

**Board of Selectmen
Meeting Minutes
5/11/09**

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

Review of departmental budgets

Water Enterprise Fund \$2,374,760

DPW Director Wayne Southworth was present and gave a brief explanation of the Water Enterprise Fund for FY'2010.

CPC presentation of warrant articles

CPA Chair Patricia Hunt was present and gave a brief presentation of the following warrant articles.

ARTICLE 14. AMEND FY 2009 COMMUNITY PRESERVATION BUDGET

Voted: (Barlow/King) voted unanimous to recommend Article 14

ARTICLE 15. REPORT AND FY 2010 BUDGET OF THE COMMUNITY PRESERVATION COMMITTEE

Voted: (Barlow/Cohen) voted unanimously to recommend article 15

ARTICLE 16. COMMUNITY PRESERVATION COMMITTEE PROJECTS

Corona recused herself as she is a Trustee of the Oakes Ames Memorial Hall (OAMH). She left the room and did not participate in discussion or vote. (7:20pm)

Cemetery Commission Chair Melanie Deware was present to explain the Cemetery Commission's request for projects. OAMH Trustee Fred Ames was present for the discussion.

Voted: (Haederle/Barlow) voted 4-0-1 to recommend Article 16 (Corona abstained)

Corona returned at 7:25pm.

ARTICLE 17. ACQUISITION OF LAND ON BAY ROAD

There was no action taken on Article 17.

ARTICLE 18. ACQUISITION OF LAND ON MASSAPOAG AVENUE

Hunt explained the Mayflower Estates property. There was no action taken by the Board and it was noted that the Finance Committee has not made a recommendation on this article.

Transfer of Class II license from Easton Gas & Convenience Store, Inc., 200 Washington Street, Easton, MA to S.R.T. Easton Gas & Convenience Inc., dba Easton Gas (five display vehicles)

Applicant Sarwat Basha was present. Haederle read the notice of hearing into the record.

Corona noted the outstanding issues such as proof of workers compensation insurance and submission of the required bond.

Basha noted five cars for display. Corona confirmed there is no expansion proposed at the site.

Voted: (Haederle/King) to approve the license transfer contingent upon resolution of the workers compensation and the required bond

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1
2 One day liquor license/fee waiver request – Natural Resources Trust (NRT)

3 NRT Acting Executive Director Ed Hands was present.
4

5 **Voted:** (King/Barlow) voted 4-0-1 to approve a one day beer and wine license for the Old Fashioned
6 Barn Dance on June 6, 2009 from 7pm-11pm at the new Jaycees Stable Barn, 307 Main Street, Easton
7 subject to the NRT requesting a police and fire detail (Haederle abstained)
8

9 **Voted:** (Corona/Barlow) voted 4-0-1 to approve the fees related to the event (Haederle abstained)
10

11 *Budget Presentation*

12 Board of Health (BOH) Members Roger Kligler and Robert Kane were present to discuss the BOH
13 budget.
14

15 Corona noted that Colton is responsible for putting together the proposed budget each year. Kligler asked
16 if the health needs of the town were considered when putting the plan forward to eliminate BOH
17 positions. Corona explained that the plan doesn't take away the Health Agent but it takes away the
18 department head. Kligler stated that nobody asked what the needs were or what the BOH does before the
19 proposal was put forward. Kligler stated that Colton asked the department to come up with \$84,000 in
20 new revenue which is what was being cut as an alternative to cutting the Health Director position. Kligler
21 noted that they took this to heart; set up a new fee structure; another proposal was put forward and he got
22 the message that he would have to convince people of what was needed.
23

24 Corona asked about the new fees. Kligler referenced the new fees proposed within the BOH budget.
25 Corona asked for clarification of what fees were charged in the past. Kligler acknowledged that they were
26 not charging as much as possible. Kligler talked about the understaffing of the BOH and expressed
27 concern that they will not be able to meet the regulatory obligation. Six years ago, restaurants were not
28 being inspected; with the current staffing, we are now able to service the town in an adequate way; all
29 restaurants are being inspected properly. After looking at all the fees, they looked at the cost of delivering
30 the service. The department was subsidizing; not charging the full level to support the services. Kligler
31 noted that Town Administrator rarely attends BOH meetings and gives guidance. Corona noted that
32 Colton has spoken to the Health Director numerous times about raising fees. Haederle spoke of the
33 resistance over the years. Kane objected and stated there has not been resistance. Over 50% of the
34 budget was being funded by fees. Kane suggested that outsourcing is not the answer. Kane noted that
35 with the new budget proposal, they would have to go to the Building Inspector because the inspectors will
36 be working in the Inspectional Services Department, not the Board of Health. Kligler suggested that this
37 is not a good model for the BOH. Kane spoke of a time when he used to do perk tests and he had no
38 expertise as a BOH member to do so. Corona noted that the Public Health Agent will be responsible for
39 the BOH.
40

