

The Board of Selectmen met on Tuesday April 19, 2011 beginning at 6:15 p.m. in the Main Meeting Room of the Town Hall. Mr. Timson was absent. The following members were present.

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

Mrs. Mackenzie called the meeting to order at 6:30 p.m.

Firefighter/Paramedic Interviews

Chief Timothy Bailey presented two candidates for openings on the Fire Department. There was a third candidate whom withdrew from the process. The two candidates are Edward J. Gavin and Matthew D. Treannie.

Edward Gavin introduced himself to the Board he is married and is currently employed as a full time firefighter/Paramedic at Halifax Fire Department. He also works for a private ambulance company, AMR for thirteen years. He worked for Sears for 26 years. He also works as an emergency department clinical assistant paramedic at the Good Samaritan Medical Center in Brockton. The Town of Halifax is a very small department and there is not were to grow. There is only one full time Capitan and a Chief. He was asked if he plans on keeping his job with AMR and he will see hot it works out. He only works two days a week there. He is the ALS instructor for the department. They teach CPR. It was asked if he was PALS certified. He stated the demand was not there for him to continue.

MOTION moved by Mr. Kraus to appoint Edward J. Gavin to the Fire Department as a firefighter/paramedic beginning on May 2, 2011 conditional upon successful completion of all pre-employment testing, seconded by Mr. Snuffer, VOTED 4-0-0

Matthew Treannie introduced himself to the Board. He is from Foxboro Ma and has been involved with in the EMS field since 2006. He has been around the fire services since he was a young boy and had a passion since an early age. It has been his dream and goal to be hired on a fire dept. Walpole is close to home and is busier than the two towns he has worked in. His environment was great and as a kid simple things, like the lights and sirens and as he got older he knew this is what he wanted to do. There are pros and cons, you miss some birthdays and holidays, but overall it is good. He intends to continue his career working in construction. It is a family business and he holds it true to his heart but his main focus will be the Fire Department.

MOTION moved by Mr. Kraus to appoint Matthew D. Treannie to the Fire Department as a firefighter/paramedic beginning on May 6, 2011 conditional upon successful completion of all pre-employment testing, seconded by Mr. Snuffer, VOTED 4-0-0

PLEDGE OF ALLEGIANCE

Town Administrator's Update

Green Communities Stretch Code- Workshop will be May 18, 2011 at 7:00 p.m. It has to be accepted if we are going to be a green community. Clear with Horsley Witten, that if we are going to talk about bylaw. It is a ways off. You will have builders that will want to know what the impact is. It will end up being part of the state building code.

April 28th meeting on Economic development study. The last meeting was doom and gloom. There is no demand for office space. No ability to put an office setting in there. Limit on Water withdrawal.

Town Meeting Prep- Documents regarding Woodworkers are on Town Web.

FY12 house budget- no major upheavals, they did cut the Quinn bill funding.

Bay Circuit Trail- Want to run it thru a portion of Walpole Park South. Doe not believe it needs to go before town meeting. They can not show it on the trail map without getting the approval of the owner.

MRC- next Tuesday night April 26th at the Walpole Country Club

Suburban coalition is Tuesday Morning.

SPONSORED AGENDA ITEMS

Walpole Woodworkers

Mr. Boynton reviewed the proposal on the town meeting warrant to purchase a portion of the Woodworkers site. Included in the article is a study for the municipal facilities planning program, and environmental insurance. Mr. Timson was instrumental in reviewing this. Woodworkers would retain 1.4 acres of the site giving the town 14 acres. The purchase price for property is 4.5 million dollars. The P&S agreement is before the board to sign. They will not finalize the agreement until all environmental issues are addressed.

Mr. Kraus stated that while the Board of Selectmen is bringing this forward, he would be remiss in not mentioning that the MPIC and Finance Com supported the Board. Those

votes were taken after they had a meeting with every Board and Committee in town. The Board sees this as a defensive and offensive move for Walpole. The town wants to promote its own destiny and purchasing this land will not allow housing to go on this site. We do not think that this location warrants a housing development. From a proactive position, this is a parcel close to downtown and at the end of the day we are not growing any new parcels of land. The Board has spent a good part of the last seven months discussing this issue and feel positive this is the right thing to do.

