

A Regular meeting of the Board of Selectmen was held on Tuesday, August 27, 2013 beginning at 7:00 p.m. in the Main Meeting Room of the Town Hall. The following members were present:

Mark Gallivan, Chairman
Michael Berry, Vice Chairman
Nancy Mackenzie, Clerk
Christopher Timson
Clifton Snuffer, Jr.

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

Mr. Gallivan called the meeting to order followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND PROCLAMATIONS

Michelle Dennen and Christine Crawford, appeared before the Board graduates of WHS 1990. The daughter of Ernie Manocchio, Mandy Manocchio will need bone marrow transplant. They have organized two donor drives on September 4 and 7th. They are running a yard sale at the Plympton School Parking Lot from 9-1 for a charity yard sale on September 21, 2013 and need the Board's permission. They would like to advertise on the common.

8-44 A-Frame and use of Plympton School property

MOTION moved by Mrs. Mackenzie to grant permission to use the Plympton School property to hold a fundraiser Yard Sale on September 21, 2013 seconded by Mr. Berry, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to grant permission to place A-Frames on the T. Common, S. Walpole Common and E. Walpole common for a two week period September 7-September 21, seconded by Mr. Berry, VOTED 5-0-0

Mr. Boynton recognized the Employees of the month. Mike Donovan, Mary Timilty, Jon Cogan, and Darlene Leonard.

SPONSORED AGENDA ITEMS

8-20 Bylaw Petition

Social Host Bylaw and Regulations

Joe Moraski, Robin Chapell, Jean Kenney , Eleanor Diblazio, Dept Chief and Police Chief representing the Coalition for Alcohol and Drug Awareness. The Coalition is made up of many citizens. Parents, students, seniors, Reps from School, police, recreation and health. This group has come together to tackle underage drinking. Discuss two enforcement proposals, the first is a new bylaw submitted for the FTM warrant, local rule dealing with social host liability. The second is a new regulation, dealing with the sale of alcoholic beverages. On behalf of the coalition, thank you for providing us with time to discuss these topics. Working on these since Spring, Selectmen Timson has been keeping you apprised of what has been discussed. We have no regulations or bylaws consumption of alcoholic beverages by minors. Minor changes in section a, g and h. The person is responsible for underage drinking /drug use on their property, underage drinking parties are unacceptable, the bylaw gives our police dept for providing alcohol accountable Two big problems in town. Adults over 21 buying alcohol for minors and allowing them to consume alcohol in their homes.

Mr. Snuffer noted the exception rule bothers him. It is a parent giving an illegal age minor permission. The Chief explained that is a MGL. In some cultures it is very common. That is legal in Mass.

We need this as minor are drinking alcohol on private property. This will not negatively affect the majority of residents. It is targeted to chronic offenders only. Our bylaw holds homeowners and renters responsible for doing so, under Mass law; they may be criminally or personally. If underage drinkers leaves a property and is hurt the homeowner may be criminally charged. It is possible all three actions could be taken the state and the town. MADD support these as a method of dealing with alcohol They also support holding homeowners responsible for costs for enforcement.

Mr. Boynton explained this is a citizens petition, Joe is the lead sponsor, we can put the codification in that. This will go to Town Counsel. Mr. Moraski stated we are amenable to that and if your Board wants to take ownership. We were unsure of our obligation to supply codes and where it would fit. We yield to you how to place that. Mrs. Mackenzie feels that the Board should support it. Mr. Snuffer felt this group has worked very hard, in my opinion are the best to sponsor and present. We have our responsibility. Relative to where we can put this bylaw, it is a general bylaw, is it administrative, regulatory. Do you have the opportunity to have this challenged in three different venues. It talks about open house party, non sanctioned parties, the parents are innocent from knowing what is taking place. The level of evidence will determine what action is taken.

Mr. Berry thought when this was first past it was struck down by the AGC. The change had to do with furnishing. The state narrowed the scope of the law. I thought it had to do with furnishing.

The Chief explained the state law is not just furnishing. When we do an investigation we can determine if the parents knew what was going on. If it is not clear to us, we will not

charge them. There is discretion on the pd on scene. Something we can think about. I think the town needs to send a message to the residents, parents need to know. We know it can happen. It is important to send that message.

Mr. Berry talked about where the fines would go. He would like to see them directed towards drug and alcohol education. Mr. Boynton will investigate if you can earmark a penalty.

