

**Board of Selectmen  
Meeting Minutes  
5/2/06**

The Board of Selectmen met this evening at the Easton Town Offices, Selectmen's Office, 136 Elm Street, North Easton, MA 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.

Board reorganization

**On Haederle's motion, seconded by Less, the board voted unanimously by roll call to nominate Corona as chair. Cohen-Corona, Haederle-Corona, Corona-Corona, Less-Corona, King-Corona.**

**On Less' motion, seconded by Cohen, the board voted unanimously by roll call to nominate Haederle as clerk. Cohen-Haederle, Haederle-Haederle, Corona-Haederle, Less-Haederle, King-Haederle**

Meeting with Human Resources Board (HRB) to discuss proposed non-union bylaw changes

Members of the HRB Carolyn Carpentier, Don Shanbar, Ann Marie Orfuri-Acquaah and Stephen Delamere were present. White gave a brief summary of the HRB's work to date. A wage and classification study has been completed and recommended changes are proposed to the non-union personnel bylaw. Carpentier referred to the town meeting warrant article and summarized the proposed changes. See attached summary. She specifically spoke of the required 75<sup>th</sup> percentile, which was voted at town meeting a few years ago and noted that this is not recommended. The HRB should be given recommendations on the percentile. The other suggested change is to eliminate the performance based evaluation system, as the performance evaluation process is very complex. There are only a few communities that use this type of system. The HRB are proposing longevity payments for reinstatement. White distributed information from the wage study indicating the longevity in most communities. All the town unions receive some type of longevity. The HRB is proposing an average amount based on what the other towns are giving. The HRB would present to the board on an annual basis, their recommendations, to the wage structure in lieu of the evaluation process. They would look at the Department of Labor costing index and compare the information with other communities. Bereavement leave should be modified to conform to other union contracts. White clarified that if the changes are put forward, there would be step increases as an alternative to performance evaluation step increases. It was noted that less than 5 communities in the commonwealth have performance evaluations.

Corona asked how we would prevent the employees from reaching the 90<sup>th</sup> percentile again. Carpentier noted that the Selectmen would rely on and take the advice of the HRB on an annual basis. Haederle asked about the calculated cost associated with longevity and step increases. Carpentier noted the complicated process and the discussion to take place at a later meeting. Less noted the shift of non-union pay because there have been no wage increases over the last few years and some long time employees have left and replaced with new employees at a lesser wage. Carpentier indicated that Easton's non-union personnel overall have gone from 90<sup>th</sup> to the 50<sup>th</sup> percentile according to the data in the wage study. Carpentier noted that in order to attract and attain good employees you must be at least at the 50<sup>th</sup> percentile, we do not need a mandate of the 75<sup>th</sup> as indicated in the current bylaw. Carpentier noted that they have received a recommendation from the wage study consultant on how to adjust the overall pay scale; the HRB has not yet looked at specific positions. Corona asked why we would go through the process of looking at the wage structure on a yearly basis and suggested review of the pay plan every few years similar to the unions because of the work involved. White and Carpentier agreed that Corona's idea of new recommendations every few years may be a good option. Carpentier noted that the only concern is with union contracts, you are not benchmarking with the market and more frequent looks may be less costly to the town. Corona felt that for the public's information, they should know that if the 75th isn't removed from the bylaw, it might cost the town a lot of money because many members of the non-union are below the 75<sup>th</sup>. Eliminating the 75<sup>th</sup> percentile and having the HRB give a recommendation to the Selectmen is better. Carpentier noted that the HRB would have to come to the board with a proposal based on actual criteria before changes are made. White noted the February 1<sup>st</sup> is the date proposed each year for the HRB to give the recommendation to the HR Director (Town Administrator). Cohen acknowledged that we are only dealing with 11 employees but has concerns with the

