

The Board of Selectmen met on Tuesday, August 1, 2017 beginning at 7:00pm in the Main Meeting Room of the Town Hall. The following members were present.

Eric Kraus, Chairman  
Mark Gallivan, Vice Chairman  
Nancy Mackenzie, Clerk  
David Salvatore  
Ann Ragosta

Also Present:  
James Johnson, Town Administrator  
Cindy Berube, Executive Assistant

Mr. Kraus called the meeting to order followed by the Pledge of Allegiance.

## **ANNOUNCEMENTS**

Remembrance for Harry Tominey- Mr. Kraus read the following into the record. The Board of Selectmen sends their heartfelt condolences to the family of Harry Tominey Jr. Harry passed away on Thursday July 27, 2017 and was a WHS graduate in 1965. He joined the Police Dept. as a patrolman on June 22, 1971 after serving in the Navy.

He was the first D.A.R.E officer and taught middle school children about the dangers of drug use. He was well recognized as he drove the D.A.R.E corvette during parades and to the schools.

He was well liked by the Walpole residents and brought much joy to those he met. After thirty years of service to the community he retired on February 28, 2002. He continued to work as a court security officer for ten years and further served as a legislative aide to Senator Timilty.

The Town recognizes the significant contributions of Harry Tominey over the course of his distinguished career and mourns his death.

Moment of silence.

## **APPOINTMENTS**

### **8-1 Order of Takings**

Town Engineer, Margaret Walker reported to the Board. This is the last step in the street acceptances. Once the Board signs the documents they will be recorded at the Registry of Deeds.

MOTION moved by Mrs. Mackenzie to accept the Order of Taking for Arlington Lane, Evergreen Lane and Hancock Court and to sign the Taking documents as authorized under Article 27 of the 2017 Spring Town Meeting, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to accept and sign the, Operation and Maintenance Plan and Covenant and Conveyance of Easements and Utilities for Arlington Lane, Evergreen Lane and Hancock Court, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to accept and sign the Operation and Maintenance Plan and Covenant for Commerford Corner as authorized under Article 29 of the 2017 Spring Town Meeting. Seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to accept and sign the Traffic Sight Easement documents for Commerford Corner as authorized under Article 30 of the 2017 Spring Town Meeting. , seconded by Mr. Gallivan, VOTED 5-0-0

### **8-2 Town Forest Appointment**

Liana Cosgrove appeared before the Board seeking membership on the Town Forest Committee. She has been a Walpole resident for 9 years and lives across the street from the Town Forest. She spends a lot of time in the forest. She started going to meetings and helped with the 100<sup>th</sup> Anniversary. It was an honor to serve with these people. Mr. Kraus thanked her for her volunteerism

MOTION moved by Mrs. Mackenzie to appoint Liana Cosgrove to the Town Forest Committee as a regular member, seconded by Mr. Gallivan, VOTED 5-0-0

### **8-3 Eastover Road, Improvements and Easements**

Mr. Johnson reminded the board they considered this matter back in May. At that time you had concerns with Fire, Conservation and Engineering comments the concerns have been addressed. ZBA approval back in December. The Building Commissioner has provided comments and Town Counsel has approved.

Ms. Walker reported that one of the issues the Board had requested was the easement for our vehicles to turn around. We have not received the signed document back. They are putting in new handicap ramps. Not putting granite around corner. Some widening on each corner that will have to be done a fence or two may have to be moved. There is a small area where the roadway is not 20 feet and they will take down the trees to give the neighbors a 20 ' rd. New Water main, the existing homes will be tied into that, trench patching. Take a couple of trees down. They may need a public shade tree hearing.

Mrs. Mackenzie, so the trash truck will be able to turnaround. Ms. Walker stated the Board of Health would have to tell them. Mrs. Mackenzie spoke of the neighbors fence work has that been discussed with them. Ms. Walker It will be at the corner. They are in the public way. Mr. Salvatore recalled there was supposed to be a meeting with neighbors did that take place.

John Glossa stated he did meet with residents. He provided each member with a plan showing the roadwork.

Philip Sullivan, Eastover Road explained that Mr. Glossa has talked to him and others that were at the first meeting, and as far as he is concerned he has no issues. The fence is on town property and my land is inside of the fence. He has no problem, the quicker the better before winter comes and gets everything done on the road. He is in favor of this.

The resident of 2 Eastover rd.-We are fine with it, we would prefer to not pay for moving the fence back. We are catching up on this.

