

A Regular meeting of the Board of Selectmen was held on Tuesday, November 15, 2011 beginning at 6:00 p.m. in the Selectmen's office and reconvened to the Main Meeting Room at 7:00 p.m. The following members were present.

Eric Kraus, Chairman  
Michael Berry, Vice Chairman (6:35 p.m.)  
Mark Gallivan, Clerk  
Christopher Timson  
Nancy Mackenzie (6:35 p.m.)

Also present:  
Michael Boynton, Town Administrator  
Ilana Quirk, Town Counsel (for executive session)

Mr. Kraus called the meeting to order. 6:15 p.m. in the Town Administrator's office. Attorney Quirk from Kopelman and Paige was also present.

Mr. Kraus declared as Chairman that discussing the offer and the strategy in open session may have a detrimental effect on the litigation position of the town and the discussing of a potential enforcement in open session may have a detrimental effect on the litigation position of the town.

MOTION moved by Mr. Timson to enter into Executive Session to discuss strategy relating to an offer of settlement from the plaintiff in litigation known as Allied Recycling Center, Inc. v. Delmar Trust, et al., Middlesex Superior Court C.A. No. MICV2010-03591-F and to discuss strategy relating to potential enforcement litigation as the Chairman has declared that discussing the offer and the potential enforcement in open session may have a detrimental effect on the litigation position of the town, seconded by Mr. Gallivan , VOTED by roll call Mr. Timson-Aye, Mr. Kraus-Aye and Mr. Gallivan-Aye

The Board moved out of executive session and reconvened in the Main Meeting Room at 7:20 p.m.

### **Pledge of Allegiance**

### **Announcements and Proclamations**

Mr. Kraus read the following into the record.

As a follow-up to our last meeting at the Boyden Elementary School two weeks ago, I want to give a brief update on the actions we have taken since that time:

- 1) We have communicated with the Foxborough Board of Selectmen inviting them, by letter, to Walpole on December 13<sup>th</sup> at Boyden. We will look to work with them to protect the interests of our residents and Foxborough Residents who would be most impacted by a large scale casino development or the extension of the Commuter Rail line. Their Board is taking up our invitation tonight at their meeting. As soon as we know their response we will inform the community.
- 2) We have reached out to the MBTA General Manager, again asking him to come to Walpole for a meeting with our Board and our residents.
- 3) We have begun discussions with Town Counsel to explore legal options that the Town may have regarding the proposed Rail expansion.

The Town Administrator will speak about other activities as well during his report, but again the Board wants to assure the community that we will stay with these issues and report back as we have additional information. And, once again, we truly appreciate the cooperation and participation of our Town residents as we move forward.

As a follow up to the meeting at Boyden. We have sent a letter to the Fox BoS.

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

Mr. Boynton stated the Town has asked the GM of the MBTA to attend a meeting

Mrs. Mackenzie read a notice regarding the [Coach John Lee Press Box Party](#) November 19 at 7:00 pm VFW, Walpole

A group of former players, WHS Gridiron Boosters, The Friends of Walpole Community Athletic Complex and family and friends have decided that a structure built in Coach Lee's name at Turco Field is long overdue.

This "Kick-Off Party" will help to launch the fundraising drive to make this press box constructed in Coach Lee's name for WHS a reality.

Coach Lee taught/coached at WHS for 25 years and amassed an astonishing record of 212-33-7 giving him his legendary status in Massachusetts. The real story however goes way beyond his winning percentage. Coach Lee's greatest success is the influence that he had in transforming 14-17 year old boys into young men. He instilled values and a work ethic in all who played for him over the years which helped these young men excel in college and in the working world.

The night will be a great opportunity for old friends and teammates to get together for some fun and laughs. But more importantly to spread the word about our opportunity to recognize the man responsible for building Walpole Rebel Football into one of the most respected scholastic sports programs anywhere.

Please forward this to anyone you feel may want to attend and be part of this fitting tribute to Coach Lee.

11-8 Working with Counsel- We have requested T. Counsel represent us at the Nicholas V. Town of Norfolk, They represent the Town of Norfolk as well. Needs Board permission for representation.

MOTION moved by Mrs. Mackenzie to sign the consent of representation regarding the Nichols v EnergyUSA Propane Inc, seconded by Mr. Berry, VOTED 4-0-0(Mr. Timson not present)

Proclamation for Eagle Scout Keith Bradley Wellock was read into the record by Mr. Berry

MOTION moved by Mr. Berry to endorse the proclamation for Eagle Scout Wellock, seconded by Mrs. Mackenzie, VOTED 5-0-0

Mr. Timson commented he knows him from hockey, and is not surprised he did such a nice project.

