

**Board of Selectmen  
Meeting Minutes  
5/5/08**

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, Charles King, Ellen Barlow and Town Administrator David Colton

Members not present: Irwin Cohen

Corona called the meeting to order at 7:00pm

One day liquor license request – Easton Rod and Gun Club

Ken Sterling was present representing the Easton Rod & Gun Club. No detail is required by the Easton Police Department.

**On King's motion, seconded by Haederle**, the Board **voted unanimously** to approve the one day liquor license for the annual Father's Day Barbecue to be held on June 15, 2008 from noon - 5pm at the Easton Rod and Gun Club.

Contract amendments 34 & 35 – Oliver Ames High School Project

Project Manager Tony Iaccarino was present. Corona referenced the Lions Club Recognition Night and the fact that Municipal Building Committee Chairman, Bob Langway, was recognized for his hard work and dedication. She also complimented Iaccarino for a job well done.

Iaccarino referenced the contract amendment and suggested that a few more changes will be necessary.

**On Haederle's motion, seconded by Barlow**, the Board **voted unanimously** to approve Contract amendment #34 in the amount of \$138,332.80.

*Amendment #35*

Iaccarino explained the asbestos conditions resulting in over \$100,000. There will be one more contract amendment in the future for asbestos.

**On Haederle's motion, seconded by Barlow**, the Board **voted unanimously** to approve Contract Amendment #35 in the amount of \$195,973.15.

Contract amendments 21, 22, 23, 24 – Easton Middle School Project

#21

**On Haederle motion, seconded by Barlow**, the Board **voted unanimously** to approve Contract Amendment #21 in the amount of \$99,151.39.

#22

King asked about the additional curb cuts.

Iaccarino explained for the additional curb cuts and handicapped spaces.

**On King's motion, seconded by Barlow**, the Board **voted unanimously** to approve Contract Amendment #22 in the amount of \$72,060.65.

#23

Corona asked about the roof repair. Iaccarino spoke of the cost cutting that was necessary which included the removal and replacement of the existing rubber roof during the bid process. He spoke of the leaks through the seams and the need for repair. Barlow asked how old the roof is and how much time the repair would give us. Iaccarino suggested the roof to be 15 years old and further suggested that the roof repair may buy us 2 years. Iaccarino spoke of the expense of a completely new roof.

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**On Barlow's motion, seconded by King,** the Board **voted unanimously** to approve Contract Amendment #23 in the amount of \$77,883.66.

#24

**On King's motion, seconded by Barlow,** the Board **voted unanimously** to approve Contract Amendment #24 in the amount of \$13,165.60

### One day liquor license/fee waiver request - Natural Resources Trust of Easton, Inc.

NRT Executive Director Pat Hunt was present. As a member of the NRT Board, Haederle excused himself, left the room and did not participate in discussion or vote. (7:15pm).

Hunt explained the square dance fundraiser to be held in the barn. She has spoken with the Building Inspector and a fire detail will be present. The fundraiser will include live music on 6/7/08 from 7-11pm. Corona spoke of the fee waiver request.

**On Corona's motion, seconded by Barlow,** the Board **voted unanimously** to approve the fee waiver associated with the fundraiser.

**On Barlow's motion, seconded by King,** the Board **voted unanimously** to approve the one day liquor license.

Haederle returned at 7:15pm.

## ANNUAL TOWN MEETING WARRANT REVIEW

### ARTICLE 12 – AMEND FY'2008 COMMUNITY PRESERVATION BUDGET

Hunt explained Article 12, amending the FY'08 budget.

Corona asked what the committee is predicting for next year. Hunt suggested that the state will not be giving 100% match next year; we may be looking at 65%. She spoke of the legislative moves to keep the match at 75% but she is just not sure how realistic this is. Hunt referred to the report submitted by the Town Accountant.

