

A Regular meeting of the Board of Selectmen was held on Tuesday, September 4, 2012 at 7:00 p.m. in the Main Meeting Room of the Town Hall. Mr. Kraus was absent. The following members were present:

Michael Berry, Vice Chairman
Mark Gallivan, Clerk
Christopher Timson
Nancy Mackenzie

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

Mr. Berry called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

Announcements

9-1, 9-2 Employees of the Month: **April-** Kevin Sullivan; **May-** John Cogan; **June-** Bob Bothwell; **(9-1)July & August-** Police Officers- Al Manganello, James Moses, Ian Tolland, and Firefighters Stephen Tyner, Ryan Ferreira, and Bruce Cochrane. These officers were involved in the life saving efforts of Officer Simmons.

Supporting our Children: Edward Jones on West Street is seeking support of residents for a Walpole School Supply Donation Drive. Items may be brought to their office on West Street.

Sponsored Agenda Items

Dick Adams, T. Forest Committee

Mr. Adams spoke to the Board on the recent activities of the Committee. Their major issue is the 100th anniversary of the T. Forest and preparing a management plan, highlighting trees. The forest is 365 acres. They have been busy putting benches within the t. forest. Mary Rockwood was the starter of this. They participated in the run thru the forest on July 4th. They raised \$3,500 with the help of the Recreation Department. Their goal is to get residents into the forest. They will be marking trees to remove, as it is very dense near the white bridge. They hope in 2014 to do some work on the historical side near the High School. The south end needs to be thinned out. They have joined forces with the trails committee. The annual Fishing Derby will be held on September 9th.

Mr. Timson questioned the tree management. Mr. Adams explained there would be trucks and wood chippers. They will have to clear out areas that are junk wood. They would hold a public hearing. Mr. Timson discussed whether there is any value in the

trees and Mr. Adams explained the logger who gets selected, they will log it and take to the mill, they sell some to companies for mulch. It is not clear-cutting. It needs to be done before the value of the wood is diminished. It was noted that the funds received from this would most likely go into the general fund. Mrs. Mackenzie suggested using those funds for the white bridge.

Mr. Berry brought up the lack of membership in the T. Forest and Trails Committee. It sounds like there is overlap. Sounds like a lot of work you are doing goes hand in hand. The work you are doing is great.

9-3 One- Day Liquor License, Knights of Columbus

MOTION moved by Mrs. Mackenzie to grant a one day all alcoholic license for the Knights of Columbus on September 15, seconded by Mr. Gallivan, VOTED 4-0-0

9-4 One Day Malt and Wine, Walpole Footlighters

MOTION moved by Mrs. Mackenzie to grant a one day Malt and Wine license for Walpole Footlighters on September 27, 2012, seconded by Mr. Gallivan, VOTED 4-0-0

9-5 One Day entertainment, Walpole Sportsman's

MOTION moved by Mrs. Mackenzie to grant a one day entertainment license for music on September 15, 2012 from 1-6 p.m., seconded by Mr. Gallivan, VOTED 4-0-0

7:30 OPEN FORUM- No one present

9-6 High Oaks IV, Ball field

Mr. Boynton explained that as part of the approval of High Oaks IV, the town was to receive a field on Millbrook Ave on lot 113. As you know the subdivision is being built out, given it is a house lot and no parking, the Board needs to discuss whether the town should move forward or release the lot to give cash to the town for fields elsewhere; such as, Boyden School. What was proposed is that if there is agreement of acceptance of the roadway they would like the town to accept the pumping station and Planning Board will remove the restriction on lot 113. Mr. Walsh would pay \$200,000 to the town for fields.

On Monday night the Sewer and Water Commission voted not to accept the pumping station, there are issues that need to be resolved. This is one of three privately owned pump stations, how do we go forward with this. Maybe a follow up discussion should take place with them. The Planning Board has to report back to Mr. Walsh, My recommendation is not to have a field in that area of town.