### **Sponsored Agenda Items**

7:28 p.m. Board of Assessors, fill vacancy

Chairman Jack Fisher of the Board of Assessors informed the Board that Clem Boragine the longest member serving for 22 years has resigned. The Board is fortunate to have a candidate. John O'Connor has decades of municipal assessing. He would serve until the next election. To fill a vacancy it is a joint vote of the two Boards.

John O'Connor introduced himself. He is an eight year resident of Walpole, and has time to be involved. He was an assessor for the city of Boston for ten years.

Mr. Timson is pleased with the level and quality of people that have volunteered to serve on various committees.

MOTION moved by Jack Fisher to nominate John O'Connor to fill the vacancy on the Board of Assessor's until the June 2012 election , seconded by Mrs. Mackenzie, VOTED 7-0-0 (Joint vote of Selectmen and Assessors)

7:30 p.m. OPEN FORUM

James Taylor questioned what is going on with the bridge with money from the state. The Spring Brook bridge downtown. We are getting a grant for that, 10 years from now, where is the money coming from to maintain. Do not need a bridge. Why are we wasting money on that?

Mr. Boynton explained the town appropriated \$80,000 towards the project. It was suggested the town look into funding for ongoing maintenance.

Mr. Taylor asked about Washington St repairs. It was explained it is on the agenda for the Board to sign the agreement and should be starting within the next couple of months.

7:35 p.m. M. Good Borrowing

All of the projects were approved at the SATM in various stages of completion need to borrow money to complete the projects totaling \$3,060,000. The Town received six bids and bond counsel has given their blessing on this. This covers SATM Articles 14,12,16, 11. The low bidder is TD securities offering a rate of 1.75% and a premium of \$40,851. The note is dated November 29, 2011 and will mature on November 29, 2012.

M. Berry we are getting a bond to pay for the projects that were approved at STM. These were funded thru borrowing program. Mr. Good explained the reason we went short term, the water tank is only in the beginning stages, it will probably cost the \$2,085,000 but it may be less. This will allow us to get the project done.

MOTION By Mr. Berry to approve the sale of a \$3,060,000 1.75 percent General Obligation Bond Anticipation Note (the "Notes") of the Town dated November 29, 2011, and payable November 29, 2012, to TD Securities (USA) LLC at par and accrued interest, if any, plus a premium of \$40,850., seconded by Mr. Gallivan VOTED 5-0-0

MOTION by Mr. Berry that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated November 1, 2011, and a final Official Statement dated November 9, 2011, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted seconded by Mr. Gallivan, VOTED 5-0-0

MOTION by Mr. Berry that the consent to the financial advisor bidding for the Notes, as executed prior to the bidding for the Notes, is hereby confirmed., seconded by seconded by Mr. Gallivan, VOTED 5-0-0

MOTION by Mr. Berry that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION Mr. Berry that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes., seconded by Mr. Gallivan VOTED 5-0-0

#### M. Good, Credit Card Issue

During his research he noted that all banks offer a credit card with a rebate option. He looked at right express, they offer it for Lexington and Weston. The rebate is only paid out when you reach a spending of 2 million dollars. He contacted some colleagues and Lexington has a budget of 120 million. They do not meet the threshold and Weston is only doing it for convenience. If you are looking for a rebate he does not think we are going to make it .

The reason you may want to do this is the rebate. The main reason is eliminate purchase orders and checks. At the end of the month you get a credit card bill. You get this bill with all these charges and someone needs to track down who is making the charges. Monitoring the use of the card, what are they spending it on. You are working out of two systems. DOR is concerned that there is a possibility that you overspend your budget. It is a control issue.

Mr. Boynton spoke to the current system having checks and balances. He does not believe the DOR would refuse the request but would frown upon it. Mr. Timson was surprised that you would be required to spend 2 million dollars for a rebate

Mr. Good explained Right express is going to email him a structure. You would get .5%. Mr. Timson would still like to look at it.

Mr. Boynton noted the town would have to rebuild the current system. You would not be generating a PO. Mr. Kraus requested they continue to look at it and show the pros on one side and cons on the other and bring back.

#### Chief Bailey Update

The Walpole Fire department will be recognized and Chief Bailey will get special recognition for his participation in the Norfolk Fire.

