

FALL ANNUAL TOWN MEETING

TOWN OF WALPOLE

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To any constable in the Town of Walpole

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Walpole, qualified to vote in elections in town affairs, to meet in the Auditorium of the Walpole High School in said Walpole on

**THE THIRD MONDAY IN OCTOBER, IT BEING THE
16th DAY OF SAID MONTH, 2006**

at 7:30 p.m. then and there to see if the Town will vote to amend the By-laws and Zoning By-laws to said Town and act on the following articles:

Moderator Jon Rockwood called the meeting to order at 7:35 p.m. All rules and regulations concerning the call of a Fall Annual Town Meeting were fulfilled and a quorum was present.

The Assembly pledged allegiance to the Flag.

The National Anthem was sung by the Walpole High School Singers.

Dignitaries Present: Congressman Stephen Lynch

Town Clerk, Ronald A. Fucile attested to the proper return of the Warrant. In accordance with the by-laws of the Town of Walpole, Article 1, the Selectmen gave notice of the Fall Annual Town Meeting by posting attested copies of the Warrant calling the same in two (2) public places in each of eight precincts on September 20, 2006.

Town Counsel was represented by: Joyce Frank of Kopelman & Paige, P.C.

Tellers: Patrick J. Grant, Betsy Mullen, John M. O'Leary, Philip R. Dubois, A. Susan Lawson and Susanne Murphy.

It was Moved and Seconded:

To waive the reading of the Warrant.

Motion Was: So Voted

It was Moved and Seconded:

That all Motions of the Finance Committee be Main Motions.

Motion Was: So Voted

Miscellaneous Information: *Alan Bernstein, Walpole High School Principal and Town Planner, Don Johnson, were introduced to Town Meeting. Resolutions were presented for William P. “Scott” Golding, Edward F. Turley and Stanley J. Hayward.*

A Resolution

Resolved: *That the Representative Town Meeting Members of the Town of Walpole inscribe upon the record of the Fall Annual Town Meeting of 2006, our recognition and sincere appreciation for the Contributions rendered by the late **WILLIAM P. “SCOTT” GOLDING** through his faithful service*

As: *A member of the Conservation Commission from 1983 to 1991, from 1987 to 1989 as Chairman;*

As: *A Representative Town Meeting Member from 1986 to 1991;*

As: *A member of the Personnel Board from 2001 until his untimely passing on May 23, 2006;*

And Further: *In recognition of Mr. Golding’s passing and in acknowledgement of our loss we request the Moderator observe a moment of silence in his memory;*

And Further: *That the Town Clerk be instructed to send a copy of this resolution to his family.*

A Resolution

Resolved: *That the Representative Town Meeting Members of the Town of Walpole inscribe upon the record of the Fall Annual Town Meeting of 2006, our recognition and sincere appreciation for the Contributions rendered by the late **EDWARD F. TURLEY** through his faithful service*

As: *A Representative Town Meeting Member from 1995 to 1997;*

And Further: *In recognition of Mr. Turley's passing on September 28, 2006 and in acknowledgement of our loss we request the Moderator to observe a moment of silence in memory of his passing;*

And Further: *That the Town Clerk be instructed to send a copy of this resolution to his family.*

A Resolution

Resolved: *That the Representative Town Meeting Members of the Town of Walpole inscribe upon the record of the Fall Annual Town Meeting of 2006, our recognition and sincere appreciation for the Contributions rendered by the late **STANLEY J. HAYWARD** through his faithful service;*

As: *A member of the Walpole Housing Authority from 1977 to 1985;*

As: *A member of the Celebrations Committee from 1983 to 1984;*

As: *A Representative Town Meeting Member from 1973 to 1986;*

And Further: *In recognition of Mr. Hayward's passing on September 20, 2006 and in acknowledgement of our loss we request the Moderator observe a moment of silence in memory of his passing;*

And Further: *That the Town Clerk be instructed to send a copy of this resolution to his family.*

ARTICLE 1: *To hear and act on the report of any committee or to choose any committee the Town may think proper and transact any other business that may legally come before the Town. (Petition of the Board of Selectmen)*

Bill Ryan reported for the Public Safety Committee and Michael Ryan reported for the School Committee