41 Colton referenced the job description of the Director of Public Health. This employee reports to the
42 Town Administrator and the Board of Health for various reasons. Many administrative things are
43 reported to the Town Administrator and the Director of Public Health reports to the BOH for policy
44 direction. The new plan would have a full time Public Health Agent with the same reporting scheme for
45 policy with the BOH and administration issues will be reported to the Building Inspector. This will
46 relieve him or her a myriad of responsibilities and allow the time for public health issues. By combining
47 the two departments, we are able to reorganize the management and save money. The town is facing
48 globally calamity. On Monday morning, there will be hearings to lay off four police officers; days later
49 there will be hearings to lay off six firefighters. People could ask if he evaluated public safety. Colton
50 noted that he has analyzed this over the years. These are things he normally wouldn't do except for the
51 extreme nature of the budget. None of this is ideal; it is not a perfect world. We don't have as much

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1 money as we had July 1st; Local Aid was cut this year; we were able to cover the cut without going back
2 to town meeting. Colton suggested that the cuts are real for this budget; nobody is exempt.

3
4 Colton spoke of the issue of raising fees and referenced the meeting with Kligler and staff regarding
5 raising fees. The Board of Health came to him with the option of a Revolving Fund, which is illegal; the
6 second suggestion was to raise the fees. Colton reviewed the proposed fee structure with the Town
7 Accountant and she had many questions regarding the sustainability of the fees. The Department of
8 Revenue (DOR) reviews all fees and the DOR will look very hard at any estimated fees that show a great
9 jump in one year. The Town Accountant believes this will be a problem with the DOR. Colton noted
10 that in FY'08, he asked the Director to raise fees and increases were rejected. Colton attended the BOH
11 meeting in FY'09 and it was not approved; this is not the first discussion of raising fees.

12
13 Kligler spoke of the many points that he disagrees with the Town Administrator about. Kligler spoke of
14 the Offset Revolving Account. Corona noted that the initial request was for an Enterprise Fund. Kligler
15 stated that he doesn't claim to really know how the different funds work. Kligler noted that he was trying
16 to think outside the box and come up with fee ideas. Kligler referred to the current Health Director's role
17 with that of the proposed Public Health Agent. He feels the current Health Director is grossly underpaid;
18 he has credentials that are very important. He understands issues involving the BOH. The Health
19 Director has been working with the Department of Public Health regarding Eastern Equine Encephalitis;
20 he gave them suggestions on where to spray. Another Health Agent would not have suggested this.
21 Another example of the importance of the Director's credentials is that during a routine food inspection at
22 a local supermarket, it was found that an independent contractor was preparing sushi on site, which he
23 was permitted to do, but he was transporting the sushi to another supermarket in another town; the permit
24 issued to the independent contractor was for onsite only. The Director made the supermarket manager and
25 the contractor aware that this license was for onsite only and the transporting of the sushi stopped. They
26 were not aware that the transportation was not permitted and they thanked the Director for the
27 information. Kligler explained that the Director also worked with a local swimming pool facility in town
28 that was using a training program with their lifeguards that did not meet state law. He worked with them
29 to ensure that the lifeguards have the proper credentials to meet state law. Kligler noted that the Director
30 is a top level employee and suggested that we will not get this knowledge with another employee.

31
32 Corona noted that the budget has not been voted. She spoke of all the budgets and agreed that it is the
33 members' job to advocate for the BOH. Corona noted the horribly difficult job of balancing a budget right
34 now. The proposal does not eradicate the Health Agent's role in food inspections etc, it takes away duties
35 like human resource issues.

36
37 Kligler noted that he was elected to advocate for public health and that is why he is now on the BOH. He
38 spoke of the time spent trying to understand this budget process. He spoke of a time when they used to
39 have a revolving account and that was taken away. He feels that the Selectmen are making a tremendous
40 error and it will affect the entire town. The amount of administrative work the Director does is small; the
41 BOH gets orders from a different agency, not from the Board of Selectmen. Kligler spoke of the training
42 process and how they leave and go to other towns. Kligler suggested that someone with fewer credentials
43 may get us in trouble.

44
45 Haederle asked what evidence we have that the Health Agent will not have the same credentials. Kligler
46 suggested that that the salary would be less.

47
48 Corona noted that by making the change, we consolidate the department and get rid of some
49 administrative duties.

