

**Board of Selectmen
Meeting Minutes
2/11/08**

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, Irwin Cohen and Town Administrator David Colton.

Corona called the meeting to order at 7:00pm

Change of Manager Application – 99 Restaurants of Boston, LLC

Proposed Manager Mark Fontneau was present. Colton referenced the application and recommended approval of the change of manager request. Colton referenced Fontneau's recommendation letters. No objections were noted by the Police Department. Corona spoke of the liquor license compliance checks at least twice a year. Corona asked Fontneau if he is TIPS trained. Fontneau stated yes. Corona asked about the level of staff training. Fontneau spoke of the recertification of team members each year. King reinforced the need to comply with the TIPS certification, especially since the 99 Restaurant is located so closely to Stonehill College. Fontneau spoke of the reinforcement they give each day. Fontneau understands the scams the college students will try to use to be served alcohol; the 99 Restaurant wait staff only accepts Massachusetts driver's licenses; any others need to be approved by the manager. **On Haederle's motion, seconded by Barlow, the Board voted unanimously** to approve the change of manager request.

The Board wished Mr. Fontneau well in his new position.

One day liquor license request – Sodexo Catering at Stonehill College

Colton referenced the one day application to serve beer and wine at a dinner on February 14, 2008 at the Martin Institute.

On Cohen's motion, seconded by King, the Board voted unanimously to approve the one day beer and wine license.

Review of initial comments for site assignment for two proposed 40B projects - West Meadow Cottages / Eastondale Cottages

Marc Rousseau, Director of Planning and Community Development was present. Colton referenced his memo from the Development Review Team relative to the two 40B proposals proposed by Developer Nick Mirrione. Colton noted that these are essentially cottage proposals just like the cottage zoning which was not approved at town meeting. Corona noted that because it is a 40B application, the process is different. The only law that can be applied is state law, not town bylaws. Rousseau spoke of the process of going to the Board of Appeals for approval. To the extent that they need Conservation approval, they will abide by state law, not the local bylaw. Cohen asked if this involves W. Bridgewater. Colton state yes. Rousseau noted that both communities must review the application. Corona noted that one of the issues is that they must share the water with W. Bridgewater and Easton's Water Division is opposed to this proposal. King noted that only one of these projects is proposed as part of W. Bridgewater. Corona noted that the comments are very comprehensive. Colton stated that the Development Review Team has done a good job in its review of the proposals. Rousseau noted the 2/29/08 deadline for submission to the state so this is the time to add to the comments if needed. Rousseau noted that mitigation has not come up yet. Corona noted that we will continue to follow the water concern as outlined in the memo. Barlow asked about the mitigation and the process. Rousseau explained that under the bylaw there are more units per acre, this proposal is less. Corona also commended the Housing Partnership for the great job they did with their comments. Haederle noted that even when the cottage bylaw didn't pass at town meeting, he is moving forward just as he said he would.

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King asked Rousseau about the Zone 2 Aquifer Protection Zone. Rousseau spoke of the nitrate loading and the concern for quality of water. King noted a discrepancy in the number of housing units 44 vs. 57. Corona noted it just points out that we are not meeting our affordable housing need.

State Budget Presentation

Senator Brian Joyce, Senator Robert Creedon, Jr., and Representative Christine Canavan were present. See attached budget presentation.

Senator Joyce gave a presentation of the budget and specifically spoke of the 2001 economic downturn which brought some difficult fiscal times in Massachusetts. Looking at the fiscal period 2002 – 2006, state spending was cut by more than \$2.9 billion. State tax collections were discussed. For fiscal year 2008, a breakdown of what the state pays for out of their \$26.8 billion budget was discussed (Debt Service-Pensions; Environment; Public Safety; Human Services, Health Care; Local Aid; Education and Other miscellaneous expenses). Senator Joyce explained that education, local aid and health care are the majority of the state budget expenditures. Haederle asked what percentage of the health care spending is for Medicaid. Joyce, Creedon and Canavan all agreed that the majority of the health care money goes toward Medicaid. Senator Joyce suggested that when the state needs to make significant cuts, they cut everything but local aid and health care. Senator Joyce suggested that despite increases for essential programs, we are still not where we were years ago. The difference between the growth from 2006 and 2008 reveals that there are difficult choices to make. The fiscal 2008 budget was based on a modest project tax revenue growth of only 3%. Senator Joyce suggested that the lottery revenues are still quite abundant. Senator Joyce suggested that the lottery earns more for the state than the Foxwood and Mohegan Sun casinos combined. January revenues were up slightly from last year. The year to date tax revenue as of January 1, 2008 shows that we are right on target.