Mr. Glossa did contact by mail and sent that plan to all abutters back in March/April. Mr. Sullivan was the only one that contacted him. Maryann also contacted him. The turnaround easement, the owners are here. Diamond builders agree to provide the easement. He went back to Conservation Commission and Sewer and Water and redrew plan and was able to get the Conservation Commission to provide an amended order of conditions, to get a rid a lot of fill, we are now allowed to pump the sewerage out. We worked with Town Engineer, Maggie Walker to develop the plan for the curbing at East St. Will end at the front of the sidewalk. We added the fire hydrant. All of those things are being done. We will pay to have that fence moved back for you. Far enough back to new edge of pavement. Mr. Glossa does not think Mr. Sullivan's fence comes into play at all. To make this roadway a 20' width the poles are on the right side. The Oak trees are on the other side. He would let the builder take those two trees down. That way you have an even 20'. Mrs. Mackenzie wants to be sure that the neighbors that live behind the trees are aware of this. Mr. Glossa will talk with them to see if they are opposed to that. It is on town property.

Mr. Hayes is amenable connecting to the new sewer he will do that. Mr. Glossa will meet with him and help him get a price. He wants to do that.

Mr. Kraus you took our concerns seriously and I thank you for that and as long as the residents are please it is fine with us.

Mr. Glossa will have to speak to Bob LeBlanc regarding the tree removal. Mr. Glossa has already done so.

MOTION moved by Mrs. Mackenzie to approve the roadwork and to accept and sign the Grant of Easements for Eastover Road as shown on a plan entitled Exhibit Easement Plan of Land , seconded by Mr. Gallivan VOTED 5-0-0

Jim and Maggie will follow up with the neighbor on the tree.

#### 8-4 **Public Hearing, Patriot Tavern, Alteration of Premises**

MOTION moved by Mrs. Mackenzie to open the public hearing for the Alteration of Premises for Patriot Tavern, Seconded by Mr. Gallivan, VOTED 5-0-0

Attorney Gulley representing the owners explained they are here for an alteration of premises for the patio. Our application is to allow us to serve alcohol on a patio area. Our predecessor appeared before the ZBA Board for a special permit. Four tables and 18 seats, prohibits electronics. It runs May 1 to Oct 15, from noon to ten pm. We received notice that we needed permission to serve. The Fire Dept. had comments and I had an opportunity to speak to him.

Patriot tavern has corrected his comments and taken care of the Electrical inspection comments as well. The new owner thought the liquor license included the patio but the previous owner failed to seek permission from the Board. This will correct that issue.

Deputy Chief Paul Barry reported he followed up and revisited all issues and they have been addressed. Mr. Kraus ask for continued diligence with serving to minors.

Tim Hempton, 47 Christina Drive remembers seeing the old version Karol's. The renovations that they have done are outstanding, proud to have this business in Walpole.

MOTION moved by Mrs. Mackenzie to close the public hearing seconded by Mr. Gallivan  
VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to approve the alteration of Premises for Patriot Tavern, Inc. d/b/a Patriot Tavern to include an outside dining area, seconded by Mr. Gallivan, VOTED 5-0-0

### **NSTAR Pole**

**\*\*\*\*\* This issue has been postponed.**

### **NEW BUSINESS**

#### **8-6 Bid Contract Award, DPW Garage**

Mr. Johnson explained the bid opening and how the low bidder did not have bid bond. Ms. Ragosta wanted to know what would happen to the money that is left from this project. He does not expect money left from this project. We have the architect, the lift, it is a tight budget. Ms. Ragosta wanted to know if any funds remaining for this article could be appropriated for the tax levy for next year. Mr. Johnson stated it would need town meeting action. Ms. Ragosta if town meeting votes a certain amount, we should return it to free cash. Mr. Gallivan explained the money would stay in the account forever unless it is appropriated by town meeting to where this money goes.

Mr. Kraus, can that money be used for anything else? Ms. Ragosta Town Meeting does not get it unless someone sponsors an article. All of the articles similar to this where money has not been spent can you compile a list. That will either be presented to this Board for fall or spring. We should keep track and monitor. She would like to see money that is not used put back in free cash. For every article similar to this, if possible.

Mr. Kraus asked Mr. Johnson in the Town Administrators updates just make a note to keep us abreast. Mrs. Mackenzie said we aware of what is being spent through your updates. Same thing happened with the library. We had enough to take that gas tank out. Mr. Johnson stated this project falls under the PBC and they keep an eye on the funds. Don Anderson has reached out to the Technical School to get assistance with the building.

Ms. Ragosta if there is change left over it should go back to free cash and not to another project.