50
51 Kligler questioned the savings and suggested that the numbers do not add up. Colton noted the savings of
52 \$81,250 for next year as put forward by the Town Accountant. Kligler said he understood the Board's
53 difficult position and they are looking to raise fees. He wants to see a win- win situation and that's why

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1 they have spent so much time working on this plan. Kligler asked that they move forward and asked that
2 someone meet with them and review the fee proposal and save the BOH personnel. Kligler asked that the
3 BOH be considered as a safety department like the Police and Fire Departments. Kligler spoke of the
4 undercurrent and suggested that people are upset and they will express this at town meeting

5
6 Corona noted that it has been suggested that the town is eradicating the Board of Health and this is not the
7 case; there will still be the Board of Health. There will be the same services provided except the
8 administrative services of the Director.

9
10 Colton disagreed with Kligler's comment and stated that he never thought anyone was making up
11 numbers to balance the budget.

12
13 Kane gave an example of a case of hoarding at the housing complex. Kane went to the premises and he
14 called the Fire Department and the Police Departments; they were cooperative. Corona asked if the BOH
15 Director came; Kane replied no, he was able to handle this issue as a BOH member.

16
17 Robert Miles of 24 Allen Road was present and spoke of the letter he sent advocating for the BOH. He
18 asked if Saucier has been demoted or fired. Miles spoke of the news report of the pilot that lost control of
19 plane and crashed. Miles stated that we want someone with qualifications, not just on paper. Corona
20 noted that we can't speak to that issue; we have to list the qualifications and hire accordingly.

21
22 Colton noted that we just cannot get into this; we can't make these decisions based on personalities; we
23 have to look at the job. It is a disservice to the process and it's not fair to look at personalities.

24
25 Haederle suggested that they will look forward to debate at town meeting.

26
27 Kligler asked if Article 5 will be discussed at the May 18th or June 8th town meeting. Corona and Colton
28 confirmed June 8th for Article 5. Kligler asked to meet with Corona to review the numbers. She agreed.

29
30 Kane noted that they can reach the same financial point without costing the town money and be at the
31 same level and have a better Health Department. We can meet this with fees.

32
33 Miles asked if the School Department hired a personal trainer last year and if that position is still being
34 funded. Corona noted that this is not under the Selectmen's purview. Corona suggested Miles pose that
35 question to the School Committee.

36
37 NASR Jewelers – 285 Washington Street/annual license renewal

38 **Voted:** (Haederle/Cohen) voted unanimously to approve Junk Dealer's License renewal

39
40 One day liquor license requests – Stonehill College (3)

41 Corona referenced the three one day licenses as requested by Stonehill College:

42
43 *One day all alcohol license for the Ames Family reunion at Alumni Hall on June 19 2009 from*
44 *7pm – 11pm*

45 *One day all alcohol license for the Ames Family Reunion to be held at Alumni Hall on June 20,*
46 *2009 from 6:30 – 10:30*

47 *One day beer and wine license for an athletic dinner to be held at Alumni Hall on September 12,*
48 *2009 from 5pm – 11pm*

49
50 **Voted:** (Haederle/King) voted unanimously to approve three one day licenses as requested

51
52 No Easton Police Department detail is required for the events.

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1 Memorial Day Parade

2 Colton read the announcement for the parade schedule for Monday, May 25th beginning at 2pm from the
3 Church Street cemetery.

4
5 Congressman Lynch Staff Member Nicholas Zaferakis Open Office Hours

6 Colton announced the office hours for Wednesday, May 13th beginning at 11am in the Mary Connolly
7 Meeting room at the Easton Town Offices.

8
9 Change orders for the high school stadium project

10 *Heimlich Landscaping & Construction Corporation Change Order #1*
11 No discussion or action taken on this item.

12
13 *Heimlich Landscaping & Construction Corporation Change Order #2*

14 Colton explained the change order request in the amount of \$7,650.

15 **Voted:** (King/Cohen) voted unanimously to approve Change Order #2

16
17 *Heimlich Landscaping & Construction Corporation Change Order #3*

18 \$2,850

19 Colton explained the change order request in the amount of \$2,850.

20 **Voted:** (King/Barlow) voted unanimously to approve Change Order #3

21
22 Proposal to change the tax billing process

23 Colton explained the proposal to save money on printing and postage by sending one bill with two
24 payment coupons.

25
26 Corona asked if this has been instituted in other towns and if there was a drop off in payments in doing
27 so. Colton noted that it is done in other towns without a problem.

28
29 King asked if we lose any interest by doing this. Colton stated no, payments are still paid quarterly.

30 Barlow asked if the banks that collect tax money for the homeowners get the same type of bill. Colton
31 stated yes.

32
33 Budget update

34 Corona attended a meeting on Friday in Boston about the budget situation. The budget continues to get
35 reduced at the state level. The state is not looking at a turnaround until 2014 and the next budget will be
36 worse than the worse case scenario.

37
38 Colton agreed it is bad and we don't know now bad until we get the state budget. Corona reiterated that
39 we put money away for years and now we are in this situation.

