

FINANCE COMMITTEE

Minutes

May 1, 2008

Regular meeting of the Finance Committee was held on Thursday, May 1, 2008 at 7:30 p.m. with the following members present, T. Jalkut, S. Connell, L. Donovan, R. Knobel, M. Hickey, S. Rose, M. Kent, M. Boragine T. Bowen, C. Lane. Also in attendance was Town Administrator M. Boynton and Finance Director M. Good

7:30 p.m. – Quorum being present, the meeting was called to order by the Chairman T. Jalkut.

May 5, 2008 Spring Annual Town Meeting

Economic Development Committee/Articles 30, 32 and 34

Present for discussion on these articles was L. Pittman, Chairman, P. Mellett, Member and Economic Development Director D. Walsh of the Economic Development Committee.

Town Administrator spoke to the Special Legislation being proposed on the organization of an Economic Development and Industrial Corporation in the Town of Walpole, with authority to receive assignments from the Town on tax title for certain properties within the Town, to foreclose on certain properties, and to accept the transfer or assignment of properties upon which tax foreclosure has occurred and to receive the benefits of any exception available to the Town or EDIC's, under such circumstances with respect to potential liability for contamination of any such property, properties to be approved by Town Meeting.

Article 30 creates an EDIC, but doesn't authorize the community to authorize tax title rights. Article 34 calls for specific language creating an EDIC by Special Legislation and is the better way to do it. Town would still need Article 34 even if Article 30 passes, Article 34 is the operative article, due to its critical nature. D. Walsh has been working on final language for the special legislation. Plan has to be developed, public hearing held by EDIC and EDIC would notify the Planning Board of their plans plus other state agencies. Plan would then have to go to Town Meeting and would still require input on Warrant from Selectmen, FinCom and 2/3 of Town Meeting. EDIC has the ability to develop plans and goals but can't execute any of them till they go to Town Meeting. Appointments to this Board would be powerless till the special legislation is passed. Town needs to get this right rather than having to do it over again. EDIC would come back with a specific site. Everyone is learning on this.

Committee questioned this coming up at the last minute. Town Counsel guiding us before, where did it come from and where are they going. M. Boynton spoke to the issue

is everyone trying to do it on this warrant. Special Legislation should be done first, legislature has final say, and he wouldn't recommend stopping at this point. If approval is received from Town Meeting, then it will be presented to the Selectmen and then send it on to the General Court.

M. Good spoke to there being no statutory authority to write off the outstanding taxes, funds would have to be in the overlay. Town has to have a mechanism in order to collect the taxes and has to decide, at the appropriate time, what the value is to get the site cleaned up. This will have to be discussed by Board of Selectmen and Town Meeting.

M. Boynton would recommend Selectmen not appoint the EDIC till after the special legislation is passed and would like to see the discussion happen under Article 34. He feels there is support for an EDIC, and to look primarily at South Street. Town has to make a decision on what value to have property on a clean slate. EDIC is owner of the property and could file for an abatement going forward. They are looking into whether an EDIC could purchase a bond for taxes, but sometimes the tax liability has to be eliminated.

Finance Committee Public Hearing

MOTION MADE by R. Knobel, Seconded by S. Rose to open the Finance Committee Public Hearing at 8:00 p.m., Motion Approved Unanimous (10-0-0) (10 voting)

There were no residents present for the Public Hearing.

MOTION MADE by R. Knobel, Seconded by S. Rose to close the Finance Committee Public Hearing at 8:10 p.m. Motion Approved, Unanimous (10-0-0) (10 voting)

Discussion continued on Article 34 –

Presently there is no mechanism to clean up a dirty site. EPA ready to do something, Town would rather be at the table than have something we don't want. Taxes have to be paid when property is sold.