Mr. Timson noted that part of the intent this bylaw gets the discussion going if nothing else. To try to change the culture. We as a Board we are public safety officials for the town, this is an ordinance, do we want to take leadership and take a stand on this. They can still present this. We did try to define open house party. One important aspect of this, it is not first strike and your out, you get a warning, in terms of notice.

Mr. Snuffer stated he will vote against that, reason, in all frankness this is not ready for prime time. We would not be looking to sponsor something that is not codified. Opening a Warrant Article #14 I would like to see us table this when it is done that it might be worthy bylaw to consider. Mr. Berry agrees as he has raised the SJC, I will not vote against it, but abstain. How do we want to educate parents and they see a group drinking what is the next step for them to do. What is the responsibility of the parent. Can they reach out to the police dept. Chief Stillman we try to make tools for parents, understanding the difficulties with teenagers. You want them to have fun and liked by other kids. We hear we let the kids drink in our house and we know what is going on and we take the keys away. Other problems can arise when the parents are not in the room. We will help, it is not our problem it is a community problem. We will work with you. If you call and need help, they really should call parents.

Mr. Berry despite this bylaw there is a responsibility on parents to clean up the mess. That is their responsibility.

Mr. Boynton explained you can let this go forward as a citizen petition or the Selectmen can vote to sponsor it or joint sponsorship. It is an option. It will go to T. Counsel for review.

Mr. Snuffer we understand the intent, what we have in front of us is incomplete. To make a formal decision, the reality is than Article 14 is wrong and the statements have not been brought to bear to the warrant. Mr. Boynton, Town Counsel will review. It is a placeholder, it will be a final article when you vote to sign. Mr. Timson, we are not sponsoring the exact wording, the Coalition is agreeable to any changes T. Counsel may suggest. I would like to see us get

MOTION moved by Mr. Timson that we cosponsor Article 14 the Social Host Responsibility bylaw on the FTM warrant, seconded by Mr. Snuffer

Discussion:

Mr. Snuffer would like to see a singular sponsor. It takes a lot of the back and forth out of the picture.

MOTION moved by Mr. Timson to amend the motion for the Board of Selectmen to sponsor the article as a placeholder for Town counsel's review, seconded by Mr. Snuffer
VOTED 5-0-0

The Board held the discussion on license regulations until after the public hearing.

8-25 Public Hearing, Pool Tables

MOTION moved by Mr. Timson to open the public hearing for the pool table license at Becketts, seconded by Mrs. Mackenzie, VOTED 5-0-0

Attorney Jim Brady representing the applicant. Mr. Jacob is seeking a license for 10 pool tables. He sought Special permit from the Planning Board, publication was in the Walpole times and notified both churches, I am also a direct abutter, the only person, Sonny Shaw who owns the apartment next to them, as to the pool tables had no issue. Should illustrate to you that the ten pool tables are in the lower levels. He has this type of facility in Roslindale, I have not been to that location. We feel this will work well with the alteration. We are asking for your permission for ten pool tables.

Discussion about the size of the tables which he explained will be 8 x 4. It was noted by Mr. Snuffer that within the minutes from the Planning Board it states you requested two tables. Attorney Brady did not recall that. Dick Nottebart, member of the Planning Board was present and recalls quizzing him about the tables, we were concerned that it could be a pool hall. Attorney Brady reminded the Selectmen the Planning Board does not have jurisdiction over number of pool tables.

Mr. Timson noted the Planning Board decision for the Special permit does not limit the number of tables. There was discussion on where they would go. Looking at this property, it always long history of amusements, a bowling alley, it is not new to having amusement. When I look at this I think this is a good idea, our establishments have been stepping up their act. Good overall for the town. Attorney Brady understands you do not want a rough and tough pool hall. That would be a deterrent. He knows about his other facility in Norwood, runs a good operation. It was noted if we do have problems, the board is within our bounds to revoke the permit.

Mr. Berry spoke of having a business in town and operated this in town and is a resident possesses a great track record. The BOS is the licensing authority. That can be rectified with Planning Board and us. He would like to see us allow J. Brady to continue.

Attorney Brady stated he is shocked by the two. Dan Merriken was there and he said he does not recall anything about tow. We never gave the Planning Board a definitive

number. Mr. Boynton asked if Stephanie and Mr. Nottebart could find the original file and see if they can clarify the number two.

Mr. Brady continued to state the upstairs he is looking to have an Irish restaurant on one side of the bldg and Family on one side. His client wants to put up a handicap ramp on the restaurant side of the building.

