

Approved November 2, 2010

A Regular meeting of the Board of Selectmen was held on October 5, 2010 beginning at 7:00 p.m. in the Main Meeting Room of the Town Hall. The following members were present.

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

Announcements

Home For Little Wanderers Meeting

Mrs. Mackenzie called meeting to order. The Board moved the meeting to council on aging and announced the Board will be back 7:35 p.m..

Board returned to the Main Meeting Room at 7:35 p.m. They attended a meeting with John Rogers regarding the HFLW. There will be another meeting on October 12th in the Senior Center if anyone is interested in attending

Walk to School Day will be held on October 8.

Proclamation

10-1 Joseph Fitzgerald, person of the Year

MOTION moved by Mr. Kraus to approve and endorse the proclamation for Joseph H. Fitzgerald, for Friends of Christopher Columbus person of the year, seconded by Mr. Snuffer, VOTED 4-0-0

Mr. Kraus read the proclamation into the record.

10-2, 10-3 Employee of the Month

Stephanie Mercandetti is very involved and she gives a lot of her own time to the town. Congratulations to Dan Ryan, his tireless work in the water department and ponds committee. He goes above and beyond with all his hard work and the fountain. It looks beautiful. Will have his name added to the plaque.

Open Forum

Mr. William Hamilton read the following statement at the Open Forum:

The Water and Sewer Commission appeared before the Finance Committee. They were asked who the largest water users were. They said Siemens followed by New Pond Village then H & V. They were asked about DEP reducing Walpole's pumping permit from 3 million to 2 million gallons per day. Then they were asked if the reduction could potentially hurt any commercial development. They said it could. After they finished at the Finance Committee I ask how the TCE treatment was going. They said it was increasing and spiking to 17 parts per billion. They said the cause for this spiking is unknown. After over 20 years you have to wonder if it could be coming from a new source.

The Planning Board has issued special permits to four buildings in Area 3 of the WROPD in the school meadow brook aquifer. There is an application for two more special permits for a fifth building in area2 and area3. Area 2 is residence A only and the zoning board of appeals is allowing a commercial structure in Area2 residence A.

The special permits allow 231 to 250 chemicals to be used in the WROPD. In my opinion chemicals and uses not allowed by the water resource overlay protection district puts the school meadow brook well field at risk. When these wells were first contaminated in the past the taxpayer had to pay to pump polluted water to waste. This lowered our water supply. When water levels drop below what is required to fight fires commercial users are curtailed. We lost productive wells in their prime and had to develop new wells on the taxpayer's dime. Millions of taxpayer dollars were spent getting TCEs out of our drinking water. The taxpayer is paying to upgrade and maintain the treatment facility needed to remove TCEs from the drinking water.

On my visit to Siemens' I asked if a future contamination of our well field would hurt their operation? The spokes person said it could. Siemens is our number one water user. Siemens is our largest taxpayer. The state mandates that treated water have zero parts per billion of TCEs. When the W&S appeared before the BOS for the spring town meeting they informed the BOS that testing for parts per trillion is coming down the road. It will cost the taxpayer more to meet this higher standard.

The BOS should take all the necessary steps to stop commercial development in Area 2 our last location where municipal wells could be developed. The BOS should fight against issuing more special permits in Area 2 and Area 3. In my opinion these special permits and zoning variances are not in the best interest of the Town of Walpole and its residential and commercial taxpayers. The BOS should not be silent when special permits are gutting the WROPD, or we will repeat history and cost the taxpayers millions. Walpole Park South is dealing with a spill now. Never forget we could not prove to the state who was responsible for

10-4 Cable Advisory Committee, Don Rolph

Mr. Rolph is seeking membership to the Committee.

MOTION moved by Mr. Kraus to appoint Don Rolph to the Cable Advisory Committee, seconded by Mr. Snuffer, VOTED 4-0-0

10-5 Cable Advisory Committee, Steve Pellowe

MOTION moved by Mr. Kraus to appoint Steve Pellowe to the Cable Advisory Committee, seconded by Mr. Berry , VOTED 4-0-0

7:45 p.m. Beckett's Public Hearing, Outside Dining Documents 10-6, 10-22 and 10-23

MOTION moved by Mrs. Mackenzie to open the public hearing for Outside Dining, Beckett's, seconded by Mr. Snuffer, VOTED 4-0-0

Attorney Jim Brady appeared before the Board representing John Jacobs. The Petition to expand the licensed premises to include 20X40 outside dining. The owner of the K Club, John Jacobs. All notices have been returned. The Planning Board took this matter up a few months ago and a special permit was issued and has been recorded, the Site Plan decision was recorded. The Planning Board decision addresses the major concerns before your Board. We need to make sure it is not detrimental to the church, comply with outdoor dining regulations. There will be a fencing system, not looking for an increase in the seating capacity of the restaurant. There was some confusion about that issue. The plan shows there will be a fencing system around the table. It is contiguous to the restaurant. It must have adequate access and exits. I do not believe there are any objections by neighbors to this proposal. Alcohol will only be served by people at tables. We ask that you consider this extension; we think it is good for business.

