

Members Present:

Rob Barker, Nichola Gallagher, Cynthia Holcombe, Tim McKenna, Barbara Saint André and Cindy Thomas.

Members Absent: All members were present.

Guests Present:

Charlie Aspinwall, Town Administrator
John Connolly, Chairman, Board of Selectmen
Bernie Plante, Project Manager, Melton Associates, LLC (Article 20)
Timothy Sullivan, Esq. Goulston & Storrs (Article 21 - Top Golf)
Jim Murgia, Finance Director
Ellen Jones, Finance Committee Secretary

Opening: A meeting of the Canton Finance Committee was called to order by Chairman Barker at 7:03 pm. on Thursday, March 8, 2018 in the upper conference room of the Armando Recreation Center.

A. Approval of Agenda

Chairman Barker reviewed the items on the agenda which included a discussion with Mr. Connolly and Mr. Aspinwall regarding the FY19 Municipal budget requests and Town Meeting Articles.

B. Announcements

Chairman Barker announced that there are three vacancies on the Finance Committee and interested residents should contact the Town Moderator.

C. New Business

Mr. Connolly thanked the members of the Finance Committee, the Town Administrator, the Finance Director and the Finance Committee Secretary for all their hard work.

Discussion of FY19 Municipal Departments

Mr. Murgia started the discussion regarding the FY19 Municipal Departments by stating that \$70,000 was cut further from the budget in order to meet the budget target number set by the Finance Committee earlier in the budget season. The following items were cut from the budget:

- Employee Contracts Department #910 - \$10,000 was cut from the salary contingency budget.
- Fire Department #220 - \$40,430 was cut from the Fire Department budget. The FY19 budget still includes the hiring of four firefighters for FY19.
- Library #610 – \$20,000 was cut from the Library budget for Sunday hours. Negotiations with the AFSCME union would have to occur before Sunday Hours could be offered.

Mr. Murgia stated that at the BOS meeting on March 6th the BOS voted a municipal budget of \$20,876,402. He further stated that contract costs, cost of living increases and step increases have been built into the budget. Municipal contract costs must be funded through Town Meeting in Articles 5 and 6.

Mr. Aspinwall reviewed the following ATM articles for the Finance Committee:

Article 5 – Collective Bargaining Agreements under the Board of Selectmen

Mr. Aspinwall stated the FY19 unsettled contract costs that would be covered under Article 5 as follows:

- AEA - \$8,950
- Firefighters - \$66,474
- Police Officers - \$50,425
- Superior Officers - \$6,079
- Total unsettled bargaining agreements contract costs for Article 5: \$131,928.

Article 6 – Personal Service Contracts under the Board of Selectmen

Mr. Aspinwall stated that the FY19 unsettled contract costs for Personnel Board and Personal Contracts covered under Article 6 would be as follows:

- Personnel Board - \$26,209
- Personal Contracts - \$34,320
- Total unsettled personal service contract costs for Article 6: \$60,529.

Article 11 – Authorize Certain Revolving Funds

A new revolving fund for Traffic Management would provide an alternative for funding when other services or funds may not be available. Agreements would have to be negotiated with developers for fees to be added to this fund. The suggested annual spending limit for FY19 is \$100,000.

Article 13 – Accept General or Session Laws Enacted by the General Court

Mr. Aspinwall was unaware of any general or session laws enacted by the General Court that needed to be accepted by Town Meeting.

Article 18 – Appropriation to Supplement Chapter 90 Roads Program

- The BOS will be recommending \$500,000 from Free Cash to supplement Chapter 90 Funds for the motion in Article 18.
- Mr. Aspinwall stated that the Town had received a letter in February from the MassDOT certifying that the Town of Canton would be receiving \$773,557 from the Chapter 90 local aid transportation fund for FY19. If approved at ATM, the \$500,000 would be added to the \$773,557 for a total of \$1,273,557.
- The following streets are being proposed under the \$1,273,557 plan: Helen Road, Wayside Road, York Street between Waterman and Ledgewood, Lamb Lane, Spruce Lane, Thoreau Road, Aldrich Road, Waterman Road, Fairway Drive, Longmeadow Road, Riverview Road and Fuller Street.
- Ms. Saint André stated that she had read in The Beacon (a newsletter published by the Mass Municipal Association) that there could be additional Chapter 90 funds available. Ms. Saint André urged Mr. Aspinwall and Mr. Connolly to contact the Town's state representative and senator to pursue any extra Chapter 90 funds that might be available.
- Mr. Barker suggested that it would be useful if the BOS presented a long range plan for street improvements over the next 10 years and that eventually the Town may need an override for major road improvements. Mr. Connolly agreed with Mr. Barker that an override may be needed in the future to improve Canton's roads.