Chief Bailey- Emergency calls were up for us. Tropical storm Irene and the storm on the 29<sup>th</sup> they received 1,635 total calls. On August 28<sup>th</sup>- 74 emergency calls in the two day period. There were many electrical lines down and poor response from NSTAR. The conversations are still on going. We had an incident with one Fire Truck. Engine 5 on Common St, wire down on top of the truck, one person in truck and two outside. There was some damage. It was sent to Greenwood to be recertified and is back in service. Went to the Town of Foxboro twice for house fires. We had two med flights in the past two weeks with head injury victims.

He went on to update the Board on the newest firefighters. One is in the academy and one will begin in January. Jim Curely retired from the department on October 14, 2011..

Training- basic EMT last week and LEAD class for paramedics. The deputy has attended a few emergency meetings. On injuries there are Two that are still out on injury.

Mr. Timson wanted to know what the Chief is looking for in response time from NSTAR. He explained he is looking for a quicker response time. When they called their emergency call line it took over one hour. During the first storm, he was stuck at a location with wires down for over ten hours. They need the staff in the Walpole yard. There were minimal vehicles in the yard during the storm but the day after it was full. The Chief does not believe they have the necessary staffing for this location.

8:09 p.m. Home for Little Wanderers, Public hearing, Fuel Storage

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

Mr. Boynton explained what the Home for Little Wanderers was proposing to do on site at Longview Farm. They are requesting an increase from 3,000 gallons of propane underground to 8,500.

It was noted that no one from Longview Farm or Home for Little Wanderers was present. Anthony Warran from Northstar is representing the applicant. He also has with him a representative from Energy USA Propane who will be installing the tanks. They are seeking to increase the underground propane storage to 8,500 gallons. The tanks are dispersed throughout the site. They have four residents' buildings and schools. They are proposing to supply the storage. He submitted consumption data so the board could understand how the propane would be consumed. They do not want to bring trucks out more often than they have to.

Mr. Timson questioned how many truck trips per week are there now? Steve from Energy USA stated they average once a week to ten days. This proposal will probably be once a week. The tanks will be underground.

Elizabeth Hunter, Lincoln Road wanted to know what happens if the gas leaks out of the tanks, could it be an explosive situation. Steve from Energy USA noted it if it gets into the soil it would evaporate. Chief Bailey stated if the product is in the atmosphere, something could happen.

Mr. Warran noted the previous tanks were above and underground. There will be more storage and a few new locations. We would have preferred natural gas, but it is quite a distance away.

Greta Seymour, 462 Lincoln Rd

Ms. Seymour asked for the existing tanks that are above ground will they be eliminated? Mr. Warren explained the all the tanks will go underground. She asked aside from frequency of deliveries, why now?

Mr. Warren stated they have always had a number of tanks on design; this is really to formulate the quantity. This is part of the site plan review process. In keeping communication open and not having changes happen. It is their plan to deliver to all the tanks at once. That is their intent. They would want the tanks not to drop below 30%.

Mr. Timson noted that everything is getting bigger there and it points out the increase for more services from the town. He was hoping someone from the HFLW was going to be there so the Board could talk about a PILOT in lieu of taxes program. He noted that many schools that do not pay taxes enter into a program. Hoping someone would be here to talk about the issue.

Mr. Warren explained the reason they are here is a construction related option. Mr. Timson believes there is increased traffic and he would prefer to continue this to the next meeting when someone from the HFLW could be present. Mr. Kraus agreed and would try to get them on the next meeting.

Mrs. Mackenzie stated the other issue is the underground natural gas line issue. She does not think this proposal is a good option. She does not think the burden should be on the neighborhood. She would like to close the hearing.

Mr. Warren explained they investigated that. The line is several miles away from the site. He believes it is past the bridge. Not a viable option it is cost prohibitive at \$500,000 or more. Mrs. Mackenzie stated it would be a better option as a public safety issue. If there is another option, they should stick to it. She noted the recent accident involving two children hit by a vehicle on Lincoln Road.

Mr. Warren stated they looked at traffic as part of the site plan review and discussed that at length. This is for heating, and will probably overall reduce the number of trips.

Mr. Berry wanted to know how the 8,500 gallon tank would rank in town. Chief Bailey stated there are numerous 1,000-gallon propane tanks all over town used for heat and heating pools. On one site, this could be the biggest ones in town.

