

MINUTES
SHARON BOARD OF SELECTMEN
October 1, 2013
6:30pm

The meeting of the Sharon Board of Selectmen was opened at 6:35pm in the Sharon Town Hall with Chairman Walter “Joe” Roach, Selectmen William Heitin, Selectmen Richard Powell and Town Administrator Benjamin E. Puritz.

MOTION: To open the meeting
(Roach – Heitin) 3-0 **PASSES**

Executive Session

MOTION: To enter into executive session to discuss a potential land acquisition, Police Superior Officers Collective Bargaining, real property transfer, and pending litigation and return to open session in the David I. Clifton, Jr. Ballroom at the Sharon Community Center at the conclusion of the executive session. As Chairman, it would be detrimental to the Town to discuss these issues in open session.

(Roach – Powell) 3-0 **PASSES**

Roach: Aye

Powell: Aye

Heitin: Aye

MOTION: To adjourn the executive session at 7:20pm and return to open session at the Sharon Community Center

(Roach – Powell) 3-0 **PASSES**

Roach: Aye

Powell: Aye

Heitin: Aye

Chairman Roach re-opened the regular meeting at 7:35pm. He apologized for the delay in the start of the meeting, but the executive session took longer than expected.

Jeffrey Jacobson – Commission of Disabilities Interview

Mr. Jacobson updated the Board of the activities of the Commission and the Board thanked Mr. Jacobson for his service and they will be in touch with him prior to the expiration of his term.

One-Day Liquor License – October 19, 2013

Ms. Elizabeth Englander is having a luncheon for a bar mitzvah and will be serving wine on October 19. She noted that this is the third time she has been granted permission for a one-day liquor license, so she is familiar with the rules and regulations. The Board did not have any questions.

MOTION: To approve a one-day liquor license at the Sharon Community Center on October 19, 2013, as discussed

(Heitin – Powell) 3-0 **PASSES**

James Waters – Commission of Disabilities Interview

Mr. Waters was asked why he wants to serve another term and he thinks the Commission does a lot of good things – high school scholarship for students with special needs, monitor and inspecting of equipment. They have been doing some fundraising and there are some new people on the Commission that are great. Chairman Roach asked if the Commission participates in the Third of July events and James replied that they did not, but it is something to consider.

The Board thanked Mr. Waters for attending the meeting and they will be in touch with him prior to the expiration of his term.

Len Segal – Cable TV Oversight Committee

The Board asked Mr. Segal for a summary on the Committee's activities and he said that the Committee reviewed the contracts with Comcast and they stay in tune with things they are changing. They monitor customer service issues as well. State and federal law dictates that the Committee does not have a lot of power but they do what they can. Mr. Segal said that he heard that Verizon is not currently building out Fios where they don't currently have it.

The Board thanked Mr. Segal for his time and they will be in touch with him prior to the expiration of his term.

Veterans' Service Officer Paul Bergeron – FY15 Budget

Mr. Bergeron said that the V.A. hospitals are functioning as normal, despite the government shutdown. The National Cemetery in Bourne and other national cemeteries are having some impact but have not been shut down. When it comes to applying for benefits, those administrative actions are being put to the side (i.e. – status of claim application) and they are not responding to Congressional inquiries. On the state side, Chapter 115, is continuing, as the state hasn't had a direct impact. The payments for individuals will continue to be mailed if they are currently receiving them.

With respect to his FY15 budget, he reviewed his budget requests. Cash Benefits is increasing due to a change in the limit in the poverty level and the increasing age of the veterans and their widows. We are experiencing a higher need and the budget for FY15 reflects that. He may need a reserve fund transfer for this line item by the end of this fiscal year. The Town gets reimbursed 75% of the cash benefits cities and towns give to veterans.

Chairman Roach noted that the Town approved a provision that veterans can participate in the work write-off program and Mr. Bergeron noted that in the Valor Act, it was intended to have more veterans get involved in their community.