ARTICLE 2: *On Motion by the Finance Committee, It was Moved and Seconded:*

That the Town vote to amend the Fiscal Year 2007 Budget adopted under Article Six of the Spring Annual Town Meeting on May 1, 2006, and appropriate the sums shown below as follows:

Walpole Public Schools	Add \$129,742
Building Maintenance Expenses	Add \$ 7,500
Engineering Department Salaries	Add \$12,000
Engineering Department Expenses	Add \$ 5,000
Fire Department Salaries	Add \$ 3,630
Inspectional Services Expenses	Add \$ 3,400
Library Salaries	Add \$ 5,000
Highway Department Salaries	Add \$18,000
Recreation Expenses	Add \$ 5,000
Veterans Services Salaries	Add \$ 7,300
Tri-County Regional High School	Reduce By \$ 9,989

And to meet this appropriation the sum of \$186,583 be raised from Taxation

Majority Vote Required

Motion Was: So Voted

ARTICLE 3: *On Motion by the Finance Committee, It was Moved and Seconded:*

That the Town raise and appropriate, the sum of \$100,000 from Taxation to the Stabilization Fund.

Majority Vote Required

Motion Was: So Voted

ARTICLE 4: *To see if the Town will vote to raise and appropriate, and/or transfer such sum or sums of money as may be required for payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Walpole, or to take any action relative thereto. (Petition of the Board of Selectmen)*

ARTICLE 4: *On Motion by the Finance Committee, It was Moved and Seconded:*

That the Town take No Action.

Majority Vote Required

Motion Was: So Voted: No Action

ARTICLE 5: *On Motion by the Finance Committee, It was Moved and Seconded:*

That the Town vote to transfer the sum of \$20,000 from Free Cash for the purpose of purchasing copy machines for Town Hall.

Majority Vote Required

Motion Was: So Voted

ARTICLE 6: *On Motion by the Finance Committee, It was Moved and Seconded:*

That the Town vote to appropriate the sum of \$984,951 for the following purposes:

Norfolk Street Drainage Survey & Study:	\$ 10,000
East Walpole PWED Project	\$569,951
Type I Paving (Stone, North & Coney Streets)	\$405,000

And to meet this appropriation the sum of \$984,951 is transferred from the following:

Sale of Land Account (Washington Street)	\$ 83,500
Free Cash	\$ 10,000
Capital Budget Article Closeouts as listed below:	

Turner Pond Treatments (Art. 12 SATM '05)	\$ 136.18
Voting Booths Purchase (Art. 13 SATM '05)	\$ 304.04
Brush Chipper (Art. 13 SATM '05)	\$ 2,550.00
Highway Patch Roller (Art. 13 SATM '05)	\$ 4,005.00
Highway Patch Trailer (Art. 13 SATM '05)	\$ 1,050.00
Highway Air Compressor (Art. 13 SATM '05)	\$ 8,759.00
Washington St. Traffic Study (Art. 17 FATM '04)	\$10,000.00
Fire Shift Officer Vehicle (Art. 13 SATM '04)	\$ 1,447.88
GIS Hardware & Software (Art. 13 SATM '04)	\$ 817.92
Fire Alarm Bucket Truck (Art. 11 FATM '03)	\$12,480.18
Library AC Duct Work (Art. 17 SATM '03)	\$11,849.60
OPR School Drainage (Art. 8 FATM '02)	\$20,771.20
Street & Sidewalks (Art.15 SATM'06)	\$214,473.00

And that the sum of \$602,807 be allocated from Chapter 90 Funds

Majority Vote Required

Motion Was: So Voted

ARTICLE 7: *To see if the Town will vote to raise and appropriate, borrow and /or transfer a sum or sums of money to implement a Capital Improvement Program, to protect, improve, and/or modify the physical infrastructure, including but not limited to municipal buildings, facilities, parking lots, fields and other properties, of the Town of Walpole or to take any action in relation thereto. (Petition of the Board of Selectmen)*

ARTICLE 7: *On Motion by the Finance Committee, It was Moved and Seconded:*

That the Town take No Action.

Majority Vote Required

Motion Was: So Voted: No Action

ARTICLE 8: *On Motion by the Finance Committee, It was Moved and Seconded:*

That the Town raise and appropriate the sum of \$250,000 from Taxation for the purpose of making repairs to the Plimpton Street Bridge Culvert at the Neponset River.