manner which the employees are given raises. Cohen suggested that evaluations are still important. Carpentier noted again that performance based systems are time consuming and all other employees are automatic. There are other ways to deal with employees that are not performing, warnings can be issued. Cohen agreed with the proposal because it is only 11 employees but has a problem with the supervisor not giving performance evaluations. Cohen acknowledged that it is not fair to continue to single out the same 11 employees. Less agreed with the small amount of people but suggested that the performance based system is unwieldy. Less suggested that absent an evaluation, you may be dealing with a poor employee but at the same time giving them a raise. She spoke of state employees and how they must at least meet expectations to get a raise. Carpentier spoke of the previous Personnel Plan Review Committee and how they did their survey back then; only three or four other communities were participating in the evaluation process and most of those communities had some type of personnel director, which Easton does not have. Carpentier agreed that administering a performance evaluation to 11 people is better than trying to do it for 34, which was the amount of employees before the new union was performed. Corona spoke of COLA given to other unions when they gave health care concessions. Corona suggested the issue might be the same for this group. Carpentier noted that if you were to continue on a merit-based system, there must be a pool available for percentage increases. There is a lot of work involved in a merit-based program vs. a step program. White noted that this town meeting article has already been included but they must take a position on the proposal by town meeting on May 15th. Corona asked about bereavement leave and asked the difference between this new proposal and what was originally in the bylaw. White noted that what is proposed is what all other unions get. Corona summarized the problem with the current 75<sup>th</sup> percentile and issue of dealing with step raises based on the new information. Corona reiterated that bringing employees up to the 75<sup>th</sup> percentile would cost the town more money. King noted that he is comfortable eliminating the 75<sup>th</sup> percentile. Carpentier again reiterated that we shouldn't be setting a mandate at all. The board agreed to table the vote until the next meeting. The board thanked the HRB for the presentation and will let them know if they have any questions. White commended the HRB for their hard work.

Layout of streets proposed for acceptance (see attached memo)

*Acorn Rd & Scarlet Court*

White referenced the recently submitted citizens petitions for street acceptances. White suggested these roads were originally approved as private ways. Town Counsel has been working on this issue. White referred to the Planning Board memo and the 15 waivers granted to the developer because the roads were always intended to be private. These waivers would not have been granted if it were for future town acceptance. White suggested that the board *not* vote to layout the way. White reviewed the comments and noted that a precedent has been set; lots of streets have been approved by the Planning Board this way with the intent that they remain private. White expressed concern that this may cause others to come forward. As a private way, the town does not provide maintenance. Attorney Michael Sites was present representing the petitioners in this matter. Sites has issue with the Town Planner's comment that these roads were approved to remain as private in perpetuity. He disagrees with the comment and referred to the special permit. The language is not in the special permit. The plans do refer to private ways but plans often show private ways until it becomes a public way. Sites referred to the Form E covenant in the Lone Oaks Subdivision. Under Open Space Residential Development (OSRD) Bylaw, public or private ways are allowed. Sites suggested the Selectmen can put these streets forward for acceptance without setting any precedence. He suggested that in the future, the Planning Board have special language that the ways are to remain private in the future. Sites referred to special permit where it states that there are no private ways on the site. People have purchased homes based on the information provided and feel that it is an unfair burden to the homeowners to continue to collect money for the association when the issue was silent in the special permit. Sites asked that the board not take the advice of the Town Administrator and the Town Planner. Less asked about the waivers and asked if this was a typical number of waivers. White noted that it is typical for private ways but not typical for public ways. Less asked about the document filed with the Registry of Deeds and asked if this was done before or after the special permit. Sites noted that the document was recorded after the special permit was issued. White agreed with Sites' comment. The process has improved with the Planning Board since this time, this was the first or second approved. The documents afterward were more specific for other OSRD plans. White clarified that a private lane can be as little as 12' in width. Haederle asked what the intent of the Planning Board was at that time. If the intent was that they remain private, barring extraordinary circumstances, he would have a hard time putting this forward. Less clarified that it's important to know what was represented at the time to the Planning Board. Wluka noted they have requested minutes several times but they have not been provided. Sites asked Dennis Welch, the developer of the property at that time, to speak on this issue and what the intent was at the time they appeared before the Planning Board. Sites reiterated that the Planning Board minutes have been requested but not received. Sites noted that the documents do not specifically say that it was to be private. Sites again spoke of the homeowners and their misrepresentation of the road status when purchasing their property. White referred to the memo by the Planning Board and the wording of the homeowners association. White noted that as of the date of the memo, April 27<sup>th</sup>,

there were no as built plans so we can't have the road accepted anyway. The submission of the plans is a requirement for street acceptance. Dennis Welch noted that when the subdivision was approved, they were not considered private roads. Corona noted that we couldn't accept these roads without plans, deeds and easements. Corona questioned if the roads shouldn't be accepted anyway because of all the deficiencies. White has specifically asked staff not to conduct inspections at this time. Sites noted the important issue of the homeowners and that nothing in the documents talk about a private way. Corona would like to see the meeting minutes from the approval of the Planning Board. She does not recommend approving the roads conditionally because of the problems that arise. Sites asked that the board not vote this evening so they can continue to work out the issue at hand. The citizens may ask that the issue be withdrawn so that it can come up at a future town meeting. Wluka noted that the as-builts will be submitted soon, prior to town meeting. White noted that a submission this late does not allow enough time to review. Wluka noted that the petitioners are working hard to get those things done. Wluka indicated that he represented the sales within subdivisions, when selling the homes as a public way, not private based on the documents. If the board doesn't approve the streets, you are going against the Form E Covenant. The board suggested tabling any street acceptance action to a fall town meeting. The board agreed to defer this discussion and asked that the board receive a new petition from the petitioners withdrawing the citizens' petition.