Governor Patrick just filed the fiscal year 2009 (House 2) Budget totaling \$28.165 billion. This budget includes increases in local aid, an increase in the Payment in Lieu of Taxes (PILOT) Payments and an increase in Chapter 70 aid. Education highlights were discussed in detail. Increases in Universal Pre-Kindergarten and Full Day Kindergarten programs, Extended Learning Time Program, MCAS Support and "dual enrollment" which allow high school students to enroll in college courses are proposed.

Easton's property tax revenue breakdown was shown as commercial, industrial, personal and residential. The state makes up 20% of Easton's spending; the rest is the local taxes and receipts. Some of the other towns get less state funding than Easton. Easton local aid trend from fiscal 2001 to fiscal 2008 was discussed. The proposed House 2 budget increases Easton's local aid by 8% over fiscal year 2008. Easton's local aid breakdown is as follows: 77% for chapter 70 and all education aid; 21% for lottery aid and 2% for other additional assistance such as veterans' benefits. He spoke of special legislation passed to get both the Oliver Ames High School and Middle School renovation projects funded.

Senator Joyce also spoke of money given for other projects such as \$48,000 for the Easton Housing Authority through the Massachusetts Department of Housing and Community Development to replace windows at two properties; \$50,000 grant to the Unity Church from the Massachusetts Preservation Project Fund and \$1.1 million for road repair on Route 123 and Easton Five Corners.

Senator Joyce spoke of Chapter 40R and after confirmation of a smart growth zoning district, the state pays a zoning incentive payment to the town along with other incentives.

The GIC option was discussed and the option for cities and towns to buy their health insurance through the state insurance plan. Senator Joyce suggested that it is important to know that the state faces a lot of the same situations as the cities and towns. The state is also operating with fewer real dollars yet their expenses and costs continue to rise. They continue to seek to make local aid a priority. In closing, Senator Joyce suggested that the fiscal 2009 budget proposal looks good for the Town.

King asked if the Governor is still considering tying in the casino revenue with the extra local aid. Senator Creedon suggested that one of the problems with the Governor's proposal has been inadequate public discussion. Senator Creedon spoke of the initial proposal of a casino in Middleboro and suggested that the state is hoping to do a little better than the Indian proposal. The Governor wants to partner with the tribe. The Senate voted in favor of many of these proposals but they may differ from the House proposal. Senator Creedon spoke of the pros and cons of the

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casino proposal. Senator Creedon suggested that he may vote in support of a proposal that makes sense as it appears that the casino is inevitable in the State of Massachusetts.

Corona noted that on a local level, we have no control other than a proposition 2 ½ override. Senator Creedon noted the issue of collective bargaining and the difficult things that the communities have to deal with.

Senator Joyce spoke of the anticipated revenue from casinos and the fact that it may not become a reality. Senator Joyce spoke of the casino options, specifically the Class 11 Gaming. The reality is that because of the technology advancement and the federal tribal recognition, it is likely that something is going to happen and the state may want to go after whatever we can to benefit. He agreed that it may be clever but not fiscally practical to build a budget based on casino revenues. Again, Senator Joyce spoke of the good news that state aid will be increased and suggested we should not lose sight of this. He understands that expenses will rise. The investment of the prop 2 ½ override has paid off and the state has listened. Senator Joyce suggested that the Town of Easton will have the opportunity to join the GIC, potentially saving money in health care. Joyce further suggested that we now may see the benefits of a meals tax; there is more support now than last year when we talked about this. Senator Joyce also referenced the property tax generated by the electric company; they pay to use the poles, yet the telephone company doesn't. We are a lot closer now to passing legislation to charge them for the use.

Corona thanked Senator Joyce, Senator Creedon and Representative Canavan for listening to Easton's concerns.

Haederle followed up on the gaming issue. He spoke of the high phase BINGO operation and then the progression to the slot machines. He understands this issue because he was involved in the review process when he worked for the Environmental Protection Agency. Haederle agrees that some type of casino would come to Massachusetts and asked when we would see any revenue. Creedon suggested that we would only see the money for the licenses right away and then the revenues would be seen after they are built.

