

The Board of Selectmen met on Tuesday August 6, 2019 at 7:00pm in the Main Meeting Room of Town Hall. Mrs. Mackenzie was absent. The following members were present.

James O'Neil, Chairman
Benjamin Barrett, Clerk
Mark Gallivan
David Salvatore

Also Present:
James Johnson, Town Administrator
Cindy Berube, Executive Assistant

Mr. O'Neil called the meeting to order followed by the pledge of Allegiance,

I. APPOINTMENTS

8-1 appoint Police Detective Ian Tolland to Police Sergeant

Chief Carmichael thank you for your time. First line of supervisor is a very crucial role. What we are looking for when we promote SGT that they are leaders, before they are promoted. Officers who show strong command presence and philosophy of the police force and engage with residents. He has emotional intelligence, reliability, loyal to our mission, and initiative, personal bearing as well as the knowledge, skills, ability and personal characteristics and to assume a more formal leadership role. Look for the officer who sets the bar for other officers. These characteristics have been on for 8 years, he set the standard and bar and moved on to be a detective, he has all the traits and scored highest on the exam. Thanked all the officers that took the exam. I appreciate them all taking that test for the dept. With his 8 years he is ready to take on the role to be SGT. He has his masters degree. I could not be more enthusiastic.

J O'Neil asked Ian to step up to the podium. Thank you for the 8 years of service to the town. As a patrolman you never lost that community policing.

Ian I am from Walpole, wife Katy parents and in-laws are here. Thank the officers that I have worked with and the support. The police officers taught me a lot about being an officer. Thank the command staff for recommending and will continue to learn. Community policing and further that mission.

MOTION Moved by Mr. Gallivan to Promote Detective Ian Tolland to Police Sergeant seconded by Mr. O'Neil VOTED 4-0-0

8-2 Discussion with owners of 1350 North Street regarding violations and VOTE on action to take on Violations

Jim O'Neil this meeting is about the violations. Talked about the process. Give a little quick context of what happened. We will then have a discussion with the owners and board. Questions and comments from the board. What I am going to ask that you limit comments for 1 to 2 minutes. The wall, and the curb cut.

This project involves the day care center, approved by the Planning Board, during the course of the planning board there was push back. Recently there was activity at the site including the stone wall and the curb cut. The site plan indicated what could be done. Great clarity going forward.

On July 11th the Bldg. dept. and our office was called about the wall and the trees. Officials went out to site. There was a curb cut that was not supposed to be there. The wall was taken down.

We set up a meeting on Monday with town officials. They said they made a mistake and wanted to make it right. They offered to put up a mock stonewall so the board can go by and check to see if it meets the distances. If in the future, get police detail. Mr. Johnson I have been out there multiple times. That is where we are. Some pictures that show what it looked like prior to removal of trees and wall. Provided you with the building commissioner violation cost. Gave you two plans showed the project prior to construction and the approved as built. Outlining what was to remain and what was to be removed.

Maureen and David Allen at podium. This project has not been well received by neighbors in N. Walpole, we have violations and we want to be sure this is not the pattern. You have to abide by the rules, we have a site plan well thought out by the planning Board. Do you really know what is in the site plan? It is clear what can and cannot be done. Seek guidance from the building inspector if you need further information. You have to follow the rules. You need to do everything right. Maureen I like to begin there is a misunderstanding. We want to build a preschool. After the incident I went back and spoke to the building commissioner. The general contractor site supervisor made decisions that we would not have made. We are only working with the owner. We wish it didn't happen, if it means that I have to oversee the work I will. Playing by the rules is expectation. It was very disheartening. To have this happen was very disappointing. I understand that every I has to be dotted and T crossed.

Maureen, I would like to apologize to the neighbors, it is never been our intention to be an issue to other people we are trying to provide a service to the community. We look forward to positively having a preschool where families can come. We are greatly sorry, if I could go back and put every rock back I would. When someone was removing the trees it removed some of the wall. He thought it would be best to move the rocks out of the way.