With respect to veteran graves, Chairman Roach asked if the money in the account will be enough. Mr. Bergeron replied that DPW has been doing the purchasing. Chairman Roach asked about the flags that fly on Main Street and near the train station. Mr. Bergeron replied that DPW installs the flags and that his account pays for the replenishment of flags as they need to be replaced. Chairman Roach noted that 2015 is the 250th Anniversary and that the Town will likely need new flags. Mr. Bergeron said that the Town will likely need bunting and other things.

Selectman Heitin asked what a resident can do about the disposal of an American Flag. Mr. Bergeron noted that the resident can go to the Fire Station and drop it off. If a commercial entity has a flag that is excessively large, they can call him directly. He thanked the Boy Scouts for their help in identifying veterans graves and have helped with flag disposal.

The Board thanked Mr. Bergeron for his time.

Marc Bluestein – Community Preservation Committee

The Board asked Mr. Bluestein for an update on the Community Preservation Committee's (CPC) activities. He noted that CPC is looking at funding for the Sacred Heart property and that things are coming down the road that may be discussed tonight relative to Rattlesnake Hill. The Committee has been gearing up as needed. He was on the Horizons for Youth Committee prior and has found the CPC interesting.

The Board thanked Mr. Bluestein for attending and they will be in touch with him prior to the expiration of his term.

Brickstone/Rattlesnake Hill Property Discussion – Fall Town Meeting Articles

Chris Regnier, Goulston & Storrs and Martin Spaggot, Brickstone Development Corporation were present representing Brickstone.

Selectman Heitin has been designated by the Board to facilitate discussions with Brickstone. A year ago, the Board took something off the Annual Town Meeting but re-started discussions for an alternative plan for the property. They were looking for a way to minimize impact to property taxes, preserve as much open space, etc. It is a clustered subdivision of 98 homes on less than 100 acres. The rest of the land, which is 245 acres, would be coming to the Town via gift, via purchase or via a conservation restriction. The cost would be \$3 million to purchase the land using CPC funds. To get 78% of the land, it would cost \$3 million. We thought this was the best option available to the community, with the hope that we can seek funding from CPC to fund this acquisition. It would have no impact to the tax base and there will be no houses built on Mountain Street. After Brickstone's presentation, the Board will entertain questions from the public for a period of time.

The Board will control questions from the public and asked that speakers provide their name and address.

Mr. Spaggot reviewed the prior proposal and explained that they have tried to come up with a plan that was most acceptable to the town. He believes it can't get better from the town's standpoint. The new proposal would allow building on 100 acres and we have taken all of the homes off Mountain Street. The idea of a conventional subdivision would be fine but the homes would be very large and would use up all of the land. They could have also developed on Mountain Street (10-12 lots), but that would mean nothing going to the town. The 40B is still pending but poses a lot of problems for the town. The cluster development is close to a win as possible for everyone.

Mr. Regnier said that this new proposal minimizes the impervious surfaces and has smaller lot sizes. They want to add trails to the open space areas and try to connect them to Borderland and other open space areas of the town. The 40B project would go away with the approval of this project.

Selectman Powell asked if Mr. Regnier could walk the Board through the zoning by-law change. Mr. Regnier explained that it's basically a use and overlay district, would allow cluster development, and would be a "as of right development." He added that Brickstone would need to go through the Planning Board and Board of Health for other waivers and permits.

Selectman Heitin opened the discussion to the audience.

Arnold Cohen, 6 Tall Tree Road: Asked what the plan is for the unpaved portion of Mountain Road. Chairman Roach said that we have applied to the state to pave 800 feet but that a resident has filed an appeal. Selectman Heitin said that it would be up to the developer to apply to have more of Mountain Street paved.

Kyla Bennett, Easton resident: Her gut reaction is that with the development in the middle with conservation around is not the ecological way to go. She questioned whether Brickstone is trying to exempt itself from the wetlands laws. She also asked if the wastewater treatment plant will go on the property they are going to gift to the town and Mr. Regnier replied that the monitoring wells may go on the open space land. She asked if the development agreement is completed yet and the response was no, it is still being negotiated. She asked if the 245 acres will be left in perpetuity in its state and Selectman Heitin said that the 245 acres will be donated, purchased or have a conservation restriction. Selectman Powell said that if the property is given to the Conservation Commission, it will be left as conservation land, but if designated for general municipal purposes, the Town could use the property for a fire substation or recreation fields. Ms. Bennett asked about the number of bedrooms in the proposed homes and Mr. Regnier said that he can't answer that question at this time.

