

**Board of Selectmen
Meeting Minutes
1/30/06**

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, Colleen Less, Irwin Cohen and Town Administrator Martha White.

Chair Colleen Corona called the meeting to order at 7:00pm.

Introduce new Police Officer Keith Boone

Chief Tom Kominsky and new officer Keith Boone were present. Kominsky gave Boone's background and noted Boone's lifelong Easton residency. Boone was transferred from Provincetown. Kominsky noted that we always prefer to choose the best officer when a vacancy occurs; this candidate was the best and happens to reside in Easton also. It was noted Boone has been a special officer in Easton for four years.

Continuation of Public Hearing for Class II Application – Hiway Motors Inc., dba Hiway Motors
356 Turnpike Street, Easton, MA (76 vehicles for display)

Attorney Michael Sites and applicant Joseph Gaultier was present. White noted that this hearing was continued in December 2005 to allow for approvals by Planning Board and Conservation. Board of Appeals approval is no longer needed because the expansion is no longer proposed. White noted Planning Board will be giving final approval of the site plan this week. Sites gave background on the business location. He noted Gaultier's previous experience with respect to buying and selling motor vehicles. Sites confirmed that all other approvals have been given by the necessary departments. King asked Gaultier about his experience of day to day business at South Easton Motor Sales. Gaultier noted it will be run the same day.

On Less' motion, seconded by Haederle, the board voted unanimously to approve the Class II license for 76 vehicles subject to final approval by the Planning Board.

Bond Anticipation Note for water tank painting

Collector/Treasurer Teresa DeSilva was present. White noted the water tank painting project and the need to issue the bond to pay the contractor. White referred to the interest obtained through Eastern Bank.

On Haederle's motion, seconded by King, the board voted unanimously to approve the bond note sale of \$550,000 3.60 percent Bond Anticipation Notes of the Town of Easton dated 2/3/06 and payable 10/20/06 to Eastern Bank at par and accrued interest.

Supplemental agreement #1 to contract with Dankris Builders Corp (construction of well pumping station #7)

White noted the \$4,440.54 reduction in cost to the contract associated with the construction of well pumping station #7.

On Cohen's motion, seconded by Less, the board voted unanimously to approve supplemental agreement #1 to the contract with Dankris Builders Corporation.

Contract approval – Air Graphics for the Easton Middle School project

White noted the need for the contract for printing work associated with the middle school renovation project. White noted the low bidder.

On Less' motion, seconded by Haederle, the board voted unanimously to approve the contract not to exceed \$9,973.

Discussion re: Sawmill LIP project

Applicant Nick Mirrione was present. White updated the board on the Sawmill affordable housing project. She noted the original 144 apartment project and the affordable credit to the town. The project proposal increased to 174 apartments. The board discussed the project at the time of the proposed increase. Mirrione is here this evening with a completely different project. Christina Mirrione and Scott Faria of Gallagher Engineer were also present. Mirrione noted the reason he proposed the change. The apartment complex proposal was not working out. Conservation was an issue. Code compliance became quite costly along with the cost of the sewer treatment plan. Mirrione spoke of the 44 unit condominium units for sale, septic, surface parking, and no elevators. The same entrance is proposed, two story town houses, 17 units each consisting of approximately 1,900 square feet with one car garages. The covered bus stop is still proposed and the picnic unit. 44 units for sale condominium project are