MOTION moved by Mrs. Mackenzie to close the hearing, seconded by Mr. Berry 4-1-0 (Mr. Timson opposed)

MOTION moved by Mrs. Mackenzie to approve the increase in storage of propane from 3,000 gallons to 8,500 gallons at Longview Farm/Home For Little wanderers located at 399 Lincoln Road, seconded by Mr. Gallivan,

Mr. Kraus would like to table this for another meeting and discuss alternatives. Mrs. Mackenzie explained they can come back with a new application. It is not consistent with a rural zone neighborhood

VOTED 1-4-0 (Mrs. Mackenzie, Mr. Berry, Mr. Kraus and Mr. Timson opposed)

Mr. Berry felt that given the history of this. It is something they should have been proactive with. He does not think it makes sense for the neighborhood. It is precedent setting and not appropriate for this area. They should have approached this subject with us months ago.

Chief Stillman- updated the Board on what has occurred in the last three months. Talked about the preparation that took place at High School, exercise in shooting. The drug take back program was started. And anyone who has drugs they need to get rid of they can drop them off at the station. Whatever is brought in is incinerated.

The department did a search warrant at tobacco road. After investigation, we have cleaned out the paraphernalia up there. Hurricane Irene and the October storms took a lot out of our department as well. Everyone worked together. Big push to regionalize dispatch centers. There is a significant push to regionalize, something we need to think about. Some towns will never regionalize, and some are willing to talk about it. If we do not do it on our own. We will be left in the near future that we are going to have to regionalize and it is something to keep in mind.

It is happening throughout the state. Longview since July 1, there have been thirty calls and eleven arrests. They should have called us sooner. It was a major mistake on their part. He does not know what their motivation was. If there is an issue they are to call us. It is a concern.

Two young boys struck by a car last Saturday on Lincoln Road and we are looking at the traffic situation up there. Stadium issues, we heard of some of the issues with the stadium, there will be another country fest next year and facing same issues again.

Training dept continues with certification. A number of officers have gone to photography school. Deputy Carmichael will be attending the FBI national academy for 10 weeks of training. Officers have finished field training. Two students you hired started at the academy today.

Talked about his expense account is depleted. He will have a conversation with the Fin Com. May need to do a reserve fund from salaries to accounts and hopes it will all come from within our dept.

MOTION moved by Mrs. Mackenzie to send a letter to the Fox Board of Selectmen that we want to made aware of the application for the Country Fest, seconded by Mr. Gallivan, VOTED 5-0-0

Mr. Boynton talked about the costs associated for the two storms. While we will get something back for Irene, we may not get anything back for this October Storm.

Task Force Coalition-the primary members that were identified. We met last week and set up who would be on the board and what we would be looking for , met last night, talked with coalition and went over those issues. Have some very good initiatives that are ready to go soon. The report will include what those initiatives are and will ask for a budget. We are very committed to underage drinking and drug abuse. This is a community problem.

Deputy Chief explained we are still facing an unfortunate trend. Over the past year, the overdoses doubled, as of this morning sixteen overdoses in Town. Ten are heroin abuse, out of those three resulted in fatalities. One was a multi drug use, the remaining five mix of drugs and alcohol. The age bracket was 19-45. What we are seeing with the heroin overdoses. Getting family member in treatment, not in long enough. In looking at how we are going to address this problem

The drug use habit started when they were young and we are trying to target the onset. Initiate drugs are marijuana, alcohol and tobacco. The earlier the age of onset the earlier they will use. Talked about the age of onset percentages for ages 10-16. We need to educate people and the danger of the drugs.

Mrs. Mackenzie noted they jump to heroin because it is so cheap. The kids are jumping to heroin. It is sad. The Deputy Chief explained we are working hard at finding out who is bringing it into town. Need to focus on education.

#### 11-13 Street Takings, Fall Town Meeting 2011

##### Berkeley Drive

MOTION moved by Mr. Timson to accept the order of taking and sign the taking document for Berkeley Drive, seconded by Mr. Berry, VOTED 5-0-0

MOTION moved by Mr. Timson to accept the two Conveyances of Easements and Utilities, seconded by Mr. Berry, VOTED 5-0-0

##### Hollowdale Farm Lane

MOTION moved by Mr. Timson to accept the order of taking and sign the taking document for Hollowdale Farm Lane, seconded by Mr. Gallivan, VOTED 5-0-0