Cheryl Weinstein, 4 Coach Lane: She questioned the language in the article about the location of the wastewater treatment plant. Selectman Powell noted that the language will likely be changed for Town Meeting.

Richard Mandell, 580 Mountain Street: He asked whether Brickstone will be the developer and will they be present and Mr. Spaggot replied that it is their intention to see this development through. He questioned the language in the zoning article relative to site plan review. Selectman Powell noted that it would be "as of right" zoning. Thomas Houston, a zoning consultant for the Planning Board, said that the location of the lots will be determined and the number of lots will be determined based on the vote at Town Meeting. He asked about the word "substantially" in proposed section 4395D of the Zoning By-Law and why would they not be in full compliance. Mr. Houston said that the applicant is going to apply for some waivers (i.e. one sidewalk instead of two) to help the environment. With respect to proposed section 4396E, why would the drinking water not be protected and Mr. Houston replied that it would apply in the aggregate. Mr. Mandell asked if the 50 acres can be delineated right now, as it is hard for the public to vote on something that is unknown. Selectman Powell said that we are looking for property that could possibly house a fire substation or a recreation field. A potential land swap is possible as well. Selectman Heitin said that the town will commit to locating the property in the next week.

A resident from Coach Lane asked when a building permit is first issued for this project. Selectman Heitin said that the developer is going to bring a plan to a subdivision to the Planning Board like any other subdivision only for the parcel that Town Meeting has approved. Then a building permit could be issued and the 40B and the senior living plan would be gone. This would be in the development agreement, which is almost completed. He also asked about the wastewater treatment plant and

Selectman Heitin said that the association of the homes would be responsible for the maintenance of the plant, per the Department of Environmental Protection.

Alice Cheyer, 1 Glenview Road: Asked about the acreage given to the Town and Selectman Heitin noted that 187 acres could be purchased using CPC funds, but that an appraisal needs to be finished. Selectman Heitin hopes that the development agreement will be finalized in the next few days. We wanted to get feedback from the audience tonight as well.

When asking about wording in proposed section 4392C, Mr. Regnier noted that Brickstone is going to comply with local wetlands rules. Sharon has brought wetlands laws in zoning and they are going to file with the Conservation Commission from a wetlands perspective and added that they have lot of potential access points. She said if that if it were up to her, she would build the 40B, so the Town can get affordable units. She asked if there is something in the development agreement regarding affordable units. Selectman Heitin said that the dollar amount is still being negotiated but the Town is going to get money for the Sharon Housing Partnership, but the Town is not going to be a landlord. Selectman Heitin said that there are going to be 9 affordable homes, which would offset the 10% increase in housing stock, if we get the agreement in place.

Leslie Koval, 15 Briggs Pond Way: Asked if the leeching field will be in the same area as the treatment plant and Mr. Regnier said that is true. She also asked if there is a precedent in town for a private homeowners' association to manage a treatment plant. Selectman Heitin replied that there is one in the center of town, the Wilber School and also on McIntosh Lane. She also asked if blasting will be allowed and Selectman Heitin said that they would have to go through the Planning Board and get a permit from the Fire Department. Ms. Koval asked if there is a range on the cost of the homes and Mr. Spaggot said that we do not have a value of the homes and that most likely, Brickstone is going to build the homes.