MOTION moved by Mr. Mackenzie to award contract 2017-28 to New England Builders and Contractors for a new DPW vehicle maintenance garage for a total amount of \$1,570,000, seconded by Mr. Gallivan, VOTED 5-0-0

#### **OPEN FORUM**

Bill Hamilton talked about the fact that the Town Administrator could have too many pockets, and you should eliminate these little hides and get the money into an account that will give us a better interest rate. He would like to see the money go to a special account, one value.

We need more transparency and I understand there is always overage. Mr. Gallivan we are pretty transparent now.

Mr. Gallivan we are talking about accounts that track individual projects.

#### **8-7 Bid Contract Award Council on Aging Facility**

Mr. Johnson explained they were the general contractor during the demolition of the site. This is going to fall under the Permanent Building Committee.

MOTION moved by Mrs. Mackenzie to award contract 2017-22 to Page Building Construction Co. Inc. for a new Council on Aging Facility for a total amount of \$5,974,041, seconded by Mr. Gallivan

He informed the Board that 6.2 million coming from Town appropriation. Mr. Salvatore, this 5.9 million is available presently. Should we be awarding it prior to the money being available? Mr. Johnson, we have the 6.2 million we have a contract with compass. It accounts for 6.8 million. Walpole media contributed. The COA has contributed. We will not go back to Town Meeting for additional funds you have my word. We did not receive a grant. Most were from Western mass.

VOTED 5-0-0

#### **8-8 MOA for South Street Center/aka Council on Aging Facility**

Mr. Johnson spoke of the Memorandum of Agreement with Walpole Cooperative Bank and they have provided a donation to the center. It is before you for approval. He is pleased with their donation. So we can build a new senior center. Mr. Gallivan believes one of the things that the Council on Aging Facility will have a significant impact on the seniors in town. Mrs. Mackenzie knew that Walpole would come through and there was debate. Money came from all different groups, citizens, social clubs, how important the senior center is. I have faith in Walpole. We did not need the grant. Ms. Ragosta feels this incredible donation and it is what makes Walpole great. Mr. Salvatore appreciates the banks donation. Mr. Kraus, the bank does not want naming rights. They have given so much to the town quietly. They are the most generous and good corporate citizens. Has to point out that Mr. Richard McCarthy has raised money.

MOTION moved by Mrs. Mackenzie to sign the South Street Center/aka Council on Aging Facility MOA with the Walpole Cooperative Bank, seconded by Mr. Gallivan VOTED 5-0-0

Mr. Gallivan stated fundraising is still going on for the center. Mr. Salvatore noted there are some additional options we cannot afford at this time.

**8-9 Jalapenos Grill One day Malt and Wine license**

MOTION moved by Mrs. Mackenzie to approve the one day malt and wine only license to Jalapenos Grill for August 4, 11, 18, 25, September 1,8,15 as part of the Main Street Live event subject to the request of the police department and the ABCC Rules and Regulations for outdoor seating and serving, seconded by Mr. Gallivan VOTED 5-0-0

**8-10 Raven's Vine and Tap One day Malt and Wine License**

MOTION moved by Mrs. Mackenzie to approve the one day malt and wine only license to Raven's Vine and Tap for August 4, 11, 18, 25, September 1,8,15 as part of the Main Street Live event subject to the request of the police department and the ABCC Rules and Regulations for outdoor seating and serving, seconded by Mr. Gallivan VOTED 5-0-0

**8-11 The Ravens Nest One day Malt and Wine License**

MOTION moved by Mrs. Mackenzie to approve the one day malt and wine only license to Raven's Nest for August 4, 11, 18, 25, September 1,8,15 as part of the Main Street Live event subject to the request of the police department and the ABCC Rules and Regulations for outdoor seating and serving, seconded by Mr. Gallivan, VOTED 5-0-0

**8-12 Ginjo sushi & Hibachi, One day Malt and Wine License**

MOTION moved by Mrs. Mackenzie to approve the one day malt and wine only license to Ginjo Sushi & Hibachi for August 4, 11, 18, 25, September 1,8,15 as part of the Main Street Live event subject to the request of the police department and the ABCC Rules and Regulations for outdoor seating and serving seconded by Mr. Gallivan VOTED 5-0-0

**8-13 Knights of Columbus, One day All Alcohol License**

MOTION moved by Mrs. Mackenzie to approve the one day All Alcoholic License for knights of Columbus for August 19 from 7-11 pm, seconded by Mr. Gallivan, VOTED 5-0-0

**8-14 Walpole Sportsman's Association, One day All Alcohol License**

MOTION moved by Mrs. Mackenzie to approve the one day All Alcoholic License for Walpole Sportsman's Association for September 9, 2017 from 12pm-6pm, seconded by Mr. Gallivan, VOTED 5-0-0

## CONSENT AGENDA

MOTION moved by Mr. Salvatore To approve the following items listed under Consent Agenda, with the exception of the Public Records access Guideline policy.

