

A Regular meeting of the Board of Selectmen was held on Tuesday, September 25, 2012 beginning at 6:30 p.m. in the Main Meeting Room of the Town Hall. The following members were in attendance.

Eric Kraus, Chairman  
Michael Berry, Vice Chairman  
Mark Gallivan, Clerk  
Christopher Timson  
Nancy Mackenzie

Also present:  
Michael Boynton, Town Administrator  
Joyce Frank, Town Counsel  
Cindy Berube, Executive Assistant

Mr. Kraus called the meeting to order at 6:30 p.m. followed by the Pledge of Allegiance.

Cruisers on Main

Mr. Boynton suggested the Board send her a letter inviting her to explain what her plans are with the liquor license.

MOTION moved by Mrs. Mackenzie to schedule a revocation hearing and ask the applicant to come in and explain what is going on with the license, seconded by Mr. Gallivan

Attorney Frank explained if there is no longer a lease, you can wait until the license runs out. If you cancel the license now and she appeals the ABCC will look to see if they were given six months. You are so close, call them in give them warning. We are warning you that we might want to renew so get out there and find someone. We are letting you know if you are not using this at this location or potentially transfer the Board will take further action.

VOTED 4-0-0

Letter drafted to Delegation on Neighboring Community Mitigation

Mr. Boynton had conversations with Dan Murphy, as a corresponding tract in sending the letter for comments, perhaps reaching out to the folks at the stadium for their input and or suggestions.

Mr. Berry would prefer if we ask them is there is existing or pending legislation similar to this proposal. Weigh in on the merits, potential of success of the legislation or drafting.

Mr. Kraus would rather see the Board, Dan Murphy and a Representative come in and discuss matters of concern, than updating this if need be and then send to the legislators. It would be a surcharge to the ticket holder. He suggested prior to the Board moving forward they should have conversations with the stadium. Mr. Boynton will reach out to them.

Mr. Kraus spoke of the impact the Country Festival has on Walpole year after year. Representatives from the Board met with them and using this as a backdrop of creative ideas. He is most upset with Country Festival year after year. The worst event for impact to our town is Country Festival. They sat down the year before and we were assured we would not have issues and this year was one of the worst. It is not the stadium, it is other agencies making the decisions. Send it to Dan and have him come in and go over this and other issues. Mr. Boynton noted they must establish a number that works for everyone. The idea is not to take an eight dollar lacrosse ticket and add another eight dollars to that.

#### Charter Review

Mr. Berry noted this is the process the town does every ten years. Every ten years you are to publish and distribute.

Attorney Frank came before the Board to explain the process of amending the Town Charter. It can be a home rule amendment or special act amendment. The Home Rule Amendment is the elaborate process, redo charter, appoint members, have a whole committee, then there is another election to vote the charter 1-2 year process. The other method is by a petition or the Selectmen can suggest amendments usually of a more minor sort, you put an article, it is voted by Town Meeting and forwarded to the Attorney General.

The limitation of these methods: Content limitation as to what you can, what you can't do is change the Board of Selectmen, School Committee and Moderator, change from elected to appointed. You would have to go through special act method. It is the most streamline method. The town used this method in the past. The charter the town has now is a special act. If you go that direction you do not have to have a Town Meeting appointed committee. This Selectmen can appoint. The Board of Selectmen can choose to complete the review. In other communities they do it another way, have a committee review and report back to the Board and then you can put an article on the warrant to see if RTM wants to approve.

Mr. Kraus inquired if the Board wanted to change the appointing authority from the Board of Selectmen to the Town Administrator for Animal control officer is that a difficult change. According to Town Counsel it could be done either way.

Counsel provided the Board members with a copy of a Memorandum to Municipal Clients dated June 14, 2011 that outlines the procedures for Charter adoption or amendment. Mrs. Mackenzie is concerned with time being spent on this by Town staff. She noted there are fewer people and she recalls the last time they went through this process. She recommended sending a copy of the Charter to all department heads asking them for any input on amendments.

Mr. Timson served on the previous Charter Committee, there was one person from each precinct. He felt that since the Selectmen are the policy setting group for the town, we should look at this on the Selectmen level to see if there are any changes we want, maybe jump on Mr. Berry's desire to have some ballot questions. The Board may decide there is nothing, it is healthy to go thru the analysis. He noted since he has been a Selectman we have gone from 50-70 million dollar budget. One question becomes are we agile enough, to use the form of government we are currently using. He remembers last time as everyone was called before the Charter there was a lot of time and anguish.

