

MINUTES
BOARD OF SELECTMEN MEETING

October 30, 2012

8:00 p.m.

The meeting of the Board of Selectmen was held at 8:02 p.m. in the Sharon Town Hall with Chairman William A. Heitin, Selectman Walter Joe Roach, Selectman Richard Powell and Town Administrator Benjamin Puritz.

INTERVIEW: BARBARA FREEMAN CANDIDATE FOR SHARON CULTURAL ARTS COUNCIL

- Ms. Freeman said that she is a retired high school teacher. She said she taught in Dover Sherborn where she started the Community Education Department for adults and children. She also said that she has several friends on the Cultural Arts Council who recruited her as a member. She said has received information from Mary Kelly and Joan Spano about the different kinds of programs that are funded the Cultural Arts Council.

LAURA RUSSELL: DISCUSSION OF PETITION ARTICLES FOR DECEMBER 3, 2012 SPECIAL TOWN MEETING

- Chairman Heitin asked Ms. Russell why she believes these items belong at Town Meeting as opposed to the state level. Ms. Russell said she had fibromyalgia. She believes she developed this condition because of the amalgam in her fillings. She said she asked her dental plan to pay for the removal of the amalgam and the replacement with another substance. They would not pay for the work. She said the reaction in Washington DC has not been appropriate. She said she is part of a national network because the FDA has been dragging its feet in the face of scientific evidence. She said amalgam impacts people who are more sensitive to the amalgam - whose bodies do not have the ability to remove it from their system. Ms. Russell said she has been working at the state level on this issue. with Senator Joyce and Representative Kafka. Ms. Russell said she met with the Sharon Board of Health in July. She said she was due to meet with them last night but because of the storm the meeting was canceled. She said she has spoken to some dentists and believes this is a public health issue. She said the American Dental Association is not really paying attention to this issue. She said she has spoken to the Lions Club and is going to speak with Rotary. Selectman Powell mentioned that that there are three different petition articles. He said one of the articles asks the Town to offer a dental plan that provides employees with amalgam free care. She said she recognizes that the Town does not contribute to this plan – but is 100% employee funded but would like employees to have the option. She said the second article revolves around informed consent conditions specifying the warnings surrounding amalgam. She reviewed the “five warning statements”. Selectman Powell said that he believes the simpler the better for “warning statements”. She said the third article asks the President of the United States to follow the recommendations of the scientific advisory panel regarding amalgam.

PAUL LAUENSTEIN: DISCUSSION OF PETITION ARTICLES FOR DECEMBER 3, 2012 SPECIAL TOWN MEETING

- Mr. Lauenstein read the following statement:

Town Meeting Resolution for a Constitutional Amendment

Sharon Selectmen's meeting, Tuesday evening, Oct. 30 2012

"My name is Paul Lauenstein. I live at 4 Gavins Pond Road. Thank you for allowing me to speak tonight about the non-binding resolution to amend the Constitution on the Town Meeting warrant.

The Supreme Court's ruling in the case of Citizens United v. FEC opened the floodgates for political fundraising and spending by so-called super-PACs. Imagine what it's like to be a member of Congress. How can you find the time to listen to your constituents and research issues, when you must constantly raise campaign funds for the next election? Each time you vote on an issue, you must choose between voting for the best interests of your constituents, or voting for the special interests of your biggest campaign donors. Voting your conscience can result in having to face a well-funded opponent and an avalanche of attack ads in the next election.

This is a non-partisan issue. Polls indicate that over 70% of Republicans and over 80% of Democrats support a constitutional amendment that would allow limits on campaign fundraising and spending.

Last summer, Massachusetts joined 8 other states in calling for such an amendment. The Senate vote was 35-1. The voice vote taken in the House was unanimous.

Over 70 communities in Massachusetts have already passed resolutions calling for a constitutional amendment to reverse the Citizens United v. FEC decision, in order to enable campaign finance reform to reduce the corrupting influence of money in politics. Hopefully, Sharon will add its voice to this chorus.

We the People should be free to determine the character of the democracy that governs our daily lives, and for which many have made the ultimate sacrifice. The Supreme Court's decision to deprive our elected representatives of the ability to limit campaign spending undermines that freedom. It gives special interests the right to raise and spend unlimited sums of money to influence elections, fundamentally corrupting the nature of our democracy.

The Founding Fathers themselves worried about the threat to our democracy posed by powerful corporations. As Thomas Jefferson put it, "I hope we shall crush in its birth the aristocracy of our monied corporations, which dare already to challenge our government to a trial by strength, and bid defiance to the laws of our country." A 28th Amendment would help restore the kind of government of the people, by the people, and for the people envisioned by the framers of the Constitution.

The actual language of the Warrant Article

To see if the Town will vote to adopt the following resolution: To call upon the United States Congress to pass and send to the States for ratification an amendment to the Constitution of the United States that would firmly establish two principles:

1) Only human beings, not artificial entities such as corporations, are entitled to the rights and privileges guaranteed by the Constitution of the United States.

2) Election spending is not free speech guaranteed by the First Amendment, and is therefore subject to regulation by federal and state governments.

Or take any other action relative thereto.

Why is this issue appropriate for Sharon Town Meeting?

As Tip O'Neill famously said, "All politics is local."