**On Barlow's motion, seconded by King,** the Board **voted unanimously** to recommend Article 12.

### ARTICLE 13 –FY'2009 BUDGET OF THE COMMUNITY PRESERVATION COMMITTEE

Hunt spoke of the amount to either spend or reserve. Hunt noted that the statute limits the Administrative budget to 5% and they have been budgeting accordingly. She spoke of the costs of engineering, etc. Corona asked about projects for this year. Hunt spoke of WW Memorial project; they are hoping to help fund two recreation projects but unfortunately they just received reports that the property is not suitable for recreation. They are looking for a parcel that will host two fields for a reasonable price. The CPA Committee is actively working with Recreation Commission and they will take another look at the Henderson property on Bay Road.

Barlow spoke of the Affordable Housing Trust and questioned if CPA Committee would consider helping with the funding. Hunt suggested that they will have a meeting to discuss this but currently, no housing projects exist. They are hopeful that the Affordable Housing Trust Fund will be helpful in finding projects to fund. She spoke of the Historical Commission and the projects they would like to move forward. Corona asked if we have a system in place to open and close an application process. Hunt suggested that an application may restrict the process. The CPA Committee currently has an open process where something can be submitted any time. Corona suggested that with the application, it helps filter out what is eligible or not eligible. For historic preservation, there are certain criteria that must be followed. Hunt noted that the May Institute Home just opened.

King referenced the Dean Street purchase a few years ago and at the time, the parcel was looked at for possible recreation walking trails. He questioned if this been looked at since that time. Hunt suggested that this parcel was primarily purchased for conservation purposes.

**On Haederle's motion, seconded by King,** the Board **voted unanimously** to recommend Article 13.

### Cable Advisory Committee Update

Cable Advisory Member Howard Miller was present to give an update of the cable negotiation process. In 2007, the committee was developing a budget; a model to follow for cable negotiations. They held a hearing in 2007 and they requested the help of UMASS Dartmouth to help with the information. The RFP went out in February and the timeframe was extended and extra fifteen days beyond the thirty day requirement. The response did come back mid April. The next step is to negotiate within 120 days which brings us to the middle of August. The committee may ask the Selectmen for help through the process. Corona asked that they negotiate a good deal for the town.

### Contract award – Badger Meter, Inc., for water meters

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Colton explained the ongoing replacement meter program and referenced the recent bid opening and the low bid results with Badger Meter.

**On Barlow's motion, seconded by King**, the Board **voted unanimously** to approve the contract with Badger Meter as presented.

### Contract award – Amory Engineers, Inc. Dam Inspections

Colton spoke of the proposal to report on the condition of Long Pond Dam as required by DEM. Corona noted that the state is being very aggressive. Colton noted that the dam has some issues, including overgrowth of trees and there is concern during windstorm or hurricanes.

**On Haederle's motion, seconded by King**, the Board **voted unanimously** to approve the contract with Amory Engineering. (\$32,000)

### Review of departmental budgets

#### *School*

School Committee Members Caroline O'Neill and Jane Martin were present.

The total school budget as proposed is up 5.8% \$30,568,476. She spoke of some of the personnel changes and other highlights of the budget. See attached information. She spoke of the change in staff beginning this fall and the impact of the budget.

O'Neill pointed out that Easton is 6<sup>th</sup> from the bottom per pupil spending although Easton continues to do a good job. They feel that the budget request is a modest one. She spoke of the initiatives proposed for this new fiscal year. The likely increase in the bus contract next year was discussed.

Corona spoke of the biggest increase with respect to utilities. Corona asked about enrollment and noted that the twelfth grade size this year is the exact same size as the kindergarten class this year.

Barlow asked the average in terms of class size, K-3 vs secondary. O'Neill noted that they focus on keeping class sizes small as possible, especially at the early levels.

Martin noted that the class sizes are not changing significantly. K-1 are looking at low 20's and we want to keep it this way. 4<sup>th</sup> and 5<sup>th</sup> grades may be more like 24 or 25. They are still managing to keep them at a good low level.