MOTION MADE by S. Connell, Seconded by S. Rose for Reconsideration of Article 30, Motion Approved, Unanimous (10-0-0) (10 voting)

MOTION MADE by S. Connell, Seconded by L. Donovan for No Action on Article 30, Motion Approved, Unanimous (10-0-0) (10 voting)

MOTION MADE by S. Connell, Seconded by L. Donovan for Reconsideration of Article 32, Motion Approved, Unanimous (10-0-0) (10 voting)

MOTION MADE by S. Connell, Seconded by L. Donovan for No Action on Article 32, Motion Approved, Unanimous (10-0-0) (10 voting)

Article 34

MOTION MADE by S. Connell, Seconded by S. Rose for Reconsideration of Article 34, Motion Approved, Unanimous (10-0-0) (10 voting)

MOTION MADE by S. Connell, Seconded by L. Donovan for Favorable Action on the proposed Special Legislation dated May 1, 2008 with the elimination under Section 19, the words *“In the event the EDIC is not able to make payment for the tax title assignment, the Board of Assessors may abate the tax outstanding after appropriating funds to overlay”*, Motion Approved (7-3-0) (T. Bowen, M. Hickey and C. Lane opposed) (10 voting)

C. Lane spoke to the issue with just receiving the information tonight and discussing things that the Committee hasn't had an opportunity to read it yet. She had questions as to whether EPA ever puts a lien on a property. Town Administrator said they do. Town will be attempting to get back the revenue it hasn't received in 10 years and cleaning up the property. EPA is planning to submit a plan this Fall and the Town wants to be at the table but to date haven't been invited as we don't have an EDIC. Town needs to be involved and meet a deadline of Fall, 2008 and get things moving. If this article is successful at the May 5, 2008 Town Meeting, R. Chapell will advise the EPA that we have approved special legislation. EPA is speaking to Shaffer and Tyco on what level it would be cleaned up.

Other members also had issues with important articles always coming up at the last minute. This article should be reviewed over the summer and be taking up in the Fall. Town Administrator spoke to the issue if the legislation is filed now, message to EPA is very simple, otherwise Town won't be an active participant. Legislation was drafted and based on Mashpee/Falmouth's. Language does include Walpole. If Town Meeting adopts it, there will be no substantive changes to the document.

D. Walsh spoke to being in touch with Senator Timilty and other representatives and has sent them copies of the legislation. This is not new to the Legislators.

Article 9 – Sewer Enterprise Fund

Town Administrator spoke to the MWRA changing its financing patterns and we would be \$34,320 short in the FY09 Sewer Budget. Finance Committee has the option of reconsidering Article 9 and revote the article, and if not there will be a deficit in the

FY09 Budget. It had been anticipated that the charges to the Town would be billed in August or November (FY09). MWRA usually requests payment when the borrowing is done. This year they will be doing it May. I and I wasn't going to be done till after July

1, it is now going to be done sooner . They are moving it up three months which will add an additional \$34,000 to the debt account of the Sewer Budget and will be funded from user fees and funded out of FY09 Budget instead of FY10. .

MOTION MADE by R. Knobel, Seconded by L. Donovan for Reconsideration of Article 9, Motion Approved, Unanimous (10-0-0) (10 voting)

MOTION MADE by R. Knobel, Seconded by S. Connell for Favorable Action on the FY09 Sewer Department in the amount of \$3,920,800 as recommended funding by the Town Administrator with the increase in the Debt Service to \$347,065, Motion Approved, Unanimous (10-0-0) (10 voting)

Article 11 – Prior Year's Unpaid Bills

There are no known bills.

MOTION MADE by R. Knobel, Seconded by C. Lane for Reconsideration of Article 11 Motion Approved, Unanimous (10-0-0) (10 voting)

MOTION MADE by C. Lane, Seconded by R. Knobel for No Action on Article 11, Motion Approved, Unanimous (10-0-0) (10 voting)

Articles 25 – 29 Union Contracts

Negotiations are still ongoing and it is not anticipated that any will be settled till at least the Fall.