Robert O'Leary-Washington St, how would any resident of Walpole, value that property unless they know what it is going to be used for. It leaves us without knowing its use. What value is it?

Mr. Kraus explained that part of what they are asking the residents to approve is to put an implementation into place. They want to do this in a very intelligent manner. Best use of that land. He would love to come in and say what it will be used for. This is an opportunity and they need to ask for it now.

Mr. Boynton explained there is a two step process. The town has several facility needs. Regardless of what the final need is, the residents determine that. Knowing the needs the town has and lack of spacing elsewhere in the community. They have an opportunity to buy property in the downtown. The voters of the town will decide that the value of the property is worth adding to the stock that they already have. The Town may have small parcels which may not be in the right area.

Mr. Snuffer explained there was an appraisal done by the town, and that had to deal with its existing zoning. Highest and best has been certified as apartments. The Fairfield offer was in excess of 7 million. The negotiated price was brought down to the 4.5 million.

Mr. O'Leary thought that price was prior to the wetland delineation. Mr. Boynton stated no they were aware of the wetland. Mr. O'Leary felt you still have to know the value. You can not do that without knowing what is going on it. I think the voters are taking a chance.

Mrs. Mackenzie explained the voters will vote to buy the property and again to vote what goes on that site. If we had more housing there it would be a burden to schools etc.

Bob Henri-2 Eastover Rd, if the town does buy the property how long would it take for everything to be cleaned up and built on. Mr. Boynton believes the closing is expected to be in September. We are probably looking at a proposal spring 2012.

Anthony Ronaldi, East St,- if the deals falls thru what happens to the money. After the election if it passes, there are a number of issues that are done. If there was an environmental concern we did not know about, the deal will be null and void

The town is not going to borrow anything until we are ready to go forward with the purchase. With respect with the study, that would be a conversation the Boards would need to have.

Steele Lightbody wanted to know why they want to buy the land. Mr. Kraus explained it is very close to our downtown and we do not feel it is appropriate for a housing unit. The town has a significant amount of needs.

Mr. Lightbody wanted to know why the town is buying the other piece of property and letting them keep the best piece. They have been in the town for a long time and done nothing for this town.

Mr. Boynton explained that during discussion they stated they would like to remain in town. The uses we are thinking of do not need to have the frontage.

Mr. Berry spoke to the prospect of a high density apartment complex being real. There would have been 200 units if Fairfield moved forward. A lot of your points are very valid. Had Fairfield not entered the picture a few years ago, it might be different. I do not think the town could bear another preserve in the center of town.

David Mellish thinks the town sees the viability as a defensive. Has the town worked at trying to achieve the 40B goals? What happens next time? Are we going to buy that property? Start some dialogue to get a plan to have more affordable housing for seniors.

Mr. Boynton explained several years ago the town adopted a plan. We have an affordable housing partnership. Clearly after the economic challenges, there has not been a lot of interest. They have been actively trying to bring in good development in. The Committee has worked at getting credits working with existing housing units.

Jack Fisher-Hartshorn Road complimented the Board in moving this forward. It is a environmentally sensitive area, for the town to acquire 14+ acres of land close to the downtown. He would rather have the town have control over this. We have talked a lot about multi family housing. The real problem is multi family units. There are over 800 multi family units within ½ mile to the center of Town. There are only two viable uses for that site. He thinks the town has done a good job. He hopes they did a good job when negotiating the price.

Street Acceptances

MOTION moved by Mr. Kraus to open the public hearing for Street Acceptances for New Fisher Lane, Cornfield Lane, Endean Drive, Hildene Drive and Olympic Court, seconded by Mr. Snuffer, VOTED 4-0-0

Town Engineer, Margaret Walker explained that on New Fisher Lane and Cornfield Lane the Planning board has held their hearings and released the bonds. The developer has given us the money to record the documents. Nothing left to be done. The next group

is from Toll Bros subdivision. Olympic Court, Hildene Drive and Endean Drive. The fees have been submitted, all bonded items. Any services are complete.

A resident of Endean Drive wanted to know what changes once the road becomes a public way. Ms. Walker noted they currently receive some services. If it were to remain private, any repairs would have to be done by the developer. It was noted by Mr. Snuffer the Planning board held the residents hearing with no objections.

