

**Town of Warwick  
Selectboard  
June 4, 2018  
Minutes**

Members present: Dawn Magi, Lawrence Pruyne

Member absent: James Erviti

Others present: Town Coordinator David Young, Highway Superintendent Larry Delaney, School Committee members Martha Morse and Sue O'Reilly McRae, Steve Ruggiero, Brian Miner, Bob Croke, Diane Miller, Jim McRae, Tom Wyatt, Susan Wright, Jennifer Core, Shauna Mallet, Sarah Wells, Anita Alden, Kevin Alden, Claudia Lewis, Pam Kimball, Zack Marti, Nadia Marti, Adam Holloway, Erika Nygard, Marcy Robitaille, Bill Foote, Diane Miller, Ronald Gates, Michael Mankowsky, Jessica Marshall, Barbara Walker, Christian Hains, Reece Hains, Candence Hains, Paul Davis, former Accountant Janice Barrett

I. Call to Order

**Chair Pruyne called the meeting to order at 6 p.m. in the Town Hall.**

**II. Annual Reorganization**

**Pruyne MOVED that Dawn Magi be Chair of the Selectboard. Magi SECONDED. Motion CARRIED 2-0-0.**

**Magi MOVED that James Erviti be Vice Chair of the Selectboard. Pruyne SECONDED. Motion CARRIED 2-0-0.**

**Magi MOVED that Lawrence “Doc” Pruyne be Clerk of the Selectboard. Pruyne SECONDED. Motion CARRIED 2-0-0.**

### **III. Minutes**

Magi MOVED to approve the minutes of April 23, 2018 as printed. Pruyne SECONDED. Motion CARRIED 2-0-0.

These minutes were also approved at the May 21, 2018 meeting.

### **IV. Presentations and Discussions**

- 1. Nuisance Dog Hearing Request**—Animal Control Officer Rosa Fratangelo said that between November 1, 2015 and April 26, 2018 there have been six complaints about dogs at 460 Richmond Road coming out into the road and chasing people walking, on bicycles or in cars. Erika Nygard said her son had also been chased by the dogs, which made for a 7<sup>th</sup> incident. Fratangelo said that the complainants had so far declined to be involved in a nuisance dog hearing, although their complaints warranted action. She said that while she was successful in getting the dog owner to obtain and maintain current rabies vaccinations and annual dog licenses on the dogs, no method of confinement or containment has been implemented to insure the dogs cannot get off of the property. Fratangelo said that there were 12 dogs at the time of the first complaint, but the owners have re-homed several of the dogs and currently have 6 licensed dogs at the property. She described the dogs as being young to middle aged Golden retriever or retriever/lab mixes and noted that in most of the complaints the person overestimated the number of dogs, most likely because they are large, boisterous and run together in a pack when they leave the property and go into the road. Fratangelo suggested the alternative of having the Board send a letter to the dog owner saying that several serious complaints have been made and if there is another incident there will be a nuisance dog hearing. Pruyne said that he had heard enough to make him want to schedule a hearing.

Pruyne MOVED to schedule a nuisance dog hearing on Monday, July 2, 2018. Magi

- 2. Road Conditions, Summer Construction and Paving Plan**—Highway Superintendent Larry Delaney said that he was out two days last week due to training and illness, but he has been

working on planning for Chapter 90 projects. He said that for the paving project from the Orange town line to Hockanum Road he has chosen to forego cold-in-place and will instead use the shim, level and overlay process at an estimated cost of just under \$158,000.00. Delaney noted that while this is less smooth than the cold-in-place, he consulted with two construction outfits, both of which recommended budgeting for a 2-inch overlay. He also looked at the stretch of Orange Road from the intersection of Hockanum Road to the Whipple property, which he said would cost an estimated \$163,000.00. Delaney said it would cost about \$96,172.00 to repair Winchester Road from Northfield Road to the Gulf. He noted that sections of pavement were lifted up by using a leaf blower and he will be getting a price on the removal and milling of the bad pavement. The next project Delaney spoke about would be Northfield Road from the intersection of Route 78 to the area of Wendell Road repaired last year, about 10,050 feet at a cost of \$214,457.00. He mentioned there are several sections of Athol Road that need repair as well, which is in worse shape and therefore should be a priority over the section of Orange Road from Hockanum to the Whipples. Delaney said he would need to calculate the cost but noted that chip seal is \$4.50 per square yard and hot seal is \$3.50 per square yard. He said that we have a total Chapter 90 balance of \$822,626.00. Delaney said that Orange Road from the Orange line to Hockanum should be done first and that all paving would be done by going from one site to the next until all site repairs were completed. He believed this could happen by the end of July this year and said that pot holes would be repaired in the meantime.