Barlow also asked about the energy audit which was discussed a few years ago. O'Neill noted that they've seen a preliminary report but not a final report. She spoke of the consultant involved and suggested that the ideas were expensive. Haederle spoke of the prices that continue to increase each year and suggested if the costs continue to increase, they may be looking at laying off teachers. Barlow asked to see a copy of the preliminary report. Corona noted that we need to put together an Energy Conservation Committee so that we can see some savings and possibly some grant money. Haederle asked about our busses and suggested that we use clean fuel busses. Martin agreed with Corona, we need to look collaborative throughout the Town. O'Neill suggested that Assistant Superintendent Mike Green is looking at potential savings in the future. The architects have talked about some of the green initiatives but the costs are so great, they don't have a lot of optional alternatives. Corona suggested that towns are now just starting to really focus on this.

King asked for clarification of the role of Adjustment Counsel as proposed in the budget. O'Neill noted that the counselor works with children that may have family difficulties and/or psychological issues which may have an impact on the school along with the student itself. These counselors are trained to work with children in the secondary age group to help access their needs from a psychological standpoint. Most often, they have a master's degree in social work or masters in adjustment counseling. The latter has lower requirements. They can reach out to families and teachers

Barlow asked about the playground situation at the Richardson/Olmsted School. She noted this not part of the Capital Budget and people are saying that they will not vote for the stadium because they are not getting a playground. Martin suggested that we need to separate the issues.

**On Haederle's motion, seconded by Barlow**, the Board **voted unanimously** to recommend the School Department budget as presented.

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### Stonehill College warrant article presentation – Home Rule Petition granting a special license for Alcoholic Beverages (Article 31)

Tom Flynn, General Counsel for Stonehill College, Chief Tom Kominsky, Chief Tom Stone, and Building Inspector Mark Trivett were present.

Colton explained the Home Rule Petition for the special liquor license. Colton referenced Stonehill College's request to expand their licensed locations on campus and noted the numerous one day liquor licenses that they currently apply for. The Town could use up a great number of its liquor licenses just at the Stonehill location so it was thought that a Home Rule Petition this was the best way to approach this issue.

Flynn suggested that this is proposed as a cooperative approach with the Town of Easton.

They currently have one liquor license at the College. Corona asked how many buildings are used for functions. Flynn suggested approximately 12 locations. Corona spoke of the concept of not using all the Town's liquor licenses so that the new restaurants still have a chance to get one. Haederle asked if other colleges have gone this route. Flynn suggested that it doesn't happen a lot but Stonehill feels that this will work best for their situation.

Barlow asked if there is a mechanism so that the Town knows what activities are going on throughout the year.

Flynn noted that there is already good communication between the Town and Stonehill and they would propose to continue this. He spoke of Stonehill's events calendar and they would share this with us.

King asked if the Town would lose fees. Colton noted that this would have to come back to the Board and a fee would be assessed. Haederle asked to hear the Chiefs speak on this issue.

Chief Kominsky agreed that there is good communication between the Town and Stonehill College. Three of Stonehill's officers are our specials for the Easton Police Department. Kominsky suggested that a copy of the calendar of events would be helpful. Flynn agreed to provide this information.

Chief Stone suggested that the events have been pretty well controlled. Stone questioned if there is a blanket license and if the Board will still have jurisdiction if something needed to be addressed. Stone referenced the requirement to do inspections of facilities that hold liquor licenses. The Fire and Building departments have to do separate inspections and a certificate must be issued each year. Flynn noted that the locations would be defined so that the officials could rely on this information. Corona stressed the need for a firm list from the college even on the outside chance you would hold a function. Stone suggested that even when you grant a one day license, the applicant must provide the certificate of inspection. Trivett noted the state building code does provide for inspections and Stonehill has been very cooperative during the process. The events staff recently had fishing and technology expositions and if they set up tents, they always get the tent permits so he doesn't see this problematic. This is a way to ensure that any alcohol venue has the proper certificates. Flynn agreed that this all makes sense and they can work within these limits. They are talking about 12 or so buildings.

**On Barlow's motion, seconded by King, the Board voted unanimously to recommend Article 31.**

### Discussion regarding Development Agreement

Developer Douglas King was present.