Mr. O'Neil we like to think we are consistent the way we treat people that don't follow the rules. We are not into excuses; I don't think someone made a judgment.

Mr. Gallivan from our point of view it is not our project it is yours. It sounds that you are going to do better oversight of the project. Please look at your plans and speak with the Building inspector.

Mr. Salvatore where are the stones? Maureen they are on the property. Mr. Salvatore what are your intentions for putting them back, they marked them out. I came to see the Bldg. Commissioner to see the piece that is there was accurately placed. The entire wall was removed and this was put back. The general contractor put it back. Mr. Salvatore who are you planning to have replace the rest of the wall. Maureen the masonry team.

Ernie Nato 35 year old company and we have not survived by doing the wrong things. Mr. Salvatore what experience do you have in building walls. We hire subcontractors. Misiak in RI. Mr. Salvatore do they have experience in building walls like this? We have dealt with this company for 20 years. We did a mock up. Something is not right. Mr. Salvatore it has to be the historic character. I am looking for a wall that fits into the historic character of the neighborhood. I am not satisfied what you have planned is a good plan of sufficient.

We will be willing to seek out other companies that have done historic walls of this nature. Mr. O'Neil compliance for site plans and issues fall into the Building commissioner and we will have him look into what to do. There is a person that is an expert on historical wall; we would like to include them.

Mr. Johnson noted the Town of Foxboro they hire a consultant that does these type of walls. We are looking for them to hire that person.

Mr. O'Neil we are going to make sure that the wall is built correctly.

Mr. Barrett I think we have covered what has happened and I don't need to rehash that. All eyes were on this project. The Building Commissioner and town hall will be looking to hold any resolution and hold you to the decision of the Board.

Mr. Nao we are totally responsible for this. It is to bad decisions made by our supervisor.

Susan Shockett direct abutter, a day or two after my husband had surgery, there was a tree crew that were taking down trees on our property. The foreman of the tree crew, David Allen told him to clear that property of every tree. Talked about early start times. The wall is not in the correct place. It is about two feet forward where the original wall was. There is no shoulder there at all. You can see that the contractors left some posts. I am hoping the wall will be put back properly. Mr. O'Neil I agree with you and the site plan shows where it is to be. I believe the Allens are very responsible for what happened and after all of these two years of meetings, if they did not bring that to their contractor that the wall had to stay in place. Mr. Salvatore asked her about the curb cut. Ms. Shockett I don't think that is a good place as school is going to start soon and that is where the kids stand. I am hoping you are going forward with criminal charges for destruction of town property. That should be repaired and the sidewalk replaced so I can walk down there safely.

Olivia Cullen 27 Bubbling Brook. That wall is not acceptable it is one stone on top of another stone it is not what was there before. Even if you were to build a new wall there is no foundation. My child is at the bus stop. I drive by there every morning. I have been to almost every meeting and it was clear that wall was to stay in place. I have It was clear that wall was further back. They should be charged criminally. They should be charged \$300 a day. Are there criminal charges being pursued that curb cut should not be there. How are kids supposed to stand there for a bus.

Charles Hayes that lives across from bubbling brook. This is not unexpected starting before 7am so they did not care. Talked about the trees in Sue's yard. Was at the planning board meeting and they had an itemized list of the trees. New England takes it rocks walls very seriously especially on historic streets. They removed the historic walls. The town takes curb cuts very seriously, What else is going to happen.

Where are the stones from the wall? Mr. O'Neil they are on the lot.

Allen Marshall 318 Fisher Street, I was shocked when I saw the wall removed. The new one is a joke. They just used the rocks they dug up. In all of the Planning Board meetings it was clear what they could and could not do. On more than one occasion and Maureen would say that they will follow the law. I have a feeling we will be back here again talking about these problems. Regarding this building that does not belong here. We will be back here once it is built. I think these items they have fallen behind on. Symptom of a larger problems Mr. Salvatore do you see a pile of rocks somewhere. I have not seen the rocks. The rocks that are in the wall are clearly not the rocks that were in that rock wall.