Majority Vote Required

Motion Was: So Voted

ARTICLE 9: *To see if the Town will vote to accept awarded grants from State, Federal, private, and/or non-profit Agencies and to expend said funds without further appropriation and to raise and appropriate, borrow, and/or transfer a sum of money for required matches to such grants or take any action in relation thereto. (Petition of the Board of Selectmen)*

ARTICLE 9: *On Motion by the Finance Committee, It was Moved and Seconded:*

That the Town take No Action.

Majority Vote Required

Motion Was: So Voted: No Action

ARTICLE 10: *On Motion by the Finance Committee, It was Moved and Seconded:*

That the Town transfer the sum of \$7,500 from Free Cash for the purpose of funding Walpole's FY'2007 membership in the Regional Working Group of the Neponset Valley Chamber of Commerce.

Majority Vote Required

Motion Was: So Voted

ARTICLE 11: On Motion by the Finance Committee, It was Moved and Seconded:

That \$171,600 is appropriated for the reconstruction, repair and rehabilitation of sewers, including inflow and infiltration improvements; that to meet the appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$171,600 under G.L. c.44 or any other enabling authority; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority and in connection therewith to enter into a loan agreement and/or financial assistance agreement with the Authority; that the Sewer and Water Commission with the approval of the Board of Selectmen is authorized to contract for and expend any federal or state aid available for the project, including a grant from the Massachusetts Water Resources Authority in the amount of \$140,400 which shall be expended in addition to the amount appropriated by this vote; and that the Sewer and Water Commission is authorized to take any other action necessary to carry out this project.

2/3 Vote Required

Motion Was: So Voted Unanimous

ARTICLE 12: On Motion by the Finance Committee, It was Moved and Seconded:

That the Town Refer Back to Superfund Committee for further study.

Majority Vote Required

Motion Was: So Voted

ARTICLE 13: On Motion by the Finance Committee, It was Moved and Seconded:

That the Town amend the Walpole General By-laws by adding a new Article XXVIII Illicit Discharge Regulations, the text of which is on file in the Office of the Town Clerk.

ILLICIT DISCHARGE BYLAW

SECTION 1. PURPOSE

A. Increased volumes of stormwater and contaminated stormwater runoff are major causes of:

1. impairment of water quality and reduced flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. contamination of drinking water supplies;
3. alteration or destruction of aquatic and wildlife habitat; and
4. flooding.

The United States Environmental Protection Agency has identified land disturbance and polluted stormwater runoff as major sources of water pollution. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Walpole's water bodies and groundwater resources and to safeguard the public health, safety, and welfare and the natural resources of the Town.

B. The objectives of this Bylaw are:

1. To prevent pollutants from entering the Town of Walpole's municipal storm drain system;
2. To prohibit illicit connections and unauthorized discharges to the municipal storm drain system;
3. To require the removal of all such illicit connections;
4. To comply with state and federal statutes and regulations relating to stormwater discharges; and
5. To establish the legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

For the purposes of this Bylaw, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: employee or designees of the Town Administrator.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground including confined or unconfined aquifers.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 7. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 7, subsection 4, of this Bylaw.

MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Walpole.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is considered toxic to humans or the environment and may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include, but not be limited to:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock; sand; salt, soils;
- (10) construction wastes and residues;
- (11) and noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

STORMWATER: Runoff from precipitation or snow melt.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows, or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, costal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

SECTION 3. APPLICABILITY

This Bylaw shall apply to flows entering the municipal storm drainage system.

SECTION 4. AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and in accordance with the regulations of the federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

The Town Administrator shall administer, implement and enforce this Bylaw Any powers granted to or duties imposed upon the Town Administrator may be delegated in writing by the Town Administrator to employees or agents of the Department of Health, Department of Public Works, Department of Water and Sewer, Department of Conservation, Department of Building Inspections or other Town Department.

SECTION 6. REGULATIONS

The Town Administrator may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Town Administrator to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

SECTION 7. PROHIBITED AND EXEMPT ACTIVITIES

A. Prohibited Activities

1. Illicit Discharges. No person shall dump, discharge, cause, or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drain system, into a watercourse, or into the waters of the Commonwealth.
2. Illicit Connections. No person shall construct, use, allow, maintain, or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.
3. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Town Administrator.

