

Approved 2/8/2011

A Regular meeting of the Board of Selectmen was held on Tuesday, January 11, 2011 in the Main Meeting Room beginning at 6:30 p.m. The following members were present.

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

Mrs. Mackenzie called the meeting to order.

**Pledge of Allegiance**

**Announcements and Proclamations**

Mr. Boynton reviewed the various gift totals for several of the departments and Committees in Town. The Pond Management Committee has raised a lot of funds and it was noted by Mr. Snuffer that numerous families have joined Turner Lodge for skating. He wants the town to continue to provide support to the Committee. Mr. Kraus drives by the site numerous times a day and is pleased with the turnout of residents who are using the lodge and the ice.

**Open Forum**

No one present

**Sponsored Agenda Items**

7:38 p.m.      **1-3      Order of Takings & Acceptances**

Town Engineer, Margaret Walker has prepared the documents to complete the acceptance of Walden Drive and Summer Street alteration. These were accepted at the Fall Town Meeting and this is the last step in acceptance of the ways.

MOTION moved by Mr. Kraus to accept the order of Taking for Walden Drive and sign the document, seconded by Mr. Snuffer, VOTED 5-0-0

MOTION moved by Mr. Kraus to accept the Operation and Maintenance Covenant and Plan with the Town of Walpole, the conveyance of Easements and Utilities (form J) and Conveyances of Access and Utility Easements from the two lot owners, seconded by Mr. Snuffer, VOTED 5-0-0

MOTION moved by Mr. Kraus to sign the Operation and Maintenance Plan and Covenant and Conveyance of Easements and Utilities and have it notarized, seconded by Mr. Snuffer, VOTED 5-0-0

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MOTION moved by Mr. Kraus to accept the order of taking and sign the document and has it clocked in at the Town Clerk's office, seconded by Mr. Snuffer, VOTED 5-0-0

#### **1-4     Obstruction of a Public Way, Street and Sidewalks Bylaw**

Town Engineer, Margaret Walker and Mr. Boynton had worked on the language for this bylaw, the purpose of which is to prohibit people from placing snow, leaves, debris on town ways. It further outlines erection of structures in the public right of way.

Mr. Timson spoke to having an issue with the proposed language. When you have a portion of your grass area that is actually in the public way. Mr. Boynton stated their property is not within the public way. He went on to explain there are two goals; we do not want people putting debris into the street. The component here is that people are putting sprinklers in the grass strip. We have an exposure problem and if we do not address it, there could be some problems. We are trying to protect the town. Both Mrs. Mackenzie and Mr. Timson suggested allowing people to install a sprinkler system with the understanding it is at their own risk. Mr. Boynton noted the by-law would not have the same weight.

Mr. Berry would like to know who would be the enforcement agent. Mr. Boynton stated it would be public works.

Mr. Snuffer suggested one of the contentious issues is going to be the mailboxes. He wanted to know if during review of subdivisions and site plans it is indicated where the mailbox should be placed. Mrs. Walker explained the homeowner is to contact the Post Office to find where it should go. It was a big issue with Toll Bros, we had postal officials come here and this is where the language came from.

Mr. Timson suggested adding "travel portion of" before public right of way. Mr. Boynton felt the more you water the by-law down than the whole point of this goes away. Mr. Timson has an issue drafting it in a way that is over inclusive. It was recommended that Mr. Boynton amend the language and bring it back to the Board.

MOTION moved by Mr. Snuffer to table this by law, seconded by Mr. Kraus VOTED

Mr. Berry noted that several people have basketball hoops in the grass strips and wondered if there could be a way that a homeowner could make an appeal to the Town to put one in.

VOTED 5-0-0

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8:00 p.m.      **1-2      Comcast Ascertainment Hearing**

It is noted for the record a stenographer is present on behalf of Comcast.