MOTION moved by Mr. Kraus to close the public hearing, seconded by Mr. Berry, VOTED 4-0-0

MOTION moved by Mr. Kraus to accept the Street layout of New Fisher Lane from its beginning at Station 0+00 to its end at station 6+05.59 +/- including any easements and utilities appurtenant thereto, seconded by Mr. Snuffer, VOTED 4-0-0

MOTION moved by Mr. Kraus to accept the Street layout of Cornfield Lane from its beginning at Station 0+00 to its end at station 3+27.57 +/- including any easements and utilities appurtenant thereto, seconded by Mr. Berry, 4-0-0

MOTION moved by Mr. Kraus to accept the Street layout of Endean Drive from its beginning at Station 0+21.93 to its end at station 51+09.40 +/- including any easements and utilities appurtenant thereto, seconded by Mr. Snuffer, VOTED 4-0-0

MOTION moved by Mr. Kraus to accept the Street layout of Olympic Court from its beginning at Station 0+23 to its end at station 7+58.88 +/- including any easements and utilities appurtenant thereto, seconded by Mr. Snuffer, VOTED 4-0-0

MOTION moved by Mr. Kraus to accept the Street layout of Hildene Drive from its beginning at Station 0+23 to its end at station 4+68.71 +/- including any easements and utilities appurtenant thereto, seconded by Mr. Snuffer, VOTED 4-0-0

Vote Endorsements

MOTION moved by Mr. Kraus to sign the Street layout documents and the Acceptance Plans for New Fisher Lane, Cornfield lane, Endean Drive, Olympic Court and Hildene Drive, Seconded by Mr. Snuffer, VOTED 4-0-0

Vote to file documents with Town Clerk

MOTION moved by Mr. Kraus that the Board of Selectmen have the written layout documents and plans for New Fisher Lane, Cornfield lane, Endean Drive, Olympic Court and Hildene Drive on file at the Town Clerk's Office, seconded by Mr. Snuffer VOTED 4-0-0

8:00 P.M. OPEN FORUM

No one present.

ANNOUNCEMENTS AND PROCLAMATIONS

Proclamations for Eagle Scouts,

Mr. Kraus read the proclamations for the Eagle Scouts into the record.

MOTION to approve and sign proclamations for Eagle Scout Christopher Norbert, seconded by Mr. Berry, VOTED 4-0-0

MOTION moved by Mr. Kraus to approve and sign proclamation for Eagle Scout David Frizzell, seconded by Mr. Berry, VOTED 4-0-0

MOTION moved by Mr. Kraus to approve and sign proclamation for Jacob Campbell, seconded by Mr. Berry, VOTED 4-0-0

MOTION moved by Mr. Kraus to approve and sign proclamation for Andrew Ellis, seconded by Mr. Berry, VOTED 4-0-0

MOTION moved by Mr. Kraus to approve and sign proclamation for Douglas McMillian, seconded by Mr. Berry, VOTED 4-0-0

4-30 C&B Café Inc

Sadagopan Balaraman introduced himself. They started the business on Main Street and are looking for seating at this establishment. They are a convenient store and will also serve pizza and sandwiches.

MOTION moved by Mr. Kraus to grant a common victualler's license for C&B Café., Inc. d/b/a Main Street Mart & Pizzeria, 1041 Main Street, seconded by Mr. Berry, VOTED 4-0-0

8:10 p.m. Anna Cesary , 301 Moosehill Rd, Volleyball Court

Ms. Cesary appeared before the Board to discuss the location of the Volleyball courts. The courts use to be in the location of the new library and the Board had given them permission to relocate in the field near the Town Pool. They want to move the two volleyball courts from the center to Adams Farm. The courts are used by several groups and different families. Courts are gone because of the construction of the library. Her Group feels that A. Farm is the best fit for their project. There are hundreds of underutilized acres. The courts are 100 percent maintenance and cost free. Labor is voluntary. The volleyball group has risen over \$1,000. They are environmentally friendly and are 75 x 75 feet. They are sand courts, not fertilizer or chemicals. They feel the courts would benefit A. Farm. The taxpayers will find more use at the Farm. They did meet with A. Farm Committee and there was some interest and a motion was

made to table. We walked away, we understand a motion was made after we left and they denied our request.

