

Approved July 13, 2010

A Regular meeting of the Board of Selectmen was held on Tuesday, June 15, 2010 beginning at 7:30 p.m. in the Main Meeting Room of the Town Hall. The following members were present:

Nancy Mackenzie, Chairman
Eric Kraus, Vice Chairman
Michael Berry, Clerk
Christopher Timson
Clifton Snuffer

Also present:
Michael Boynton, Town Administrator

Mrs. Mackenzie called the meeting to order at 7:30 p.m.

Mrs. Mackenzie read a remembrance for Jake Murphy who past away over the weekend. He served on various Committees in town. Mr. Boynton also spoke of Mr. Murphy. She welcomed the new members to the Selectmen and the thanks to Mr. DeNapoli and Mr. Sullivan for their service.

Farmers Market Opening Day

Stephanie Mercandetti reported that opening day is tomorrow 3-8 p.m. It will be a weekly affair. There will be produce, seafood, arts and crafts items. She wanted the Board's approval on their entertainment request.

MOTION moved by Mr. Kraus to accept the entertainment schedule for the farmer's market, seconded by Mr. Berry, VOTED 5-0-0

6-18 Veterans District

The Foxboro Board of Selectmen voted to go into session.

Tom Tullie, State department of Veterans services explained he is here this evening to answer any questions from the Selectmen or Veterans. He has been involved with other districts before and is familiar with the offices in both Foxboro and Walpole.

Mike Boynton, spoke to how they reached where they are today. It did not come as a means to save money but to provide better services. Our Veterans Agent has done a great job. His position was Animal Control/Veteran's Agent. He had a 15 hour a week clerk handling both paperwork. With John's retirement, we decided to discuss with other communities regionalization of the Veteran's Agent. Foxboro showed an interest. He wanted to make it clear that under no circumstances is this a reduction in services provided. We are obligated to hire a full time Veteran's Agent for the town. Walpole's grandfathering would no longer be authorized. What is before you is a draft plan as to

creating a district, two staff members and one full time agent. There will be one 24 hour a week secretary. It would be based a town hall. The position would do nothing other than veteran's services. In the conversations along we appreciate the services the veterans have provided our community. If it is not approved, we will move forward with hiring a full time Veterans Agent.

Mrs. Mackenzie asked if any member of the Foxboro Board of Selectmen would like to speak. Linda Walsh Chairman of the Foxboro Selectmen explained they took a vote to investigate how we could share our services, currently we have a part time person. This would give more time for a Veteran's Agent to reach out to veterans. We agreed with the idea. We also will put together a veterans advisory committee, so they can speak to the agent themselves, we have 8 or 9 claims in our town, some of our veterans have gone out of town. When they need benefits they have to go to the town they reside in. More information needs to be shared, we want to hear more about their needs.

If a veterans district is established, it would be important to have a veterans committee. It is important to have in town voice.

Mr. Snuffer thought it did not make sense to have a full time agent and only a part time secretary. He supports the concept of veteran's affairs, but the district should have one as well. He would recommend abandoning part time.

Mr. Tuttle, this plan is budgeted. It had travel, education and felt it was well done. Our line item, the average capita income is about \$32,000. You should have between 35-40 cases, you would have that with outreach. You may only have 12 but you can expect to spend more money.

Mr. Kraus asked will any services they receive today be hindered by going to a district. Mr. Tuttle thinks it would work fine. You would need one person who would be well trained to serve the needs of the Veterans. In both Walpole and Foxboro, the per capita is well below the average of other communities. Would it suffer, I do not think so.

Mr. Timson questioned if there have been a lot of complaints with districts. Mr. Tuttle stated no. There are districts and the Veterans love their services.

Mr. Snuffer wanted to know if one town was not satisfied could they leave the district? Mr. Tuttle stated yes. We evaluate the district. The approval is only good for one year.