MOTION moved by Mr. Kraus to open the public hearing for the Comcast Ascertainment hearing, seconded, by Mr. Snuffer, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to waive the reading of the public hearing notice, seconded by Mr. Snuffer, VOTED 5-0-0

Mr. Boynton explained Comcast has begun the process of moving forward with the renewal of the license, one element is to seek public input.

Pat Krusko, Chairman of Cable TV Advisory introduced three members of the committee. This is the public hearing that is required during the renewal process. Ms. Krusko informed the Board what the Committee would be doing during the renewal process. They are going to have a web page and a survey for residents to fill out. There will also be hard copies available. They will be sending email letters to departments and organizations to solicit input and will hold several meetings. They plan to meet with community television. They would like to know the percentage of Comcast customers in Walpole, and look at the Emergency testing system. They will be looking at monies from past contracts. Comcast had donated some equipment to Walpole High School and the Committee would like to know a little more about that.

Mr. Berry noted on the bill, is a franchise fee, does any portion come back to the town? Ms. Krusko believes most of it goes to Walpole community TV. The checks go directly to them. Mr. Berry would like to know what that is used for.

Mr. Timson would like to see number of complaints they receive a year, response time that they have to complaints, and if it is better or worse. Are there any areas of town that are not cabled? To find out what their megahertz level is and if there is a low or high. Mr. Kraus would like to know the nature of the complaints.

Mr. Snuffer stated with respect to Walpole community television, public access has long been in the neighborhood of \$100,000 and that pays for staff and equipment. He wants to be sure that public access, remains in any contract. Signal quality, for the viewers that watch us is less than pleasing. Ms. Krusko thinks that is more a community cable television issue.

It was noted that not every house is hooked up to Comcast or Verizon. There is some difficulty with anyone who has underground wiring. The Board wants to make sure that all our residents are afforded equal opportunity. Competition lowers the cost for everyone.

Mrs. Mackenzie spoke about the response time, do they have standards? Does it differ for the different kind of calls? Ms. Krusko believes there are federal guidelines.

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Ms. Krusko noted they have given the town a great deal to work on many projects and we have benefited from them.

Catherine Maloney, Comcast representative introduced herself and stated they will work with the Cable Advisory committee and look forward to the renewal process.

MOTION moved by Mr. Kraus to close the hearing, seconded by Mr. Snuffer, VOTED 5-0-0

(A copy of the Stenographer's record is on file in the Board of Selectmen office)

8:15 p.m.      **MPIC, Spring Brook Project**

Ed Forsberg reported the Norfolk County Engineers are close to completing the surveying of the Spring Brook area and the Committee will be able to start moving forward. There is an \$80,000 request in capital budget to fund this project and they have submitted a grant for up to \$50,000 being reimbursed. Stephanie had told them the grant looks good.

The students from Northeastern who will be involved in the project, Greg Sands and Paul Yingling were introduced to the Board. We had discussions on bridge, walkways, maybe lighting, they have filed a NOI with Conservation Commission.

Greg Sands, student from Northeastern University explained they like to choose a community project that without our help will not get done. Sometime we do a portion of the project. We will be involved in the beginning and hopefully to the end. We got in touch by Mr. Power in the fall and came out on sight. By us getting involved, instead of you hiring consultants. We use our alumni. Hoping to get some funding and will move forward with this. We will have you sign off what our participation will be. The goal is to get a lot done before next winter. We do not want a partially done project before winter. After the bridge is done, we have ideas of walkways and what type of screening and plantings you might want. We do it as it is a learning experience for us as engineers.

Mr. Kraus applauded them for wanting to be part of this project. Hopefully the students will get an experience out of this. Mrs. Mackenzie spoke to the MPIC doing such a great job; it is a benefit to the downtown. The students do not receive any credits for their assistance in the project.

Mr. Berry noted that one benefit of the MPIC is to have the benefits of various residents and their specialty. We appreciate your efforts, if you would ever need a recommendation letter, we would be happy to provide one for you.