Mr. O'Neil thank you for your input, it was important for us to have input as you can here there is a great deal of concern and distrust here. Hopefully we will not be here again.

Mr. Salvatore who from the town has inspected the property? Jim Johnson, myself, Jim Crowley and Chris Johnson, DPW director, and Tom Harney. Did you see anywhere on the property the rocks on the property? Mr. Johnson I noticed the pile of rocks this afternoon. I don't know if they are the pile of rocks.

Judy Conroy Elm St, I wanted to make a comment regarding the remedy. I am aware of a contact through the Town of Foxborough. I don't know if the rocks on the side of the road came out of Lorusso pits. I would really like that person to be involved.

Mr. Gallivan I agree that it is a loose rock wall it is a farmers wall something that looks like what it use to look like and other walls on North Street look like. I thought it would be a good idea to

have the curb cut during construction originally but then I was concerned about the school bus. I would like to know more on the chief's view and the sidewalk follows, we need to get that sidewalk back to a working sidewalk for the kids.

Jim O'Neil Asked Chief Carmichael to come up and whether we should use that curb cut, it was safer than having to stop traffic or back to the original site plan. Chief Carmichael they felt it was safer to enter the property on that curb cut instead of stopping traffic. We still have the issue with the school bus, Mike Fisca said that the bus stop on North Street at that location. Mr. Johnson He looked into it and there is no other location for the bus. Challenges with the bus turning around. It needs to remain as bus stop. We need to have them repair the curb cut. Mr. Johnson unless the board wants to have police details when the kids get off and on the bus. Mr. O'Neil where would the kids stand. If they are standing in the roadway that is a recipe for disaster.

Mr. Barrett I agree that it should be repaired before the start of school for use as a bus stop. I don't see how it makes safer access. You do not have to pull off on Bubbling Brook anymore. That should be done before the start of school. As for the rock wall we should bring in this historic consultant. Knows how the rock wall should look and have that plan in place before the rock wall goes back. Have the wall put back as per the plan.

Mr. Salvatore agrees the curb cut should be put back in place. We cannot tell them to hire. They need to find someone that knows how to put the wall back. They need to find people that their specialty is restoring this wall.

Mr. O'Neil the person who decides if the wall is in compliance is the Building Commissioner. Work with the expert.

MOTION moved by Mr. O'Neil Direct the owners of 1350 North Street to restore the illegal curb cut to its original condition and repair the sidewalk as well prior to the start of the school year, so that corner at North street and Bubbling Brook can be used safely as a pick up place for the kids for the bus, seconded by Mr. Salvatore VOTED 4-0-0

MOTION moved by Mr. O'Neil that the wall that was illegally destroyed on North Street be reestablished in a historical context consistent with other walls in the area to be approved by the building commissioner in concert with a wall expert to be hired by the owners of 1350 North Street and approved by Building Commissioner said wall will not only put back to its historic condition in terms of the context of the walls in the area but also restored as to location per the site plan approved, Seconded by Mr. Gallivan VOTED 4-0-0

MOTION moved by Mr. O'Neil to fine the owners of 1350 North Street for their violations cited by our building Commissioner to the fullest extent allowed by the town bylaws including all days since the violations occurred to the date of remedy, seconded by Mr. Gallivan, VOTED 4-0-0

MOTION moved by Mr. O'Neil that a police detail will be requested and paid for by the site developers during major deliveries and if the Police Chief determines a Police Detail is necessary at any time during site and building construction. Seconded by Mr. Gallivan VOTED 4-0-0

MOTION moved by Mr. O'Neil that a bond of \$20,000 will be provided to the Town of Walpole prior to this work commencing to ensure that the work is satisfactory Seconded by Mr. Gallivan VOTED 4-0-0

MOTION moved by Mr. O'Neil that the stop work order that was put in place by the Building Commissioner remain until the bldg. commissioner deems the site are in compliance with the Planning Board Voted 3-0-1 (Mr. Salvatore abstained)

Roy Noepel asked about the trees and shrubs that were taken down. Should there be fines. Mr. O'Neil the building commissioner has not deemed there is a violation there.