Mr. Berry, we should have 25-30 cases, based on population. Mr. Tuttle suggested there should be an excess of 20. What is the common reason for not having that many cases? Mr. Tuttle explained there is only one reason, the guy doing the outreach doing his job. Mr. Berry wanted to know if the young Veteran's know what is available? Mr. Tuttle people least aware is a widow of a veterans. He noted it is the very young and very old who need the services.

Joe Vicowskik Iraq veteran questioned why they cant hire two full time agents? Mr. Boynton explained you can have a full time agent in Walpole, does not mean we would have a full time clerk. Mr. Vicowskik explained he is a Foxboro resident and he is worried about Foxboro. He has seen what a good agent is like and understands time is tough. There are hundreds years of service sitting in this room and he does not want to see services cut.

Mrs Mackenzie explained we want to find out what will be best for you. We want what is best for our veterans.

Mr. Kraus wanted to know what services or benefits would be lost? For us, that is a key point. He wanted to understand why the resident was so angry. Nothing has been decided that is why the Board asked you to come today so we understand.

Mr. Vicowskik explained they get nothing now in Foxboro. They have been getting the minimum. Everyone knows that we were to have a full time agent. Foxboro, we have never been consulted.

Donna summers a Vietnam Veteran and she thinks we need a full time agent. She has a son who has two tours in Iraq and she has concerns about her own children and sees the need. J. Spillane did the best he could. She would come in and he would be out. She is seeing more and more of people my age having problems. She thinks Walpole has a lot of Veterans and a lot of issues and should have someone dedicated to the town.

Steve Kenney, Commander of VFW post. His concern is about having our own agent, it is personal, it has to do with community connections. He has a number of members who are world war II who are having difficulties and thinks a full time agent would stay on top of it. He volunteers and take Vets to appointments. He was wounded in Vietnam, but thanks to the local vets they pushed him up to meet with the Veterans Agent. The personal touch, that is what he is concerned about.

Bill Hamilton, it is not easy to say what benefits you are going to loose. Once and a while a young veteran will come in and he may have a brain injury etc. If the door is shut it is an emotional issue. There may be a loss in time constraints. Today brain injury is automatic disability. It is going to go on for a while. Urge boards to go forward with full time Agent of their own.

Warren Wright, commander of the Foxboro VFW, everyone says lets give it a year and then if you do not have enough cases, then talk about going together.

Michael Wright, past commander of Foxboro and Walpole. Would there be enough cases in your town, how would you know, our doors have been closed in Fox, The widows are the worst and they do not know.

Florence Sundquist, working with the Veteran's program for ten years. She was a full fledge Veterans Agent and carried that license for three years. The program was to

instruct them, to be assured they have the file. It has taken over a half of year. She receives a lot of calls, how would you feel when a female voice calls and I get calls to drive Veterans in. The town is using our outreach person, Conchita, to help the Veterans no matter what age, it is not fair, she has a quantity of people she has over 5,000 seniors she is responsible. We have to do it ourselves Chapter 115, we are subject to our own. You are cutting us off.

Joanne Damish's husband is a Veteran of the Korean war. How many people here are Veterans? She asked those in favor of having own agent to raise their hands. Mrs. Damish has a niece who is involved with homeless for our troops. So many more Veterans coming along, I do not think we can talk about regionalization at this time. Florence has been a big resource. She does a wonderful job. Easton and Norton tried to regionalize and they have been denied. Mr. Tuttle did not hear that. I hope that you listen to the people of Walpole/ Foxboro.

Mike Jones from Foxboro, the question about what would be lost, the intent that nothing will be lost. I agree try for one year. I appreciate what the agents have done, our people returning deserve better than that. All you want to come home, and then you come home, when I go to the Agent I want them to be from my home. We do not want to fight when I get home, we should not have to fight, and home is where you are welcome. I had to go outside of my town. Home is not a place where you come to find close doors.

John Spillane explained he wears two hats and does not have the time to beat the bushes. He currently has four widows collecting. Most of my people are elderly, as far as sharing it, I think it would work as long as you have a full time secretary in the office. His current caseload is 8 or 9 people.