##### Yonker Place

MOTION moved by Mr. Timson to accept the order of taking and sign the taking document for Yonker Place, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mr. Berry to accept the conveyance of easements and utilities, and the operation and Maintenance plan and covenant with the Town of Walpole for Hollowdale Farm Subdivision, seconded by Mr. Timson VOTED 5-0-0

11-16      MASS DOT Agreement

MOTION moved by Mrs. Mackenzie to authorize the Town Administrator to sign the Washington Street Agreement #71412 with Mass DOT, seconded by Mr. Gallivan, VOTED 5-0-0

11-14      Gift Acceptance

MOTION moved by Mrs. Mackenzie to accept the gift with thanks to the Turner Pond Lodge Programs from the Friends of Eric Kraus, seconded by Mr. Berry, VOTED 5-0-0

11-15      Texas Roadhouse, Beneficial Interest

Attorney Andrew Upton, Texas Roadhouse, explained when a licensee changes its officers, the licensee is an LCC and is owned by the parent company. The ABCC refers to it as a beneficial of interest. The Board of Selectmen need to approve this.

MOTION moved by Mrs. Mackenzie to approve the beneficial interest disclosure for Texas Roadhouse from Texas Roadhouse inc., seconded by Mr. Berry, VOTED 5-0-0

11-17 A-Frame, Ponds Committee

MOTION moved by Mrs. Mackenzie to approve the placement of an A-Frame on the common near the Gazebo from Nov 26, 2011 to December 10, 2011 to announce the Lodge Open House, seconded by Mr. Berry, VOTED 5-0-0

11-18 A-Frame, Lacrosse

\*\* They have requested new dates. (11/23-12/7)

MOTION moved by Mrs. Mackenzie to approve the placement of an A-Frame on the common near the Gazebo from November 23,2011 to December 7, 2011 , seconded by Mr. Gallivan, VOTED 5-0-0

11-19 2012 Meeting Schedule

MOTION moved by Mr. Timson to approve the 2012 meeting schedule, seconded by Mrs. Mackenzie, VOTED 5-0-0

11-20      MFS RFP Review

MOTION moved by Mrs. Mackenzie to appoint Cameron Daley, Dave Wildnauer, Dick Power, John Desmond, Mary Kent and Bill Abbott to the Municipal Facilities Study RFP Review Committee, seconded by Mr. Timson, VOTED 5-0-0

11-21 Christmas Tree Lighting/Santa Parade

MOTION moved by Mrs. Mackenzie to approve the annual request for the Christmas Tree Lighting and Santa Parade, seconded by Mr. Timson, VOTED 5-0-0

Town Administrator's Update

Foxboro letter- A letter from the Board has been sent to the Foxboro Selectmen requesting a Meeting with them on December 13<sup>th</sup>.

TRIC-Stephanie is the president of the TRIC but did not moderate it.

SWAP meeting will attend tomorrow

Working with T. Counsel.

Goals and Objectives- Board will meet on December 13<sup>th</sup> at 6 p.m. to review.

FY2013- budget process is underway. Talked about the shortage in the DPW. Mr. Berry talked about temporary workers is this something we should consider again. Mr. Boynton explained we are going to be doing some Saturday work.

W. Suburban health group- looking at one co pay that is out of line with GIC. The good news is that there could be a significant savings for employees and town.

Library Transition- we have not reached substantial completion but it should begin within sixty days.

Mr. Kraus would like the Library re use group invited in January.

Allen Dam Meeting-Built in the late 50's. Federally funded. Massive earth structures. Need to be sure this stays maintained. We are going to approach this thru the state legislature. The Federal government would prefer to see it under the State control. There is a state law that says we own it. Need a piece of legislation. I believe our delegation will reach out.

NEW BUSINESS- approached by several residents about Walpole Power company. Lack of crews, lack of tree trimming, incident with fire truck. I understand it is a long process and ask the Town Administrator to start looking into that and see if the legislators would allow it. See what the options would be. Maybe talking to Norwood, get an idea from them what it would take to start own company.

Mr. Berry believes at the moment the legislators would not allow that. There are more communities thinking this is the way to go. It is not a new topic.

Mr. Timson would like to see what the legislators temperature with a bill or law to payback. I would like to see legislation for maximum time to respond. To get enough crews on the ground.

Approved

\*\*\*Put together a letter recommend to our delegation. Have members come up with some ideas. The Town Administrator will draft a letter to our delegation

MOTION moved by Mrs. Mackenzie to adjourn, seconded by Mr. Timson, VOTED 5-0-0