B. Exemptions

1. Discharge or flow resulting from fire fighting activities;

2. The following non-stormwater discharges or flows are exempt from this Bylaw, provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
 - a. Waterline flushing;
 - b. Flow from potable water sources;
 - c. Springs;
 - d. Natural flow from riparian habitats and wetlands;
 - e. Diverted stream flow;
 - f. Rising groundwater;
 - g. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
 - h. Discharge from landscape irrigation or lawn watering;
 - i. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 - j. Water from individual residential car washing;
 - k. Discharge from *dechlorinated* swimming pool water (less than one ppm chlorine). provided test data is submitted to the Town substantiating that the water meets the one ppm standard, and the pool is drained in such a way as not to cause a nuisance or public safety issue and complies with all applicable Town Bylaws;
 - l. Discharge from street sweeping;
 - m. Dye testing, provided verbal notification is given to the Town Administrator prior to the time of the test;
 - n. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
 - o. Discharge for which advance written approval is received from the Town Administrator as necessary to protect public health, safety, welfare or the environment.

3. Discharge or flow that results from exigent conditions and occurs during a Public Health Emergency declared by any agency of the federal or state government, or by the Town Administrator, Board of Selectmen or Board of Health.

SECTION 9. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Town Administrator may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Town Administrator may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 10. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments, the Town Administrator, the Walpole Board of Health, Conservation Commission, and the Water and Sewer Commission. In the event of a release of non-hazardous material, the reporting person shall notify the Town Administrator and the Conservation Commission no later than the next business day. The reporting person shall provide to the Town Administrator written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or facility operator shall also retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 11. ENFORCEMENT

A. Authorized Agent

The Town Administrator shall authorize the Fire Inspector, Police Inspector, Health Agent, Conservation Agent, Building Inspector and other applicable Agents to enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Civil Relief

If a person violates the provisions of this Bylaw, regulations, permit, notice, or order issued thereunder, the Town Administrator and or an authorized Agent may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

C. Orders

The Town Administrator or an authorized agent of the Town Administrator may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the municipal storm drain system; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Walpole may, at its option, undertake such work, and all costs incurred by the Town shall be charged to the violator, to be recouped through all available means, including the placement of liens on the property.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Town Administrator within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Town Administrator affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

D. Criminal Penalty

Any person who violates any provision of this Bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town of Walpole may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, in which case the Town Administrator or an authorized agent of the Town Administrator of the Town shall be the enforcing person. The penalty for each violation shall be \$ 300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

F. Entry to Perform Duties Under this Bylaw

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Town Administrator, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Town Administrator deems reasonably necessary

G. Appeals

The decisions or orders of the Town Administrator shall be final. Further relief shall be to a court of competent jurisdiction.

H. Remedies Not Exclusive

The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 11. SEVERABILITY

The provisions of this Bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

SECTION 12. TRANSITIONAL PROVISIONS

Residential property owners shall have 180 days from the effective date of the Bylaw to comply with its provisions or petition the Town Administrator for an extension.

Majority Vote Required

Motion Was: So Voted

ARTICLE 14: *On Motion by the Finance Committee, It was Moved and Seconded:*

That the Town amend the Walpole General By-laws by adding a new Article XXIX Stormwater Management & Erosion Control, the text of which is on file in the Office of the Town Clerk.

Majority Vote Required

The Moderator called for a Standing Vote:

Vote Was: 51- Yes, 56 - No : Motion Was: Not Voted

ARTICLE 15: On Motion by the Finance Committee, It was Moved and Seconded:

That the Town amend Article XV Fire Regulations, of the Town of Walpole By-laws by adding a new section 6 to read as follows:

And further to authorize the Walpole Fire Chief or his/her designee to adopt Rules and Regulations for Fire Protection Systems, with a copy of said Rules and Regulations to be Kept on file and current in the Office of the Town Clerk, which shall govern the installation and use of all fire protection systems, auxiliary systems, radio alarm boxes
And alarm connections to the Walpole Fire Department.

Majority Vote Required

Motion Was: So Voted

ARTICLE 16: On Motion by the Finance Committee, It was Moved and Seconded:

That the Town adopt a By-law authorizing the Board of Selectmen to issue Motel Operations Permits, as follows:

No person shall operate a motel, as defined in G.L. c64G, Section 1(e) but excluding private clubs, without securing a permit from the Board of Selectmen in addition to any other permits or licenses required by state or local law or regulations. The Board of Selectmen may promulgate regulations to implement this By-law.