Barlow asked about the anticipated aid in 2009, specifically the \$1 million increase and if this would survive the budget process. Barlow also asked if we can expect to see a little more with the lottery aid. Creedon agreed with the concern that the casino money doesn't exist at this time.

Representative Canavan explained that the House of Representatives letters to the House Ways and Means Committee is part of the process now. A possible Local Aid Resolution was discussed. There is a real desire to make up the lottery budget shortfall. Her personal feeling is that some years you have more and others you have less. She is hopeful that the House budget will be reviewed in April.

Corona suggested that the MMA proposal that the budget shouldn't be so tied to lottery aid.

Senator Joyce spoke of years past and how the money was capped then lifted; in large part, lottery funds have gone steadily upward. We are looking at an even amount from last year.

King asked about the casino revenues and when they come about, if this would affect the lottery revenues. Senator Joyce agreed with the difficulty in predicting true numbers.

Representative Canavan stated that the Town of West Bridgewater is also concerned with the casino revenue being tied into lottery money. She suggested that we will not see any casinos built for another 10 or 15 years at best. Representative Canavan stated that they will do every thing they can to help the cities and towns.

Senator Joyce credited the Town Administrator, David Colton, for his list of aggressive priorities for the Town of Easton, not just Chapter 70 but road and bridge projects also. Representative Canavan briefly referenced the other funding that the Legislature advocates for such as Council on Aging and Library grants.

Cohen suggested that the Indian tribe is not going to wait 10 or 15 years; Joyce, Canavan and Creedon agreed that a casino would most likely be built sooner.

King asked about the other towns and their reaction to the potential savings in the GIC Plan. Senator Joyce explained the GIC and how the representatives and senators are covered under this plan. There are many state employees and many bargaining units involved. Senator Joyce suggested that the cities and towns are encouraged to join the GIC Plan but rather than force the towns in the plan, they left it subject to collective bargaining. He spoke

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of the problem of opening up the collective bargaining process mid-cycle. Colton spoke of the health care trends and the GIC increased 5% in cost while the Southeastern Massachusetts Health Group plan went up 8%; if this trend continues, we may consider the GIC Plan but for now, we need to continue to re-evaluate our options every year. Representative Canavan suggested that the cities and towns that have joined the GIC Plan are very happy.

Senator Joyce feels that the Legislature has listened and asked what the Selectmen want them to bring back. Corona stated that the local communities are drowning and suggested that we need to look at revenue. Local meals tax may be important to some but not to all. Corona suggested that the GIC linked to collective bargaining is difficult and the list of those who have joined is short. We need to look at revenues together. Corona again thanked Senator Joyce, Representative Canavan and Senator Creedon for listening and working on the Town's behalf. The entire Board expressed thanks. Representative Canavan noted that Easton is very lucky to have five of them advocating for the community.

Joyce thanked his Legislative Aide, Jennifer Oriol, for putting the presentation together.

The Board took a brief recess at 8:15pm and reconvened at 8:20pm.

Shovelshop 40B - review of traffic engineer report

Attorney Mark Bobrowski, Special Counsel for the Board of Selectmen; Kien Ho of the Beta Group and Traffic Consulting Engineer Jack Gillon Associates were present.

Gillon gave a presentation of the traffic study. He spoke of the existing conditions and the process he used when evaluating the study. The crash history and levels of service and the crash rates were discussed. Various vehicle counts were noted in different areas.

The following twelve intersections were studied:

- N. Main Street and Canton Street
- N. Main and Elm Street
- Elm Street at Oliver Street
- Main Street at Oliver Street
- Main Street at Barrows Street
- Lincoln Street at Barrows Street
- Main Street at Lincoln Street/Center Street
- Main Street at Sullivan Avenue
- Main Street at Pond Street
- Main Street at Washington Street (signalized)
- Elm Street at Washington Street
- Sullivan Avenue at Mechanic/Pond Street