1. Request to hold the 44<sup>th</sup> Annual Walpole Labor Day Road Race on September 4, 2017 starting at 9:30am for The Walpole High School Cross Country/Track Booster (8-15)
2. One Day Entertainment for Walpole Sportsman's Association on September 9, 2017 from 1pm-5pm for a Live Band (8-16)
3. One Day Entertainment for Carol Johnson-Walpole Farmer's Market on September 23, 2017 from 10:30am-11:30am for a Live Musician (8-17)

Seconded by Mr. Gallivan VOTED 5-0-0

### 8-18 Acceptance of Public records Guidelines

Mr. Johnson explained that the town must have something in writing , counsel has vetted it

MOTION moved by Mr. Salvatore to accept Public Records Access Guidelines Policy and incorporate it into BOS Policies & Procedures Manual, seconded by Mr. Gallivan, VOTED 5-0-0

### **Discussion on potential article for FTM Warrant fixing next years tax rate**

Ms. Ragosta stated the taxpayers of Walpole are crying out for tax relief. She knows this to be true. During the last several months she has talked to many people and her platform was to reduce taxes for the residents. She thinks it is important and the town should recognize this need. Many ways to approach, biggest way is to reduce spending, part of the budgeting process. What she is proposing to do is the first step will be many steps in lowering the tax bill, the mechanism, is to put an article on the FTM warrant which asks town meeting to transfer from Free cash /available funds and determine an amount of money and use it to apply to next years tax levy. She has drafted an article, and town counsel would need to review it. She looked at other town warrants, other towns do this on a regular basis.

Free cash is the remaining from operations. Unexpended money. Change back from your shopping trip. Went to other towns to see how they reduce their tax rate. She does not know how much would be available. Once we get this approved and on the warrant.

So the language she has come up with is;

To see if the town will vote to transfer from available funds a sum of money, and if so, to meet the appropriations for the ensuing fiscal year and authorize the Assessors to use said sum in fixing the tax rate. Takes money from free cash and apply to the tax levy. She would like to have some discussion with the Board. She thinks it is something that should be done.

Mr. Salvatore questioned if there is a fund you are aware of at this point. Ms. Ragosta stated we have funds in the ambulance funds. Mr. Johnson said about \$660,000 from the

ambulance fund is being used to help the budget. Ms. Ragosta are there other funds with cash left over? Looking at our balance sheet, it is a summary.

Mr. Kraus what would be helpful is more specifics, about what funds we are talking about. He stated he is at a huge disadvantage. He wants to know where the ambulance fund money is going. He wants to get as educated as he possibly can.

Ms. Ragosta the article does not say which funds. That amount is determined ahead of town meeting. She explained she is not available on August 15<sup>th</sup> meeting. She does not see any down side to putting on the agenda.

Mr. Gallivan explained that he has been on this board for 6 years and Finance Committee for 6 years. He knows there are people that want their taxes cut, but some want to maintain the services or increase the services. One thing towns do is confusing one time money with reoccurring money. Free cash, money left over. Town meeting may want to put it in a reserve account. We do not want to be paying staff with one time money and you get yourself in trouble. Not a good idea, at some point you will run out of one time money. This could create a lot of problems for ourselves, the town has reserves just like people have reserves. It is important that we keep these things apart. She is talking about using one time money. The bond rating is very important. The state is using the rainy day funds to balance the budget. Give this some thought and I am against it, in general we really need to think about it. Not in favor of laying off employees. We have the ability to raise the tax levy 2 ½. How are we going to pay our employees?

Ms. Ragosta by applying free cash to tax levy. We had 7 million in free cash last year. It is appropriate to reduce the subsequent years tax levy. I am not looking to layoff people.

Mr. Salvatore you said one time money. What is that? Is free cash one time money? Mr. Gallivan it is how we fund capital budget items. Mr. Salvatore what do we define as one time money. So were is the money from free cash? Mr. Gallivan we used free cash on our building projects. This is a huge discussion. How tax revenue as to where the money flows. Ms. Ragosta did not give us any material and he thinks it is a really bad idea. Mrs. Mackenzie noted that Prison mitigation is one time money. Mr. Salvatore what about ambulance fund? Mr. Johnson we bill for ambulance service that money is used to put in reserve for ambulance pays for the EMTs and paramedics. The money comes in and comes in as free cash and rolls into the ambulance fund. It gets certified as free cash.