Colton referenced the most recent version of the Development Agreement. Corona noted that the comments from boards and committees have been incorporated into the agreement.

The basic purpose of the agreement is so that if the zoning bylaw is approved at town meeting, we can be sure that the project that Developer King is promoting is the one that he gets the permits to build. This development also gives an outline of the mitigation, specifically the Depot Street fire station. The agreement spells out the addition of a bay to the station plus a complete renovation of the station on Depot Street. This is the preferred location for a fire station per the Fire Department. The Board reviewed Exhibit D, the floor plan and the list of renovations. Colton spoke of all the exhibits. Exhibit C is the phasing – the traffic improvements have to go through the MEPA process and Mass Highway. Barlow asked about the phasing, specifically how long for each phase. Developer King anticipated approximately 1 year for each phase. Corona asked about the value of the fire station. Colton suggested \$600,000 and he noted that it needs to be completely renovated. Haederle asked about title five issues. Colton was not sure but noted that there would need to be an inspection. Colton spoke of the sewer system as proposed by Developer King. Stoneforge and Queset on the Pond will be connected to the wastewater treatment plant. There will be two new 55 gallon leaching fields outside zone 2. That should take care of all the development plus Stoneforge and Queset on the Pond. Colton further noted that the third leaching field may be partially located in zone 2. This may be offered to the Town as use as sewer treatment plant. Colton spoke of the educational piece to be mailed to residents at the developer's expense. Again, the traffic improvements will be included. Exhibit F

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shows the full build mitigation. This agreement also includes the welcome sign and codifies the limits of the project. All of the apartment units will count toward the Town's affordable housing inventory excluding the assisted living, approximately 158 units.

Corona recapped that this site will be developed and we have negotiated a comprehensive agreement. We would not get this as a 40B; there are huge financial benefits. Corona noted we need 624 houses to get this benefit from a 40B project and questioned where we would even put these houses. This also gives us a minimum of two years to say no to other 40B developments if the 40R is passed. Pharmaceuticals are more likely in septic systems than in a treatment plant. Haederle noted that this is a public health concern, but not specific to Easton; Haederle noted that the wastewater treatment plan is not in zone 2.

Barlow added another environmental benefit and referenced a Taunton watershed meeting that she attended and noted that we are keeping the groundwater in this area because of this low impact development as proposed. Colton agreed and spoke of the stormwater plan as proposed and suggested it to be very "green". This is a tremendous leap forward in technology as proposed. Corona suggested that an alternative plan at this site would include septic, not a wastewater treatment plant. Corona thanked Colton for the negotiations to date with Developer King.

Selectman King spoke of the quality of life issue and suggested that we should welcome our elderly; the affordable housing element is critical. He also suggested the design as proposed will be a wonderful development.

Haederle suggested that this is a big project for the Town. The public should be aware that we will hear from others at Town Meeting and the Board of Selectmen takes their responsibility very seriously. Haederle further commented that we have been protecting our natural resources and specifically spoke of the recent award that the Town received for its water compliance and quality.

Colton asked Developer King for final comments. Developer King noted that we are two years into this project and the different aspects of the project will benefit the Town. He feels that the Town did a good job. Colton spoke of the economic advantage and one of the things that they want to do is broaden the base and bring in the commercial aspects. Secondly, we have the letter from DHCD stating that the Town will be entitled to \$350,000, a zoning incentive payment once the project is approved.

**On King's motion, seconded by Barlow, the Board voted unanimously to approve the agreement.**

Corona asked the Board's permission to draft a letter and send out an announcement regarding the Board's support of this project. The Board agreed and thanked Developer King and Colton. Colton noted the team effort involving many individuals and boards. Corona also thanked Marc Rousseau.

