

A Regular meeting of the Board of Selectmen was held on Tuesday, September 21, 2010 beginning at 7:30 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 (7:40 p.m.)

#### Announcements and Proclamations

Mrs. Mackenzie announced that Adams Farm Field day was a wonderful event. It is a really nice time for families. At the event Congressman Lynch gave both the Recreation Committee and the A. Farm Committee a flag of the United States.

Mrs. Mackenzie reminded everyone the Memorial fountain celebration is scheduled for September 25<sup>th</sup> at 10 a.m.

#### Proclamations

Eagle Scout proclamation for Alexander Davis was read into the record.

MOTION moved by Mr. Kraus to endorse the proclamation, seconded by Mr. Snuffer,  
VOTED 4-0-0

Eagle Scout proclamation for Ryland C. Stevens was read into the record.

MOTION moved by Mr. Kraus to endorse the proclamation for Ryland C. Stevens,  
seconded by Mr. Snuffer, VOTED 5-0-0

#### OPEN FORUM

Pedro Marcano of 51 Massachusetts Ave appeared before the Board to clarify who owns the web site for Fred Leland. He stated it is me and me alone. I have known him for a long time. I am a landlord as well. I decided to do this project myself. I work with cybercrimes. I decided to just promote my endorsement of Fred Leland, he is already listed, as second in command. I figure given his rank and wisdom he has shown in the department and outside, he is an excellent candidate for Deputy Police Chief. He shows leadership in the department as well as outside. I have about 49 other letters. Nothing against other officers, I think he excel's. He wanted the Board to know that Fred Leland has not endorsed or contributed to the site. If anyone has question they can call me or contact me. I submit that for clarification.

#### Chief Bailey, Quarterly update

Chief Bailey reported the Ambulance receipts are up over last year. That number does flocculate. But that is a positive. They have been receiving a lot of Hardship requests, and he does not have the authority to vote on those. He is working on a better form that will give us more information to make a better informed decision. Hopefully we will have that form for you. He has spent \$96,00 from the Staffing grant that he got last year. Ryan will be graduating this Friday and all the groups will be back up to 8 per shift. The equipment, we have a safety committee that was established after May town meeting. They are working on an upgrade to our ambulance reporting system. The Fire Department's telephone recording system had been hit by lightening, that has been installed and this past week went back on line. The tent of the rear of the station is back up. Car 3, the captains vehicle is out for service. They are replacing light bar and we lost the transmission in the vehicle. Our engine 5 is at greenwood, the outer sheeting was

starting to separate on the doors. All the engines and ladders were tested at the end of the year.

Have three members of the department still out on injury. Two are to come back on light duty starting next Monday. The night before the fourth went off great. He had been approached as to where the next 4<sup>th</sup> of July celebration would be held. The question still remains if the state will allow the town to use the existing site or not. Our open house will be held on October 2.

Mr. Timson asked when it is time to replace the Captain Vehicle is it possible to go with a green vehicle? Chief Bailey responded they will look into that, it must be able to carry a certain amount of equipment. Chief Bailey will update the Board on policies and procedures.

The Chief talked about a situation with Blue Cross/Blue Shield. They are making a unilateral decision to potentially pay the person that is requiring the service. The question is how we tell the insurance provider they need to pay for the services rendered by the Town. It would be difficult to have a patient sign a document that they will pay for the services.

#### Hardship Application

Chief Bailey explained he is receiving one or two hardship requests a month. He is also receiving requests for reductions. Not all insurance covers ambulance runs. The Board would like to see income verification. Some of the requests are legitimate.

Mr. Berry suggested the Board table the request until such time the new application has been drafted. Mrs. Mackenzie suggested they can set up a payment plan. Mr. Snuffer agreed he would like to see a better formula.