Article 20 – Vote to Authorize the BOS to Amend the First Amended and Restated Development Agreement with Canton Holdings, LLC

Mr. Aspinwall referred to 11.6 of the Development Agreement:

“11.6 Any modifications or amendments to this Agreement related to the Development District, Development Program, DIF Warrant Article, District Improvement Finance, Financing Plan or any Town Meeting vote on any of the same, shall be subject to G.L. c.40Q, if applicable. In addition, any modifications or amendments to this Agreement must be in writing executed by the Board and the duly authorized representative of the Developer and/or its successors and assigns, as applicable. The parties acknowledge and agree that no modifications or amendments to this Agreement shall be made unless and until a duly noticed public hearing has been held by the Board regarding such proposed modification or amendment, which proposed modification or amendment shall require (a) if occurring before the 2015 Annual Town Meeting, a majority vote of the members of the Board at a meeting at which a quorum is present for its passage, or (b) if occurring after the 2015 Annual Town Meeting, (i) a supermajority (4/5's) vote by the Board at a meeting at which all members are present for passage and (ii) a subsequent approval by Town Meeting.”

Article 20 would remove the following three items from 11.6:

- Eliminate the need for a supermajority (4/5's) vote.
- Eliminate the need for a public hearing.
- Eliminate Annual Town Meeting approval.

- Mr. Plante of Canton Holdings had approached the BOS for these changes to the Development Agreement so it would allow them to make things go more smoothly with the project and to keep the process moving. Mr. Aspinwall stated that any changes to the Development Agreement would still have to be done at a public meeting.

- Mr. Plante gave one example of a difficulty that he has encountered as a result of the language in the Development Agreement. Mr. Plante referred to Section 9.1 of the Development Agreement (a copy of which was not provided to the Committee members). He stated that the Agreement requires that Factory Pond (once fully remediated) be conveyed to the entire 36 acres of the condos. He stated that this makes it more difficult for mortgage agreements such as Fannie Mae. He would like the conveyance converted to a phased approach.

- Ms. Thomas stated that Article 20 proposes a fairly substantial change to the Development Agreement.

- Ms. Saint André spoke in favor of the motion for Article 20 with a super majority (4/5's) of the BOS being required for changes instead of 3/5. Ms. Saint André inquired if the original version of the Development Agreement was still posted on the Town's website.

Article 21 – Amend Zoning By-Laws Section 2.1 & 6.0 – Industrial Districts

Mr. Connolly stated that this is his project and that he is taking the responsibility for its progress. The zoning by law change was for the former Cumberland Farms so that Top Golf could be located at the site. Top Golf attempted to locate at the site before but things did not work out at that time. Mr. Timothy Sullivan, attorney for Goulston and Storrs, added the following comments:

- Top Golf was not looking for any TIF (Tax Increment Financing plan).
- They are planning on fixing up the contaminated Cumberland Farms site.
- No condominiums or apartments will be built on the site.
- The nearest Top Golf location is in New Jersey.
- BOS supports this project.
- The Planning Board supports this zoning by-law change and voted in support of it at a recent meeting.
- Top Golf is looking for a liquor license, which Mr. Connolly stated the BOS has a license available.
- Mr. Murgia stated that he mentioned the Top Golf project to the bond rating agency and they were very complimentary of the business locating in Canton.
- Jobs would be available for local residents.
- There would be some mitigation.

- Top Golf would be open to offering high school golf scholarships.
- Mr. Sullivan is estimating the permitting process to take approximately 12 months and the construction process to take another 12 months.

Article 22 – Acquire Permanent Easements off Dedham Street from Eagle Drive to Devonshire Drive for Utilities

Mr. Aspinwall provided the following information regarding Article 22:

- In the 1970s a water main was installed on these properties using survey plans from Norfolk County Engineering. During sidewalk installation the Town found out that these water mains had been installed using plans that were incorrect. The water mains ended up on private property.
- The Town is seeking donations of the land from the property owners.
- A gas main was also installed incorrectly on these properties.
- The Town Administrator’s office has been in contact with the property owners.
- Mr. Aspinwall indicated that funds may be needed under this article to allow the BOS to purchase these utility easements.
- Cost appraisals for the land are due in to the Selectman’s office by the end of March.
- Mr. Murgia stated that this would require an appropriation of funds and would come out of water free cash (retained earnings).