40
41 Haederle asked what percentage of our budget comes from the state. Colton replied 20%. Haederle noted
42 that these are real numbers and real jobs.

43
44 Colton added that pension and health insurance costs are up.

45
46 Corona noted that the state is looking at raising revenues.

47
48 *Selectmen*

49 Colton explained the Selectmen's budget and noted that all the town's office supplies have been
50 consolidated and the funds are now in the Selectmen's budget. Colton referenced his 3% raise in his
51 employment contract and he has decided to forgo this increase. A revised contract will be submitted for
52 the Board's consideration.

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1 *Town Counsel*

2 Colton explained the Town Counsel budget and the reduction proposed.

3

4 *Veterans*

5 Colton explained the increase in the Veterans budget. The Veterans are allowed more under the law and
6 we get reimbursed by the state.

7

8 *Debt & Interest*

9 Colton explained the Debt and Interest budget.

10

11 *Other General Government*

12 Colton explained the Other General Government budget.

13

14 Appointments to the Human Rights Committee

15 **Voted:** (Corona/Barlow) voted unanimously by roll call to appoint Dawn Richardson of 15 Forest Edge
16 Road to the Human Rights Committee

17 *Cohen-Richardson; Haederle-Richardson; Corona-Richardson; King-Richardson; Barlow-Richardson*

18

19 **Voted:** (Corona/Barlow) voted unanimously by roll call to appoint Edmund Hands of 20 Purchase Street
20 to the Human Rights Committee

21 *Cohen-Hands; Haederle-Hands; Corona-Hands; King-Hands; Barlow-Hands*

22

23 Recreation Commission resignation – Kathleen DeGrandis

24 **Voted:** (Cohen/Haederle) voted unanimously to accept DeGrandis' resignation. A certificate of
25 appreciation has been prepared for the Board's signature.

26

27 Annual Town Meeting warrant review

28

29 ARTICLE 1. ACCEPTANCE OF ANNUAL REPORTS

30 **Voted:** (Cohen/Haederle) voted unanimously to recommend Article 1

31

32 ARTICLE 2. PRELIMINARY REPORT OF THE SPECIAL ACT CHARTER COMMITTEE

33 **Voted:** (King/Haederle) voted unanimously to recommend Article 2

34

35 ARTICLE 3. REVOLVING FUND FOR CONSERVATION COMMISSION

36 **Voted:** (King/Barlow) voted unanimously to recommend Article 3

37

38 ARTICLE 4. REVOLVING FUND FOR PLANNING AND ZONING BOARD

39 **Voted:** (King/Barlow) voted unanimously to recommend article 4

40

41 ARTICLE 6. SUPPLEMENT FISCAL YEAR 2009 BUDGETS

42 Colton explained the recommendation of \$200,000 to help the deficit in the Snow and Ice budget.

43 **Voted:** (Barlow/Haederle) voted unanimously to recommend Article 6

44

45 ARTICLE 8. PERSONAL PROPERTY EXEMPTION

46 Colton explained the recommendation submitted by the Board of Assessors.

47 **Voted:** (Barlow/Haederle) voted unanimously to recommend Article 8

48

49 ARTICLE 9. APPROPRIATION OF FUNDS FOR SEXUAL ASSAULT SURVIVOR AND PREVENTION
50 SERVICES

51 **Voted:** (King/Barlow) voted unanimously to recommend article 9

52

53 ARTICLE 19. APPROPRIATION AND AUTHORIZATION TO EXPEND CHAPTER 90 FUNDS

54 **Voted:** (Haederle/King) voted unanimously to recommend Article 19

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1
2 ARTICLE 20. INCREASE IN COLLECTOR'S DEMAND CHARGE
3 **Voted:** (Barlow/Haederle) voted unanimously to recommend Article 20
4
5 Article 40.
6 **Voted:** (King/Haederle) voted unanimously to recommend Article 40
7
8 ARTICLE 41. AMENDMENT OF CHAPTER 50 OF THE CODE OF THE TOWN OF EASTON
9 RELATIVE TO NONCRIMINAL DISPOSITION OF VIOLATIONS
10 **Voted:** (Cohen/King) voted unanimously to recommend Article 41
11
12 Town Administrator's notes
13 None
14
15 Press notes
16 None
17
18 Selectmen's notes
19 None
20
21 Public participation
22 None
23
24 **Voted:** (Corona/Haederle) voted unanimously by roll call to go into executive session for the purpose of
25 discussing litigation and negotiations, not to return to open session (9:00pm)
26 *Cohen-yes; Haederle-yes; Corona-yes; King-yes; Barlow-yes*
27
28 *Respectfully submitted,*
29
30
31 *Mary Southworth*
32
33