Greg Sands informed the Board they will need a letter from the Board to their professor stating this project will have some funding.

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Mr. Berry noted the students are looking for a letter for his professor that we endorse this project and have placed an article on the STM warrant for funding as well as funding from a grant.

MOTION moved by Mr. Kraus to send a letter to Northeastern program indicating support for the downtown MPIC Spring Book project, and to notify the professor we have applied for grant funding and will seek additional funding at the spring town meeting for this project, seconded by Mrs. Mackenzie VOTED 5-0-0

### **1-7 & 1-8 Gift Acceptances**

New pond village gift, and the second one is anonymous

MOTION moved by Mr. Kraus to accept the Gift from New Pond Village for the Fire and Police Department in the amount of \$700, to accept the gift from an anonymous donor for Walpole Day in the amount of \$150, seconded by Mr. Snuffer, VOTED 5-0-0

### **Town Administrator's Update**

Snowstorm- They are forecasting between 18-24 inches of snow. The Governor has not yet declared a State of Emergency. The Town Hall opening has been delayed until 11 a.m. The worst part of the storm is tomorrow morning. Mr. Boynton reminded people not to shovel or plow snow into the street. The town has used \$230,000 of the \$700,000 allotted. Mrs. Mackenzie noted the DPW has done a great job on the roads.

Neponset Valley Chamber-Al DeNapoli is business person of the year. Tickets are still available.

Paperless Packets update- Asked board members to read the documentation from Pat Krusko.

FY2012-proposing some cuts, should have some projections at next Fridays meeting.

Sewer odor in S. Walpole- This had to do with the online status of the preserve and the addition of that project into an antiquated system. The S&W dept have procured filters. They will be introducing a filtering device. Explained what a solution of this would be. There are things they are working on. The preserve has been respectful to our comments.

Mrs. Mackenzie question if it is going to be a solution on the town side are we paying for it? Mr. Boynton explained that is to be determined. Mrs. Mackenzie believes the odor problem goes from RT1 down to Georgia drive. Mr. Boynton noted there were concerns in the original proposal of this project. Mrs. Mackenzie noted the town denied the Special Permit, and part of the approval was at state level.

### **1-5 Jalapenos' Grill, Alteration of Premises**

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MOTION moved by Mr. Kraus to open the public hearing for Jalapenos, seconded by Mr. Snuffer, VOTED 5-0-0

Mr. Boynton explained this is regarding a project that has been done at Jalapenos, the Building department has signed off on the project. Ricardo explained he is guilty of doing it the Mexican way. I am trying to make it look better.

Mr. Snuffer questioned if the project had already been completed. Mr. Berry felt as a local business owner and homeowner, he thinks it is good that you reinvest in your establishment.

MOTION moved by Mr. Kraus to close the Public Hearing, seconded by Mr. Snuffer, VOTED 5-0-0

MOTION moved by Mr. Kraus to approve the Alteration of Premises for Jalapeno's Grill, Inc, 960-962 Main Street, seconded by Mr. Berry, VOTED 5-0-0

**1-6(a) Allied Recycling, Renewal of Class II & III**

Mr. Snuffer discussed the renewal of Allied Recycling Class II and III licenses and he is of the opinion, and come to the conclusion that there is a lack of suitability and he would vote No to renew the license.

Mr. Kraus and Mr. Berry had toured the facility and found it to be educational. He believes the Board should issue the license and put in place a mechanism to see some measurable progress over the next six months to a year. He recalls there were outstanding issues the last time they met with Allied.

Mr. Boynton noted from a technical perspective Allied has met the requirements of the Board.

Mrs. Mackenzie felt it has been a long bumpy road, I have said that good business attracts good business. This process that I have been involved in has been going on for over a year. They talk about landscape design and improve curb appeal; if you were invested in the town you would have done it. I don't know how much we can hold their hand. You have a year's time to show your suitability. One year from now you would be looking to renew again. I am encouraging them to show huge measurable changes. Otherwise I will be disappointed. I am going out on a limb to find that you are suitable.