No one in the public spoke to the issue.

John Jacob our concept is the space downstairs, I do not recall stating only two pool tables. He is investing a substantial amount of money. We see the town improving.

Mrs. Mackenzie wanted to know if there was a site plan. Dan Merriken stated they just used the same site plan from 2010. Attorney Brady stated that after the Planning board meeting he said he wanted to revamp and add the ramp in front. During site plan review they outlined the need as being to convert areas of the building for amusements. He believes they spoke to nine or ten pool tables. The conversation was a conversion of the lower floor. Attorney Brady stated he may have said there may have one or two pool tables upstairs but most would be downstairs.

The downstairs is handicap accessible What Mr. Jacob is doing is adding the ramp.

Mr. Nottebart called K. Delaney the Planning Board secretary and on the application it says various amusements. He remembers two and Kate remembers two. Mr. Snuffer noted if the Planning Board's meeting were recorded you would not have this issue. Mr. Snuffer will accept that your recollection and minutes the secretary's recollection, does that deter from anyway the acceptability of this plan. We are the licensing Board and being asked for ten, but a duly elected Board said two. Wonder if there is a pathway.

Attorney Brady recalls saying that he attended this not be a pool hall. He intends to serve food His client never said to me I am only going to put two pool tables down there. There is no intent to be misleading.

M. Boynton noted that if the Planning Board questions the number, they can summons the Special Permit holder back for further qualification.

Mrs. Mackenzie reviewed the Planning Board folder relative to the Special Permit application for indoor amusements. She noted in the folder that the Deputy Chief did request a layout to ensure the safety of exits. The Planning Board granted the permit with no number. The Board of Selectmen can set the limit on the number of tables. It can be based on the recommendation of the Fire Department.

It was suggested the Board could vote the number of pool tables conditionally upon approval pending further comment from the Fire Dept and building dept.

MOTION moved by Mr. Berry to close the public hearing, seconded by Mr. Timson,
VOTED 5-0-0

MOTION moved by Mr. Berry to grant the conditional weekday entertainment license to install up to ten (10) pool tables in Becketts as shown on the plan submitted by the applicant and subject to approval by the Walpole Fire Dept

Discussion ensued and it was recommended to amend the motion by adding “subject to the approval of the Fire Department and issuance of a valid building permit”.

Seconded by Mrs. Mackenzie VOTED (4-1-0) Mr. Snuffer opposed

8-26 Public Hearing, Alteration of Premises

MOTION moved by Mr. Timson to open the public hearing for the alteration of premises at Becketts, seconded by Mrs. Mackenzie, VOTED 5-0-0

Mr. Timson noted Mr. Jacob is planning on spending over \$50,000 in renovations and he appreciates the investment in the community. There were no public comments. Mrs. Mackenzie would like in the future, for them to have the handicap access. Put in some handicap access for upstairs to downstairs.

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

MOTION moved by Mr. Berry to approve the alteration of premises for The K Club d/b/a Becketts, 1065 Main Street as shown on a plan submitted by the applicant seconded by Mr. Snuffer VOTED 5-0-0

8-27 Comcast Renewal License

Attorney Bill Hewig explained the license will be backdated to June 9, 2013. The \$220,000 for capital improvements, \$40,000 construction project, fiber optic cable, in addition \$80,000 payment for buyout for old INET system for a \$345,000 total. In excess of three million dollars under this license. There are the standard protections for the town. Comply with FCC insurance and indemnity and bonding same as in the current license. \$25,000 bond for construction purposes. I have found this to be adequate.

Mr. Boynton wants to thank Jim and Cindy for putting this together. I would like to commend Cathy Maloney from Comcast. This has been ironing out process. There is a funding mechanism for the next phase. The town is well protected, whether or not we wanted forward end capital funds \$110,000 upfront with remaining over the 9 years. My recommendation to you, motion to support and endorse the cable contract. The Town built fiber related system. This is beneficial to the town,

MG I was in favor of getting the contract front loaded I agree with the agreement as it is . Cs we felt it was important to front load it for a variety of reasons. It would be a hit to the consumers.

MOTION moved by Mrs. Mackenzie to sign the Comcast Renewal license for a term from June 9, 2013 to June 8, 2023, seconded by Mr. Timson 5-0-0

MOTION moved by Mrs. Mackenzie to authorize the Chairman to sign the I-Net Agreement with Comcast dated August 27, 2013, seconded by Mr. Timson, VOTED 5-0-0

Walpole Park South-

Mr. Boynton explained what stands is a 4-0-0 vote from the Sewer and Water to accept the pump station. He has spoken with Attorney Macchi. Rick Mattson gave him the Hayes report and an opinion.