MOTION moved by Mr. Kraus to table this hardship application as well as any other applications while we review a new application and in the interim offer a payment plan, seconded by Mr. Snuffer, VOTED 5-0-0

#### 9-25 St Acceptance Hearing, Walden Drive and Summer Street

MOTION moved by Mr. Timson to open the public hearing on the street layout acceptance of Walden Drive and Summer St, seconded by Mr. Snuffer, VOTED 5-0-0

MOTION moved by Mr. Timson to continue the public hearing until the completion of the next two agenda items, seconded by Mr. Snuffer, VOTED 5-0-0

#### Chief Stillman, Quarterly Update

Chief Stillman updated the Board on crimes. We had thirteen house breaks in S. Walpole, we were able to identify to a resident of S. Walpole. A lot of the items stolen have been recovered. Since the last meeting regarding Longview, have had only three incidents with walk away. The Chief has seen a significant change. They have come back to were they were a few years ago. Officer Hazeldine is the liaison and she was a perfect fit. She deals with them on a regular basis. Have had one meeting with director and was able to work out some issues with walk away. In August we had three teens that did five local break ins. In August we had an Alzheimer patient that walked away and it took us from 7-1 to determine where he had gone. The reverse 911 worked very well. In September, we have had a number of Motor vehicle break-ins. I am sure there is a lot more that have not been reported. There was an arrest in Westwood and items from some of the motor vehicle break-ins here were found. There was a fatal motorcycle accident last week. Since the first of year we have destroyed over 1000 pieces of evidence.

He met with Superintendent Lynch last week with regards to school resource officer. They would like to improve that job. He has hired two new officers thanks to the Board.

We have had a number of people return to duty. Detective Baush was out for about 90 days and he has returned. On our web site now a link that says crime report, it will pull up the most recent reported crimes. You are not getting a real address and there are no names. It gives you an idea of what is going on in town. They have installed a new video system in the steeple at the station. Now they can see what is going on in the center of town. We are looking to put a link up in the next couple of days. This Saturday is the prescription take back program; bring old medicine to the station. The old way was to dump down the toilet. All these prescriptions will be taken to the armory and the DEA will pick them up. There is a check scam going around right now. He will be attending a conference in VA regarding missing and exploited children.

We share resources with other police departments. We utilize fire dive teams to help us. I think it is a great way to work toward regionalization.

Mr. Kraus asked what the status of the Deputy Chief position is. Chief Stillman explained they have selected a selection assessment. They have met with him to discuss issues going on in Walpole. They will tailor the assessment based on that. There should be a recommendation for the Board the week after November 4<sup>th</sup>. Mr. Kraus wants to be sure to provide those candidates enough time. The Assessor will be meeting with the four candidates both individual and group reviews will be done.

Mr. Timson wanted to know if there is a change at Longview Farm or are they calling less. The Chief explained compared to level of activity, he can not believe they are holding out on calls. They did remove some youths that were creating a problem.

Mr. Timson questioned when they shut down Pine Street when the Patriots play. It was explained that it can change but generally when half time ends, the barricades go up and they do not allow any cross traffic. Pine and Common are monitored by State police. Mrs. Mackenzie noted Halloween is on a game night. The game starts at 4 p.m. and should have officers stay on duty in S. Walpole that night.

Mr. Berry wanted to know what an officer on light duty would do. He would be in house at the station could help with dispatching.

Mr. Berry talked about the possibility of having each deputy police chief candidate answer four to five questions and return them back to the Board. The Board members felt that was not necessary.

#### 9-24 Balabanis Inc., Police Towing, 2222 Providence Highway

Mr. Boynton explained Balabanis Inc. has approached the town to provide police towing. If the Board were to approve this, Balabanis would be a third company providing such service. They currently operate a repair shop at 1652 Main Street and we have concerns about operating from that site. Balabanis told us they have reached a lease agreement with Cooks Facility at 2222 Providence Highway to conduct this business at that location. They had some work to be done with J. Mee. It fits within the allowed use within zoning at the 2222 Providence Highway site. We put together a list of requirements that would be required. They would have to adhere to the towing regulations that have been around for thirty years and other requirements such as; insurance certificate.

Scott Ellis, I spoke with our Insurance Company and they are working at getting a copy of the Workers Compensation. He will check on that first thing in the morning. We are covered under workers comp. He will have that to the office tomorrow.