Mrs. Mackenzie agreed that until all of our fields are in great condition we do not need to own any more. There is shortage, the current fields should be better. She questioned whether the application was intended for the pump station to come back to the town. It

was explained there is no homeowners association. Mr. Boynton believes the Commission is concerned with the cost of maintaining. He understands and concurs with Commission that the long-term goal is to not have the town accept pump stations. Mrs. Mackenzie felt there is a need for a long-range policy on new subdivisions. If the Town does not own the pump station there can be problems.

Mr. Timson would like to have more information on pumping stations acceptance. Is there a statute on this. Mr. Boynton explained all pumping stations that have gone in are accepted by the town

Ms. Walker, Town Engineer explained it would come up as an appurtenance as part of the subdivision. Mr. Timson wanted to know when we accept streets there is no payment that comes to the town. Mr. Boynton suggested if it is maintained on private property and someone walks away. There are many unknowns and what ifs and there is no guarantee that a private party will maintain. Mr. Timson would like to see a maintenance fund set up for the pumping stations.

Mr. Boynton wants to know their thoughts on the field issue.

Mr. Gallivan agrees it is a good idea to take the money to help refurbish the fields. The Board members agreed.

MOTION moved by Mrs. Mackenzie that the Board of Selectmen support the removal of the restriction on Lot 113 of High Oaks IV subject to the endorsement of a new plan of lot 113 and subject to receiving the offer of \$200,000 which will be used for upgrading existing town fields, seconded by Mr. Gallivan,

Mr. Timson would like to see the money held in escrow.

VOTED 4-0-0

7:45 p.m. Wal-Mart Traffic Signal

Mr. Boynton explained this is the Wal-Mart signal, and they have agreed to install traffic lights at the intersection of RT27. The town has been working with Attorney Macchi and engineers and went to spring with a conceptual plan. The Mass DOT has weighed in on engineering but now the Right of Way division did an appraisal, they received the land purchased thru federal money and you have an obligation to collect fair market value, that strip of land 200 feet is a value of \$41,000. That is what brings Attorney Macchi here.

Attorney Macchi explained that during the Special Permit and Site Plan Approval they were asked to work with the State to install a traffic signal. They have been working with the state but there is a glitch. When Town Meeting approved this, the transaction had been completed within 120 days. That ended September 6, 2012, so it needs to go before Town Meeting again. The appraisal does not consider if it is buildable or usable. Wal-

Mart would still like to move forward as they feel it is a benefit to them as well as the town. Wal-Mart's engineer showed a plan of the location of the signal. There will be a dedicated one-turn lane and Wal-Mart will clean up the driveway entrance.

Mr. Timson spoke the development of the Grossman's property and a need for a secondary access point. He wanted to know if there was anyway Wal-Mart would consider providing an access. Attorney Macchi recalls the conversation but it got side tracked. Mass DOT is looking in volume and they needed to concentrate on that issue. It did not go on deaf ears. He cannot give him an answer on that. Mr. Timson spoke of the Committee he and Mr. Gallivan are on that is looking at this site. Attorney Macchi questioned if the hotel has agreed to participate in this venture. He wanted to know if the property owners would be willing to reimburse Wal-Mart to back for amended site plan and traffic study.

Mr. Timson wanted to know if they would be willing to consider doing that, the question is would they grant the access. Mrs. Mackenzie asked would they be willing to entertain access for sale or re development of the Grossmans lot.

Mr. Boynton explained that Wal-Mart would not grant to someone who is in competition with them. They would like to know who would be going there for restrictions. Attorney Macchi explained the more information they can provide Wal-Mart the better. They would not want to put out any money.

9-4 Job description, Special Motor Operator

MOTION moved by Mrs. Mackenzie to approve the proposed job description for a Special Motor Equipment Operator, seconded by Mr. Gallivan, VOTED 4-0-0

9-5 Mark Good, Investment Polices

Mr. Good explained the driving force is us being fired as a customer with the bank managing these funds. While we were transferring these fixed assets to Rockland Trust, fixed assets are returning 1%. He called Rockland Trust and said he does not think we want to buy fixed assets. Decided equity and fixed assets would be good. They ask me to sign these polices. The two polices are the Rockland Trust Investment Policy and PEB Liability Trust Investment Policy.

