

The Board of Selectmen met on Tuesday, October 24, 2017 beginning at 6:30 pm in the Main Meeting Room of the Town Hall. The following members were present:

Eric Kraus, Chairman (present)
Mark Gallivan, Vice Chairman (present)
Nancy Mackenzie, Clerk (arrived at 6:38pm)
Ann Ragosta (present)
David Salvatore (present)

Also Present:
James Johnson, Town Administrator
Kristine Brown, Principal Clerk
George Pucci – KP LAW (left at 7:11 pm)

Chairman Eric Kraus called the meeting to order at 6:31 p.m.

EXECUTIVE SESSION:

Chairman Declaration:
Mr. Kraus, I hereby declare that:

Under G.L. C.30A, §21 (a) (3) the purpose of the Executive Session will be to discuss strategy for the Board's litigating position regarding the MBTA Pilot Program
That a discussion of the foregoing in open session could compromise the purpose for the Executive Session; and
That the Board of Selectmen shall return to open session at the end of Executive Session.

Motion moved by Mr. Gallivan to enter Executive Session for the purposes stated by the Chair, seconded by Mr. Salvatore

A Roll Call vote was taken - the vote was **4-0-0 in favor. (Mr. Kraus –Yes; Mr. Gallivan – Yes; Ms. Ragosta – Yes; Mr. Salvatore - Yes)**

The Board went into Executive Session at 6:33 p.m.

The Board returned to open session at 7:09 p.m.

Mr. Kraus, good evening and welcome to the BOS meeting, we will start with the Pledge of Allegiance.

Mr. Kraus went on to explain that the Board just concluded an Executive Session. The result of that Executive Session was to ask both our Town Administrator and Town Counsel to examine, assist and respond to the safety issues that the Town of Walpole faces with the MBTA pilot program. We will do our best to keep people updated on an ongoing basis. The safety of our townspeople is paramount.

APPOINTMENTS:

10-13 Public Hearing, VOTE Change of Location for Finnegan's Wake to 685 Main Street

MOTION moved by Ms. Mackenzie to open the Public Hearing for the Change of Location, seconded by Mr. Gallivan. Voted 5-0-0

Mr. Johnson explained that everything is in order. The owners of Finnegan's Wake are in the audience today. They are looking to change their location to Rocky's Plaza at 685 Main Street.

Mr. Kraus stated he was happy that Finnegan's Wake is staying in Walpole. They have been very generous to this Town.

Ms. Mackenzie added that Walpole is lucky. Finnegan's Wake has helped every youth sport and senior event in the community. It will be exciting to see the new location.

Mr. Gallivan wanted to know when they were hoping to open.

Tom Kirwan the owner of Finnegan's Wake said they were hoping to open sometime in December.

Mr. Salvatore mentioned that their prior establishment was in a unique place but they thrived there. I'm sure you will have much success at the new location.

Mr. Kraus asked if anyone from the public was at the meeting who would like to speak.

Motion moved by Ms. Mackenzie to close the Public Hearing, seconded by Mr. Gallivan. Voted 5-0-0

Motion moved by Ms. Mackenzie to approve the request to change the location of Finnegan's Wake to 685 Main Street, seconded by Mr. Gallivan. Voted 5-0-0

10-14 Mary MacNamara Cullinane, Cultural Council

Ms. Mary MacNamara Cullinane stated that she has lived in Walpole for 20 years. She has been on a couple of different Boards for the Town. Now that her children are getting older she has more time. She is looking to donate her time to the Town.

Mr. Kraus said we love when people volunteer and donate their time to the Town of Walpole. Thank you.

Ms. Ragosta mentioned that Mary is a wonderful person. She will make a good addition to the Council.

Motion moved by Ms. Mackenzie to appoint Mary MacNamara Cullinane to the Cultural Council for a term to expire on April 1, 2020, seconded by Mr. Gallivan. Voted 5-0-0

10-15 Beth Formica, Cultural Council:

Ms. Beth Formica said that her story is similar to Mary's. She is finding herself with more time on her hands as her children have gotten older. She has lived in Walpole for 19 years and she wants to give back to the community and get more involved.

Motion moved by Ms. Mackenzie to appoint Beth Formica to the Cultural Council for a term to expire on April 1, 2020, seconded by Mr. Gallivan. Voted 5-0-0

OPEN FORUM:

Bernard Dullea of 417 Old Post Road said that he watched the Town Meeting and felt it was very troubling. In his opinion he felt the moderator had an agenda. Certain people were given more leeway to speak than others. The Moderator seemed to cut people off. He said in regards to the letter that went out to all of the RTM's, he hoped no town funds were used. That is just his humble opinion.

Mr. Kraus said he could not speak in regards to the Town Moderator but he could speak to the letter. No Town funds were used to send out the letters. That would be against the law.

With no one else looking to speak, the Board moved to new business.

NEW BUSINESS:

10-16 Roscommon Grant Restrictions:

Mr. Johnson explained that Attorney Chris Timson is here to represent Roscommon Homeowners for the Grant Restriction. It has been reviewed by our counsel and by all Boards involved. It is before the Board for your consideration.