Judith Conroy I feel it is important that you as a Board have serious impute. Mr. O'Neil the Bldg. commissioner has oversight. We will be paying close attention to the Wall.

Ms. Cullen, what about criminal charges? Chief Carmichael we responded to the scene but there would have to be an investigation before we can go with criminal charges. The police did respond and document everything, photographed the scene. I have spoken to some neighbors; we would have to go to the DA office, with malicious destruction of property. Retribution. Would have to be a very comprehensive.

Mr. Salvatore the fines that we are leveling. If we took the criminal route it would probably be fines. We are trying to get the fines. If they do not pay the fines than we could go forward with criminal route. If we get our fines, we can keep the police doing other things.

Mr. Gallivan is comfortable with the fines. Mr. O'Neil this is an emotional issue and I know there are a lot of concerns over this project. I don't expect to see you back here again. We have come pretty hard on you. That we are not going to tolerate anymore mistakes. Make sure you are in compliance with the Site plan. Thank you everyone for being here.

8-3 Housing Partnership Update with discussion & possible vote on inclusionary Zoning proposed by law

Audrey Grace Chairperson what we are doing is putting the steps of the HPP Plan into action. We are working on Inclusionary Housing bylaw. We are working to draft an inclusionary bylaw. We have some placeholder text for inclusionary bylaws. Developments over a certain number of units designate a number of them to be affordable housing. It is not low-income housing. We have seen a number of large units going up in town that are not affordable. A significant amount of towns have adopted the inclusionary zoning Bylaw. To increase there subside housing and affordable housing. Give the developer incentive. If a developer doesn't want to build affordable housing. The town can have them put funds it into a Trust. We would use those funds to update town property. I would like the BOS to work on this and support it. I know Town Counsel is reviewing it. I would like the BOS to place this on the warrant. We have been doing a a lot of work on this, we have been working with other Boards. Gathering all the information to make this work for Walpole. We need something to work for our town. Mr. Johnson reviewed it and showed it to Town Counsel and they were all with it noted the town moderator was not comfortable with this motion. Is it within the purview. The articles are not specific. What percentage. Who oversees the Trust. Moderator is not comfortable with that. It is his call. Mr. O'Neil Since Dan has reservations about this. Maybe we should sit down as a group and have a dialogue. I think

that may be a good idea to meet with him. When do we need to have this done? Jim in two weeks. Very pleased about the way you are going about your business.

Mr. Salvatore I do have concerns about that it is not complete in the fall over the last 5- 6 years. The zoning articles have come up peace meal. Not clear what they were and then amended. I do not think that is the way of doing zoning. We have discussed comprehensive plan. Look at the entire zoning. I agree with the sentiments. You need a lot of buy in from a lot of people. There is going to be opposition, if you have something that is not ready until the last hours. It doesn't serve anyone well. Lets see what the next two weeks bring. There will be confusion and questions. I want to see something that everyone has agreed to. I am not sure if 2 months is enough time to have that discussion.

Mr. Salvatore we have peace meal zoning articles. Then people change things at Town Meeting. Mr. O'Neil understands his point. If it is still being filled in the night before the meeting I have a problem. Audrey we are not trying to do that, the problem is that Fall town meeting closes in the Summer. Audrey, we recommend that there be community meetings. We will have a final zoning Article by the end of the September. By the time town meeting comes along everyone has had the opportunity to voice their concerns.

