

## FINANCE COMMITTEE

### Minutes

May 13, 2013

A special meeting of the Finance Committee was held on Monday, May 13, 2013 at 6:45 p.m. in Room #2129 of the Walpole High School, Common Street with the following members present: J. Denneen, S. Ahmed, J. Burke, J. McDermott, M. Kent, D. Crowley, S. Lowre, D. Bruce, D.DiCenso, and 7:20 p.m. L. Pitman. Absent were: M. Iwanowicz, C. Lane, J. Lowre, T. Williams and P. Hinton.

Also in attendance was Town Administrator M. Boynton, Selectmen M. Gallivan, N. Mackenzie, Town Moderator, J. Rockwood, Planning Board Members E. Forsberg, and R. Nottebart, WPS Trustee D. Murphy, Attorney P. Macchi, Jr. and Engineer D. Merrikan.

6:50 p.m. – Quorum being present the meeting was called to order by the Acting Chairman J. Denneen.

### May 6, 2013 Spring Annual Town Meeting

#### Article 24 – Walpole Park South Street Acceptance

Finance Committee previously approved this article on a 9-1-1 vote on March 7, 2013 to accept this article. At the Town Meeting held on May 8, 2013, the Representative Town Meeting Members had many questions, and further debate on this article was postponed.

Town Administrator M. Boynton spoke to the history of this subdivision and apologized for the lack of communication on this article, which created misinformation dealing with the article and clouding the issue. Site Plan Approval and Special Permit was granted on January 20, 2011 by the Planning Board.

In researching this article, there cannot be found any agreement that this subdivision will become a public way, nor any agreement that it would remain private in perpetuity. Town Meeting has the final authority on acceptance of ways.

Under this article, the pump station is not to become public, although there is nothing in the original subdivision approval requiring it to be privately maintained, apparently it was agreed to by the developer, after a discussion with Sewer & water requesting their support for the street acceptance. This has been recommended by the Planning Board, after a request from Sewer & Water Commission in a letter to them. This was not clear, and motion was not drafted to restrict the pump station.

The issue of the force main is unclear as to whether the pipe would remain private, language in the article and motion granting the park owner an easement in the street to access and maintain the force main piping. There is currently no such language,

Subdivision has street lights. Roadways and sidewalks have been rebuilt and brought up to the Planning Board's standards.

Town will need an easement for the forced main if it becomes a public way.

Finance Committee has three options.

- 1) Go ahead with the motion as is.
- 2) Have further discussion
- 3) New motion to Refer back to Finance Committee for the Fall Town Meeting.

Town Administrator recommends Walpole Park South Drive become a public way. He feels that the developer has met his obligations from an engineering standpoint.

Comments:

J. Denneen – Committee has a lot to deal with due to the lack of information and recommends action be postponed, at this time, and voting be postponed.

D. Bruce – Spoke to the Planning Board's position of releasing the bonds prior to the roads being accepted, there is no recourse available to the Town. This is a decision of the Planning Board. If the article is remanded back to committee, it is a significant financial impact to the developer.

E. Forsberg – spoke to once a project is completed, developer can ask to have the project accepted. Engineering Department inspects the project and provides comments to the Planning Board then it goes on to a public hearing. Planning Board felt that everything was done. They never talked about the pump station. No easements are in place for the forced main. Planning Board met all obligations on the Site Plan.

Sewer & Water Commissioners in agreement to allow the developer to keep the pump station. Commissioners have a substitute motion presently on the floor for this article.

N. Mackenzie spoke to the Town being at potential risk, if it is not spelled out who is responsible for the forced main. Present developer could sell the property and new owner would not be responsible unless easements are in place. If the town owns the roads, should own the forced main.

S. Lawson spoke to being in favor of postponing action due to the number unanswered questions.

D. Crowley in favor this coming back to Finance Committee due to a number of questions, Committee should not push forward at this time.

D. Bruce spoke to voting previously against this article due to the lack of information. He asked how many industrial parks have been accepted as public ways. There are three, Industrial Road, Merchants Drive and Renmar Road.

The Preserve was never intended to become a public way, plan was to always remain private. Walpole Park South was done under Subdivision Control Plan.

D. DiCenso spoke to being concerned with the Sewer & Water Commissioners changing the rules on this subdivision.

J. McDermott feels Town should accept the street issue, and pump station remain private.

If the substitute motion of the Sewer and Water Commission goes forward, there is no legal mechanism to maintain the forced main only the roadway will be accepted. He is in favor of it becoming a public way.

Town Counsel B. Lane spoke to if the motion goes forward as written, it becomes a technical question on dealing with the forced main and pump station. Original Walpole Park South was never to become an accepted public way due to a groundwater issue. Town needs to know the design and the liability issues need to be resolved.

7:20 p.m. – Committee Chairman L. Pitman

Developer D. Murphy spoke to being okay with the Finance Committee taking additional time for their review but only wants to be treated fairly. Pump Station was built in 1986 and is good working order.

**MOTION MADE** by S. Lawson, Seconded by D. Bruce for Reconsideration of Article 24, Motion Defeated, Voting in Favor of the motion were (4-6-0) (J. Denneen, S. Lawson, J. Burke, and D. DiCenso in favor) (10 voting)

**MOTION MADE** by D. Bruce, Seconded by D. Crowley to adjourn at 7:30 p.m., Motion Passed (10-0-0) (10 voting)

Respectfully submitted,

Clare P. Abril, Clerk