Cheryl Weinstein, 4 Coach Lane: She asked about the land acquisition. Selectman Heitin said that the purchasing of the Horizons for Youth property went through CPC and in that situation we borrowed the money – it means that the flows will always come even if the CPA program was dropped by the Town. CPC put it under a 5-year debt. It would be borrowed, short term and likely paid off early. This would use up a portion of the open space funds from CPC. Selectman Heitin said that all of the articles need to be passed or we get nothing. Option 1 – they get 80 homes; we get nothing; Option 2 – 40B – 120 units and we get nothing; senior living district was another option, but Town Meeting did not like it. Under this plan, the Town would control a substantial amount of land – it's an insurance policy – pay \$3 million to get 78% of the land mass. Selectman Powell agreed with Ms. Weinstein that if that land is not buildable acres, it may not be worth the \$3 million and that Town Meeting has to be shown that the land is valuable enough.

Selectman Heitin thanked the officials from Brickstone and the residents for their feedback. Selectman Powell said that we will have a presentation of the development agreement. Selectman Heitin said that the agreement will be posted on the Town's website.

The Board took a five minute recess.

Approval of Minutes

MOTION: To approve the regular session and executive session minutes of September 19, 2013
(Powell-Heitin) 3-0 **PASSES**

Banner Request – Sharon Adult Center & Council on Aging – October 14-28, 2013

MOTION: To approve the banner request for the Sharon Adult Center & Council on Aging from October 14-18, 2013 (2nd position) for their Lakeside Gallery exhibit – fee to be waived
(Powell-Heitin) 3-0 **PASSES**

Banner Request – First Baptist Church – October 21-25, 2013

MOTION: To approve the banner request for the First Baptist Church of Sharon from October 21-25, 2013 (2nd position) to announce their 200th year
(Powell-Heitin) 3-0 **PASSES**

Appointment of Town Engineer Peter O’Cain as an Alternate Member of the Standing Building Committee

MOTION: To appoint Peter O’Cain as an alternate member of the Standing Building Committee
(Heitin-Powell) 3-0 **PASSES**

Lamar Advertising – Billboard Vote

Town Administrator Puritz noted that this vote is a formality per Town Counsel.

MOTION: To transfer the care, custody, management and control of such land from the Board of Selectmen for general municipal purposes, to the Board of Selectmen for general municipal purposes, including lease for the purpose of the construction, installation, operation and maintenance of a billboard, the property known and numbered as 1300 General Edwards Highway (U.S. Route 1), shown as Sharon Assessor’s Parcel 76-4, containing approximately 7.60 acres of land, as described in a Final Judgment in Tax Lien Case, dated May 19, 1997, recorded in Norfolk Registry of Deeds in Book 11903, Page 392, and being a portion of the land identified in a deed dated October 30, 1974, recorded at said Deeds in Book 5089, Page 113.
(Heitin – Powell) 3-0 **PASSES**

Town of Sharon Alcohol License Regulations

Town Administrator Puritz noted that the Board has been abiding by these regulations and they have been compiled into one document.

MOTION: To accept Town of Sharon Alcohol License Regulations, as discussed
(Heitin – Powell) 3-0 **PASSES**

Town Administrator Screening Committee

Selectman Powell recused himself from the discussion.

Selectman Heitin noted that we need to do this because the Town Administrator has notified the Board of his pending retirement. One member will come from the Personnel Board and up to four members will be appointed by the Board. Selectman Heitin asked if someone can reach out to Len Sacon. Michael Feldman may be interested in serving as well. David Fixler may be interested in serving. Selectman Heitin asked if we should seek out to see who may be interested in serving on the Screening Committee.

MOTION: To establish a screening committee, consisting of one member of the Personnel Board and four members at-large and we will take the next two weeks to our next meeting to identify who those members might be

(Heitin – Roach) 2-0-1 (Selectman Powell abstaining) **PASSES**

Fall Town Meeting Warrant Discussion

The Board does not believe we can take any further action on the pending articles that the Board has not already taken action on. Selectman Powell offered his positions on the articles, as he was not able to attend the September 27 meeting.

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| 1- Support | 8- Support |
| 2- Hold | 9- Hold |
| 3- Hold | 10- Support |
| 4- Hold | 11- Support |
| 5- Support | 12- Support |
| 6- Support | 13- Support |
| 7- Hold | 14- Support |

Topics Not Reasonable Anticipated 48 Hours in Advance of Meeting

None

Adjournment

The Board adjourned at 9:34pm