Baseline traffic, the 30 unit project on Union Street (Winterberry Hills) and Doug King's 40R (Queset Commons) project were factored into the study. The level of service at the Elm and Washington Street intersection was graded at "F". Crash rates for this intersection were 0.50; less than the statewide average. The crash rate for the intersection of Washington Street and Main Street was .70. The Main Street and Elm Street intersection had a crash rate of 0.74; this intersection percentage is higher than the statewide average. Most of the vehicles counted in the count at the Elm Street and Washington Street intersection skewed the report because most of the vehicles are going straight on Rt. 138 and the high number is not necessarily because of the vehicles coming out of Elm Street. They reviewed the Elm Street and Washington Street intersection at the peak hour and it meets the warrants for a traffic control signal. Gillon noted that this intersection is under the jurisdiction of Mass Highway. Gillon referred to a lot of overgrown vegetation at the intersection of Elm Street and Main Street. He suggested that the brush be cleared back. Haederle agreed that the site lines are terrible at this location and further suggested that the intersection of Main Street, Lincoln Street and Center Street is also difficult. Corona suggested that the closing of Central Street due to the bridge construction may be impacting this intersection. Colton suggested that the bridge may be open again in six months. Corona asked for clarification of determining if something meets the warrant. Gillon explained the eight warrants and the criteria used when considering the need for a traffic signal.

Kien Ho of the BETA Group distributed a memo based on Gillon's Traffic Impact Assessment Report. Ho updated the Board on the analysis done by BETA. They reviewed Gillon's memorandum and had a meeting with the proponent to review the findings. Since that time, they exchanged a few telephone calls to try to understand the issues involved when they made their comments. Ho suggested that their findings of the 182 rental apartments are consistent but suggested some confusion with the commercial office space. They were able to clarify 35,000 square

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feet of office space. This is important to clarify because this formulated the basis of the traffic study. He noted that they looked at 12 intersections in total. Ho suggested that the intersection of Sullivan Street and Mechanic Street was not analyzed. Ho referred to the "F" rating at Elm Street and Washington Street. He suggested that an "F" rating comes in when you have to wait for more than 50 seconds. He explained the "F" rating under the existing conditions. The Shovel Shop site will add approximately 35% of the cars and they will all be coming to this intersection. Ho noted the significant amount of accidents at this location. One of the mitigations that BETA suggested is the installation of a traffic signal; this will eliminate a safety issue. The accident record shows those that there are a lot of rear end collisions and vehicles have a tough time inching out on to Rt. 138.

The intersection of Main, Lincoln and Center Streets shows that the letter service is currently a "D" and the added development would most likely change this intersection to an "E"; the project will make it worse. This intersection has a very high volume. He referred to the closing of the Central Street Bridge at the end of 2005 and how this has impacted the intersection.

The Main Street and Barrows Street intersection has a very wide opening. There are no traffic control devices such as stop signs. At a minimum, BETA recommends a stop sign at the end of the hill. The other intersections in need of stop signs are Sullivan Street/Pond Street and Sullivan Street/Oliver Street.

The intersection of Elm Street and North Main Street shows a very high accident count of 0.74, exceeding the state level of 0.59. Ho agreed with Gillon's recommendation of trimming of hedges to help mitigate some of the concern.

Ho spoke of the parking analysis and suggested that after looking at the overall layout, there are a lot of parking spaces. The proponent did inform BETA that the additional parking spaces adjacent to the site (40-50) will be leased.

Barlow asked about the 1,300 additional trips as indicated in the analysis and asked if this seemed reasonable. Ho suggested that they needed to clarify the percentage of occupancy at the location because this is how they compare the data. Ho stated that the proponent states that they are all being occupied.

Corona noted the importance of dealing with the impact of Elm Street and Washington Street; this issue needs to be addressed.

Colton asked for clarification of the "F" grade; Ho noted that the intersection of Elm Street and Washington Street is failing. Ho suggested that with the addition of a traffic signal, this intersection could be upgraded to a level "C", which is acceptable. Haederle added that you also have to deal with Elm Street Extension; this makes the Elm Street and Washington Street location more dangerous. Haederle supports the addition of a traffic signal at this location. He asked if we have been looking to place a traffic signal at this intersection anyway. Corona stated that the state agrees with the recommendation but they have no money to follow through with the installation.

King asked how the accident rate compares per million, etc. It seems that the gravity of an accident on Rt. 138 may appear greater. Ho spoke of the analysis and the records of the local Police Department. Ho explained that they usually ask for reports from Mass Highway and at the local level.

Attorney Bobrowski gave a recap of the work done to date. Wastewater, Stormwater and Traffic issues have been reviewed. At a meeting the other day, it was agreed that the three key intersections will be the subject of mitigation.

Bobrowski referenced the necessary fiscal review of the project. Judy Barrett of Community Opportunities Group will give a report of the fiscal aspects of the project within 30 to 45 days. The Selectmen will then need to decide if they want to submit this project as a 40R application. Corona suggested safety as the most important issue. Bobrowski agreed and stated that they will continue to discuss this issue.