Mr. Berry noted when he looks back at the Charter Review suggestions that were put forth, they were minor. That is fine, no more important document then the Charter and any effort the Board expends to make sure that we have the best Charter, the question is can we make improvements. He thinks they are within our own jurisdiction and they can maximize the efficiency. Look back at some things they had to do this past year. Look at the time they had to spend on the interviews for Animal Control. Is that time they could have spent more worthwhile. They have to decide what they think can be approved upon. Some can be technical in nature. He looked for the opening and closing of the warrant. Can we improve upon the timing of that. I think there is a lot of things we can talk about.

Mrs. Mackenzie spoke of inputting decisions into a data base for permitting. If we are going to spend that many man hours doing something that is something we should spend the time doing. That is what she feels is important, the people in town hall are very busy. She believes they have a Town Administrator that works for them and should not appoint everyone.

Mr. Kraus noted you can use the same argument for Recreation Director. There are other positions that the Town Administrator hires and we hold him to the same standard as we do. He does not see that a mission critical position for the Board to spend time on.

Mr. Timson spoke to the Selectmen controlling the process until they have a group appointed or elected. You can push for a formal Charter Committee. The Board can tailor this how we want and issue the charge.

Attorney Frank noted you can have an appointed Charter Review Committee. They make recommendation; you can propose amendments without a Committee. You could come up with your own proposal.

Mr. Berry noted the Economic Development person is not in the charter. That is one example; do not have the position in the Charter. Would it be the job of the Charter Review Committee or an Attorney.

Attorney Frank explained you can come at it both ways, you can ask to go thru each line. Your attorney tries to stay away from policy change. You could ask us to draft something for you, but the policies come from you. One of her colleagues gets hired by Charter Commissions to review line by line. The Board questioned if she knew the cost for such a review.

Mr. Kraus noted he wanted to have a philosophical discussion on how they go about doing this. They could send it out to different departments and Boards for feedback or they can look at reinstating a committee to look at this. He feels the Charter deserves more input than just from the Board.

Mr. Timson spoke to his past service on the Charter Committee leads him to believe there would be no earth shattering changes. If there are to be true organic changes they would probably come from this Board or from an independent Committee. He agrees, at a courtesy, they should send it out to Departments

Mr. Kraus would like to go over the list to see who the Town Administrator appoints and who the Board of Selectmen appoint. Mrs. Mackenzie feels the Selectmen should choose and appoint the Economic Development Officer. To her with regards to changes to the Charter, it does not make sense to flip-flop every ten years. If it is not broken, don't fix it.

Mr. Gallivan likes getting feedback. He reviewed different charters, to see if we are within the norm. He questioned various Boards and Committees in town as to whether they are elected or appointed.

Attorney Frank explained not every community has a Charter. You start off with the assumed elected positions. Some smaller communities go back and forth.

Mr. Gallivan felt once they get feedback, have a conversation. Talk about bigger things that jump out at them. Then propose a warrant article or form a committee. Mrs. Mackenzie agreed it was the responsible thing to do.

Mr. Kraus wants a charter of today as to what it was in the past. He does not want to squander tradition but it has to be today.

Mr. Timson would like a list of what other towns have done in the past five years. Appointment provision of their charter and changes they have made in the past five years.

Mr. Gallivan suggested they should look at how do we make the town work better, any other things they should think about.

Mr. Berry felt the form of government is the closest that we have to the people, we can effect positive change at this level very easily. We need to go through the process and have people speak their mind.

Mr. Kraus asked to send the T. Charter out to Departments and Board and we would like your committee to take a good hard look by the middle of December. We get that and spend time, once we have all comments and spend time leading up to STM putting this together, and holding sessions.

Mr. Timson felt they are better of bouncing off RTM before we put it on there, depending on what we are suggesting it could be divisive. EK wants to put timing and deadline.

Mr. Berry would like the Selectmen to take the lead. Put this out to departments and boards for input. Look at other towns. Look our operations and our role as a board, based on feedback, we are going to present them with we think we can move forward.

Mr. Timson would like to consider a public forum with a power point presentation. Be sure to invite RTM.

MOTION moved by Mr. Berry to adjourn at 8:05 seconded by Mr. Gallivan, VOTED 5-0-0