Attorney Chris Timson stated that we are looking for the Board of Selectmen to sign off on this. There is a new owner/developer for Roscommon, my client, Whitman Homes. They bonded the subdivision, it is ready to go. These are the restrictions that would give the Town their right to enforce the public interest in the open space parcels. That is what this document does.

Ms. Ragosta wanted to know if the Planning Board had approved these restrictions.

Attorney Timson stated that both the Planning Board and Town Council approved these restrictions.

MOTION moved by Ms. Mackenzie to sign the Grant of Restrictions for Roscommon Homeowners Trust to restrict the use of Open Space parcels in the Roscommon subdivision, seconded by Mr. Gallivan. Voted 5-0-0

10-17 Payment in Lieu of Tax Amendment

Mr. Johnson explained that this is an Amendment to the Agreement for Payment in Lieu of Taxes for Personal Property. This is a modification for the Bird landfill Site. They estimated 2.35 MW (megawatts) they have bumped that up to 2.422 MW. We have asked for a change in their proposal to reflect that change. This has been reviewed by Town Counsel and the Board of Assessors. The Town Appraiser has signed off on it. Now it is before this Board.

Ms. Ragosta asked how these amounts are determined, is there a formula.

Mr. Johnson explained that it was not a formula. These amounts have been agreed to by the committee. The Committee is made up of me, Dennis Flis-The Town Appraiser, Jack Fisher, a member of the Board of Selectmen (Eric Kraus). We have a policy. This is just an amendment, because they have increased their amounts. The only agreement we have had in the past was the Lorusso Property, we only have 3 of these. That is a boilerplate that we used. We also spoke with our consultant and he explained what other Towns were doing.

Ms. Ragosta going forward for any other companies and properties, what will be the parody? How do we know that it is not arbitrary?

Mr. Johnson explained that we would adhere to these other ones. There have only been 2 or 3 in the past, Bird Machine and Bird Landfill, we used those as guidelines.

Ms. Ragosta wanted to know if we should have some guidelines going forward. That way going in there are no false expectations.

Mr. Gallivan said he thought the consultant also helped by talking to the group about what was going on right then in the marketplace.

Mr. Johnson explained that the market changes. We are under a totally different schedule for tax credit. This was approved three years ago.

Ms. Ragosta stated that she is not questioning these amounts. She thinks it would be good to craft some guidelines, with some flexibility to the market.

Motion moved by Ms. Mackenzie to sign the Amendment for Payment in Lieu of Taxes for AES Energy Solutions, seconded by Mr. Gallivan. Voted 5-0-0

10-18 DPW Contract

Mr. Johnson, what you have before you is the signed DPW contract. It is what was presented and approved at Town Meeting last week. I just need the Board to sign off on this.

Motion moved by Ms. Mackenzie to sign the DPW Contract for July 1, 2017 through June 30, 2020, seconded by Mr. Gallivan. Voted 5-0-0

CONSENT AGENDA ITEMS:

MOTION moved by Mr. Salvatore, seconded by Ms. Mackenzie, to approve the following items listed under consent agenda

1. Request to use Town Common for Veterans Day
2. Acceptance of Gifts: Southridge Farm \$462.00 in Movie Tickets for Positive Ticket Program
Napper Tandy's \$300.00 for Positive Ticket Program
3. JWCW request to place A-Frames on the Common to announce Beer & Wine Tasting event

The Board stated they were thankful for the gifts

Voted 5-0-0

MINUTES:

MOTION moved by Ms. Mackenzie to approve the Minutes of September 26, 2017, seconded by Mr. Gallivan. Voted 5-0-0

MOTION moved by Ms. Mackenzie to approve the minutes of October 10, 2017, seconded by Mr. Gallivan. Voted 5-0-0

TOWN ADMINISTRATOR'S REPORT:

Mr. Johnson delivered his Town Administrator's Report,

1. South Street Center Groundbreaking: Just a reminder the groundbreaking for the Center is Monday at 4:30pm. I have invited Congressman Lynch, former members of the Board of Selectmen, the Council of Aging and the Friends of Walpole Elders. I expect the event will take less than one hour.
2. Bond Rating: I received word today that the Town Maintained out AA+ bond rating. Standard and Poor's lauded the rating to Walpole's "very strong economy" and strong budgetary performance. They made a point to state that they "view the Town's Management as strong" and that they, "expect their evaluation of Walpole's budgetary performance to remain strong given the Town's history of conservative budgeting". I will provided the Board with a copy of S&P's rating letter once I receive it.

Mr. Kraus stated regarding budgeting after day 2 of the Town Meeting, I spoke to Finance Committee Chair John Vaillancourt. I do think there is some merit to having a working group with other the Boards taking a look at the way budgets are set.

Mr. Johnson stated that he thinks it's a great idea, perhaps a date in November or early December.

Mr. Kraus, at the end of the day, if we can give money back let's do it. Let's take a good hard look and figure it out. There is more to come on that. Anyone on this Board who would like to participate can.