### Appointment of Election workers

**On Barlow's motion, seconded by King, the Board voted unanimously by roll call to appoint J. Jacques Tremblay, 7 Roosevelt Circle, Unit #300 as an election worker.**

**Barlow-Tremblay; Haederle-Tremblay; Corona-Tremblay; King-Tremblay**

**On Barlow's motion, seconded by King, the Board voted unanimously by roll call to appoint Laetitia Tremblay, 7 Roosevelt circle, Unit #300 as an election worker.**

**King-Tremblay; Barlow-Tremblay; Haederle-Tremblay; Corona-Tremblay**

**On Corona's motion, seconded by Barlow, the Board voted unanimously by roll call to appoint Rose Palano, 85 Summer Street as an election worker.**

**Corona-Palano; King-Palano; Barlow-Palano; Haederle-Palano**

### Annual Town Meeting warrant review (continued)

Marc Rousseau was in attendance to discuss articles relating to land use or zoning.

The Board took a brief recess at 8:55pm reconvened at 9:00pm.

### **ARTICLE 8. AMEND ZONING MAP**

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

### **ARTICLE 9. AMEND ZONING BY-LAW: QUESSET SMART GROWTH OVERLAY DISTRICT**

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

**ARTICLE 17. AMEND ZONING BY-LAW: DEFINITION OF FRONTAGE**

On Barlow's motion, seconded by Haederle, the Board voted unanimously to recommend Article 17.

**ARTICLE 18. AMEND ZONING BYLAW: ZONING BYLAW DEFINITION OF PARKING SPACE AND THE REQUIREMENT FOR A STANDARD SIZED PARKING STALL**

On Haederle's motion, seconded by King, the Board voted unanimously to recommend Article 18.

**ARTICLE 19. AMEND ZONING BY-LAW: REGULATION OF RELIGIOUS AND EDUCATIONAL USES**

On King's motion, seconded by Haederle, the Board voted unanimously to recommend Article 19.

**ARTICLE 20. AMEND ZONING BYLAW: RESIDENTIAL COMPOUND SECTION**

On Barlow's motion, seconded by King, the Board voted unanimously to recommend Article 20.

**ARTICLE 21. AMEND ZONING BYLAW: REFERENCE TO SIGN DESIGN STANDARDS**

On Haederle's motion, seconded by King, the Board voted unanimously to recommend Article 21.

**ARTICLE 22. AMEND ZONING BYLAW; SITE PLAN APPROVAL SECTION XXX**

On Haederle's motion, seconded by King, the Board voted unanimously to recommend Article 22.

**ARTICLE 23**

No action was taken on this article.

**ARTICLE 24 – ACCEPT PROVISIONS OF CHAPTER 43D OF MGL**

Colton explained the process of expedited permitting specifically for the former Belcher Foundry property. Colton noted that this will help us get the money to streamline the process for the entire town. The right to appeal the Planning Board decision still exists. Rousseau further explained the application development process. King suggested that the process may be counterintuitive. Corona stated that this doesn't change the zoning of the parcel; it gives 180 days to either grant or not grant for a specific permit. Colton noted that it doesn't relieve the project of any state permitting process.

On Barlow's motion, seconded by Haederle, the Board voted unanimously to recommend Article 24.

**ARTICLE 26. AMEND ZONING BYLAW: SECTION 7-14**

On Haederle's motion, seconded by King, the Board voted unanimously to recommend Article 26.

**ARTICLE 28. STREET ACCEPTANCE: OLDE STABLE LANE**

On Haederle's motion, seconded by King, the Board voted unanimously to recommend Article 28.

**ARTICLE 29. STREET ACCEPTANCE: BLUE HERON LANE**

On Barlow's motion, seconded by Haederle, the Board voted unanimously to recommend Article 29.

**ARTICLE 30. STREET ACCEPTANCE: JUSTIN DRIVE**

On Barlow's motion, seconded by King, the Board voted unanimously to recommend Article 30.

**ARTICLE 5.**

No action was taken on this article.

**ARTICLE 10 . FY 2009 OPERATING BUDGET**

Colton noted that all the budgets have been approved individually.