The A. Farm Committee wants to keep the farm as is. They say is supported by the 2002 ballot question for the golf course. The volleyball group can not understand how horseback riding and hiking can fit but volleyball does not. She does not think that someone not supporting a golf course means they do not support active recreation. It is not fair to equate a golf course with two volleyball courts. We have a petition with over 500 signatures which she submitted to the Board, that feel the addition of volleyball courts would be positive to A. Farm. They feel it is a great use of A. Farm and can not understand why this would not be allowed. The area that was provided to them for the Courts will not work. There is a significant amount of poison ivy at that location and it does not work for them.

Mr. Berry commended her on a thoughtful presentation and effort. He believes there can be some compromise to allow expanded utilization of the A. Farm land, while ensuring protections are in place.

Mrs. Mackenzie noted the Board does have a letter from the A. Farm committee. Jack Wiley, Chairman of the A. Farm Committee explained the input they have gotten over the years is to keep the farm as is for passive recreation use. The golf course vote came after that. That is what the A. Farm committee is basing their decision on. As far as their petition, you probably could get 500 signatures from people who want to keep it as is.

Mr. Snuffer asked the Volleyball group if they have you gone over to see the site that was granted to them. He finds it attractive. He would say that those who have categorized A. Farm as wasted space have no idea of open space that many of his generation have put on the line. He is going to ask this Board to create a study group and place this as an agenda item on that municipal facilities study and not take action on this tonight.

Mr. Kraus noted it is unfortunate the new library displaced the courts. Back in 2000 the N. Walpole Land Use Committee came up with a list of uses on the site. This year we have approved four Norfolk hunt club hunts. He does not understand why two volleyball courts can not be put up there. He has spoken to people in the community and the concern is that this will open it up to fields. This is passive recreation and he does not see why it can not go up there.

Mr. Snuffer noted the land is PSRC, they are restricted lands. It is for low density recreational. The commonwealth gave the Town a \$300,000 grant and received a governor's award. Hundreds of thousands of dollars have been raised to make that attractive. Why don't we follow the logic, to put the need into the arena, what we are trying to do with our land and buildings? Why would we not follow our own guidelines?

Mrs. Mackenzie believes this issue can be handled by the Selectmen and does not need to be studied. Her thoughts of passive recreation, if she wanted to have a family cookout, it

would be great to be able to play volleyball. It is not going to cost the town anything and it would be a fun place to be.

Mr. Snuffer would want to know how they would guide these people.

Mrs. Mackenzie noted the town had the courts before and follow the same protocol they had in the past.

Mr. Boynton noted the town would want the liability waiver signed. He senses there is support for the courts; we do not need to have a separate vote every time. In terms of the final location, that would require a meeting with public works, A. Farm committee and recreation. There would need to be someone that they could call upon regarding the pledge or upkeep

Mr. Kraus thought Volleyball fell under the Recreation Department currently which provides oversight. He agrees with Mr. Snuffer as far as ensuring they have everything signed sealed and delivered. He recommended that A. Farm and volleyball as well as Josh get together where these fields may go. Come back at the next meeting and the Board will take a look at where it goes. Mrs. Mackenzie agreed.

Mr. Berry questioned how this would be different in terms of liability if he were going to use the tennis courts.

Jack Wiley stated there seems to be an indication that the site given to them near the town pool was not big enough. There is nothing wrong with the site across the street.

Ms. Cesary stated they did try to use that site. They used that because they thought there were no alternatives.

Mr. Berry would like to see a MOU, as it relates to A. Farm, as the Committee seems to feel this could be Pandora's Box. It is important to recognize what they are being used for. Maybe we could come up with a plan that would show where certain things will go. He would like to give A. Farm Committee some type of measure of confidence, that there would be an appreciation to not throw more activities down the road.

Mrs. Mackenzie told the volleyball group to move forward with meeting with Recreation Dept and A. Farm and to come back with a solid plan and answer to legal questions.

4-35 Epiphany Church, Village Fair

MOTION moved by Mr. Kraus to approve the request to conduct the annual Village Fair on June 11, 2011 including;

1. game booths and food
2. a road race at 9:00 a.m.