Mr. Timson questioned the unsecured bank deposits. What is that? Why would we have an unsecured bank deposits. He also questioned does this allow derivatives. Mr. Good does not believe derivatives are allowed under chapter 44, section 54. If it allows investment in a fund. Mr. Good explained under that section, you can only invest very conservative investments, blue chips, general mills etc. Derivatives are not there. Municipalities were purchasing various funds and municipalities lost big bucks. The banks told us to get lost. These are trust funds, and he would not agree to derivatives or anything like this.

Mr. Timson is ok as long as derivatives are not part of it and learns what unsecured bank deposits are.

Mr. Good will reach out to Rockland Trust and see if they can remove that language. The polices will be brought back to the Board next meeting.

9-9 to 9-15 Gift Acceptances

MOTION moved by Mrs. Mackenzie to accept the gifts from

Police safety fund, Walpole Camp Fire Boys & Girls	\$2,000
Police safety fund, Joe Grant (gift certificate)	\$ 50
Police safety fund, Walpole Co-op Bank	\$1,000
Police safety fund, Walpole Lions Club	\$ 350
Pond gift fund, Susan Baur	\$ 500
Concerts on common, JD Murphy Management Co. Inc	\$ 375
Recreation program, Walpole Camp Fire Boys & Girls	\$1,000

with gratitude Seconded by Mr. Gallivan

Mrs. Mackenzie wanted to mention the bicycle unit for the PD, they are actively looking to replace the bikes that the officers ride, and they are doing that. Instead of looking for a capital request, all of these business and people are making donations.

VOTED 4-0-0

9-16 FTM Warrant Endorsement

Mr. Boynton reviewed briefly the FTM warrant with the Board members.

Budget working group meeting is tomorrow night.

Article #17 is the revisit of the solar bylaw. Stephanie worked with Planning Board for comments. It is a small warrant.

MOTION moved by Mrs. Mackenzie to sign the 2012 Fall Town Meeting warrant, seconded by Mr. Gallivan, VOTED 4-0-0

9-17 Street Opening Permit, 28 Pilgrim Way

There is a moratorium on digging up paved roads within five years. There is problem with the system in the house.

Mr. Savage, homeowner, explained they moved to town a year ago. When we moved there we expected to convert to gas and made inquires, we did not realize there was a moratorium in place. Upon inspection of the system, we found the furnace was installed in 2000, the furnace is 15-20 years for forced air. The biggest concern is the oil tank, it

is 65 years old. His ten year old suffers from Asthma and there is a smell in the house. It would affect him. He understands there is only one year left on the moratorium.

Mrs. Mackenzie explained having grown up in an oil house and having gas now, our roads and the integrity of the roads. You could provide us with documentation from the technician that reviewed the tank, we have the five year for a reason, and we would have that for documentation.

Mr. Savage understands that. Mrs. Mackenzie stated it really stinks that during your home buying process, you did not know that you were in a five-year moratorium.

Brendan Levett- Engineer from Columbia gas explained they have no issues and will comply with comments.

Mr. Timson appreciates his position; I think that there is one year left. I was going to suggest in the future, we should let people know if they are claiming a condition, a cause they provide us with something in writing from a professional. We try to be strict with this, we want to set the bar at a fairly high level. He is looking for back up material.

MOTION moved by Mr. Timson to approve the request conditioned upon providing documentation from professional on oil tank integrity and the conditions set forth by the T. Engineer being adhered to, seconded by Mrs. Mackenzie, VOTED 4-0-0

9-18 Bid Award, Emergency Medical Rescue Vehicle

MOTION moved by Mrs. Mackenzie to award contract 2013-05 to Greenwood Emergency Vehicles Inc., N. Attleboro, Ma for the amount of \$207,194.00 for a 2012 Model Year, Class I, Type 1 Emergency Medical Rescue Vehicle, seconded by Mr. Gallivan, VOTED 4-0-0

9-18 Goals and Objectives

Mr. Gallivan would like to amend Goal #4 and add a new #6 which was on the old goals and then add 7 and 8.