Mr. Kraus wanted to know what assurance we can work in if any. Mr. Boynton believes the issues, was noise, environmental and continued use of a cut through between them and Goldie's, the attorney general law suits, and improper storage of fuel tanks on site.

Michael Sciaba introduced himself. He will be taking over for his father Edward. He showed a plan of what the landscaping will look like including along 1A. A lot of this

year was spent on designing a plan. This is what we want to do; we have put so much money into the business. We want this to work and we are vested in the town. To address the noise, I have a letter from J. Mee to Mr. Moser. Jack has been there conducting tests and we do not know that he is here. We continue to pay for these noise reports every quarter. In terms of food waste that was on the Goldies property. It was done in a manner that I do not agree with. I am going to see this property thru and you will see some changes in the site. We want to work with you.

Mrs. Mackenzie questioned if the stormwater plan be completed in a year and what else would be done with licensing by next year. Michael Sciaba explained they are working with Conservation on the stormwater plan and hopes to get the landscaping done in spring 2011.

Mr. Kraus questioned if there are any stipulations they can put on if it is not done. That this will be completed, that stormwater management construction will take place not later than what is consistent with the Conservation Plan, to show continued suitability, all or RT 1A landscaping done by October 15<sup>th</sup>.

Mr. Boynton noted the other element is the traffic between Goldie's and Allied takes place as a cut thru and that needs to be addressed as a clean up of the site plan. A plan should be filed with Planning Board. Mrs. Mackenzie thought a site plan had been ordered after the encroachment. She wanted to know if they would be looking to file a site plan with the Planning Board to address that.

Mr. Timson recalled when they first had Allied in we tried to set up a number of goals to have a site plan, a landscape plan, trying to get to you to show in that picture. Everything was to be done in forty-five days and they never got to the point that the mark on the roadway was getting completed. The Board wanted a site plan showing how things currently exist at Allied. He wants them to get back on track. We would be getting those things done. Then we can say this is what they are doing.

Mr. Sciaba explained they have worked on where everything is on the site. Mrs. Mackenzie wants to see a filing with Planning Board before this time next year before November 30<sup>th</sup>. By October 15<sup>th</sup> landscape and the stormwater management plan that is in agreement with Con Com. You are going to do those by those dates next year, and you will show to me that you would be suitable for that site. Mr. Sciaba stated they want to stay in Walpole.

MOTION moved by Mr. Kraus to approve the renewal of the Class II and III licenses for Allied with the following stipulations as offered by Allied 1), site plan be amended and officially filed with planning Board by November 30, 2011(2) that the Stormwater management plan will commence consistent with the approved Conservation Commission plan and (3) the landscaping plan will be complete by October 15<sup>th</sup>, 2011 including the landscaping along RT1A., Seconded by Mrs. Mackenzie

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Mr. Snuffer stated he is going to vote no, I have been here before under these same agreements and never acted upon and this will be your opportunity to prove that you too can assist us in being that steward.

Mrs. Mackenzie stated she is going to vote favorable on this. I have seen the change in the site and how it has grown, I feel you are offering great measures and if you do them, I am surprised.

VOTED 4-1-0 (Mr. Snuffer opposed)

MOTION moved by Mr. Kraus to approve the renewal of the remaining licenses listed on document 1-6 and 1-6(a) including Boston Trailer Mfg and Jimmy's Pizzeria, seconded by Mr. Berry, VOTED 5-0-0

### **MINUTES**

At the last meeting Mr. Timson had requested the Board receive the minutes in PDF to review and not paper copies. Mr. Snuffer still has concern over confidentiality unless we feel it is secure, I would like to have it in paper form. Mr. Timson thought it worked well but would like it in word format not PDF.