Bob Sipson of Foxboro felt that having a full time secretary here is not going to help Foxboro residents.

Mr. Flagg questioned if these towns know how many returning Veterans they have? Mr. Timson did try to have a program with a welcoming for veterans returning home, but we could not do it, as there were privacy issues.

Mr. Tuttle explained the information is available we send the town information on every returning Veteran.

Mrs. Mackenzie thanked the Veterans for coming in. The Foxboro and Walpole Board of Selectmen are concerned that is why we wanted to hear from you before making a decision. This is very helpful. We needed to hear your concerns.

8:50 p.m. Josh Cole, Recreation program

Josh Cole appeared before the Board to update them on the South Pool. There have been major improvements to the pool. They have done plumbing, and we are looking forward to getting started. He noted that June 23, from 12-7 is free pool day. Offering season

pool tags at \$35. Hope we will see some increase in numbers. He talked about their efforts to raise funds for fireworks. Mr. Snuffer would like to see a simple accounting of field day, Walpole day, what goes in and what goes out. It can be very helpful to understanding the programs. Some programs that we feel are useful might be at a loss.

8:59 p.m. Allied Recycling

Mr. Boynton reminded the members the Board approved the Class II and Class III licenses with conditions and they are here to discuss whether or not the conditions have been met.

Landis Hershey, Conservation Agent explained there was a notice of non compliance in 2007 requesting they file with Conservation under storm water management. We have been working with them and waiting for them to file with us. It is my understanding, and reviewing the model storm water plan, they are working on the plan and will be filing with us soon. They are starting to address issues.

Attorney Philip Macchi, representing Allied Recycling felt this stems back to the letter of Dec 31, 2009. At that time you asked them to address four issues. I did submit a memo to you of May 18th. Limited Site Plan, it shows the site as it exists today. This was done by Woodard and Curran. This is 1901 Main St, next to Goldies, it shows what the site is, 17 acres, other than to address the issues, there are no plans to construct anything. Your condition that we show what a build out would be. There is no intent to build out. Spill Prevention control plan as to how a spill would be addressed. The applicant has given you Storm water pollution plan. You also asked for a landscaping plan be addressed for the entrance. They show what type of plants there would be. They are asking for the Boards approval on the landscape plan so they can proceed. Conoco is starting the Storm water Plan, at 4 p.m. today, the matter you inquired about the Cleanwater matter has been resolved. If you agree in principle with the planting we will go forward. We can establish a reporting mechanism. I would report to you within two meetings from now, we are going forward with the storm water management as it exists and build out in full.

The other question to DEP, this matter is in a different forum at this point and time. The Attorney General and DEP matter is being contested. I would defer any comment on that discussion. I think we have addressed the conditions of your letter. DEP was out on the site Thursday. I would ask you to agree to the entrance way so we can go forward.

Landis explained what we are expecting is a filing with a plan for storm water management structures. DEP will be involved with what they can do on the site.

Mr. Timson asked Landis if on our condition #3, when you look at the plan do they meet that condition? She explained you can not answer that fully, you cant do interim structures, you have to do that under a filing. I know they have put up hay bales, silt fences. As far as handling the material out there. I asked them to put in some rip rap.

Attorney Macchi explained they will do all of the safe guards whether they put a building up or not. They can only go so far because DEP wants to be there. He feels they have come a long way. Mr. Timson wanted to know what the resolution on the case was; Attorney Macchi could only state they came to a resolution through a mediator.

Mr. Snuffer noted they still have issues that are noise related. We have continued use of the side road, the beautification of the entrance will not help a bit. The very clear recommendation of the Board, they needed to be met for the suitability of the site. I do not believe that it has been satisfied.

Attorney Macchi stated if you would clarify what you want, I would be happy to give it to our engineer.

Mr. Snuffer explained we have noise issue, improper use of side road, groundwater issues. All this does is continue to allow a wish going forward, that some day some how we will take care of this. I am suspect that this will be satisfied. Attorney Macchi would like to work with the town, had the requests been clearer he would have addressed them.