Mr. Kraus was concerned about keeping the seating to the approved number. He wanted to know how the owner would be sure not to allow more people to the establishment than what is allowed. The Attorney responded that the owner keeps a good establishment and the Board may rely on his word. He will make sure if he is at capacity that people will be shut off at the door. John has no problem with the request of the Police Chief for no music outdoors.

Mr. Snuffer noted there was some differences with the plans before him one shows a 15' x 50' area and one shows a 15' x 54' area. One plan says the fence is resin and another shays it is metal. Attorney Brady explained what is binding on him is Exhibit A. He must abide by the decision of the Planning board. Mr. Snuffer expressed concern for umbrella top tables he felt it could effect the line of site in the area. He questioned the

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handicap parking spaces in the front being moved to the side. Attorney Brady does not believe there will be line of site problem.

Mr. Snuffer wanted to know what the distance from the 3' pots the paper sidewalk was. Attorney Brady stated there is a concrete walkway, total distance from the fogline is 32'. The planters will be close to the fence. Mr. Snuffer noted this is a clear wide open driveway with the ability of swerving. He is also concerned about the handicap parking spaces. Attorney Brady noted there are some handicap issues with the bldg, we located the handicap parking as required by the Planning Board and this proposal does not trigger the handicap law in any way. Mr. Snuffer does not know how he is going to deal with the capacity issue.

Attorney Brady felt some of the other outdoor dining areas are more dangerous than this. I want you to be sure that safety is a major issue for John. I have good faith in our police and fire enforcing the capacity issue.

Mr. Jacobs stated we have another location outside dining area and never had an issue on capacity. We will have waitress service and we will keep track of capacity. JB he will not break the law.

Mrs. Mackenzie asked if there was any public comment.

Mr. Timson arrived at 8:10 p.m. Attorney Brady stated he needs the Board to vote the premises will not be detrimental to the church activity.

Mr. Timson stated he did review the information and this to me another series of porches, liquor places are putting in. I think in hard times it helps establishments. I see no reason to not support this.

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

MOTION moved by Mr. Kraus that the license Authority determines in writing that the premises is not detrimental to the educational and spiritual activities of such school or church as provided, seconded by Mr. Berry VOTED 4-1-0 (Mr. Snuffer opposed)

MOTION moved by Mr. Kraus to approve the expansion of the license premises for Beckett's located at 1065 Main Street to include Outdoor Dining as shown on the approved site Plan and signed by the Planning Board on September 9, 2010. This approval is subject to the conditions set forth in the decision from the Planning Board Case No.'s 10-4 and 10-5. Further, there shall be no music played out to this area as stipulated in the Planning Board Special Permit decision and as requested by the Police Department. seconded by Mr. Berry, VOTED 4-1-0 (Mr. Snuffer opposed)

10-7 Acceptance of Deed, Summer St widening

Town Engineer Margaret Walker explained the Town acquired in fee a piece of land and a sliver from the Lorusso family as part of the street widening for Summer St.

Mr. Timson noted in the legal document he sees a double negative in here. Mr. Boynton believes the word should be "and" where it says in the third paragraph (the Granter shall agree to not, not)

MOTION moved by Mr. Kraus with the clarification of the double negative, to accept deed and easement for the parcel of land shown as "Parcel 3-2" on a plan entitled "Summer Street Widening Plan of Land in Walpole Mass" dated June 25, 2010, prepared by John R. Anderson & Associates containing 2,533 square feet, more or less, for general municipal purposes pursuant to Vote of Article 23 of the Fall Town meeting October 19, 2009 seconded by Mr. Berry, VOTED 5-0-0

10-8 Capital budget articles

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Mr. Boynton spoke to the articles on the warrant for capital budget. Reviewed the streets that will be improved. Under Article 7, continue to have catch basin need improvement. This is for \$10,000 from free cash.

Article 7.

MOTION moved by Mr. Kraus to recommend Favorable Action on article 7 seconded by Mr. Berry 4-0-1 (Mrs. Mackenzie abstained as her street is on the list)

Article 8

Fisher school gym floor. Need to do some additional checking on the low bidder. We need \$10,000 to continue taking down hazardous trees and we are replanting. We can't replace all. Morgan Field irrigation, the direction of the Board is to spend money on fields. This will help maintain the turf.