Attorney P. Macchi Jr., counsel on behalf of Donnell Murphy Trustees. We got the same report yesterday and would ask you to take a look at it. He had talked to Margaret and the first article is the standard street acceptance, there is nothing in that article that says you accept the Sewer pump station, the Sewer and Water Commission gave a 4-0-0 vote. We do not think it would pass at T. Mtg. We would ask that you put the articles as written on the warrant. As the process goes forward if there is a consensus to change the article we will do that before it hits the Town Meeting floor. We are willing to take that chance.

Mr. Gallivan feels the most important thing is to get the street accepted. Mr. Snuffer stated that during the process very back and forth with counsel, find it interesting, as it relates to pump station unilaterally on the Sewer and water to say yes than it obligates us. We could obligate them to follow us. Town Meeting is not warranted in all of these situations. Town Meeting is not required in this situation. There is a vote by the S&W to take the pump station. Mr. Boynton does not believe that vote was their intent without Town Meeting.

Mr. Gallivan tabled the discussion.

8-21 Licensing Regulations-

Mr. Moraski stated these are new possible regulation dealing with Regulations. We sent the first draft to package stores and restaurants, and hosted a meeting at town hall to answer any questions, What you have before you is a final draft version. The meeting was well attended. A lot of suggestions. We removed significant requirements, the training provided be town mandated program. We removed the requirement for scanners, they are not reliable. We removed the paragraph in Section H for penalties. What you have is a draft of what we are proposing and ask you to adopt as a regulation, this will take further work and hearings.

Mrs. Mackenzie if we like the intent, we should put it to Town Counsel for their opinion on this. Mr. Snuffer had the pleasure of attending that meeting I heard from those most effected by these regulation changes. We will be required to have a hearing as part of this process, nothing happens until we have that hearing. Mr. Berry based on my reading of the draft. I think some things are misguided. I would like to have a hearing.

MOTION moved by Mrs. Mackenzie to send this on to Town Counsel for further review and suggestions, before consideration of hearing, seconded by Mr. Snuffer, VOTED 5-0-0

*******Mr. Snuffer wants to be sure that the hearing notice is sent to every license holder stating a time and place and the draft regulations by , Certified Mail.**

8-28 Medical Marijuana Zoning bylaw Article

The draft regulations are for the Board's review. Mr. Boynton asked for the board's support on this article. The Board is good to place on warrant.

8-29 PARC Grant Article

Stephanie Mercandetti, Economic Officer explained the primary purpose is repaving the parking lot at memorial field and repairs to wading pools. The match for the town \$100,000 +/-.

Board is Supportive.

Turners Pond Dam Article

This is a grant and loan program. Mr. Boynton explained there is not a substantial amount of money state wide but we have a problem and need to look for funding. The grant is design and engineering services. We would be making application for that. The confusion, the construction would be low interest loan, and we are proposing to use free cash. He is not certain how that will work. Authorization to apply for the grant free cash transfer that would fund the program. Thanked Cliff and Cliff III we went over the specifics here. Mr. Snuffer noted this could really help the ponds committee.

Fall Warrant

Mr. Boynton reviewed briefly the FTM Warrant.

MOTION moved by Mr. Timson to close the FTM warrant, seconded by Mrs. Mackenzie, VOTED 5-0-0

8-31& 8-32 Chapter 90 Pavement Program

Mr. Boynton spoke of the \$764,576 in Chapter 90 funding. He reviewed the two options available to the Board, to use it for Various streets, and or the central business district. We are making the recommendation is to do sidewalk improvements to the downtown and replace the bricks and concrete, milling and overlaying. Allocating next year's chapter 90 to the downtown, it will push back some road repairs. The availability of prison mitigation funding and borrowing for our road systems, continue the most needed projects outside the DT, If they release the 100 million in Chapter 90 it could be \$400,000 more.

Mr. Berry stated the Governor has only authorized 200 million. Does this number include enhancements to the downtown sidewalks. What our vision was. Elevating the DT. Mr. Boynton does not know if the trees will come out, making improvements to Handicap ramps. The majority of the cost is fixing what we have. Mrs. Mackenzie thinks removing their street trees is important. Mr. Boynton would be supportive of that. Mr. Snuffer stated that at some point, need to talk about betterments. He realizes the 100 million that has not allocated is likely to be. It would not be outrageous to be planning for that release. We need to know the direction of the Board. We will spend the money, is it the DT or various streets.