Ms. Mackenzie noted that this is a working group and what is discussed is not binding. The information will be great to see but nothing is concrete until this Board approves.

Mr. Johnson stated that we did this a couple of years ago with Finance Committee, School Committee and this Board.

Ms. Ragosta said she had a question regarding the bond rating. On the rating letter, did they rate that on the free cash balance?

Mr. Johnson stated that Marilyn noticed that there was a small mistake in the letter. They are going to fix that and submit another. He went on to say that he would love to have a group meeting, we could invite Finance Committee, School Committee, BOS having the financial advisors & auditors. Talk about the Audit and OPEB I think having the financial advisors with an open forum would be beneficial.

Ms. Ragosta, Are you able to speak to any of this schedule of contributions.

Mr. Johnson stated that liability in general has gone up. The way it has been explained to me is that cost have begun to rise again, more people are retiring. Cost to purchase insurance is more.

Ms. Mackenzie, when we had them come in to talk with us to switch MIAA they said we would see these rises. This is why it was important to make those changes when we did. We wanted to be proactive and not reactive.

Mr. Johnson I got the sense from Town Meeting that it seems like people want to be more aggressive with OPEB and what we put aside. That's what I can speak to.

Ms. Ragosta stated that it looks like there are 3 components to unfunded liability: the contributions, cost-total liability itself and then investment performance.

Mr. Johnson said he felt it would be better if our advisors answered those types of questions.

Mr. Kraus, if we have questions ahead of time. We can get them to Jim. So they can be addressed. So the OPEB representative presentation can address them.

3. OPEB: I have attached the Town's final OPEB actuarial study that was recently completed by Dan Sherman of Sherman Actuarial Services. I would like to suggest an open forum type of meeting and invite members of the BOS, Fin Com, School Committee and the public so that the various

Boards can ask questions to Dan. We are trying to work with Dan to choose a date sometime in the late fall or early winter.

4. Changes to the Open Meeting Law: Earlier this month the AG's office made some changes to the Open Meeting Law regulations. I have attached the KP Law update for your consideration. I will work with the IT Director and Town Clerk to determine what actions are needed by the Selectmen. The Town Clerk has identified the following items that will have the most impact on Walpole: *940 CMR 29.03-Notice Posting Requirements*.

Mr. Johnson explained that there have been changes to the open meeting law. There is an option about official posting on the Town website. Occasionally the website will do down.

Mr. Salvatore asked if the main posting is the one by the Town Clerk's office. I see no point with changing that.

Ms. Ragosta, I think people would like to see a posting where they tend to go like the library. It would be good to post it in the library. There is a functional difference with posting the agenda on the website that some people may not know how to navigate. Functionally we are complying with the law but it would be nice to post agendas and minutes where people congregate. We could make an additional copy of the agendas and minutes and post them in the library.

Mr. Kraus wanted to discuss MBTA parking. He mentioned that he has received many calls.

Mr. Johnson stated that they opened the pool lot to residents but many feel it is a far walk. Not many people were interested. There have only been 2 cars that park there on a regular basis. Manzo has been forced to close their lot to clean it up. That is about 40 spaces lost. They are going to reopen the dirt parking lot on Elm Street within the next month or so. They were sympathetic to the concerns of the Town and residents. That is about 90 spaces. The impact is 100-200 spaces in a loss. I sent an email to the Board, I need some direction.

Mr. Kraus, I think having Chief Carmichael here talking about regulations and policies. Anything we do regarding parking, we need the downtown business perspective because it impacts them and then open forum for commuters and any ideas they may have. We don't own these lots that were closed. We are doing the best we can.

Ms. Mackenzie, I think we need to discuss all the parking issues together, because they fall on top of each other and I think having the police department there to discuss what they can and cannot enforce would be good.

Mr. Salvatore wanted to know if the triangle lot that Mr. Johnson was previously talking about was going to disappear.

Mr. Johnson stated they are planning to keep that triangle lot there.

Mr. Salvatore, what about the lot across the street On West Street? None of that land is going to go back to commuter parking?

Mr. Johnson said no that will be parking for the apartments.

Mr. Salvatore asked what about the dirt parking lot on Elm Street. Can we expand that?

Mr. Johnson, no there are wetlands behind it.

Ms. Ragosta, I think we should look at the JMS lot again, put some pay-as-you-go machines. Even if it costs half a million to pave it, if there are 100 commuters that will use it, we should look into it.

Mr. Salvatore, we need to see how far people are willing to walk. We need to create as much Walpole only parking as we can.

Ms. Mackenzie, maybe we can do one of those online surveys. Figure out how far people would be willing to walk?

Mr. Johnson, the DEP is also requiring Manzo to use part of the larger parking lot as staging. He is concerned with insurance liability. We will have a busy November.

ADJOURNMENT:

With there being nothing else to discuss

Motion moved by Mr. Gallivan to adjourn the Board of Selectmen meeting at 7:56 pm, seconded by Ms. Ragosta. Voted 5-0-0

Respectfully submitted,

Kristine Brown

Minutes approved on: December 5, 2017