the status of the cable negotiations. With respect to the studio, Comcast is getting out of the business. Verizon is in the process of installing fiber. Even though the fiber is connected, the Town will not be connected universally at the same time. Most of the area by the end of this year, underground areas will take up two to four years.

DiNicola requested people that would like to join the new non profit organization, contact him or others on the committee to be part of the non profit, the Board that will run the station. They will be the Directors and will do the hiring. How the money is paid was discussed. Colton spoke of the need for separation; you can't have a governmental body running the television station.

Cohen asked the status of the Comcast studio. Corona noted that it's still being used under the current contract. DiNicola noted that Comcast has other plans for the building. DiNicola noted that they we will be looking for a new studio location.

Budget update

Colton referenced the budget memo back in February which includes wage freezes, health insurance changes, etc. See the attached budget memo dated April 6, 2009. Unfortunately, the situation is worse and presently the projected deficit is \$2, 287,365 with no progress made on the union concessions that he's asked for. Town meeting is in May and health insurance open enrollment begins May 1st. If we assume that we have no agreement on wage freeze and health insurance concessions, we need to find another way to close the gap. The School Department has reduced their budget increase to 2%. Reduction in weekly clerical hours from 35 to 28 is proposed as well as laying off as many as six firefighters and five police officers.

Colton added that hopefully we can continue with negotiations but reiterated that drastic measures may be necessary.

Corona spoke of the devastation regarding the budget and at a time when we need services the most, we are in a situation where we need to lay off. Corona hopes that the discussions continue. If the negotiations are achieved, the School Department also has six unions to negotiate with.

Barlow asked for a recap of the health plan change. Colton explained doctors visit co pays from \$15 to \$25; prescriptions drugs will increase. Barlow compared this to the private sector. Colton spoke of the Group Insurance Commission and the tiered programs; we could go to MIIA; going out on our own is not an option. Barlow asked about stabilization. Colton noted that this hasn't changed.

Haederle spoke of the private, non profit and governmental sector decisions and the examples of how organizations are dealing with this. He suggested there is a lot of ways to preserve jobs and suggested that union leaders look to this. Corona noted that the last thing we want to do is lay people off.

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Colton noted there are no extra people; no extra police officers or firefighters. We don't want to have to reduce staff but it gets to the point where we get to dangerous levels when we reduce public safety.

King asked about the unions and if they give concessions are they likely to save their positions over another position in another union. Colton noted the difficulty in considering this and it depends on the money in the budget.

Cohen asked about the cut to the Board of Health Department and asked if we can function without losing accreditation or having a problem down the road.

Colton stated yes, the way he has designed the new department, he believes it can function very well. We are changing the reporting requirements of the management; not losing the ability to do inspections.

Corona agreed, we will still have a Health Agent and septic inspections will continue. It was noted that building permits have decreased.

Fire Chief Tom Stone was present and replied that if we were to lay off three firefighters; we would revert back to staffing levels of 1987. We cannot keep pace with the calls. Any calls will have a serious impact on the residents as well as the ones that are trying to do the job if there are cuts as proposed. Corona agreed and she doesn't want to support laying off these firefighters. This situation is unprecedented.

Colton noted that it may sound like we are singling out the unions but the cuts are across the board.

Chris Aker, President of the Police Union was present and that that the union has reached a road block but they haven't shut the door. Part of the problem, is that without guarantees, it's hard for the union to make the concession. We also have two officers getting deployed to the Middle East. Aker suggested that the cuts to the Police Department will be detrimental. He asked what other department has taken a 20% hit. Corona explained that other departments are not large enough to take a 20% hit. Corona doesn't want to make the cut either. Colton noted that this is why he proposed to cut the clerical by 20% of the hours across the departments at Town Hall; this is significant.

Shovel Shop 40R discussion

It was noted that the Turner Brothers are moving forward with the 40B process and they have sent a request to determine if we want to continue to discuss the 40R concept.

Chair Christine Santoro was present and noted that this discussion came up at the last Planning Board meeting. The consensus of the Planning Board was that if the Selectmen and other boards want to come together and consider this. The Planning Board would consider the 40R. There has to be participation of the developer and other Boards for this to work.

