

**Board of Selectmen
Meeting Minutes
7/28/08**

The Board of Selectmen met this evening at the Easton Town Offices, Selectmen's Office, 136 Elm Street, with John Haederle presiding.

Members present: John Haederle, Charles King, Ellen Barlow, Irwin Cohen and Town Administrator David Colton

Members not present: Colleen Corona

Haederle called the meeting to order at 7:00pm

One day liquor license request – Easton Rod & Gun Club

Applicant Andrew Salisbury was present and explained the request for the one day all alcohol license for the Annual Clam and Lobster Boil on September 7, 2008 from noon – 5pm at the Easton Rod and Gun Club – 112 Howard Street. Two members of the Easton Police Department will be present; no other detail is required.

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

Amend 2008 Selectmen's license fees to include Junk Dealers license fee

Colton noted that we are beginning to get applications for junk dealer licenses. In most cases, they are requesting the license for scrap metal, mostly jewelry. Colton explained that since we haven't issued a license of this type, a fee must be established. He suggested \$50.

Haederle motioned to establish the license fee of \$50. **Cohen seconded the motion.**

Barlow asked if the \$50 fee is comparable to other towns. Colton suggested that the suggested fee is in line with Easton's other fees.

The Board **voted unanimously** to approve the fee of \$50.00

Application for Junk Dealers License – Dean Weinstein dba JD Enterprise

Applicant Dean Weinstein was present. Weinstein explained the license request to buy and sell precious metals such as jewelry. Colton referenced the town's bylaw. Barlow asked if the granting of the license would entail changes to his property with respect to equipment, etc. Weinstein responded that he has listed his home address for the office; there is no need for any equipment, etc.

Board members asked about the comment submitted by the Police Department. Colton explained the requirements submitted as part of the bylaw.

On Haederle's motion, seconded by King, the Board voted unanimously to approve the Junk Dealers license with the following conditions:

The dealer must maintain a 14 day holding period on all transactions; (Police Dept.)

Photo copies of picture identification shall be taken for all those who sell any item; (Police Dept.)

A list of all transactions shall be submitted to the Easton Police Detective Bureau within one week of the transaction; (Police Dept.)

The applicant can acquire precious metals and jewelry but cannot actually operate a "junk yard" as defined in the Town of Easton Zoning By-laws; (Inspectional Services)

One day liquor license requests (2) - Stonehill College, Inc.

Stonehill College, Inc., submitted the following one day beer and wine license requests:

Welcome Back Mixer, August 30, 2008 from 9pm to 1am at the Sally Blair Ames Sports Complex

Halloween Mixer, October 31, 2008 from 9pm to 1am at the Sally Blair Ames Sports Complex

On Haederle's motion, seconded by Cohen, the Board voted unanimously to approve the licenses.

One day liquor license request – Sodexho at Stonehill College

Sodexho requested a one day beer and wine license for a luncheon on August 16, 2008 from 1-4pm at the Martin Institute.

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

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Contract amendment #25 – Easton Middle School Project

Haederle referenced the contract amendment in the amount of \$38,872.96.

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

Amendment #13 to Gilbane Contract – Additional Project Management Service

Haederle referenced the proposed amendment to the Gilbane contract for addition project management services in the amount of \$22,900.

On Haederle's motion, seconded by Barlow, the Board voted unanimously to the contract amendment.

Council on Aging Appointment - Jean Shearing

Haederle referenced Ms. Shearing's volunteer form.

On Haederle's motion, seconded by King, the Board voted unanimously by roll call to appoint Shearing to the Council on Aging.

Cohen-Shearing; Haederle-Shearing; King-Shearing; Barlow-Shearing.

Contract with Camp Dresser and McKee, Inc. – Annual Landfill Maintenance Contract

Haederle referenced the annual agreement for landfill maintenance at the former landfill on Prospect Street. Barlow asked if that landfill can ever be used for any other purpose. Colton suggested yes, it's possible; this happens in other parts of the state but there are no current plans to do anything other than to continue monitoring.

Cohen asked if the gas is dissipating as time goes on. Colton suggested this to be the case.

On Haederle's motion, seconded by Barlow, the Board voted unanimously to approve the contract \$52,500.

Appointment of Election Workers

See the attached list of proposed election workers (slate).

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

Commission on Disabilities resignation – Jon Gilmore

Haederle referenced Mr. Gilmore's recent resignation. The Board acknowledged Mr. Gilmore's service to the commission and noted a certificate of appreciation will be prepared.

Request to lock into rate for natural gas contract

Haederle referenced the Town Accountant's request to allow the Town Administrator to lock into a rate and sign the contract when the best rate is available. Colton explained how the rates change hourly and the rates are lowering now; over time, the rates will rise and we will want to lock in the rate for as long as possible.

On Barlow's motion, seconded by Haederle, the Board voted unanimously to authorize the Town Administrator to lock in the rate and sign the contract.

Minutes

On King's motion, seconded by Barlow, the Board voted 3-0-1 to approve general minutes dated 5/5/08. **Cohen abstained.**

On Barlow's motion, seconded by King, the Board voted unanimously to approve general minutes dated 6/2/08.

On King's motion, seconded by Barlow, the Board voted unanimously to approve general minutes dated 6/16/08.

On King's motion, seconded by Barlow, the Board voted 3-0-1 to approve general minutes dated 7/14/08.

Haederle abstained.

Meeting with Cable Advisory Committee to discuss cable license.