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being proposed and Mirrione asked the board to support this LIP project. White noted that the timing of the original project and now this revised one may be helpful in trying to meet the community needs. Corona spoke of the rental needs, she spoke of 2-3 bedroom townhouses needed. Single parents, young families and seniors need affordable units. Mirrione noted that he is currently proposing all 2 bedroom units. Haederle asked what the credit would be for affordable units. White noted that they will need to ensure that we comply with the affordable standards, local preference should be considered. Cohen asked about the price range of the units. Mirrione suggested the market rate units may run \$350,000- \$380,000 and affordable units will be sold in the \$170,000 range. Mirrione noted that they are looking at another traffic study. Mirrione predicts this type of proposal would substantially reduce the traffic impact. The profile of the project is two story townhouses instead of the 3-4 story complex as proposed before. King noted at first glance this may be more appealing but questioned the process and if this should be considered a substantial change. Corona noted that this is the reason Mirrione is before the board this evening. White explained that this should go right to the Zoning Board of Appeals for a determination. White noted that the board has to decide if this is still a LIP and if so is the board still a partner in this project. Corona noted the former proposal and her concerns with that. She is not disappointed with losing the rental units. Corona feels that this proposal will be better for the area residents. White agreed that the former project seemed intensive. White spoke of the two years of protection that project would have given. The goal to achieve the affordable housing aspect is unlikely we could get the protection we would hope to get in the former proposal. Less asked if there is a market for 3 bedrooms. She spoke of the need of some families. Mirrione noted we may be able to make two of the units 3 bedroom units, septic is a concern. Cohen asked for clarification of how many market rate and affordable units are proposed. Mirrione suggested 33 market and 11 affordable units. King asked the board's role this evening. Corona explained the board's decision to decide if we want to continue to partner in this project. ZBA will be the one to decide on the details. Less asked about losing the two years of protection and what the benefit is to partner with Mirrione on this project. White noted the issue of making the project better for the community. White suggested the board could work with Mirrione to make the project help meet some of our community needs because of the partnership. Less asked if our consultant has looked at this yet. White suggested that this new concept should be reviewed by the Housing Partnership. That committee's role is to see that the community's issues are met. Less asked if this proposal should be reviewed by Ed Marchant. White explained that Marchant will review the proposal through the ZBA process. His services are paid for by the developer. Haederle felt that the consultant looked at the bigger proposal very thoroughly. This project is ¼ the size of the original proposal. Haederle suggested the board may want to partner in this project. Less expressed concern that we still address the 3 bedroom issue at this stage. The board discussed at great length the market that may appeal to this type of project. Corona noted that the school impact may be greater but the impact on the neighborhood will most likely be less. Corona noted the advantage to the LIP and suggested that any change to the project has to come before the board for their approval. Mirrione noted that the ZBA will be having them go through all the studies again just like a new proposal. King agreed that just because it is smaller, there still may be some aspects of the development that may need to be looked at.

On Less' motion, seconded by King, the board voted unanimously to partner with Mirrione on the new project. White will be in touch with the Housing Partnership.

Adjudicatory Hearing – Independent Liquors of Brockton, Inc. 503 Foundry Street, Easton, MA Alleged Sale to Minor

Town Counsel Ellen Doucette was present to conduct the hearing. Haederle read the notice of hearing into the record. Chief Tom Kominsky, Officers Leonard Coe and Mark Ferretti were present. Corona asked the audience to have members stand if they would be testifying this evening.

Officers Ferretti and Coe introduced themselves for the record. Doucette asked Ferretti if he was working on 11/7/05. Ferretti replied yes. Doucette asked if he was working his regular shift. Ferretti replied no and explained that they were conducting an alcohol compliance check on convenience stores throughout town. Doucette asked if anyone else participated. Ferretti indicated that he was with Officer Leonard Coe and a 19 year old female, Nicole Berman. Doucette asked how the officers met Ms. Berman. Ferretti indicated that they had met through an acquaintance. Doucette asked how he reviewed the compliance check process with Berman and if they ran a CORI check on her. Ferretti explained the process and the information given to Berman. He stated Berman's date of birth. Doucette asked if certain guidelines were used and if she signed the guidelines and how many were documents were signed. She signed the state form and the Easton Police Department Alcohol Enforcement Guidelines. Ferretti submitted the documents to the board as part of their record. Doucette asked if she was photographed. Ferretti replied yes. Doucette asked about the compliance check process. Ferretti explained the process and Berman understood the procedure. Berman was asked to enter each store with just the money given for the purchase without any identification. If the store requested identification, she was instructed to put the alcohol back and leave the store. Doucette asked what Berman was wearing the night of the compliance check. Ferretti replied a gray sweatshirt and pink sweatpants. Ferretti submitted Berman's photograph as part of the record. Doucette asked what time the compliance check started. Ferretti stated that the check began at 5:30pm, both officers were there together the entire time. Nine establishments were checked. Doucette asked how many establishments Berman was able to purchase

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alcohol from. Ferretti replied only one, Independent Liquors at 520 Foundry Street. Ferretti noted she entered and exited the store within 2 minutes. She purchased a 12 pack of Bud Light without identification. Berman gave a description of the clerk who sold her the beer. The officers then entered the store and found two clerks, one male and one female. The store clerk behind the counter was George Pappas. Mr. Pappas told Ferretti that Berman had entered the store on numerous other times and had identification in the past. He admitted to Ferretti at that time that he sold the alcohol. Ferretti noted that he advised him that he would tell Berman about his comment. Ferretti indicated that Berman had never been in the establishment prior to this time. Haederle asked if Berman said anything to the other clerks that didn't let allow her to purchase alcohol without identification. Ferretti noted she said nothing. Corona asked if they did a breathalyzer on Berman prior to the compliance check. Ferretti noted that this was done and no alcohol registered. There were no further comments from officers at this time. Independent Liquor Manager Maura Carney and Clerk George Pappas were present. Pappas noted that he was not the clerk who sold the beer. Doucette clarified that this opportunity is for the store owner/clerk to question the officers. Carney and Pappas had no questions for the officers at this time.