MOTION moved by Mr. Kraus to approve the minutes of December 7, 2010, seconded by Mrs. Mackenzie VOTED 5-0-0

MOTION moved by Mr. Kraus to approve the Executive Session minutes of December 7, 2010, seconded by Mr. Berry, VOTED 5-0-0

MOTION moved by Mr. Kraus to approve the minutes of December 14, 2010, seconded by Mr. Snuffer, VOTED 5-0-0

MOTION moved by Mr. Kraus to approve the Executive Session minutes of December 14, 2010, seconded by Mrs. Mackenzie, VOTED 5-0-0

MOTION moved by Mr. Kraus to approve the December 28, 2010 minutes seconded by Mrs. Mackenzie, VOTED 5-0-0

### **NEW BUSINESS**

Mr. Berry reported he had met with MPIC and they would like clear direction for funding for a municipal facilities study plan. Do we want to entertain that? Mrs. Mackenzie asked Mr. Boynton to look into a timetable and funding costs.



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Mr. Berry would like to entertain having two budget proposals a full 2 ½ increase and one with a 1 ½ increase in tax levy. That would present the town with two proposals. I think it is fair to look at spending cuts. Not spending the full 2 ½% that we do each year.

Mr. Boynton noted that would be a \$600,000 cut to the town budget. I think that this would not be a wise time to do this. He is looking at \$168,000 reductions without state aid cuts. That would be devastating to us. If the state aid cut does come, we could have the closure of some offices. It is probably a healthy debate, but essential services could be gone. We are down three million dollars from 2008 and when there is a three million dollar cut, I would say you would be into public safety.

Mr. Berry does not believe with that loss of revenue the town has suffered any loss. I know jobs have been cut, but he does not think the schools or the town are in dire straits. There is no increase in services and when there are people out of work and staff should not be taking an increase in salaries.

Mr. Timson understands it is an exercise, one of the things we should take into account is the affect that it has on the employees in the town. When you are on the cut list, it can create problems within you structure, we need to decide what the best thing to do. I see that as a major policy decision. What type of turmoil does that create in our structure?

Mrs. Mackenzie disagreed that there has been no impact on the town with the loss of funding. If you look at the fields, they have deteriorated since we have had the cuts in the departments. The mentoring programs in schools, we had to cut, the kids get into more trouble. Look at the ponds, you look at computer security but there is still issues, continued education for staff, the people are giving more. I do not think it is fair to say that three million dollars less has gone unnoticed. The raises the employees receive have been consistent. In the private sector they get better when times get better. If we are going to be policy setters, you have to look at the entire picture.

Mr. Snuffer agrees there is merit to debate of fiscal responsibility. I have seen wonderful performance; I favor those areas that bring revenues. With respect to have a duality of budgeting it takes your focus away of the task at hand, I would not favor that. Relative to municipal facilities study, take a look at what we have. There are documents on the table in the office.

Mrs. Mackenzie commended the Finance Committee for the time touring every department and look at all town buildings. Looking at what they are doing.

### **OLD BUSINESS**

Mr. Timson spoke to receiving a call from Jim Peligrini, member of the Council on Aging and he is looking to get on the agenda in regards to the facility they are looking to build. Can we put them on the agenda after the joint meeting with the Friends of COA and them? We should get them on an agenda coming up.

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MOTION moved by Mr. Kraus to enter into executive session for the purposes of discussing strategy with respect to litigation and to consider the purchase, lease, or value of real property where an open meeting may have a detrimental effect on the litigating and negotiating position of the Board and will go back to regular session for the purpose of adjourning, Roll call vote: Mr. Snuffer-Aye, Mr. Kraus-Aye, Mr. Berry-Aye, Mr. Timson-Aye and Mrs. Mackenzie-Aye 5-0-0

The Board moved back to regular session.

MOTION moved by Mr. Timson to adjourn at 10:36 p.m., seconded by Mr. Snuffer, VOTED 5-0-0

Respectfully submitted