Article 23 – Tax Increment Financing/Special Tax Agreement at 100 Royall Street

Article 24 – Tax Increment Financing/Special Tax Agreement at 1895 J.W. Foster Blvd.

Mr. Aspinwall stated that Article 23 and Article 24 were placed on the ATM warrant as placeholders in anticipation of tax settlement with new buyers for the two Reebok sites. Mr. Connolly indicated that he is very confident that these properties will be sold soon. In response to a Committee member’s question with regard to the difference between a TIF and an STA, Mr. Connolly stated that a TIF is offered to entice a business for locating in Canton whereas an STA is offered to keep a business from leaving Canton.

Article 25 – Acquire Property Rights for the Old Shepard Pond Dam Project

Mr. Aspinwall stated that the Old Shepard Street Dam is in jeopardy of overtopping. The engineers met with the BOS on February 26th and with the Conservation Commission on February 28th. Cost estimates for the Town to acquire property rights is expected by the end of March. Mr. Murgia is estimating that approximately \$30,000 may be needed for an appropriation at Town Meeting. The cost of an appraisal will be approximately \$9,000.

Articles 26, 27-30, 35-36 – Street Acceptances

Mr. Aspinwall provided the following information regarding 11 street acceptance articles being presented at Annual Town Meeting:

- Of the four street acceptance projects, three of the developers have walked away from the projects.
- Mr. Aspinwall is expecting bids by March 22 for the road work to be done on these streets.
- A policy within the Administrative Code for the Town requires that a minimum of 75% of residents on a street that is being proposed for acceptance must be in agreement with payment of a betterment to have the streets completed.
- The Town has received the 75% minimum for these streets.
- Any remaining bonds or tri-party agreements will be applied to the cost of completing these streets. The Town will borrow over a ten-year period for the funds needed to complete the streets.
- Residents will pay a betterment over a ten-year period.
- Mr. Connolly complimented the Town Planner, Laura Smead, for all the hard work she has done so far to get these streets accepted.
- Mr. Aspinwall stated that the Planning Board voted at their meeting on March 7th to recommend to Town Meeting that all of these streets under Articles 26-36 be accepted as town ways.
- Mr. Connolly stated that the last time the Town accepted a street as a Town way was Strawberry Lane with betterments to residents.
- Ms. Thomas spoke in favor of establishing a long range plan for the many streets that have not been accepted.

- If Town Meeting approves the borrowing for the funding to complete these streets and the betterments have been determined, the remaining step will be for the Planning Board to make a report to the BOS. If Town Meeting accepts these streets there is 120 days for final sign off.

Articles 31-34 – Accept Balancing Rock Road, Pulpit Road, Saw Mill Pond Road and Wayside Lane (Extension) as Town Ways

- The developer has not walked away from this project.
- Engineering is in the process of inspecting the developer’s completion of the punchlist.
- There will be no betterments associated with this group of street acceptances.

Article 37 – Appropriate Funds for Repair/Reconstruction of Metropolis Rink

Mr. Connolly provided the following information regarding Article 37:

- This article was placed on the warrant as a placeholder article.
- The DCR (Department of Conservation and Recreation) promises regarding the rink did not come through to the Town as planned.
- The Town has received \$2.7 million from the insurance company for the project.
- The insurance money must be spent by February 2019 or the Town could lose the funds.
- Town Meeting would need to appropriate funds for the reconstruction/repair of the rink and move forward with a debt exclusion override ballot vote.
- The insurance company has extended their deadline for use of the funds several times.
- Although there have been suggestions made to rename the rink after a potential donor, Mr. Connolly stated the rink was named after firefighter John Metropolis and would remain that name.
- Approximately \$276,000 has been spent at the rink to make it stable.