Mr. Gallivan is hopeful that the additional money will be released to work on the roads. CT I would be in favor of this, like to see us incorporate this into the overall plan. He would like to get input on the public tree removal of the downtown. Can be a major opposition to that proposal. Mr. Boynton suggested when they have engineering far enough long to put it up on the board as part of the workshop. Mr. Timson agrees he has seen it time and time we start doing something good a lot of buy in. It is worth putting word out seeing if DT business want to chip in and gets some of the lights done. Do not want to overlook that.

MOTION moved by Mrs. Mackenzie to support the work in the downtown of Chapter 90 Funds, seconded by Mr. Berry, VOTED 5-0-0

8-33 Use of A. Farm

MOTION moved by Mrs. Mackenzie to approve the use of A. Farm for boy scouts of America troop 97 , seconded by Mr. Berry, VOTED 5-0-0

8-34 Blessed Sacrament Church

MOTION moved by Mrs. Mackenzie to approve the use of municipal lots on September 15th, seconded by Mr. Snuffer, VOTED 5-0-0

8-35 Library Trustees Vacancy

Mr. Snuffer noted that the Charter indicates there has to be a combined ballot vote and that has to be proceeded by at least a weeks notice.

MOTION moved by Mrs. Mackenzie to fulfill the charter requirements for dual election of the position, seconded by Mr. Snuffer, VOTED 5-0-0

8-36 A-Frame, S. Walpole Common, Church Fair

MOTION moved by Mr. Timson to approve the request to place an A-Frame on the S. Walpole Common from October 19-November 2, seconded by Mrs. Mackenzie , VOTED 5-0-0

8-37 Bid Award, 2014-02

MOTION moved by Mrs. Mackenzie to award bid 2014-02 to PJ Hayes Inc. in the amount of \$193,121.40, seconded by Mr. Timson, VOTED 5-0-0

8-38 to 8-42 Gifts

MOTION moved by Mr. Berry to accept the gifts for the Council of Aging with gratitude, seconded by Mr. Timson 5-0-0

8-43 A-Frame Signs

MOTION moved by Mrs. Mackenzie, to grant permission to place signs on the Town Common, S. Walpole Common and E. Walpole Common for a two week period , seconded by Mr. Timson, VOTED 5-0-0

8-45 Cultural Council Appointments

MOTION moved by Mr. Timson to appoint Helen Connor, Renee Grady, Damon Rainie, and Diana Dority to the Cultural Council, seconded by Mrs. Mackenzie, VOTED 5-0-0

Mr. Berry wants to remind them of conflict of interest law. If there is a member who is a board of director he or she would have to recuse themselves from funds to that group.

Town Administrator's Report

FEMA-

On time Tax payment program-Cessation of October 1, Marilyn is concerned about this. Us having individual bank account numbers. A letter is drafted going out next week. CT some of these people are probably older. Do we have anything to offer them. Mr. Boynton will explore alternatives.

Prison Mitigation-Letter from the Dept of Corrections, comes in as a general fund receipt, will not be available until FY2014 closeout.

Spring Brook project is progressing. Mr. Berry questioned what is taking this long. The group of students did not carry forward all the promises in the past 18 months.

Paving & school opening preparations-working with dept heads to excel final paving. Hope to get the streets done as soon as possible. Building maintenance has been active in getting schools open next week.

Mrs. Mackenzie mentioned Boyden school was recently done and the DPW has done a great job and worked and helped with PAC on the playground. The lines are painted. Thank You. Need to do some re-pointing of the bricks.

Leaks at the library We are confident the repairs are being made and fixed soon.

MINUTES

MOTION moved by Mr. Boynton to approve the minutes of July 16, 2013, seconded by Mrs. Mackenzie, VOTED 5-0-0

MOTION moved by Mr. Gallivan to approve the executive session minutes of July 16, 2013, seconded by Mrs. Mackenzie, VOTED 5-0-0

MOTION moved by Mr. Gallivan to approve the minutes of August 6, 2013, seconded by Mrs. Snuffer 4-0-1 (Mr. Berry Abstained)

MOTION moved by Mr. Timson to adjourn at 10:40 p.m., seconded by Mr. Snuffer, VOTED 5-0-0