Carney and Pappas came before the board to answer questions. Carney noted that she takes alcohol beverage serving very seriously. She stated that Pappas did not serve Berman. Carney stated that she hires responsible adults and Pappas is married with three children. All the employees are TIPS trained. Carney noted that Pappas maintained that Berman had been in the store before. Pappas suggested that Berman had been in the store on numerous occasions and has been carded prior to this sale. Pappas suggested that Berman had a familiar look. With TIPS training, you look for certain things like facial structure and suggested Berman is someone that is easily recognized. Pappas stated that he was not the one behind the counter when she was served. Doucette asked Carney about the prior violation and referred to the incident that took place in 2005 and the hearing on 1/24/05 and the suspension at that time. Carney acknowledged the prior violation. Doucette asked about the Assistant Manager that was fired at that time. Pappas replied it was Angela Fruzzetti that was fired at that time. Doucette asked who sold the alcohol to Berman on 11/7/05. Carney replied that Ms. Camerero sold the alcohol to Berman. Doucette asked Pappas what happened that evening, specifically if liquor was sold to someone under 21 years old this night. Pappas said yes. Pappas suggested that in the past, they sold alcohol to Berman after checking her ID which indicated that she was 21. Pappas argued that they have no way to know if the license shown to the clerk is false. Carney referred to the prior violation at her establishment and suggested a false ID was used at the time of that sale. Carney noted the clerk was fired at that time. Corona noted that as part of TIPS training, you need to look for false identification. TIPS training also teaches you that you do not sell alcohol without asking for an ID of someone that doesn't look of age, irrelevant to whether or not the patron was carded in the past. Less noted that if they are under 21, you are not supposed to be able to buy alcohol. Less reiterated that Berman should have been carded every single time, even though you think she was carded prior to. Pappas argued that people may be a regular customer and hypothetically speaking, asked if you expected to card the same customer on the 11th time if they were carded 10 times before. Doucette noted that the issue as to whether she was a regular customer doesn't apply to the Clerk, Ms. Camerero, because she did not know Ms. Berman. King questioned Pappas' comment of Berman's familiar face. He questioned if he had given any indication to the Clerk on whether to serve Berman. Pappas was not sure but acknowledged that Camaro could have looked to him and he could have nodded to serve her. He spoke of the fast paced environment within the liquor store and getting people in and out to quickly serve the next customer. Corona noted that regardless of the circumstances, the minor was sold the alcohol without anyone asking for identification. Pappas agreed. Corona reiterated the importance of TIPS training. Pappas agreed. Haederle noted that he is troubled that the violation took place and that Pappas continues to admit that they have sold to the minor without checking identification. Haederle suggested Berman should have been carded; she looks only 16 years old. Pappas again questioned that if the clerk continues to see the same person again and again, are you expected to continue to card. Corona noted that the issue at hand of serving to a minor. Pappas again noted that Berman had been in the establishment before showing identification saying she is of age. There were no further questions asked of Carney and Pappas. Doucette asked if Ferretti had a rebuttal to Pappas stating he did not sell the alcohol. Ferretti again noted that Pappas and the other clerk were behind the counter at the time of the sale to Berman.

On King's motion, seconded by Haederle, the board voted unanimously to close the hearing at 8:05pm.

On Less' motion, seconded by Haederle, the board voted unanimously to find Independent Liquors in violation of selling to a minor.

Corona referred to the board's policy on penalties. Corona noted that she has issues with the assistant manager not checking to see if they are in compliance. Haederle and the board agreed that they would not like to see less than a six day suspension imposed.

On Haederle's motion, seconded by Less, the board voted unanimously to impose a sanction of six (6) consecutive business days.

Corona noted the 5 day appeal period and suggested 2/20/06 – 2/25/06 as the suspension period. Corona also suggested that they should consider retraining their employees with respect to checking identification.

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The board took a brief recess at 8:05 and reconvened at 8:10pm.

Contract approval for new roof at Tufts Farm

White explained the need for the new roof at Tufts Farm which is owned by the Conservation Commission owned property. \$8,850 is the low bid. This revolving account has enough money to pay for this repair. Haederle noted that this is the first in 15 years and the house needed to use money from the revolving account for repairs.

On Haederle's motion, seconded by Less, the board **voted unanimously** to approve the contract with M. Ness, Inc. dba Dave Ness Roofing in the amount of \$8,850 to be paid out of the revolving account.