Delaney said that he also wanted to look into the section of Wendell Road by the Moss Brook bridge. He said that for drainage, some areas would require that weak embankments be fixed. There was a consensus of the Board to put aside the stretch of Orange Road from Hockanum to the Whipples.

The Selectboard told Delaney that the Route 78 to Wendell Road portion of Northfield Road should be a priority task.

Magi MOVED to go ahead with the Orange Road, Northfield Road and Athol Road Chapter 90

- 3. Public Hearing: Verizon Right of Way and Underground Trenching Permit** — Young explained that Verizon had submitted a right-of-way and conduit permit application for the new telephone cabinets site. Verizon is requesting a 20 x 20 ground space and a permit to run 4-inch conduit off both adjacent utility poles underground to the new cabinets. Brian Miner suggested that we make sure the trench is deep enough and recommended a minimum depth of 3 feet as opposed to the standard 2-foot depth. Diane Miller said that she was in favor of Verizon getting things working in town.

Magi declared the hearing closed.

Pruyne MOVED to grant Verizon's requested easement with the proviso that the conduit is

**4. WCS and Pioneer** —Young said that as a School Committee member he raised the idea of closing WCS and Leyden elementary schools based on cost per student data. He noted that the best legal and practical advice to follow the District agreement to close school, and that it is illegal to close WCS this year. He stated that there is no way WCS or Leyden will close for the 2018-19 school year. Young said that Warwick Community School is the highest rated school in the District, a Level 1 school with the best, newest building.

Pruyne said that he found a copy of the lease agreement and discussed it with Town Counsel. He said that the District has to give the Town six months' notice before closing a school building. Pruyne also pointed out that the children in grades K through 6 of each community should be educated in the town in which they live. Jim McRae said that in past School Committee meetings they have parsed terms which leads him to believe that they can functionally close a school even if the building stays open. Young said that he cannot find proof that the lease for the Warwick Community School was actually signed by a Warwick Selectboard.

Jennifer Core said that Young sounds so confident that WCS will stay open despite his having suggested the school closing in the School Committee meeting. Young said that special legislation, a state loan and oversight will allow them to work their way out of this. He noted that if PVRSD goes into receivership then all local control is lost to the receiver.

Adam Holloway asked what this Selectboard would be willing to do to support WCS to keep it open and would they take legal action if the School Committee votes to close our school. He asked the Board to give the parents some reassurance. Pruyne said that a vote of the Selectboard is required to determine what direction to take and said that he would vote for legal enforcement and seek a legal remedy. Steve Ruggiero said that the residents are asking whether or not the Board members stand behind them. Magi said that question is unanswerable because first there is the need to know more about what is actually going to happen.

Young said that the knowledge he has gained since the April 27<sup>th</sup> School Committee meeting would lead him to scuttle any proposed closings in committee.

Sue O'Reilly McRae said that the School Committee Counsel said that no school can be closed as the agreement states that the students are to be educated in their own towns. She said that the Thursday, June 7<sup>th</sup> meeting will entail thoughtful ways to move forward and discuss matters with the Department of Education. O'Reilly McRae said that the HEART Committee is talking with the DOR about a contract to hire two consultants to work with the towns to study school closure, ways to restructure within PVRSD, sustain the core mission and ways to share services. O'Reilly McRae noted that Franklin County Tech School and Gill/Montague have gone in with us in a grant to share services and educational opportunities for students. She pointed out that the next HEART Committee meeting will be June 13<sup>th</sup>, and all meetings are open to the public. O'Reilly McRae said that as a School Committee member she is very reassured by all the letters from Warwick residents, that she is very proud of those who wrote letters and that they should be so proud of themselves. She gave a brief history of the HEART Committee, noting the District is not sustainable as costs rise and enrollment declines which makes funding unsustainable over time. The HEART Committee was formed to foster collaboration across towns and utilize the areas of expertise possessed by the diverse group of people who bring a

wide range of skills to the table. Her hope is that this provides another layer of cooperation with the District and the School Committee. Tom Wyatt asked if the HEART Committee can help in the short term, to which O'Reilly McRae replied the School Committee restructures the budget while HEART looks at the long-term administrative structure.