Mr. Kraus wants them to be clear of what we expect.

Mr. Timson was very surprised to see a site plan with buildings. He noted that Attorney Macchi was not at the meeting, if you look at the minutes, we were looking at the plans presented, it did not show existing conditions, and we wanted plans showing what the existing conditions were, whatever was there we could feel comfortable that it was properly set up for the purpose we were issuing the licenses for. Also, a plan for what was proposed on the entry way and existing conditions with engineers stamp on it.

Mrs. Mackenzie noted on the original plan it was stamped by a land surveyor. The land surveyor can stamp existing conditions. It seems like we spend a lot of time, and staff asking for stuff. We have plenty of companies, businesses that know what they need to do.

Mr. Boynton noted that Attorney Macchi did not have the benefit of early discussions. The way the conversation went and the letter generated, the Board said we will give you another chance, instead of not granting the license, they said here is what we need to have addressed. Noise and Soil were discussed and they should have been worked into a plan. If you as an applicant been advised by the Board that we have concerns with issues, and they are not on the final plan, anyone sitting in on those meetings knew. Here we are 6 months later, and you are still asking for the same things, it is an effort, and yes there would be plantings.

Mr. Kraus stated that from listening to the discussion tonight, he did not understand why the issues would not be addressed.

Attorney Macchi stated that some of the issues you are bringing up, we may not agree there is unusual noise. The traveling thru, that is subject to interpretation. It is not an uncommon event. It happens in a lot of businesses. All of this took place, pre site plan approval and there is no site plan. There is no plan.

Mr. Snuffer noted that with respect to the license, it stipulates the licensed site, what we are doing here tonight is to ascertain as to whether or not there has been agreement to the conditions. If this Board feels that we have been co contributors to a misunderstanding, we can agree to continue. Attorney Macchi felt it was in everyone's interest that he continue to operate so he clean up and storm water is done. He is willing to do that. You do not want to put him out of business.

Mr. Timson looked at overall what has been done and he feels the storm water management has been done in a reasonable fashion. He did not understand how they got to a site plan. That is not what the Board is looking for. when I look at overall what has been done, the storm water management has been done in a reasonable fashion. When we said what we wanted it was to see what is there and determine that it was suitable for the site.

MOTION moved by Mr. Snuffer in the interest for potential of the dialogue being misunderstood, keeping this process going, he would want to move towards a resolution, accept no further than 30 day postponement, seconded by Mr. Kraus

Mr. Timson would be inclined going forward it sounds to me if the licensee wants to do any further on the storm water, in terms of this plan of the site, make sure that is in the minutes, we are looking for what exactly what is in the letter,

1. Plan of the site, showing existing conditions, we need to determine if the operation is suitable for the site. Everything involved, the buildings the moving parts, junk operation, Class II and Class III operation, entrance, where operations are occurring, storage, smashing of things.

Mr. Snuffer noted that the crashing and killing a car in open environment, mitigates noise, better fluid control.

Mrs. Mackenzie told them to figure out what is on the site and show us. We want it all, show us how it is suitable for the town.

Mr. Snuffer noted by granting little extra time, it will offer the new members to visit the site.

VOTED 5-0-0

6-20 Storm Drain Connection Policy

Mr. Boynton spoke of the lengthy discussion the Board has had with respect to the June Street water problem. Our Town Counsel is advising us not to do it. While I understand what the Attorney says, we need to give some relief to residents in such a way, and protect the town. Maggie Walker has done a great job preparing the documentation.

Ms. Walker stated that the one thing we did revise, the applicant must sign and record at the registry of deeds. Once contaminants are in our drain system we are responsible for the clean up.

Mr. Snuffer noted the conundrum is we have advise from counsel to stay away from it. This Board has to weigh the citizens in general. I maintain the advise that we gave them to hire a hydrologist as to whether a French drain would work, and if so should we have connections simultaneously. The homeowner should hire someone with a degree of knowledge. I think we can thank T. Counsel. We feel there is a reasonable amount of protection for the town and we can go forward.