DiNicola explained the need to update the Board with the status of contract negotiations with Comcast. The 120 days will expire soon and the proposal submitted by Comcast was inadequate. Colton, members of the Cable Advisory Committee and the town's legal advisor, Peter Epstein met with Catherine Maloney from Comcast. DiNicola explained the inadequacy of Comcast's proposal and suggested that Comcast is unwilling to change their position, specifically the lack of studio as part of their proposal. Consequently, the committee feels that the Selectmen should formally deny their proposal. DiNicola also noted that he is meeting with Comcast one more time tomorrow evening to see if there is going to be any change in progress. He suggested that Comcast feels that Easton doesn't need an adequate studio.

Haederle asked about ramifications to the townspeople if we deny the proposal. DiNicola explained that there is no new contract but they are required to continue with the current contract through November. DiNicola suggested that

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the town cannot progress the way we wish to without a studio. Haederle specifically asked if there will be an impact on the television stations currently offered. DiNicola suggested no changes now.

Colton clarified that cities and towns issue licenses to cable providers and they must be licensed. As part of that license, public access television that is provided; this is how we get channel 9; televised meetings and community events. The licenses are typically 10 years long and our license with Comcast is up in November. Previously the companies would provide the studio and staff the studio as part of the license. Comcast has made a corporate decision to not provide space or employees to run the studios, they are putting this back on the cities and towns. Comcast suggests that if we want to provide coverage for public meeting, it is up to us. We have asked them to provide through the fees, enough resources to provide a well funded cable access not for profit corporation to establish a studio hire staff and recruit volunteers for the recording of meeting and sporting events, etc. This would also include upgrade of equipment and cameras. They have not come close to offering any of this. We are required by August 15th to accept or reject the proposal; this is the last scheduled meeting of the Board before that date. The Cable Advisory Committee is asking us at this time to reject Comcast's proposal. Comcast can come back and offer us more but so far they have not been willing to do this. DiNicola spoke of Verizon coming into town and things will be changing; there will be more competition.

King asked what our situation is now with respect to Verizon. DiNicola stated that we started the process of having other applicants come in. The only response to date has been from Verizon. The next step is to issue an RFP to Verizon and we will go through a similar process as Comcast; submitting our requirements and they will respond accordingly.

Barlow asked if this is an either/or situation, specifically if this is a bargaining tool they are using with the competition of Verizon and other companies coming in. DiNicola suggested that we will put out similar conditions for Verizon; we need to keep an equal playing field. DiNicola spoke of the educational piece which is important to the whole community.

Cohen asked if homeowners can choose which company will provide service. DiNicola suggested it will be up to the individual household to decide who they want to provide their cable service; Comcast will still be able to offer service.

Barlow asked about the funding shortfall and if other communities nearby are facing the same situations. DiNicola suggested that other communities are looking at this like a community issue; they also expect to have a studio in their own community. Members of the Cable Advisory Committee have talked to other nearby community representatives and the feeling is that they would like to have their own studio. Sharing a studio is a bigger challenge.

Barlow stated that it is extremely important to have the studio and she fully supports standing firm on getting subsidization for this. Barlow asked there has been any progress in getting Boston news vs. the Providence news. DiNicola explained that it depends on what town you are in, different towns pick up different signals. This is an FCC ruling, not an issue with Comcast.

In closing, DiNicola suggested that if something changes after he meets with Comcast, he will come back before the Board.

On Haederle's motion, seconded by Cohen, the Board voted unanimously that the Board of Selectmen, in its role as statutory Issuing Authority for the Town of Easton, is hereby issuing a preliminary assessment of denial of Comcast of Massachusetts Inc.'s cable television renewal proposal to the Town of Easton, dated April 16, 2008. The Board of Selectmen authorizes the Town Administrator to issue a written statement of reasons within fourteen (14) days of tonight's vote, in accordance with 207 CMR 3.06 (3), detailing the reasons for its preliminary assessment of denial.

The Board thanked the Cable Advisory Committee for all their hard work. DiNicola thanked the Selectmen and Colton for their support.

Town Administrator's notes

Colton submitted the attached report on the solid waste and recycling program for the period January 2008 through June 2008. A new brochure will go out this week promoting our town sponsored program. He referenced the spreadsheet with the town's recycling tonnage by vendor.

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In summary, people participating in the town program are recycling at a higher rater. The town program participants are responsible for 75% of the recycling going on in this town. Colton spoke of recycling and the fact that the costs to participate in the various programs are identical but the benefits of going to Waste Management and recycling is a benefit to everybody. The competitors do not promote recycling as much as much as the town's vendor, Waste Management. Colton suggested the unveiling of a single streaming recycling very soon; you will no longer have to separate recycling. Glass paper, cardboard and other recyclable materials will be put into one container instead of having to separate. This new information will be placed on the town's website.

Press notes

None

Selectmen's notes

None

Public participation

A citizen was present and asked about Shovel Shop 40R proposed hearing. Colton noted that the Selectmen voted a tentative date for this evening and we are not at the point of moving forward. This may come up on a future agenda.

Executive Session

On Haederle's motion, seconded by King, the Board **voted unanimously by roll call** to go into executive session for the purpose of discussing litigation and labor negotiations, not to return to open session. (7:45pm)

Haederle-yes; King-yes; Barlow-yes; Cohen yes

Respectfully submitted,

Mary Southworth

APPROVED

DATE