Discussion re: Central Street bridge closure

White spoke of the memo dated 1/26/06 (attached). Permits are needed and several temporary and permanent easements are needed before moving forward with the project. Property owners have been notified of a meeting to be held to help explain the need for the easements and the projects. White is hopeful that there will be no costs involved in getting the easements, if there are costs involved, the money would have to be taken out of chapter 90 funds.

Discussion re: Special Town Meeting(STM)/opening of warrant

White suggested that the board hold a STM on 3/6/06 for the purpose of obtaining necessary easements for the Central Street Bridge Reconstruction Project. White noted the meeting warrant must be posted two weeks prior to the date of the meeting. The board will need to approve the warrant at their meeting on 2/13/06. White noted that one of the school renovation projects is need of an additional easement and other minor house cleaning items will be proposed for the 3/6/06 warrant. Corona noted we are not looking for additional items and suggested that items that are non emergency can wait until the annual town meeting in May.

On King's motion, seconded by Less, the board **voted unanimously** to approve the STM date of 3/6/06 and close the warrant Friday, 2/3/06 at noon.

Discussion re: truck traffic on Central St.

White referred to a meeting she had with a property owner of 7 Central Street who also owns the dam. The owner of that property has suggested that the board consider the possibility of imposing a restriction on the roadway to continue to restrict truck traffic after the project is completed. White spoke of the theory that state numbered routes are typically state maintained and it makes sense to keep the truck traffic on a state numbered route (Depot Street). King asked about the input of the Traffic Safety Committee. White noted she did speak with the DPW Director and he shares that logic of keeping the trucks on the state numbered route.

White stated that the town is doing its best to get the word out about the Central Street bridge closure. This information will be included on the most recent water bills that were sent out. Adjustments have been made to the traffic lights in that area to help with the traffic situation. Traffic has been flowing quite well since the adjustment.

Southeastern Regional Services Group (SERSG) Cost Savings Analysis

White referred to the money saved by the multi town collaborative. The bidding is primarily DPW and office supplies. \$14,943 was saved on DPW supplies and services along with time and effort of the bidding process itself. \$140,000 in savings was saved on office supplies. White referred to the recent meeting when the board voted to approve the WB Mason contract because New England Office Supply defaulted on their contract.

Designation of CPA Committee as Special Municipal Employees

White explained that Special Municipal Employees can present or represent themselves in another way, other than their capacity as a town employee or official as long as the business that they are representing does not come before their board.

On Cohen's motion, seconded by Haederle, the board **voted unanimously** to designate the CPA Committee as Special Municipal Employees.

Appointment of Poll Worker

On Haederle's motion, seconded by Less, the board **voted unanimously by roll call** to appoint Charles Quivelaro as a poll worker.

Vote to authorize Snow & Ice Budget over-expenditure

On Haederle's motion, seconded by Less, the board **voted unanimously** to authorize over expenditure of the snow and ice account.

Execute Dispatcher & Clerical Union contracts

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White spoke of the final contracts for Dispatch and Clerical unions. White asked that the board execute the contracts this evening. These contracts have been reviewed by Labor Counsel.

Discussion re: Town Administrator search process

Corona spoke of different options to consider when hiring a new Town Administrator. Executive search firms can be used and Corona suggested it may be worth considering. The Selectmen recently went to MMA annual meeting and a lot of information was gathered. Corona has names of towns that have used consulting firms. Cohen asked if a search consulting firm would be used in lieu of a citizen committee. Corona suggested when narrowing the search to the finalists, citizens and employees may be asked for their input. Haederle suggested there is a lot of benefit and value when considering this option. Citizens can be used at the end of the process. Haederle noted that background checks are very important and the search firm can help with this. Cohen noted his experience with search committees and good people do not apply under certain circumstances. If it is done confidentially through a firm, it is much better. King spoke in favor of this process also. Corona noted that the board should contact other towns to find out what type of process they have used. There is a cost associated with this and it could be up to \$10,000 but feels that the cost is a good investment. Information will be passed on to the board this week.

Approval of Minutes

On Less' motion, seconded by Haederle, the board **voted unanimously** to approve general minutes dated 5/2/05, 5/9/05, 10/24/05, 11/7/05, 11/21/05 and 12/9/05.

On King's motion, seconded by Haederle, the board **voted unanimously by roll call** to approve and release executive session minutes dated 5/2/05.

On Less' motion, seconded by Haederle, the board **voted unanimously** to approve executive session minutes dated 5/9/05.

Public participation

None

Town Administrator's notes

None

Press notes

None

Selectmen's notes

Corona referred to recent MMA meeting and noted the beneficial workshops. All Selectmen and the Town Administrator attended.

On King's motion, seconded by Haederle, the board **voted unanimously** to adjourn at 8:50pm.

Respectfully submitted,

Mary Southworth

Approved

Date