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

**ARTICLE 11. FY 2009 CAPITAL BUDGET**

As an officer of the non profit group for the stadium project, Haederle recused himself, left the room and did not participate in discussion or vote (9:18pm)

Colton explained the Capital Budget request and listed the line items as listed in the warrant. \$1,903,900 is the Town Administrator's recommendation. Additional items will be brought forward in the fall.

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**On Barlow's motion, seconded by King,** the Board **voted unanimously** to recommend the Capital Budget in the amount of \$1,903,900.

Haederle returned at this point of the meeting. (9:22pm)

**ARTICLE 14. REPLENISH CONSERVATION FUNDS FOR LAND MANAGEMENT EXPENDITURES**

No action was taken on this article.

**ARTICLE 16. APPROPRIATION FOR FINANCIAL ACCOUNTING SOFTWARE**

No action was taken on this article.

**ARTICLE 25. CENTRAL STREET RECONSTRUCTION PROJECT PERMANENT EASEMENTS**

Colton explained the Central Street easements.

Colton referenced the rights of ways needed for the sidewalks and gave an update on the project. The expected time of completion is the fall.

**On Barlow's motion, seconded by King,** the Board **voted unanimously** to recommend Article 25.

**ARTICLE 34. FUND SICK-LEAVE/VACATION BUYBACKS FOR TOWN CLERK AND ASSISTANT ASSESSOR**

Colton explained the two employees retiring as of 6/30/08. Being long time employees, they are eligible for sick leave and vacation buyback. The estimated amount is approximately \$64,000 for both employees.

**On King's motion, seconded by Haederle,** the Board **voted unanimously** to recommend Article 34.

Discussion regarding Ground Lease for Ames Free Library of Easton, Inc.

Colton referenced the ground lease as submitted by the Library Board of Directors. The garden restoration project was discussed.

**On Barlow's motion, seconded by King,** the Board **voted unanimously** to approve the ground lease as submitted. (see attached)

Special Act Charter Committee

Corona noted three citizens have asked to be appointed and the Board has discussed previously whether to amend the charge to three members.

King agreed with the change to three members and doesn't feel it to be appropriate to have a Selectmen member involved. The Board was in favor of the proposed change.

**On Corona's motion, seconded by King,** the Board **voted unanimously** to amend the charge to consist of three members.

**On Corona's motion, seconded by King,** the Board **voted unanimously by roll call** to appoint Stephen Merlin of 42 Columbus Ave to a one year term.

**On Corona's motion, seconded by Barlow,** the Board **voted unanimously by roll call** to appoint Robert Carvin of 5 Ramblewood Drive to a one year term.

**On Corona's motion, seconded by Haederle,** the Board **voted unanimously by roll call** to appoint Alexander Maller of 30 Rollins Road to a one year term.

South Coast Rail Decision discussion

Corona noted we were informed that Easton did make the short list with Stoughton, Middleboro and Attleboro. We will continue to voice our opposition and remain watchful of the train project.

Barlow suggested that we should make clear if there is any way of knowing what the cost will be to the Town of Easton. We will be charged a portion of the project costs. She spoke of the non binding ballot question and suggested that the questions may have been too vague. Colton clarified that the referendum question was to ask if the Town should expend funds to oppose the Stoughton Alternative if the states proposes it. Barlow asked if there has been an update on the financial discussion on how the towns will be charged. Colton did not have any new information but questioned how they could tax us.

Minutes

**On King's motion, seconded by Barlow,** the Board **voted 3-0-1** to approve general minutes dated 4/18/08. **Haederle abstained.**

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### Town Administrator's notes

None

### Press notes

None

### Selectmen's notes

Corona spoke of Water Division Open House and the great event. She noted the great posters submitted by the students and thanked Jack Marsh, Wayne Southworth and the entire Water Division staff for their work.

Haederle asked if Colton got a response from his letter to Stonehill College. Colton indicated that he has not heard anything yet. Haederle complimented Colton on the well written letter.

### Public participation

None

**On Haederele's motion, seconded by King**, the Board **voted unanimously** to adjourn at 9:40pm.

*Respectfully submitted,*

*Mary Southworth*