Violation of this By-law, or of any regulation adoption hereunder, may be enforced through any lawful means in law or in equity by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer of the Town of Walpole, including but not limited to enforcement by noncriminal disposition pursuant to G.L. c. 40, Section 21D. Each day a violation exists shall constitute separate violation.

The penalties shall be as follows:

First violation:	\$100.00
Second violation:	\$200.00
Third and subsequent violations:	\$300.00

Majority Vote Required

Motion Was: So Voted

ARTICLE 17: On Motion by the Finance Committee, It was Moved and Seconded:

That the Town amend the Zoning By-laws, Section 3-J Age Qualified Village, subsection (3) Qualifications by adding Highway Business (HB) District wherein an AQV may be located.

2/3 Vote Required

Motion Was: So Voted: Unanimous

ARTICLE 18: To see if the Town will amend Zoning Bylaw, Section 3-K Assisted and Independent Living Facility by eliminating the following requirement:

5. “The lot shall neither abut nor be within 750 feet of a functioning railroad, state or federal highway. Or take any action in relation thereto. (Petition of John Barry etal.)

ARTICLE 18. WAS WITHDRAWN

ARTICLE 19: *On Motion by the Finance Committee, It was Moved and Seconded:*

That the Town vote to: (a) approve the Tax Increment Financing (TIF) Agreement between Bayer Health Care LLC and the Town of Walpole, substantially in the form as is on file with the Town Clerk (the “TIF Agreement”), pursuant to GL c.40, s. 59, and confirming the Board of Selectmen’s designation of the property at 333 Coney Street and Moose Hill Road (Map 29, Lot 69 and Map 28, Lot 186) as an Economic Opportunity Area (“333 Coney Street EOA”), **and TIF Plan, including designation of a TIF Zone as described in the TIF Plan;** (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto, and to take such other actions as are necessary or appropriate to implement those documents; and (c) and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application, and any associated documents to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the 333 Coney Street EOA, TIF Zone, TIF Plan and Certified Project, and take such other and further action as may be necessary or appropriate to carry out the purposes of this article.

Majority Vote Required

Motion Was: So Voted

ARTICLE 20: *On Motion by the Finance Committee, It was Moved and Seconded:*

That the Town accept Lamplighter Lane from its beginning at STA 0+00 to its terminus at Station 6+09.23 +/- including any easements and utilities appurtenant thereto and to transfer from Free Cash, the sum of \$379.00 for recording documents at the Registry of Deeds.

Majority Vote Required

Motion Was: So Voted

ARTICLE 21: *On Motion by the Finance Committee, It was Moved and Seconded:*

That the Town accept Sigmund Way from its beginning at STA 0+00 +/- to its terminus at STA 3+27+/- including any easements and utilities appurtenant thereto and to transfer from Free Cash, the sum of \$379.00 for recording documents at the Registry of Deeds.

Majority Vote Required

Motion Was: So Voted

ARTICLE 22: On Motion by the Finance Committee, It was Moved and Seconded:

That the Town vote to transfer the sum of \$619,569.44 from Free Cash to the Fiscal Year 2007 Walpole Public Schools Budget.

Motion to amend Article 22 by Cliff Snuffer, Seconded by S. Alice Lawson:

That the Town vote to transfer the sum of \$619,596.44 from Free Cash to the Fiscal Year 2007 Walpole Public Schools Budget.

Motion to Amend: So Voted

As the Amended Motion:

ARTICLE 22. That the Town vote to transfer the sum of \$619,596.44 from Free Cash to the Fiscal Year 2007 Walpole Public Schools Budget.

Majority Vote Required

Motion Was: So Voted

TOWN OF WALPOLE

THE COMMONWEALTH OF MASSACHUSETTS

FALL ANNUAL TOWN MEETING, OCTOBER 16, 2006

DISSOLUTION NOTICE

October 16, 2006

There being no further business to come before this Fall Annual Town Meeting:

It Was Moved by Elizabeth Gaffey, Seconded by John Spillane:

That this meeting be dissolved.

Motion Was: So Voted

Moderator Jon W. Rockwood so declared at 10:37 p.m.

Ronald A. Fucile, Town Clerk