3. use of the common across from the parish and bandstand
 - 4 exclusion of traffic on streets bounding the church and use of Front Street
- Seconded by Mr. Berry, VOTED 4-0-0

4-36, 4-37 and 4-47 Acceptance of Gifts

MOTION moved by Mr. Kraus to accept with gratitude a gift from Sober Camel LLC in the amount of \$100, a gift from Dorothy Blake & Richard Kiley in the amount of \$75, and Siemens Medical solutions in the amount of \$40,000, seconded by Mr. Berry, VOTED 4-0-0

4-38 Use of A. Farm, Wedding Ceremony

MOTION moved by Mrs. Mackenzie to approve the use of Adams Farm on October 22, 2011 for the exchange of marriage vows, seconded by Mr. Kraus, VOTED 4-0-0

4-39 Use of A. Farm, Brownie Troop 4724

MOTION moved by Mr. Kraus to approve the use of Adams Farm on April 27, 2011 by Brownie Troop 4724, seconded by Mr. Berry, VOTED 4-0-0

4-40 Use of A. Farm, Brownie Troop 73429

MOTION moved by Mr. Kraus to approve the use of Adams Farm on May 3, 2011 by Brownie Troop 73429, seconded by Mr. Berry, VOTED 4-0-0

4-41 Award of Bid Contract No. 2011-14A

MOTION moved by Mr. Kraus to award bid contract no. 2011-14A, (Re-Bid) phase 3 Rehabilitation of E.J. Delaney WTP to Barbato Construction Co., Inc, Middleboro, Ma for an amount of \$377,483.00, seconded by Mr. Berry, VOTED 4-0-0

4-42 Walpole Day, Parade and Music (Board had approved Walpole Day June 2010)

MOTION moved by Mr. Kraus to approve the request to hold a parade on Walpole Day beginning at 12 noon and to grant permission for live music from noon to 6:00 p.m. on Stone Field, seconded by Mr. Berry, VOTED 4-0-0

Capital Budget Articles, Mark Cominsky

He explained they followed a normal process. They have a good sense of what the departments want and went thru every item. The majority of the items are 6-0-0 votes. They had Mark Good in to discuss borrowing with the committee.

Mr. Boynton explained the need is determined by the committee. He recommends items and they review it. He does not have a problem with what they recommend or Finance Committee recommends.

Mr. Berry questioned what formula decides the pot of money that goes into free cash. Mr. Boynton explained it is a result of what is left at the end of the year. It gets certified.

Mr. Berry understands this number and how it fits into the overall budget. Mr. Boynton explained how free cash works. He does not look at it that we have all this extra money left over. All departments have seen their budgets so constrained that you do not see the turn backs. The capital budget process has become more difficult as there is a smaller amount of money. Mr. Berry would like to see the Selectmen more involved in the capital budget process going forward. He would like the Board to take a more proactive approach for priorities they may not make it on the request. Mr. Boynton would be happy to try to fit in any suggestions they might have.

Mr. Kraus noted Capital Budget approved \$30,000 for the Boyden School field and what is that going to do for that project. Mr. Boynton could not find \$272,000 to make the project happen completely but it is a start. Mr. Cominsky explained those funds will replace the backstop.

Mr. Snuffer felt what ever monies are available is adjudicated in a fair manner. Capital Budget does try to take every department needs and wants into consideration.

MOTION moved by Mr. Kraus to recommend Favorable Action on Article 11 in the amount of \$674,400, seconded by Mr. Berry, VOTED 4-0-0

MOTION moved by Mr. Kraus to recommend Favorable Action on Article 12 as presented, seconded by Mr. Berry, VOTED 4-0-0

MOTION moved by Mr. Kraus to recommend Favorable Action on Article 13 as presented, seconded by Mr. Berry, VOTED 4-0-0

MOTION moved by Mr. Kraus to recommend Favorable Action on Article 16 as presented, seconded by Mr. Berry, VOTED 4-0-0

MOTION moved by Mr. Kraus to recommend Favorable Action on Article 14 as presented, seconded by Mr. Berry, VOTED 4-0-0

MOTION moved by Mr. Kraus to recommend Favorable Action on Article 15 as presented, seconded by Mr. Berry, VOTED 4-0-0

Article #6

Mr. Boynton reviewed the budget numbers with the Board.