Ben Barrett I think we tend to zone in a couple of months to make decision, are you going to have enough time with community. This bylaw is not going to solve our affordable housing. As a member of the HPP. IT is just the first step and there will continue to be issues It is very straightforward. It is clear as to what is going to be obtained. We have the information and I want to go forward with this. I want to be more clear on the timeline. The last point all the information is available. We have the information available. We are talking about having our board to discuss this language prior to the 20th. We will invite the HPP. Mr. Gallivan I am on board I do like the meeting with Dan prior to the 20th. Invite all the RTM's to the meeting.

Audrey we would like the Board to support these articles to put on the warrant.

MOTION moved by Mr. Gallivan that the Board of Selectmen sponsor these articles, seconded by Mr. Barrett VOTED 3-0-1 (DS abstained)

OPEN FORUM Joanne Mulligan talking about the MBTA Foxboro train. There have been a lot of things on MBTA, Gillette websites and they have changed the schedules. I have talked to Mr. Johnson and the fencing has not been done on Shufelt Rd. I don't know where it is left off. They are talking about October. The representatives from MBTA are not responding.

Mr. O'Neil with respect to the lawsuit. They asked to dismiss that it has been continued to August 27th. We are trying to deal with this.

Mr. Johnson had reached out to MBTA. Mr. Johnson ran through the list of items. I asked them to provide message boards. Around Labor Day they will know about stops. The police have done a lot of training but Mr. Johnson does not think that MBTA is doing the training. Mr. Johnson talked about the hearing and it was continued to August 21st. I will make this available on the website. Give this to Town Counsel. Mr. Johnson I would raise that the training has not been done even though they say it has. Joanne Mulligan many parents are concerned about the start of school. Mr. Gallivan asked if Mr. Johnson could get more answers to get more information of the gates. It is up to 22 trains per day.

John O' Leary RTM precinct 3, question concerns the fields project. Letter from the Building Commissioner dated the March 8, 2019 What if the fields proposal does not go through. Read a letter from the Building Commissioner. If the fields project does not pass they will have to return to the Planning Board for Site Plan. Mr. Johnson it is likely it is coming back to Town Meeting. John O'Leary so you are saying you are not going to Planning Board.

II. NEW BUSINESS

8-4 change DBA for Minuteman Fire and Rescue Apparatus to Allegiance Fire and Rescue

MOTION moved by Mr. Gallivan to change the DBA for Minuteman Fire and Rescue apparatus to Allegiance Fire and Rescue seconded by Mr. O'Neil VOTED 4-0-0

8-5 request of Roberta Jung for Town to buy back Cemetery Lot 331 for \$500

MOTION moved by Mr. Gallivan to approve the request of Roberta Jung for the town to buy back cemetery lot 331 for \$500.00 seconded by Mr. O'Neil VOTED 4-0-0

8-6 request to hold Block Party and have DJ at 15 Foxhunt Trail on September 7st

MOTION moved by Mr. Gallivan to approve the request to hold a Block party with a DJ at 15foxhunt trail on September 7th with a rain date of September 21 2019

MOTION moved by Mr. Gallivan to approve the request to have live entertainment at the Walpole Sportsman's Association on August 17, 2019 from 1-6pm seconded by Mr. O'Neil VOTED 4-0-0

8-8 request for a one-day all alcohol liquor license on August 17th from 11am-6pm at Walpole Sportsman's Association

MOTION moved by Mr. Gallivan to approve the request for a one day all alcohol liquor license on August 17 from 11am-6pm for the Walpole Sportsman's Association, seconded by Mr. O'Neil VOTED 4-0-0

8-9 request for one day Wine and Malt license at Blessed Sacrament Church on September 7, 2019 from 12:00pm-4:00pm

MOTION moved by Mr. Gallivan to approve the request for one day Wine and Malt license at Blessed Sacrament Church on September 7, 2019 from 12:00pm-4:00pm seconded by Mr. O'Neil VOTED 4-0-0