Corona noted she received several calls today and noted that we don't know what will happen with the 40B; the only way we could reconsider the 40R is if the project changed considerably.

Barlow suggested that the collaborative effort is a key part of the 40R process. She would like to know if there is something different.

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Haederle noted that it is unfortunate that they are not here tonight; he would like to be open minded but without knowing, it's difficult to move forward.

Colton noted that the Turners pulled out of the 40R process and they chose the 40B route. Corona asked what the Board thinks about Colton speak with the Turners tomorrow and see if there is any change.

King doesn't see any basis to change anything seeing what he's seen tonight. Corona doesn't feel there will be significant changes.

Corona suggested that if it is the consensus of the Board that nothing has changed, the Board would agree not to do anything.

Cohen disclosed that the Turners are close personal friends; he has stayed out of this as much as possible. Cohen noted that it is their land, they paid money for it; they are willing to take chances and he sees no risk to the Town by closing the door. We should give them every opportunity to come back and discuss it.

Corona noted that the Turners had the opportunity during the process and went forward with the 40B.

King asked if Colton is comfortable calling the Turners to find out what their intentions are. Colton agreed. He can ask if they want to negotiate something that is good for the Town.

Santoro again noted that the Planning Board is open to looking at the 40R if the Board wants them to do that; preservation of the buildings is the most important aspect.

Corona noted that she got calls from the Historical Commission members and they are open to a changed project.

Voted: (Haederle/Barlow) voted unanimously to determine the Turners' intentions of the change and if it is substantial, to move forward with considering this substantial, if not, it is a closed door

FY08 Analysis of Ambulance Services

There was no action or discussion on this item.

Acceptance of Conservation Gifts of Land – Lots 6 & 6A Josie's Way

The Conservation Commission requests that the Selectmen accept the gifts of land, known as Lots 6 and 6A Josies Way; off Howard Street.

Voted: (Haederle/Barlow) voted unanimously to accept the Conservation Gifts of Land

Annual Town Meeting warrant

A draft of the town meeting warrant was referenced and briefly reviewed by the Board.

Planning & Zoning Board Alternate appointment

Voted: (Cohen/Haederle) voted unanimously by roll call to appoint Peter Deschenes of 236 Depot Street to the Alternate Position on the Planning Board (term expiration 6/30/2010) *Cohen-Deschenes; Haederle-Deschenes; Corona-Deschenes; King-Deschenes; Barlow-Deschenes*

Fair and Affordable Housing Partnership appointment

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Voted: (Cohen/Haederle) voted unanimously by roll call to appoint Carl Rispettoso of 185 Purchase Street to the Fair and Affordable Housing Partnership (term expiration 6.30/2010)
Cohen-Rispettoso; Haederle-Rispettoso; Corona-Rispettoso; King-Rispettoso; Barlow-Rispettoso

Minutes

Voted: (Barlow/King) voted unanimously to approve general minutes dated 3/9/09

Voted: (King/Barlow) voted 4-0-1 to approve general minutes dated 3/23/09 (Cohen abstained)

Transmittal of requested zoning amendments to the Planning & Zoning Board

Voted: (Barlow/King) voted unanimously to refer the requested zoning amendments back to the Planning Board for a public hearing

1. Map Change. To formally adopt a new zoning map, which has been created with GIS, to replace the old zoning map created with AutoCAD, and to update the Flood Zone to reflect the latest Flood Insurance Rate Map (FIRM).

2. §11-2 Stormwater Management. To update the Stormwater Management provisions of the Zoning By Law to comply with new FEMA regulations, and to reference the most recent FIRM.

3. Omnibus Typo Corrector and Clarification Amendment. A number of typos and inaccuracies appear in the Zoning By Law. The Planning & Zoning Board would like to amend these in a single article. An example is in §7-3 of the Zoning By Law, the text refers to road "depth" when it should say road "width."

Arbor Day Proclamation

Corona read the 2009 Arbor Day Proclamation.

Voted: (King/Cohen) voted unanimously to approve the Arbor Day Proclamation

Town Administrator's notes

None

Press notes

None

Selectmen's notes

None

Public participation

None

Voted: (Haederle/King) voted unanimously to adjourn (9:55pm)

Respectfully submitted,

Mary Southworth