Mr. Johnson the ambulance funds stay in there not to free cash. Mrs. Salvatore so that \$660,000 used from the budget was to balance the budget how does that relate to the cost of provided ambulance service. There is a \$784,000 will that be for a new ambulance?

Mr. Salvatore questioned why are we saving that \$784,000 to roll over to the ambulance budget? This is a reoccurring fund. What is the long-term goal for this money? We always have a balance in the budget. Mr. Salvatore next will you take some for the budget. Leave some money left over.

Mrs. Mackenzie noted that free cash changes all the time it is not certified this year. If you don't have free cash it is not good. Having been on Boards and seeing the budgets from



different depts. in town. It is not something we can count on Prison mitigation. We did some great building projects. We need to have money available for a winter that goes over budget. The OPEB liability fund, we still have to pay into that. We are trying to pay that down. Free cash is used for emergencies. He does not know when anyone says the best way to live your life at home is paycheck to paycheck.

Ms. Ragosta stated she is not suggesting we reduce the free cash to zero. We took in more money and preceded to spend 4 million dollars. There are one-time purposes where it is appropriate to use free cash. After Fall Town Meeting Article 16, money went to DPW garage. She thinks the question on her proposed article on the warrant is look at how much is enough in free cash. She believes the ambulance funds are to be used to offset our emergency services. She questioned what are stabilization funds. Mr. Johnson this is a rainy day fund it requires a 2/3 vote. Ms. Ragosta wanted to know how many funds do we need. The genesis of spending free cash, and she disagrees that free cash is a one time deal it comes in every years, some years we may not have accumulated much. She thinks it is important to have this article on the warrant.

Mr. Kraus felt this is a huge issue, and would feel more comfortable and meet with Finance Committee, and Schools take a good hard look at the budgets. He had not seen the proposed article language until now. He is open to taking a look at the budget without weakening our public safety. Next week get together with Fincom. Ms. Ragosta did send an email to Jim and requested that this item be put on the Agenda. She assumed that it would be put in the packet.

Mrs. Mackenzie there is a vetting process of it. The theory of it the other Boards that it impacts and more discussion needs to be done.

Mr. Salvatore does not see it all that confusing. When you overcharge the citizens this year. Mr. Gallivan is in favor of having a budget workshop. Mr. Kraus when we discuss the budget we get a binder full of information. There is merit in what you are saying. Mrs. Mackenzie if it is the right decision to make. Mr. Kraus, can we get the Finance Committee involved. When we went before the Finance Committee as a group we said we would work to collaborate.

Mrs. Mackenzie we have been trying to save and get projects done without an override. We have been making sure we are doing this for the town. She does not think that this is good for the town. When we go through the budget we go through the line items. Would she love a tax break, yes she would. My responsibility is to everyone in this town. There are people who need their ambulance service. There are so many fees and we have 20 square miles. We put a lot of money into our roads. Talking about what is going on with Kraft, are we going to have to put money into that to fight that.

Ms. Ragosta this is not about making a splash, making myself look good. I too am thinking about everyone in town. When I say people are crying for tax relief, it is a real cry, with their taxes increasing in 10 years over 42%. Setting aside those that have lived here their whole life. They did not sign up for these big tax increases to reduce the tax levy in a prudent manner is something that should be looked at. All the services in all schools are

meaningless for people that cannot afford to live in Town. I sat on the Fin Com I know how the budget works. I am familiar with taxation.

Mr. Kraus does not think it is as simple as returning money. Mr. Gallivan felt the logical next step is to identify a date and have a workshop on the whole budget. I do not think you used transparency.

Mr. Kraus questioned if the Assessors should be present. See if we can get a budgeting workshop before our next meeting. The Auditor should be here.

#### Town Administrators Update

MSBA Statement of Interest- Mr. Salvatore update as to what the issues that are being addressed by the School dept. regarding the inefficiencies in the school dept. Ms. Ragosta, the statement of interest she was not on the Board when this was happening. Are they for repairing the middle school? It is a big upcoming project that would require an override and dovetails into our discussion on the budget.

MBTA-Ann and I attended the fiscal management Control Board meeting yesterday. David Mohler advised me today that the current plan is for the Board to submit questions to the General Manger. Those questions and their answers will be posted on the Board's Website. The Board will take action at their meeting of August 14<sup>th</sup>.

Firefighter Resignation- Thomas Duggan resigned from the Walpole Fire Department this week before he started. He told the Chief he left us to sign on with Rockland Fire, which was closer to home, and the compensation was better.

MOTION moved by Mr. Gallivan to adjourn at 9:05 pm seconded by Mr. Kraus, VOTED 5-0-0