Mr. Timson stated in order to protect the vast majority of citizens, a lot of the residents spoke of the cost issue, we have to look out for the interests of everyone in town. I think we should follow T. counsel advice. We should let people know these regulations could change, and more and more liability on towns, even if we grant these, we have to make sure it is a yearly permit, and I think we should have the ability to cancel due to changes of regulations.

Mrs. Mackenzie felt if the requirements change we could ask them to un hookup. Mr. Timson thinks we have to. Mr. Boynton suggested they may have no choice, if you are willing to support the bylaw, inclusion of potential termination of the permit based on regulations. Mr. Kraus likes the yearly permit idea.

Mr. Timson questioned what do you charge for this? Mr. Boynton suggested, the fee for pulling permit, and engineering review.

Mr. Snuffer questioned if a betterment had been discussed. Mr. Boynton noted it is not a general relief for a neighborhood.

Mrs. Mackenzie noted the amount of money the homeowner would risk and at some point could be shut off. So why would they decide to shut it down. You should put in that the town can revoke and it is a renewable permit as of Jan 1.

Mr. Timson felt if we are limiting to a revocation, the Federal Government says no private hookups, if there is a change that we do not anticipate, and we feel it is not reasonable to keep these online. He does not want to hamstring future boards.

Minutes of June 15, 2010

Mr. Boynton spoke to the request made. Ms. Walker has reviewed and there should be no problem.

MOTION moved by Mr. Kraus to approve the installation of directional signs for the Department of Developmental Services, located on West Street, seconded by Mr. Snuffer, VOTED 5-0-0

6-23 MPIC, Citizen at Large

Mr. John "Dick" Power is seeking re appointment as the citizen at large to MPIC representing the Chamber of Commerce

MOTION moved by Mr. Timson to re appoint Mr. Power to the MPIC, seconded by Mr. Kraus, VOTED 5-0-0

6-24 EDIC, Reappointments

MOTION moved by Mr. Timson that we reappoint Mr. Roger Mann and Mark Resnick to the MPIC as requested, seconded by Mr. Berry, VOTED 4-0-1 (Mr. Kraus abstained)

6-25 Goals and Objectives

Mr. Boynton pushed for next week as he has other issues he wants the Board to discuss. He would like the Board to interview for Animal Control. We can schedule interviews for 6 p.m. Board may want to attend the Foxboro Selectmen meeting which is at 8:30 p.m. The Town will need a new officer and a back up. All three indicated to serve as back up.

Selectmen MPIC Representative.

Mike Berry has resigned from Housing partnership and he was their representative to the MPIC. He wishes to continue to serve on that Committee. Mrs. Mackenzie was the Representative.

MOTION moved by Mrs. Mackenzie to appoint Michael Berry as the Board of Selectmen MPIC representative, seconded by Mr. Snuffer, VOTED 5-0-0

6-26 Agenda Format

Mr. Berry read the Open Forum part. He would like to re write the policy so an open forum is held at each meeting, placing it at the beginning of the agenda to give citizens convenience. I felt we could do a little bit more than once a month. Move it to the beginning of the meeting.

Mr. Timson stated that being longest serving member we do have it once a month, and we have it at that time allocated, it is a posted time, we do a very good job of that.

Typically we have Bill or Jimmy Taylor. If there is a topic that comes up I think we do a good job of letting them be heard. I think you will have the same participation now. I think what we have done works.

Mr. Snuffer stated he habit of open forum, it is not a dialogue, the individual would get up and say what is this about. If you are after a dialogue, that comes in a different part in agenda, I think it works pretty good the way it is. I admire the spirit. I think it actually works. I have been somewhat disappointed in the lack of participation.

Mr. Berry does not think we should look at this in what has happened in the past. He referred to this evening the crowd of people that were in attendance for the Veteran's Discussion . He can not imagine that people would have to have been interrupted.

6-27 Banner Requests

Mr. Berry would like to see banners that come back every year be administrative, but new banners should come before us. Mr. Timson felt that part of the function of the banner that we add under announcements.