*Cinnamon Circle*

White spoke of the fairly minor deficiencies. Developer Muhammed Itani was present. Outstanding issues are the fire alarm box, street signs and crack sealing of the roadway. White noted the incorrect stationing noted on the petition when the citizen petition was submitted. White will work to correct this stationing. Itani spoke of the outstanding issues and suggested that they will be completed by town meeting. White asked that the board take this matter under advisement. No action was taken.

*Kevin's Way*

Developer Dennis Welch was present. White spoke of the deficiencies and noted that the Planning Board has not recommended approval at this point in time. Welch clarified the drain lines. White noted it is in the town's best interest to accept roads when the roads are ready. The board took no action at this time.

*Kerrinmarie Circle*

White reviewed the list of deficiencies. The board took no action at this time.

*Colleen Mary Way*

White reviewed the list of deficiencies. The board took no action at this time.

*Kristen's Way*

White reviewed the list of deficiencies. The board took no action at this time.

*Theodore Circle; Emily Drive; Charles Way, Benson Circle.*

**On Corona's motion, seconded by Cohen**, the board **voted unanimously** to layout the ways.

Developer Doug King, his legal counsel, and engineer Azu Etoniru were present for the remainder of the proposed street acceptances.

*Clara Howard Way*

King noted that the issues have been quite involved. Easement documents need clarification. The board took no action at this time.

*Roosevelt Circle*

White referred to the stop sign approval request and noted only the Selectmen can vote the stop sign. The board discussed the lack of signage for Stoneforge Restaurant at this site.

**On Cohen's motion, seconded by King**, the board **voted unanimously** to approve the stop sign request.

White will review the lighting plan submitted to the Planning Board. King noted the berm and other remaining outstanding issues would be repaired this week.

Cohen left at this point of the meeting. (8:45pm)

Request to refinance "LIP" unit- Easton Country Estates

White referred to the request to refinance. The appropriate criteria has been met.

**On Corona's motion, seconded by King**, the board **voted unanimously of those present** to approve a request, received April 18, 2006, from the owners of a Local Initiative Program unit in Easton Country Estates to refinance their home, with the stipulations that the loan be at a fixed rate and that the principal amount of the loan not to exceed \$95,000.

Consideration of contract with Harvey Industries

White explained the contract approval request to allow the purchase of replacement windows for the Water Division.

**On King's motion, seconded by Less**, the board **voted unanimously of those present** to approve the contract with Harvey Industries in the amount of \$9,076.57. The contract will be funded from water revenues.

Consideration of contract with CleanHarbors Environmental Services, Inc.

White explained the contract approval request for the annual household hazardous waste day funded by water revenues. This is the one and only opportunity each year for residents to dispose of hazardous items.

**On Less' motion, seconded by King**, the board **voted unanimously of those present** to approve the contract with CleanHarbors in the amount of \$20,000.

**On Corona's motion, seconded by Haederle**, the board **voted unanimously of those present** to adjourn the Selectmen's meeting, to return to open session, after serving as Water Commissioners.

**On Corona's motion, seconded by Haederle**, the board **voted unanimously of those present** to convene as Water Commissioners.

Request to connect Mansfield residence to the Easton water system

White referred to the request to allow a Mansfield residence on Stearns Avenue to be hooked up to the Easton water line. Water Superintendent Jack Marsh concurs with the request. The home is already in existence and is currently connected to a well.

**On Less' motion, seconded by Haederle**, the board **voted unanimously of those present** to approve the water hookup with the following conditions:

Mansfield should pursue extension of their water main to service the homes now served by Easton; consider a moratorium or other prohibition to building permits in this area until such time as Mansfield can provide service through their public water supply; the \$500 system connection fee be paid in advance.

**On Less' motion, seconded by King**, the board **voted unanimously of those present** to adjourn as Water Commissioners. (8:50pm)

**On King's motion, seconded by Less**, the board **voted unanimously of those present** to reconvene as Selectmen.

Annual Town Meeting warrant review

See attached warrant

*Article 16 amend prior town meeting vote re: appropriation of funds for increased fuel costs*

**On Less' motion, seconded by Haederle**, the board **voted unanimously of those present** to include and recommend.

*Article 18 amend chapter 11 of the Town Code*

No action taken

*Article 25 authorization for special legislation*

The wording has been revised to help clarify the intent. The board and White suggested further clarification.