Cost match what it cost to maintain these fields. Users that use fields pay closer to the costs to maintain the fields.

Develop reoccurring revenue costs to maintain the fields. Mr. Gallivan noted some towns charge \$40 a player for field costs. Continue to move in that direction, so our fields are maintained in a high level. Mr. Boynton questioned what type of accounting mechanism we would need.

Three months from now in early December have an update report.

Mrs. Mackenzie would like to have a five-member vote. It is only two weeks.

Mr. Timson suggested voting it and ratifies it with Eric present in two weeks.

MOTION moved by Mr. Gallivan to adopt the Goals and Objectives with changes, seconded by Mrs. Mackenzie, VOTED 4-0-0

9-19 Stop Sign at Gill and North

MOTION moved by Mrs. Mackenzie to amend the Traffic Rules and Orders and change the “Yield” sign to a “Stop” sign where Gill Street meets North Street, seconded by Mr. Gallivan, VOTED 4-0-0

9-20 Mutual Aid Agreement, Metro Boston

There is no cost to the town to enter this agreement.

MOTION moved by Mr. Gallivan to authorize Chairman Eric Kraus and Chief Richard Stillman to sign the Mutual Aid Agreement between the Walpole Police Departments of the Metropolitan Boston Area, seconded by Mrs. Mackenzie, VOTED 4-0-0

No Parking, Water Street, during Stadium Events

Water St Parking –Mr. Boynton reported during the Country Festival at the stadium all of the limos were parking where there were “No Parking” signs. He is asking the Board to reaffirm that there is no live parking on Water Street.

Mrs. Mackenzie suggested Boyden School should be posted as well. What is our fee for that. Some way to adopt a policy. The fee at the stadium to park is high, they are having the people meet them at Boyden School, adopt a fine would be comparable to park a limo at the stadium, that could put an end to it. Maybe our volunteer could assist. We should be pushing. Maybe a secondary person.

Mr. Boynton explained they did have to move some into Boyden School. We do not want people to drop people off here. Does not want to move them to the next streets. We are banning limo and taxi standing in S. Walpole during stadium events.

Mr. Gallivan believes limos are charged \$100 at the stadium.

MOTION moved by Mrs. Mackenzie to have a message board stating no parking, standing, during stadium events, violators will be fined, in S. Walpole, seconded by Mr. Gallivan, VOTED 4-0-0

MOTION moved by Mrs. Mackenzie that we look into the fine assessment process for stadium events, seconded by Mr. Gallivan, VOTED 4-0-0

9-22 Signs for King Philip Hockey Registration

Mr. Apple explained in an effort to build our program, registration has begun. Mr. Timson explained the Board typically only allows one sign per common.

MOTION moved by Mrs. Mackenzie to authorize one sign at each of these locations; Town Common, S. Walpole Common and East Walpole Pocket Common for a two week period, seconded by Mr. Gallivan, VOTED 4-0-0

Town Administrator Report

School opening-great shape and proud of the work of the DPW

Handicapped Affairs Task Force-department heads have met a few times, we will have a public forum on November 6th. Jon Cogan will be very involved in this. Under Robin's direction better outreach hope to do one forum per year. Jack Mee will be the Architectural access board liaison.

Mrs. Mackenzie felt it was a great expansion of his role. We are making better use of what we have in house. Finding someone in house that could do that.

Country Festival Concerts-It was an interesting time. For the most part the traffic plans in town worked well. One taxi cab company that was prevalent and contacted them and informed them that while they are probably complying with the rules and regulations, they do not have a license in the town. Suggested they need to get a license from the town. We had signage placed in town. The plan on the part of the state police and fox police is where we had a breakdown. The lots were to open earlier then expected. Friday was back up and on Saturday the lots were to open at 1:30, the traffic stopped. The traffic backed up to Walpole Mall. We had people leaving Route one making their way to E. Walpole. We do expect to revisit this.

Veterans Services District- Meeting with Medfield, this does not change anything for Walpole, but to have overlapping services with them is beneficial. This is not half time here or there.