MOTION moved by Mr. Timson to adopt the change as long as we make announcement of the event under announcements, and provide list of last years banners, seconded by Mr. Snuffer, VOTED 5-0-0

6-28 A frame, Bird Park

The Friends of Bird Park is seeking permission to plane an A frame on the common to advertised a concert.

MOTION moved by Mr. Kraus to approve the placement of an A-frame on the common to announce the concert, seconded by Mr. Snuffer, VOTED 5-0-0

MOTION moved by Mr. Timson to approve the concert in the park, seconded by Mr. Snuffer, VOTED 5-0-0

6-29 Camy 5K Run

MOTION moved by Mr. Timson to approve the request to hold the Camy 5K run, seconded by Mr. Kraus, VOTED 5-0-0

6-29 Acceptance of Gifts

MOTION moved by Mr. Timson to accept the gifts from J.D. MurphY and Walpole Community TV, seconded by Mr. Kraus, VOTED 5-0-0

6-32 Award of Bid, No. 2010-36

MOTION moved by Mr. Timson to award bid contract 2010-36 for Water Treatment Chemicals, as specified on the Memorandum to the Board of Selectmen dated June 9, 2010, seconded by Mr. Kraus, VOTED 5-0-0

Town Administrator's Update

FY11 Budget Update- Walpole is projecting a shortfall. We are in the \$200,000 range. The other issue is state aide. He is hoping there will not be further cuts. We are working with new growth, health insurance savings. There is \$177,000 remaining in the Reserve Fund. Other than legal budget we are not seeing any shortfalls. He talked about the need to increase the reserves.

Animal Control Interviews starting next Tuesday. The Kennel issue is a problem. We put together an RFP to see if any of the kennels would be willing to work with them. Their concern is dropping off of strays. He is waiting to see if anyone will respond. I have also asked DPW to price it out. Mrs. Mackenzie mentioned the shelter in Medfield. They are researching that. Mr. Timson suggests contacting TUFTS to see if they would be interested in doing something.

Electricity bid process- explained what the bid process will be .

Town web site- We have a ton of information on there. It may not be the best layout, the quote is \$8,000 set up and \$4,000 licensing cost. We tried to do an overhaul of the site. Mr. Kraus suggested investigating if this is something the High School can help the town with.

Mr. Berry noted there are a number of towns have postings on the website on the home page. Ease of finding where to go. Have Pat check out a few websites, Norton, Foxboro. He would like to know how much time she is spending on the website. Nancy would like people to be able to access their email address from the web.

Open Meeting Law- talked about the possible purchase of a monitor to run postings. As of July 1, a resident must have the ability to see what meetings are taking place 24 hrs a day seven days a week.

Old Business:

Mr. Timson talked about the letter from Walpole Youth Football. They are putting about \$100,000 into this and they would like things addressed. I discussed having a stone field use committee, give Walpole youth football membership on that Board. I think they are looking for an additional letter.

Mrs. Mackenzie thought a water agreement is being worked out. I think he is looking for assurances. I think we are better off putting it in writing, so they know what we can give them.

Mr. Snuffer suggested putting this on the agenda and inviting Mr. Conrad to the meeting .

Minutes

MOTION moved by Mr. Timson to approve the minutes of May 3, 2010 meeting, seconded by Mrs. Mackenzie, VOTED 3-0-2 (Mr. Berry and Mr. Kraus abstained)

Executive Session

MOTION moved by Mr. Timson to move into Executive Session for the purposes of discussing negotiations and personal issue and will reconvene for the purposes of adjoining, seconded by Mr. Kraus, Roll call vote Mr. Snuffer-Aye, Mr. Kraus-Aye, Mr. Berry-Aye, Mr. Timson –Aye and Mrs. Mackenzie-Aye, all in favor.

MOTION moved by Mr. Timson to adjourn at 12:40 a.m. June 16, 2010, seconded by Mr. Kraus 5-0-0

Respectfully submitted,