Fields Discussion working on funding sources. Once we know the free cash. JJ talked about the Rt1A Recreation facility budget update from Weston and Sampson

III. CONSENT AGENDA Items

MOTION moved by Mr. Salvatore to accept with thanks the following donations

1. Sheryl Stone, COA Gift	\$10.00
---------------------------	---------

- | | |
|-----------------------------------------|----------|
| 2. Constance Smith, COA Gift | \$ 5.00 |
| 3. Joanne & Ed Damish, COA Gift | \$25.00 |
| 4. Bob & Mary Burns, COA Gift | \$25.00 |
| 5. Joseph & Ann Marie, COA Gift | \$30.00 |
| 6. Irene Mierscow, COA Gift | \$125.00 |
| 7. Various Donors, S. Walpole Sign gift | |

\$400.00

Seconded by Mr. O'Neil voted 4-0-0

Town Administrators Update

Fall Warrant -I have already starting working on the Fall Warrant. As it stands now we have just about 16 articles. I do expect at least a few more to come in between now and the closing of the warrant on August 20th

Fiscal year end-Jodi and Marilyn have submitted all of the paperwork into the Sate we are waiting for the DOR to review and approve everything that was submitted.

Fin Com and Capital Budget-I expect that both Committees will start to meet at the end of this month to consider the various requests and Warrant articles.

Paving-Apple Tree land should be completed mid morning tomorrow. The chip seal crew will be moving on to t North Street where we will allow traffic to flow onto North Street from RT 109. Traffic on North Street headed to 109 will be detoured down Brook St to Oak St in Westwood.

Meeting with Town hall reuse committee. Ben would like to hear from the EDC. Mr. Salvatore would like us to have control over the building, get sufficient funds and do it in the best way. I would want us to think of ways to hold this building for a non profit. So a developer could apply for tax credits. We may be able to create an agency. Mr. O'Neil we should have a meeting with the Town hall reuse committee. Down town vitalization. I may be able to get someone I have been talking to and they may be able to send someone or reports and look at the extended use of that building.

Mr. Johnson what about the week of August 26th. Mr. O'Neil I can do it Monday.

Mr. O'Neil You talked about stop signs at Pulley, Short and Washington street. Maggie was working with someone to do a study. I have to follow up with McMahon. I will check with Chris and Rick.

IV. MINUTES MOTION Mr. Gallivan to approve the minutes of July 16, 2019, seconded by Mr. O'Neil VOTED 4-0-0

V. Executive Session

Jim O'Neil Chairman

I hereby declare that Under G.L. c. 30A § 21(a) 2 the purpose of the executive session will be to conduct a strategy with respect to negotiating a contract with non-union personnel.

That a discussion of the foregoing in open session could compromise the purpose for executive session

That the Board of Selectmen will return to open session at the conclusion of the executive session for the purposes of adjourning

MOTION moved by Mr. Gallivan The Board of Selection will go into executive session under G.L. C. 30a § 21(a) 2 for the purposes and reasons declared by the Board's chairman seconded by

Mr. Salvatore questioned this being the correct section. I think this is the wrong section . He believes it should be Section 1. The employee should have had 48 hours notice and have the right to an attorney. To give the employee and opportunity to speak. Attorney Kevin Feeley this is the sole purpose to consider terms that reasonable and agreeable. Mr. Salvatore does this employee have a contract. Kevin Feeley yes they do. No Section 1 should be discussed. It is an agreement with the employee. Mr. O'Neil so it is your opinion that this is appropriate. Kevin Feeley yes.

VOTED by roll call Mr. O'Neil-Aye, Mr. Gallivan-Aye, Mr. Barrett-Aye and Mr. Salvatore Opposed 3-1-0

The Board moved back to open session for the purpose of adjourning

MOTION moved by Mr. O'Neil to adjourn at 9:35pm seconded by Mr. Gallivan VOTED 4-0-0