School Committee member Martha Morse said that the PVRSD School Committee ultimately votes on issues, and that anyone writing a letter should be sure that every member of the Committee receives a copy. She said it is best to address letters to the entire committee and not just those from Warwick.

Pruyne said that those elected to the School Committee represent the interest of the District as a whole and not just their own town. O'Reilly McRae said that there are different models to look at, but currently this is true per the District Agreement.

Bill Foote said that he has heard several different numbers as to the cost per pupil and that we all need to know the accurate number as things move forward.

Young spoke about the possibility of a supplemental appropriation by Special Town Meeting vote. He said the Town could vote to bring the tax rate over \$24.00 per thousand without an override (State caps is \$25.00 per thousand). Young said if the Town sustains the PVRSD budget it could bring us to the limit each year.

Young said that his figure is \$32,000.00 cost per pupil for Warwick. Jennifer Core suggested the formation of a citizens committee that reports directly to the Selectmen and not the Town Coordinator as he is also a School Committee member and she wanted a laser focus on Warwick's interests. Shauna Mallet said that she wanted a Town Meeting to allocate funds to prevent WCS closing if it ever does come to that.

Morse explained that there are 3 categories that affect District costs: special ed., shared personnel and administrative costs. She divided the \$1,274,412.00 Warwick assessment by 56 (31 Warwick and 25 school choice students at WCS) to arrive at a cost per pupil of \$22,757.00. Morse noted that the District Treasurer has a higher figure. Core said she wants to know the cost of educating pupils only at WCS, and not the District costs. Morse said her figures are expenses only, and that the higher figures include school choice. Susan Wright echoed prior thoughts of needing to have correct, consistent and accurate figures.

Pruyne said that by talking only about dollars and cents we are missing the value of the quality of life and education, and that it is clearly in our best interest to maintain our school. Young said that if WCS is closed Warwick would want to leave Pioneer District and look to Mahar to help alleviate their overcrowding. He said that we need to run WCS efficiently and closer to capacity and we should look at options including running our own school. Young said that we want our school and must find a way to keep it going.

Jim McRae spoke about school choice reimbursement and how we are so under-reimbursed from a formula created long ago and wondered what is being brought to the State level about this great disparity. Young noted that while we will not create capacity with school choice, it does help us with some revenue for a classroom and teacher already there. O'Reilly McRae said that the impact of school choice on the District will be looked at by the consultant and that it is possible to negotiate an agreement with the towns for school choice. Wyatt suggested also addressing transportation reimbursement.

Young explained that we have competitive grants pending for \$50,000.00 for WCS and Northfield, plus \$300,000.00 for electric and energy betterments at PVRs which are projected to reduce energy costs by \$86,000.00. He pointed out that we cannot accept those grants if we know the School will close.

Wright reminded everyone that parents of school choice students are also stakeholders and as a part of the school community these non-residents need to be included in our conversations and be welcomed to participate in the process.

Kevin Alden suggested holding our Annual Town Meeting later in the year so as to get more information. Town Clerk Fratangelo explained that we have a by-law that requires our Annual Town Meeting to be held the first Monday in May and our Annual Town Election be held the third Monday in May. Alden asked how this could be changed: Fratangelo replied by a Town Meeting vote. Alden wanted that to be done. Young said that things need to be done earlier, and that PVRSD comprehensive schedules and financial reports need to be compiled sooner and not later.

O'Reilly McRae said she has asked for transparency and accuracy in her year on the School Committee but has not received documents she trusts and stated she was both surprised and appalled by the \$1,000,000.00 debt figure. She blamed this on mismanagement by failure to fund expenses plus inaccurate projections for choice and transportation reimbursements.

O'Reilly McRae said that there was no accountability. Morse said that this was a slow-moving crisis that came to light now but had already started when she was first elected to the School Committee in 2010. She said that the figures shocked her as well, and that it is so difficult to make cuts we know will hurt the students. Morse said that we must take stock of where we are and go forward using our collective intellect and caring to keep WCS open.

Holloway said that the prospect of WCS closing, from a parent's perspective, has been Hell and has caused a grave emotional pull.