MOTION moved by Mr. Kraus to recommend Favorable Action on to article 8, seconded by Mr. Snuffer, VOTED 5-0-0

10-24 Article 12

Mr. Boynton spoke to GASB standards. Per chapter 32B we are obligated to pay health insurance for retirees. We carry about \$600,000 annually. It is not a direct impact, and we have been paying that cost necessary to get the retirement system up to full funding. At some time in the future, the town will have a fund sufficient enough to pay the \$600,000. You have to identify your liability and book it. Establish a mechanism to fund. This article will establish a trust fund. It is not for any other purpose, strictly for OPEG liability. Not asking for money, asking this fund be established. Then the discussion can take place. If we do not create the fund and start this, we open up for negative findings on part of the auditors. A lower bond rating is an increase in excluded debt projects. We do not have the funds necessary to fully fund. The challenge is how we will come up with a mechanism to do this.

Mr. Timson has read other towns take additional tax money they get from Restaurants and or hotels and putting toward OPEG, that is something we could consider,

Mr. Snuffer suggested you had to have a dollar to make it a legal account. I remember in Town budgeting we use to drop off account budgets because they had no dollars next to them. In our last audit it was mentioned. Mr. Good noted the real question is what point, when other towns start doing this. It puts us behind the 8 ball. Need to get in front of this.

Mrs. Mackenzie suggested when you present this to T. meeting give examples of how other communities have funded.

MOTION moved by Mr. Kraus to recommend Favorable Action on Article 12 that the Town accept the provision of M.G.L. c 32B, Section 20, establishing a separate fund, to be known as an Other Post Employment Benefits Liability Trust Fund for the purpose of reducing the unfunded actuarial liability of health care and other post-employment benefits, seconded by Mr. Berry, VOTED 4-0-1 (Mrs. Mackenzie abstained as she received health insurance benefits through the town)

10-9, 10-11 Articles 2,3,4,5,6 and 13

The total budget overall has been reduced by \$148,592.

Article 3

MOTION moved by Mrs. Mackenzie to recommend Favorable Action on Article 3 with an overall budget reduction of \$148, 592, seconded by Mr. Snuffer, VOTED 5-0-0

Article 2

Article 2 is extending the formula to 2015

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MOTION moved by Mr. Kraus to recommend Favorable Action on Article 4 of the Fall Town Meeting that the sum of \$483,455 be transferred from Free Cash, said funds collected from Medicaid reimbursements, for the FY' 2011 School Budget seconded by Mr. Berry, VOTED 5-0-0

Article 5

MOTION moved by Mr. Kraus to recommend No Action on Article 5 of the Fall Town Meeting 2010, seconded by Mr. Snuffer, VOTED 5-0-0

Article 6

MOTION moved by Mr. Kraus to recommend Favorable Action on Article 6 of the Fall Town Meeting 2010 that the Town appropriate the sum of \$250,000 for the purpose of supplementing Fiscal Year 2011 Water Rates and to meet this appropriation \$250,000 be transferred from Water Enterprise Fund Retained Earnings Account seconded by Mr. Snuffer, VOTED 5-0-0

Article 9

MOTION moved by Mr. Kraus to recommend no action on Article 9, seconded by Mr. Snuffer, VOTED 5-0-0

Article 13

MOTION moved by Mr. Kraus to refer Article 13 back to the Board of Selectmen, seconded by Mr. Snuffer, VOTED 5-0-0

Mr. Boynton explained the legal budget will be strained and may need a reserve fund transfer. Watching unemployment budget.

10-12 British Beer, One day license

MOTION moved by Mr. Kraus to approve the one day liquor license, seconded by Mr. Berry

Mr. Timson stated when he saw this, holding a charitable event at a licensed liquor establishment. One day to expand the premises. They are putting a few table next to the outdoor porch. I think when we get this, we need to scrutinize this. We need to be vigilant on these requests. I do not think we are setting a precedents here.

VOTED 5-0-0

10-13 Bid Award, Salt

Mr. Timson thinks it is great we are combing with other towns, why not get more towns and try to bump down the price, the fact we are joint bidding is great.

MOTION moved by Mr. Kraus to award Bid Contract No. 2011-10 for Joint Salt Bid with Medfield and Various other towns to American Rock Salt Co. for C.C. Salt and to Eastern Minerals, Inc., for Solar Salt seconded by Mr. Snuffer, VOTED 5-0-0

10-15 & 10-16 Gift Acceptances

MOTION moved by Mr. Kraus to accept the gifts with thanks, seconded by Mr. Snuffer VOTED 5-0-0

10-17 November 2, 2010 Election Warrant

MOTION moved by Mr. Kraus to endorse the State election warrant, seconded by Mr. Snuffer, VOTED 5-0-0

10-18 Fuel License, Change of ownership

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Mr. Boynton noted this is just a change of ownership on the license.