Article 38 – Amend Zoning By-Laws – Section 11.0 – Definitions of Nursing or Convalescent Home and Hospital

Mr. Aspinwall made the following comments regarding Article 38:

- Town Counsel has concerns that this article is illegal.
- The Planning Board voted in favor of Article 38.
- An ANR (approved but not required) has been submitted by the developer. This freezes the allowable uses on the current property for three years.
- The BOS has not taken a position on Article 38 as they are awaiting final advice from Town Counsel.
- The Building Commissioner had issued an opinion on this article stating that the intended use for the property was not an allowed use.
- The applicant has appealed to the Zoning Board of Appeals and will be meeting with them on March 20th or March 22nd.
- The Finance Committee could vote to postpone indefinitely on Article 38.
- If this article were to pass at Town Meeting, once the article is sent to the Attorney General’s office the AG could rule that the motion is illegal.

Article 39 – Amend Zoning By-Laws to Prohibit Recreational Marijuana Establishments

Article 40 – Amend General By-Laws to Prohibit Recreational Marijuana Establishments

Article 41 - Approve Special Requirements for Registered Marijuana Establishments

Article 63 – Adopt Local Tax Option for Local Marijuana Sales

- Article 39 would be a Zoning By-Law change to ban completely recreational marijuana establishments.
- Article 40 would be a General By-Law change to prohibit recreational marijuana establishments.
- If Articles 39 and 40 passed at Town Meeting (in other words recreational marijuana establishments were allowed) then Article 41 would regulate the establishments.
- If establishments are allowed, Article 63 would allow the Town to adopt a local tax option of approximately 3%.
- These articles are not connected with medical marijuana regulations.

Article 59 – Transfer Funds to the Solar Stabilization Fund

Mr. Aspinwall and Mr. Murgia provided the following information regarding Article 59:

- The Town is currently in a good position in that the Solar Facility's annual financial benefit has been increasing, however, if the cost of energy rises, financial benefits to the Town could decrease.
- The Solar Stabilization Fund was established at ATM 2017. Article 59 proposes transferring \$100,000 from Free Cash into the Fund.
- Lease payments have been increasing at 2½ % per year.
- Electricity savings are not budgeted for.
- Mr. Barker inquired if the lease contract could be reopened. Mr. Murgia stated that it was a 20-year lease agreement and we are in year 5 of the lease.

Article 60 – Authorize Disposition of Gridley School

Article 61 – Authorize Disposition of Water-Sewer Storage Building

Mr. Aspinwall reported the following information regarding the disposition of the Gridley School and the Water-Sewer Storage Building:

- The Gridley/Water Sewer Storage Building Task Force has had one meeting so far.
- The Task Force will use criteria to make their final recommendation – need for the buildings, historical value of the buildings, potential town uses, community uses, condition of the buildings, costs to repair, priority, zoning etc.
- Both Liz Francis of Parks and Recreation and Mike Trotta of the Department of Public Works have indicated that they do not need the buildings.
- The brick facade of the Water-Sewer Storage Building has pulled away 4 inches from the building. Building joists are not sitting where they should be on the frame.
- The Gridley School is in better condition than the Water-Sewer Storage Building, however, the Gridley has structural issues on the second floor.
- The School Department has not been contacted for potential uses of the buildings.
- There is a Department Head meeting the week of March 12th in which these two buildings will be discussed. If there is an interest there could be a capital request for each building in case the Town needs an appropriation for the disposal of these buildings.
- If the Town were to keep these buildings, the approximate cost to repair or bring these buildings to a useful condition could be \$1.2 million for the Water-Sewer Storage Building or \$2.6 million for the Gridley School.
- The BOS is awaiting for a recommendations from the Task Force.

Ms. Saint André expressed concern that the articles are too broad and there was not a definitive plan in place in order for the Finance Committee to take a position. She is also concerned that these are two parcels of Town-owned land and that land can be very expensive and hard to find in Town. Perhaps the Town had other uses at least for the land.

- The Gridley School is zoned as residence.
- The Water-Sewer Storage Building is zoned as open space/recreational.
- Mr. Aspinwall is attempting to obtain a cost estimate for demolition. An environmental assessment may have to be completed.

Article 62 – Release an Affordable Housing Restriction

Mr. Aspinwall provided the following information regarding Article 62:

- This condominium unit is located at 21 Indian Woods Way.
- The unit is designated as an affordable housing unit.
- The property had been foreclosed on.
- The Town was contacted by the current owners for lifting the affordable housing restriction. They have offered the Town \$2,000 to remove the restriction.

- It was unknown what percentage this particular unit represented as affordable housing in the Indian Woods Way development.
- Ms. Saint André stated that she thought an affordable housing restriction survived foreclosure of a property. She also stated that she would not like to see the Town lose an affordable housing unit, especially given the high cost of housing.
- Mr. Aspinwall stated the owners have a right to remove the affordable housing restriction without even the Town's approval.
- The Town has the right of first refusal.