The Board thanked everyone for coming in with the update.

Fence Viewer appointment – Charles Hammond

Corona referenced Mr. Hammond's volunteer application and the need to fill a vacancy.

On Haederle's motion, seconded by King, the Board voted unanimously to appoint Charles Hammond to the position of Fence Viewer.

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Corona noted the need to reappoint these members each year during the annual appoint process. Mr. Hammond's appointment will expire on June 30, 2008.

Proposed Town Counsel Term and Performance Evaluation Policy

Colton referenced the proposed new policy and suggested that the Board consider this new evaluation tool. Colton asked that the Board adopt the policy. Colton suggested that we do not need to deal with reappointment of counsel at this time. Corona stated that she recently met with various Committee Chairs and they were very optimistic about this new evaluation proposal.

On Corona's motion, seconded by Barlow, the Board voted unanimously to approve the policy as drafted.

Request to refinance "LIP" unit – Easton Country Estates

Colton noted that everything is in order. Corona noted that these come before us every now and then.

On King's motion, seconded by Haederle, the Board voted unanimously to approve the consent for refinance as proposed.

Bid Award/Contract Award to Southco Industries, Inc. – log loader truck

Colton referenced the recent bid award and the proposed new contract. This was approved as part of the capital budget at town meeting.

On Cohen's motion, seconded by King, the Board voted unanimously to approve the contract.

Fiscal 2009 preliminary budget

Colton gave a brief overview of the fiscal year 2009 budget. See attached memorandum. It was noted that the School Department budget has not been submitted yet. He spoke of the request to hire two new police officers. Colton explained that we are negotiating with the Southeastern Regional School for a School Resource Officer. Some of the funding for one of the officers would be paid for by the Southeastern Regional School. Corona asked what the Resource Officer would do during the summer months. Colton noted that they would assist the Police Department and suggested that the Chief may be able to provide more detailed information.

Colton stated that we are seeking \$10,000 in the Department of Planning and Community Development budget for a Community Development Plan. We need this to apply for grants. Other than the few items mentioned, it is a pretty straight forward budget. Corona reminded everyone that this is a very preliminary budget, it is not final.

The Board thanked Colton for his work on the budget to date.

Town Administrator performance evaluation

Corona referenced the Town Administrator's contract requiring the performance evaluation. Corona noted that each of the Selectmen reviewed and commented on the evaluation and David Colton met or exceeded every part of the evaluation. Colton thanked the Board for their support. Corona spoke of Colton's creativity.

Minutes

On Haederle's motion, seconded by Barlow, the Board voted unanimously to approve general minutes dated 1/28/08.

Town Administrator's notes

None

Press notes

None

Public participation

None

Selectmen's notes

King referenced the Town's recycling program and offered the following information:

The Town of Easton kicked-off its new Curbside Trash and Recycling Program Last July and it has become a great resource for participating residents. Like many neighboring towns, Easton is proud to offer a program with full-

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service trash collection and the most comprehensive recycling program for our residents, at a cost lower than most private services.

The Town received program support from the Massachusetts Department of Environmental Protection, helping the Town to provide more services for residents that improve our environment and reduce pollution through waste reduction and increased recycling.

Our efforts to maximize recycling are making a big difference.

Look what we've accomplished in our first six months (July -December 2007), as our recycled materials are made into new products:

We've saved 5,293 trees (source: US EPA)

We've saved 519,035 gallons of water (source: Environmental Defense)

We've prevented 778 tons of carbon dioxide pollution, a potent greenhouse gas (source: Oregon DEQ)

We've recycled enough PET plastic to make 5,978 fleece jackets (source MassDEP/APC)

And, we've reduced our energy use, equivalent to more than 71,353 gallons of gasoline (source: US EPA)

The more we recycle the more we save.

For every ton of waste we recycle instead of trash, we save \$85. In the first 6 months of our program we've reduced our trash enough to avoid more than \$11,000 in disposal costs!

The success of our program depends on you! Please join our Town Program and save with us!

On Corona's motion, seconded by King, the Board **voted unanimously by roll call** to go into executive session for the purpose of discussing collective bargaining, potential litigation and acquisition of real property, not to return to open session. (9:15pm)

Haederle yes; Corona yes; King yes; Barlow yes; Cohen yes.

Respectfully submitted,

Mary Southworth

APPROVED

DATE