EDIC met Tuesday night and we have more meetings scheduled and positive feedback on getting the seed money.

FY 2013 budget update- good news \$380,000 in additional state aid. They will commence conversations tomorrow night at the budget meeting. We have some flexibility with free cash this year. The working group is Eric, Michael, Mr. Boynton, Superintendent Lynch, 2 school committee members and 2 finance committee members.

Mr. Boynton talked about the free cash. He reviewed some of the filing fees for some of the recent construction. Those do not happen every year. Looking at doing some upgrades on projects without going back to the taxpayer for increase.

NEW BUSINESS

None

OLD BUSINESS

Mr. Boynton informed Mr. Berry that they may not put an envelope in the tax bills for firework donations

Mr. Timson noted the Alcohol and Drug Coalition is starting up again and we just had a sting operation in town, in conjunction with that we might want to recognize the bars and rest that past the test. Chili's Grill and Bar is the only one that had a violation.

MOTION moved by Mr. Timson that a letter be sent to the license holders that we appreciate and commend you and keep up the good work, seconded by Mr. Gallivan, VOTED 4-0-0

Downtown signage

There have been A-Frames going up and he is not sure that abides with our bylaws. Talked about unauthorized signs in windows. Mrs. Mackenzie agrees and is not sure it is within our bylaw. Mr. Timson does not think it is conducive to a good looking downtown.

Mr. Berry thinks A-frames can be a good thing. It is a way for restaurants to attract business. Do we want to start regulating the windows inside a business? He does not know if the town wants to regulate store windows.

Charter Review Committee- Mr. Boynton has not seen anything that stipulates a cycle to review the Charter. Mrs. Mackenzie would like a presentation from Counsel and Mr. Berry wants to know how members are appointed. Will set up a meeting with Town Counsel to review the Charter.

MINUTES

MOTION moved by Mr. Gallivan to approve the minutes of July 24, 2012, seconded by Mrs. Mackenzie, VOTED 4-0-0

MOTION moved by Mr. Gallivan to approve the minutes of August 7, 2012, seconded by Mrs. Mackenzie, VOTED 4-0-0

EXECUTIVE SESSION

Mr. Berry declared the following:

- Under G.L. C.30A, §21(b)(3) and (4), the purpose of the executive session will be to discuss litigation strategy regarding litigation known as;

Board of Selectmen

Minutes of September 4, 2012

Allied Recycling Center, Inc. v. Delmar. et al., and the Town of Walpole, Middlesex Superior Court C.A. No. MICV201 -03591; and

Commonwealth of Massachusetts v. Allied Recycling Center, Inc. and Recycling Walpole, Suffolk Superior Court C.A. No. SUCV2010-00811; and

• Under G.L. C30A, § 21 (b)(3) to discuss litigation strategy regarding litigation known as: Michael Viano, Trustee v. Diane Beatty et al.(Walpole Planning Board) , Norfolk Superior Court C.A. No. NOCV-2012-01177

• A discussion of the litigation strategy in open session could compromise the purpose for the executive session; and

• The Board shall/shall not return to open session at the conclusion of the executive session.

MOTION moved by Mr. Berry that the Board of Selectmen go into executive session, under G.L. C.30A, §21 (a)(3), regarding litigation concerning Allied Recycling Center, as identified by the Board's Chairman, concerning land on Main Street, and litigation ; and litigation concerning Michael Viano, Trustee v. Diane Beatty et al.(Walpole Planning Board) , for the purposes and reasons declared by the Chairman, with the Board to return/not to return to open session at the conclusion of the executive session, seconded by Mrs. Mackenzie, VOTED by Roll Call; Mrs. Mackenzie-Aye, Mr. Timson-Aye, Mr. Gallivan-Aye and Mr. Berry-Aye

The Board moved out of executive session.

MOTION moved by Mrs. Mackenzie to adjourn at 10:45 p.m., seconded by Mr. Gallivan, VOTED 4-0-0

Respectfully submitted,

Mark Gallivan, Clerk