**On King's motion, seconded by Haederle**, the board **voted unanimously of those present** to recommend as amended.

*Article 29 Alternative FY'07 operating budget if override is successful*

This has been slightly amended. No action was taken

*Article 52 Disposal of land in Tanglewood Subdivision*

**On Less' motion, seconded by King**, the board **voted unanimously of those present** to include.

*Article 28 FY'07 Capital Budget*

**On Less' motion, seconded by King**, the board **voted unanimously of those present** to include.

Budget reviews

White referred to FY'07 proposed town portion of budget cuts (see attached). The board discussed in detail the proposed cuts in Police, Fire, Recreation, Legal, Treasurer, Fire Alarm, Finance Committee Reserve Fund,

Selectmen's Office (copier) and Executive Loss Control Committee. Haederle spoke of the Town of Norton and how the YMCA has become involved to help provide programs in that community. Haederle noted that the YMCA is anxious to help out here in Easton. The board discussed having the YMCA meet with Recreation if they haven't done so already.

**On Haederle's motion, seconded by Less**, the board **voted unanimously of those present** to approve the Finance Committee, Assessors, Town Clerk, Data Processing, Snow & Ice, Veterans, Water Division and Other General Government budgets as proposed.

*Town Counsel*

White proposed an amount of \$150,000 based on the proposed cut of \$50,000. Action will be deferred until after the Finance Committee votes the Town Counsel budget.

**DPW budgets**

*DPW Administration*

**On Less' motion, seconded by Haederle**, the board **voted unanimously of those present** to approve the DPW Administration budget in the amount of \$399,690.

*DPW Highway*

**On King's motion, seconded by Haederle**, the board **voted unanimously of those present** to approve the DPW Highway budget in the amount of \$ 823,229.

*DPW Building & Grounds*

**On Haederle's motion, seconded by King**, the board **voted unanimously of those present** to approve the DPW Building & Grounds budget in the amount of \$872,979.

*Board of Health*

**On Haederle's motion, seconded by King**, the board **voted unanimously of those present** to approve the Board of Health budget in the amount of \$212,333.

*COA*

**On Haederle's motion, seconded by King**, the board **voted unanimously of those present** to approve the COA budget in the amount of \$93,534.

*Employee Benefits & Insurance*

White announced that the clerical union has accepted the health care change effective 7/1/06 and received the cola as part of the agreement.

**On Haederle's motion, seconded by King**, the board **voted unanimously of those present** to approve the Employee Benefits & Insurance budget in the amount of \$9,177,452.

Further amendments to street acceptance policy

See attached proposed changes, specifically paragraph #4.

**On Less' motion, seconded by Haederle**, the board **voted unanimously of those present** to approve the amendment to the street acceptance policy as proposed.

Receipt of gift Stonehill College

White announced the annual gift of \$20,000. Per Stonehill's request, School, Library, Recreation and Council on Aging will receive the funds. White will send a letter of thanks to Stonehill.

Minutes

**On Haederle's motion, seconded by King**, the board **voted unanimously of those present** to approve general minutes dated 3/13/06.

Emergency Item

White noted the need for the board to take up an emergency item to waive the 14-day notice for a new hire.

**On King's motion, seconded by Haederle**, the board **voted unanimously of those present by roll call** to take up an emergency item dealing with a waiver of the 14-day appointment process.

**Haederle yes, Corona yes, King yes, Less yes.**

**On Less' motion, seconded by King**, the board **voted unanimously of those present** to waive the 14-day notice for hiring the new Municipal Building Committee secretary.

Town Administrator's notes

White spoke of the flooding event back in the fall and the request submitted for reimbursement to the state. \$10,683 was requested and \$12,396 was received to help costs associated with the storm.

Press notes

None

Selectmen's notes

Haederle spoke of the ad-hoc green team. He has been working with other volunteers to see what we can do with respect to energy usage in our town buildings. The group is trying to get a baseline of town electrical usage. Next Wednesday they will attend a public forum in W. Bridgewater.

Corona spoke of the budget out of Romney's office; Easton's state aid came out lower than previously thought, \$70,000. Easton will not be able to close the 1.4 million dollar budget gap.

Public Participation

None

**On Less' motion, seconded by King, the board voted unanimously of those present to adjourn at 9:40pm.**

*Respectfully submitted,*

*Mary Southworth*

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Approved

\_\_\_\_\_  
Date