Pruyne said the School Committee members should be asked to work on getting better accounting practices and that the problems began before Ruth Miller. He reiterated the need to push for better accounting.

O'Reilly McRae said that in order to restore trust accurate, open, and timely reporting needs to be put in place. Young said that we need an integrated system to track expense and revenue. He noted that currently only the expense side of only the General Fund is on the computer and that all other categories need to be established. Young cited as reasons for the debt revenue shortfall due to bloated numbers, choice and charter funds, school lunch, and transportation. He noted that the auditors were so alarmed by the FY 17 figures that they called for a meeting due to continued shortfalls. Young said the State overseer will get some results to get things on the right track.

O'Reilly McRae said that in the future at least one member of the School Committee besides Young should be present at all Selectboard meetings where the school is on the agenda. Young suggest it be O'Reilly McRae herself, as she and he often disagree.

Core said that she does not trust Young, as he wanted to close WCS and now claims to know that this cannot happen. She said that she did not and cannot believe him or what he says.

Pruyne said that there is a conflict of interest for Young if the School Committee revisits closing WCS, as he cannot represent both the District and Warwick in this matter. He said that

he was not comfortable with Young being a member of the School Committee and is tired of him wearing more than one hat despite his always being clear as to which one he is wearing at any given time. Pruyne said that he wants Young's undivided concern and allegiance for Warwick.

O'Reilly McRae said that Young has tried to work with Ruth Miller to try and help her, but she is disturbed and finds the multiple reports of him being in Miller's office concerning. Young said that he has been able to help Miller make deadlines and that he is trying to also become more familiar with the budget and to gain a better understanding of things while Miller is still the Superintendent.

Morse said that the animosity and division with the School Committee is crippling and going forward they need to work as a unit despite their differences. She said that there has been a serious breakdown in communication within the School Committee itself, and with the municipalities and the District. O'Reilly McRae said that it is inappropriate for any School Committee member to bypass the Chair before acting on something.

**5. Selectboard Reports—None.**

**6. Coordinator Report—**Young had the FY 19 MOU between the Franklin County Solid Waste Management District and Town of Warwick for the Board members to sign. There was a consensus of the Board to enter into the MOU; Magi and Pruyne each signed both copies of the document.

**7. Public Comment—** Town Clerk Fratangelo said that at the May 21<sup>st</sup> Annual Town Election there were two offices with tie votes for write-in candidates. She explained that unless there is a clear winner, a failure to elect is declared. The Board may appoint someone to fill a vacancy created by the failure to elect for a term to end at the 2019 Annual Town Election. Fratangelo said that Miryam Williamson had resigned as the Democrat Registrar of Voters, and that Barbara Noel had offered to serve out Ms. Williamson's term through June 30, 2020. She respectfully requested that the Board make the appointment of Ms. Noel now and not wait until the slate of appointments are done at the next meeting.

Pruyne MOVED to appoint Barbara Noel as Democrat Registrar of Voter effective now until
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Former Town Accountant Janice Barrett asked the Board to confirm receipt of her letter of May 18, 2018. Young said that on the advice of Town Counsel the Board will not be responding. There was a consensus of the Board to take Town Counsel's advice.

**8. New and Other Business Unanticipated at Time of Meeting Posting—None.**

I. Adjournment

**At 8:32 p.m. Magi MOVED to adjourn. Pruyne SECONDED. Motion CARRIED 2-0-0.**

Documents consulted at this meeting:

- \*Draft Minutes of April 23, 2018 Selectboard meeting
- \*Coordinator Report dated May 31, 2018
- \*Email from Warwick ACO Rosa Fratangelo to Town Coordinator David Young dated May 29, 2018 RE: Request to Schedule a Nuisance Dog Hearing
- \*DRAFT FY 19 Selectboard Appointment List
- \*DLS Excess Levy Capacity and Override Capacity for Warwick FY 14 – FY 18
- \*Excerpts from PVRSD School Committee minutes of August 25, 2016; September 22, 2016; October 10, 2016; November 17, 2016; December 15, 2016; January 26, 2017; February 14, 2017; March 30, 2017
- \*Lease Agreement dated October 14, 2011: Lease of the WCS Building and Grounds to PVRSD 9/1/2011 – 9/1/2031
- \*MOU between FCSWMD and Town of Warwick for FY 19