Mr. Berry supports 99% of the budget without the use of Free Cash to balance School Department budget and he is not going to rip the budget apart. He will support the article even though there is use of Free Cash. Board discussed how they were going to vote the motion. Mr. Berry stated that if the Board votes the School Budget separately he will not support their budget.

MOTION moved by Mr. Kraus to table the discussion on Article #6, seconded by Mr. Snuffer

Mrs. Mackenzie would not like to table it.

Mr. Snuffer withdrew his second, and Mr. Kraus withdrew his Motion

MOTION moved by Mr. Kraus to approve the School budget in the amount of \$33,043,680 2-2-0 (Mr. Snuffer and Mr. Berry opposed)

MOTION moved by Mr. Kraus to recommend Favorable Action on Article #6 as presented in \$67, 224,511, seconded by Mrs. Mackenzie

Mr. Berry will support the article in affirmative as he does not believe in voting against the entire motion.

VOTED 3-1-0 (Mr. Snuffer opposed)

4-34 Junk Dealer/Junk Collector License Renewals

MOTION moved by Mr. Kraus to renew the Junk Dealer/Junk Collector licenses as presented in the memorandum dated April 14, 2011, seconded by Mr. Berry, VOTED 3-0-0 (Mr. Snuffer had left the room)

MINUTES

MOTION moved by Mrs. Mackenzie to accept the minutes of March 22, 2011, seconded by Mr. Kraus, VOTED 3-0-0

Ballot Question

MOTION moved by Mr. Kraus to place the following question on the June 4, 2011 election ballot

Shall the Town of Walpole be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to acquire, by gift, purchase, or eminent domain, for general municipal purposes, without limitation, and for the purpose of conveyance, all or any portion of or any interest in the following three (3) parcels of land on East Street, which are commonly known as the Walpole Woodworkers Property: (a) a parcel located at 777 East Street, owned by Louis Maglio, Jr., Trustee of W.W. Realty Trust, described in a deed recorded with the Norfolk Registry of Deeds in Book 7171, Page 346, (b) a parcel located at 767 East Street, owned by Walpole Woodworkers, Inc. (formerly known as WW 2, Inc.), described in a deed recorded in Book 5298, Page 385, and (c) a parcel located on East Street, owned by Walpole Woodworkers, Inc. (formerly known as WW 2, Inc.), described in a deed recorded in Book 5298, Page 386, which parcels are shown on Assessors Map 26 Parcels 200,201 and 208, and for the purpose of a Municipal Facilities Master Planning Study that will consider the best use of the parcels to be acquired and other municipal facilities, and all costs incidental or related to such land acquisition and study?

Seconded by Mrs. Mackenzie, VOTED 4-0-0

MOTION moved by Mrs. Mackenzie to move into executive session in accordance with MGL c.30A, Section 21 to consider the purchase of real estate, seconded by Mr. Kraus, VOTED 4-0-0 by roll call vote; Mr. Snuffer-Aye, Mr. Kraus-Aye, Mr. Berry-Aye and Mrs. Mackenzie-Aye

The Board moved out of Executive Session at 10:10 p.m.

Walpole Woodworkers

MOTION moved by Mr. Kraus to sign the Purchase and Sale Agreement with Walpole Woodworkers Inc. and Louis Maglio, Jr., Trustee of WWI Realty Trust as presented this date, seconded by Mrs. Mackenzie, VOTED 4-0-0

MOTION moved by Mr. Kraus to sign the Right of First Refusal with Walpole Woodworkers, Inc. and Louis Maglio, Jr. , Trustee of WWI Realty Trust as presented this date seconded by Mrs. Mackenzie, VOTED 4-0-0

Article #9,

MOTION moved by Mrs. Mackenzie to recommend no action on Article #9, seconded by Mr. Kraus, VOTED 4-0-0

Article 10

MOTION moved by Mrs. Mackenzie to recommend no action on Article #10, seconded by Mr. Kraus, VOTED 4-0-0

Approved May 17, 2011

MOTION moved by Mr. Berry to Adjourn at 10:15 p.m., seconded by Mr. Kraus,
VOTED 4-0-0

Respectfully submitted

Michael Berry, Clerk