MOTION MADE by M. Boragine, Seconded by C. Lane for Reconsideration of Articles 25-29, Motion Approved, Unanimous (10-0-0) (10 voting)

MOTION MADE by C. Lane, Seconded by S. Connell for No Action on Articles 25-29, Union Contracts, Motion Approved, Unanimous (10-0-0) (10 voting)

Articles 35 – 40 Street Acceptances

MOTION MADE by R. Knobel, Seconded by C. Lane for Reconsideration of Articles 35 -40, Motion Approved, Unanimous (10-0-0) (10 voting)

MOTION MADE by C. Lane, Seconded by L. Donovan for Favorable Action on Articles 35-40, Street Acceptances with the designated money listed in the articles of the warrant, funded from Free Cash, Motion Approved, Unanimous (10-0-0) (10 voting)

Article 43 – Amend Zoning By-law , Parking and Travel Lane Dimensions

MOTION MADE by S. Connell, Seconded by L. Donovan for Reconsideration of Article 43, Motion Approved, Unanimous (10-0-0) (10 voting)

MOTION MADE by C. Lane, Seconded by T. Bowen for Favorable Action on Article 43, Motion Approved, Unanimous (10-0-0) (10 voting)

Article 44 – Baker Street Rezoning

S. Connell took over the chairing of the meeting

Town Administrator spoke to the applicant's Attorney, R. Gellerman requesting that this article be withdrawn, and as a result of this action, the article will not be acted upon in any fashion by the Town Meeting.

Mr. Boynton spoke to it being too late to have the article taken off the warrant. Committee has the option to let their No Action vote stand or they can reconsider the vote and not do anything. A No Action vote would prevent any action being taken for two years. If nothing is done Warrant would just dissolve and there would be no action taken on this article.

MOTION MADE by C. Lane, Seconded by T. Bowen for Reconsideration of Article 44, Motion Approved (8-1-1) (M. Boragine in opposition, T. Jalkut abstained) (10 voting)

There were no other motions offered.

Committee Discussion – Baker Street residents want a No Action vote taken on the article. If the Committee were to ignore the request, would this set a precedent. There is also the option of a Town Meeting member could making a motion on the article.

Reserve Fund Transfer

\$7,000 being requested for Veterans Benefits. This is for two additional Veterans. Committee had previously voted another Reserve Fund Transfer on March 3, 2008 in the amount of \$6,000 for Veterans Benefits.

MOTION MADE by C. Lane, Seconded by S. Rose for Favorable Action on a Reserve Fund Transfer in the amount of \$7,000 for Veterans Benefits, Motion Approved, Unanimous (10-0-0) (10 voting)

Minutes

MOTION MADE by R. Knobel, Seconded by C. Lane to approve the March 31, 2008 Minutes, Motion Approved (8-0-2) (M. Boragine, S. Rose abstained) (10 voting)

MOTION MADE by R. Knobel, Seconded by C. Lane to approve the April 3, 2008 Minutes, Motion Approved (8-0-2) (M. Boragine, M. Kent abstained) (10 voting)

MOTION MADE by R. Knobel, Seconded by C. Lane to approve the April 14, 2008 Minutes, Motion Approved (7-0-3) (S. Rose, M. Boragine and M. Hickey abstained) (10 voting)

Town Administrator

Prison Mitigation Funds - Town Administrator advised the Committee that the Prison Mitigation Funds have been restored in the House Budget and should be included in the Senate and Governor's Budget.

Town Administrator extended his thanks to the Committee for all the work that they have done during this budget season. There have been challenges but with the great team work and cooperation from everyone, it has all got done. It has been a collective effort to make it happen. Budget \$80,000,000 and we do it well if not better than anyone else in the State. It is done because we understand the process.

MOTION MADE by R. Knobel, Seconded by S. Connell to adjourn the meeting at 9:05 p.m, Motion Approved, Unanimous (10-0-0) (10 voting)

Respectfully submitted,

Clare P. Abril
Secretary