Building the ground swell of popular support needed to amend the Constitution happens citizen by citizen and town by town. Town Meeting is an ideal forum for Sharon residents to discuss this issue, and participate in the national debate about the nature of our democracy.

I respectfully encourage the Selectmen to support this warrant article, and send a message to the nation that democracy here in Sharon is alive and well."

Lynn Wolbarst of the League of Women Voters was in attendance. She said the League is not in support of "pay to play in elections". She said that people's voices are being drowned out by corporate spending.

Lauenstein said he is asking Congress to amend the Constitution. Once that would be accomplished it would have to be ratified by 38 states.

LIBRARY DIRECTOR BARBRA NADLER: DISCUSSION OF FY'14 BUDGET

Barbra Nadler reviewed the three different budget options with the Board. She said the primary budget would reduce electricity, fuel and technology. She said once you cut items it is difficult to get them back. She said it would cost about \$35,000 to open the library on Sunday. Ms. Nadler said that there are three items to meet certification; 1 – Meet union contracts - \$16,548 2 – Old Colony Library Network dues which is an increase of \$107 3 – Material spending – required for state certification with incur an increased cost of \$46.42.

Ms. Nadler said that the "One Town One Book" this year is *Defending Jacob*.

APPROVAL OF MINUTES

VOTED: (Heitin/Roach) Voted unanimously to approve the Regular Session and Executive Session Minutes of October 23, 2012

OPEN AND CLOSING OF THE WARRANT, SEQUENCING OF ARTICLES AND SIGNING OF WARRANT

VOTED: (Heitin/Roach) Voted unanimously to open the Warrant.

Motion made: (Heitin/Powell) to add a Warrant Article to modify certain provisions relative to affordable housing requirements in the 40R overlay district, to include Assisted Living in the Sharon Commons residential zone.

Mr. Ed McSweeney asked for a discussion on this item. Chairman Heitin said that there are going to be 66 bedrooms in the Assisted Living facility. Mr. McSweeney said he believed that 40R requires affordable

housing. Chairman Heitin said that a 40R development does not require affordable housing. Mr. McSweeney said he is concerned that the proposed change will allow many additional units to be built in Zone A with would result in many more children. Chairman Heitin said that this could happen now – so these changes make no difference. Mr. McSweeney said he would like Chairman Heitin to read the guidelines on Assisted Living. Chairman Heitin said that all we are doing tonight is opening up the warrant to give the Town the opportunity to vote on whether or not Assisted Living can be placed on this parcel. Chairman Heitin reviewed all the public meetings that were being held to inform the public of the change prior to the Town Meeting. . Mr. McSweeney asked that the vote on this issue be delayed until the May Town Meeting.

-
VOTED: (Heitin/Roach) Voted unanimously to add a Warrant Article to modify certain provisions relative to affordable housing requirements in the 40R overlay district, to include Assisted Living in the Sharon Commons residential zone.

VOTED: (Roach/Powell) Voted unanimously to close the Warrant.

-
VOTED: (Heitin/Powell) Voted unanimously to sign the Warrant for the December 3, 2012 Special Town Meeting

The Board agreed that the sequencing would remain as presented.

APPOINTMENT OF DAVID KENT TO THE SHARON CULTURAL ARTS COUNCIL

VOTED: (Heitin/Roach) Voted unanimously to appoint David Kent to the Sharon Cultural Arts Council

ATTORNEY ROBERT SHELMERDINE:

- **MODIFICATION OF MEMORANDUM OF UNDERSTANDING DATED NOVEMBER 17, 2008 FOR RESIDENCES OF SHARON COMMONS**
- **CONSIDER AUTHORIZING CHAIRMAN HEITIN TO SIGN A “REQUEST” TO THE DEPARTMENT OF HOUSING COMMUNITY DEVELOPMENT (DHCD) FOR CHAPTER 40R ZONING AMENDMENT FOR THE RESIDENCES OF SHARON COMMONS**

Attorney Shelmerdine introduced Susan Gittleman of Bnai Brith and Robert Bonato of the Wellesley Group. He said that the Planning Board is having a hearing on this item on Wed. November 7, 2012. Mr. Shelmerdine reviewed the entire process for the zoning change. He said that the Selectmen must send a “request” to the Department of Housing and Community Development for the zoning change. The Memorandum of Understanding (MOU) should be ready to be signed by tomorrow. The Selectmen will receive a copy via email. Attorney Shelmerdine said it is substantially the same as the prior MOU . Selectman Roach said that if the Selectmen sign the letter to DHCD tonight it is with an understanding that it will not be sent until the MOU is completed. Mr. McSweeney asked if the town is going to see the DHCD application that B’nai Brith is going to be submitting. The Board agreed to authorize the Chair to sign the MOU subject to finalization of language by Town Counsel Gelferman in conjunction with the Town Administrator.

VOTED: (Heitin/Roach) Voted unanimously to accept the letter as written and to execute as appropriate.

VOTED: (Powell/Roach) Voted unanimously to discuss Collective Bargaining –SMEA Negotiations and Real

Property acquisition and negotiation associated with Mountain Street. Discussion of these items in public session would be detrimental to the Town and at the end of Executive Session will adjourn for the evening.

-

The meeting adjourned at 9:40 p.m.

Heitin: Aye

Roach: Aye

Powell: Aye