Article 63 – Adopt Local Tax Option for Local Marijuana Sales

It was discussed at the meeting that if recreational marijuana establishments were allowed in the Town, Article 63 would serve to allow the Town to adopt a local tax option of approximately 3%.

D. Other Business/Open Issues

The Finance Committee voted the following articles:

Article 5 – Collective Bargaining Agreements under the Board of Selectmen

A motion made by Ms. Saint André to recommend that \$131,928 be raised and appropriated from the fiscal year 2019 tax levy and other general revenues of the Town in order to fund cost items, not included in departmental budgets appropriated for fiscal year 2019, to Department #910's budget for collective bargaining agreements entered into by the Board of Selectmen as may be reached after the conclusion of this town meeting between the Town of Canton and bargaining units, such sums to be allocated to pay for the relevant departments' payroll expenses from budget classification Department #910 as determined by the Finance Director was seconded by Ms. Thomas. Vote: 6-0-0.

Article 6 – Personal Service Contracts under the Board of Selectmen

A motion made by Ms. Saint André to recommend that \$60,529 be raised and appropriated from the fiscal year 2019 tax levy and other general revenues of the Town in order to fund cost items, not included in departmental budgets appropriated for fiscal year 2019, to Department #910's budget for agreements with individual employees or groups of employees entered into by the Board of Selectmen as may be reached after the conclusion of this town meeting between the Town of Canton and with individual employees or groups of employees serving under its jurisdiction, such sums to be allocated to pay for the relevant departments' payroll expenses from budget classification Department #910 as determined by the Finance Director was seconded by Mr. McKenna.
Vote: 6-0-0.

Article 11 – Authorize Certain Revolving Funds

A motion made by Ms. Saint André to recommend that the General By-Laws Article VIII Section 16 be amended by adding a new revolving fund for traffic management as follows:

Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Fiscal Years
#145 – Traffic Management Fund	Board of Selectmen	Fees related to development (e.g. in lieu of construction) or development mitigation payments, grants, contributions, donations, reimbursements, other allocations from reserve fund, mitigation fund.	Providing additional funding for transportation studies, design, or construction projects not currently funded under Chapter 90, capital plans, or department budgets; includes all modes of transportation.	Fiscal Year 2019 and subsequent years

and that the spending limits for the revolving funds pursuant to the provisions of MGL chapter 44, section 53 E ½ for the 2019 Fiscal Year beginning July 1, 2018 through June 30, 2019 and that each Revolving Fund shall be credited with the balance remaining in such fund at the end of FY 2018 as set forth below:

Revolving Fund #	Name of Revolving Fund	FY 19 Spending Limit
110	Veteran's Services Special Revenues	\$100,000 annually
119	Library Revolving Fund	\$75,000 annually
130	Recreation Revolving Fund	\$500,000 annually
132	Student Parking Fees	\$100,000 annually
134	Pequitside Farm Rentals	\$50,000 annually
135	Greenlodge Street Parking Fees	\$100,000 annually
136	Beautification Fund	\$10,000 annually
137	Animal Control Special Revenues	\$50,000 annually
138	Library Building Rentals	\$50,000 annually
140	COA Revolving Fund	\$50,000 annually
141	Board of Health Special Revenues	\$50,000 annually
145	Traffic Management Fund	\$100,000 annually

was seconded by Mr. McKenna. Vote: 6-0-0.

Article 13 – Accept General or Session Laws Enacted by the General Court

A motion made by Ms. Saint André to recommend that the subject matter of Article 13 be indefinitely postponed was seconded by Ms. Thomas. Vote: 6-0-0.

Article 18 – Appropriation to Supplement Chapter 90 Roads Program

Ms. Thomas recused herself from the discussion regarding Article 18. Ms. Saint André stated that last year the Town approved \$475,000 to supplement Chapter 90 Roads and this year the Town has a large amount of reserves whereby the Town might be able to afford more than \$500,000. Mr. Murgia stated that he was recently informed by the School Business Administrator that the School Department is having a SPED budget issue. He further stated that at last year’s Town Meeting approved a SPED Reserve Account that Town Meeting could appropriate funds into this year with the source of funds being Free Cash. Mr. Murgia stated that \$500,000 was a reasonable