MOTION moved by Mr. Kraus to approve the amendment to the Fuel Storage Licenses for 751 Main Street and 980 Providence Highway by amending the owners of the properties on said licenses from ExxonMobil Oil to Global Industries LLC, seconded by Mr. Snuffer, VOTED 5-0-0

10-21 Use of Wetlands Protection Fund

The Conservation Commission asks every year for the funding to help support staff. This is housekeeping. They ask that you authorize the \$8, 000 to carry out duties.

MOTION moved by Mr. Kraus to approve the request from the Conservation Commission to spend \$8,000 in funds from the Wetlands Protection fund to supplement hours for the Conservation Agent and Board Secretary seconded by Mr. Snuffer, VOTED 5-0-0

10-25 Comcast Notification

MOTION moved by Mr. Kraus to send the letter to Comcast notifying them the Town intends to commence cable television franchise renewal proceedings, seconded by Mr. Berry, VOTED 5-0-0

10-26 MSBA Grant application

MOTION moved by Mr. Kraus BE IT RESOLVED:having convened in an open meeting on October 5,2010, the Board of Selectmen of Walpole, in accordance with its charter, by-laws, and ordinances , has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated September 21, 2010 for the Bird Middle School located at 625 Washington Street, Walpole, Massachusetts 02081 which describes and explains the following deficiencies and the priority category(s) for which the Town of Walpole may be invited to apply to the Massachusetts School Building Authority in the future

Priority #5, roof repair with insulation for energy improvement
And hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Walpole to filing an application for funding with the Massachusetts Schools Building Authority. Seconded by Mr. Berry, VOTED 5-0-0

Old Business

Mrs. Mackenzie recalls Mr. Timson speaking about acknowledging businesses on the EDC webpage , have Stephanie put their years established, as far as restaurant and function facilities are list who they are and the capacity. The income comes back to town.

Mr. Timson sees the only issue you would face you could not favor one over another. I do not see a drawback to that. He thinks we should have a recognition of business owners.

The copy of Goals and Objectives, Mr. Snuffer is going to put together his comments on that and we will bring that up.

Mr. Snuffer talked about the library being under budget and what the town will do with surplus money. I maintain we should watch it and one thing that we should consider is returning it to the citizens.

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Mr. Boynton explained if there is money left we can not use that for anything. We would not borrow the full amount. The Commonwealth will want their portion of money back or reduce what they give us. It is still under the PBC.

Town Administrator's Weekly Report.

Snow and Ice- based on what happened last year the town will contract with operators. Mr. Boynton is seeking authorization to contract with operators.

MOTION moved by Mr. Kraus to authorize the Town Administrator to contract snow removal for vendors for 2010 2011 winter season, seconded by Mrs. Mackenzie, VOTED 5-0-0

Email-someone was able to hack into the server. Mr. Kraus wants to know what are we doing to make sure this does not happen again. He wants to be sure there is a safeguard measure. Mr. Boynton noted one goal is to get your links up on the web site. As soon as our email addresses went out, we got spammed we are trying to block that thin line being transparent.

Library construction- we had set aside \$204,000 in the project budget for any contaminated soil. They found the walls of the boiler room in that area, they detected levels of contamination and secured the area. We are going thru process with DEP, identify, test it and it will be removed. The top end cost is \$20,000 and that is a positive side. Furnishings, we were holding off on that, saved \$10,000 for furniture layout. Another savings, \$15,000 for utility paybacks, the gas line has to be lowered by 4 inches, that cost is about 6,800, other things may pop up with NSTAR. In terms of overall change orders \$2,900 total. The PBC is watching every dollar and Jim Johnson is attending all the project meetings.

Senior work off program- Looking at a possible expansion. We are in need of additional services, this is a great program. I have asked them to take a look at the program and consider expansion.

MINUTES

MOTION moved by Mr. Kraus to accept the minutes of August 10, 17, 24, 2010, seconded by Mr. Berry, VOTED 5-0-0

MOTION moved by Mr. Kraus to accept the minutes of Executive Session August 17, seconded by Mr. Berry, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to enter executive session under the provisions of M.G.L. c.30A, Section 21 for the purposes of discussing the purchase of real estate as the chair declares that an open meeting may have a detrimental effect on the negotiating position of the Board and to further discuss strategy with respect to litigation (Roll Call Vote; Mr. Kraus-Aye, Mr. Snuffer- Aye, Mr. Timson-Aye, Mr. Berry-Aye and Mrs. Mackenzie-Aye

MOTION moved by Mrs. Mackenzie to adjourn the meeting at 10:16 seconded by Mr. Snuffer, VOTED 5-0-0

Respectfully submitted

Michael Berry, Clerk