Mr. Boynton explained there is not a bidding process with respect to this. We have not bid police towing out. There is no requirement to add to the towing list and there is nothing to prevent the Board from approving. The authorization for police towing with conditions is set by the Board.

Mr. Snuffer questioned if the Town charges a license fee for this. Mr. Boynton explained, no we do not and that was one of the questions I had for the Chief. I wanted to know if other communities charged a fee. Mr. Snuffer asked if this is something the

Board should charge a fee for and how would that fit in with the DPU. Mr. Snuffer wanted to know if all the communities around charge anything.

Chief Stillman explained that some communities do charge thru their charter or bylaw. Everyone that is towed is charged. The town of Walpole police have about 200 tows a year. People are getting their cars towed, but they are the ones that will be hit with the additional \$20.00 charge if the Board wants a fee.

Mrs. Mackenzie wanted to know if other towns have their own tow lots and make money from that. The Chief stated the city of Boston does own a lot. She wanted to know if there someone out there all night. Chief Stillman stated they are required to be on call 24/7. If someone wants to pick up their car at 3:00 in the morning, someone has to be available to meet with the person. They do not have to be on site. The site must be securely fenced and have proper lighting. Mrs. Mackenzie talked about having our own tow lot and fenced in area and have all cars towed there. Collecting the entire town fee, if we had a fenced area ourselves, then we would collect the storage fee. She wondered if something could be done at the town yard. The towing company will collect the tow fee and the town would collect the storage fee. Chief Stillman stated the fees are regulated by the DPU. There are various formulas. Mrs. Mackenzie wanted to know how much the town could be potentially collecting. Chief Stillman has never reviewed that. Mrs. Mackenzie maybe we should evaluate the entire system we have going. Chief Stillman felt it was something they could look into, they would need someone to cover 24/7 to release the vehicle.

Mr. Snuffer expressed his concern for the two existing companies. He questioned if there is enough work for that type of rotation or by adding an additional towing company do the other two become less interested. Chief Stillman stated it could get to a point where you would need to stop. There are approximately 200 tows a year. Mr. Snuffer felt there would have to be some point where it would not be beneficial and that would be a question for the other tow companies. If we authorize this it is a site specific authorization. This is Route One only and they can't tow out of any other location.

Mr. Timson noted there is no standard out there for granting or denying this. Chief Stillman, you have towing regulations. Things come before us and we have to determine if there is a need. I do not see any criteria on this. Mr. Ellis explained Balabanis inc was the only body shop doing body work for their cruisers and another company came in and is doing the same thing and now we share with another company. Mr. Timson asked if you have been a towing service before. Mr. Ellis stated they have always had the option of doing that. They did at one time approach the Board about towing.

Mr. Timson, so they have never been a towing company for the town. The other concern I have, we are talking about a property along Route one, as a Board I think we have been trying to make businesses attractive so that things are attractive not only to the public but to other businesses that might come in. We have had a discussion are we really interested in having more used car lots, and unfortunately the idea of having a lot of vehicles stored on route one and visible to me almost falls into that same category of having another used car lot. I try to be pro business; those are the concerns I have. When I looked at the plan I could not tell what type of screening is going on. Whether I am going to be looking at a bunch of cracked up cars, or I am going to look at trees or am I never going to see the cars.

Mr. Ellis explained he has spent six months on the property, cleaning it and trying to improve the appearance. We need money to continue moving forward, and if we tow for the town we can create income which will help us. We do want to keep it a neat appearance; we want to be able to see the fence. We are being responsible for other people's vehicles. The plan is anything that has been in an accident will be put in the back. This lot is being used for storage of other vehicles also. We are going to keep it neat. I will do my best to keep it clean. We want to move forward.

Mr. Timson asked what he is going to see when he drives along Route One. Mr. Ellis stated they will provide screening along the front fence. They will use the dark screening material that attaches to the fence and does not allow you to see through. The

other option is using landscaping trees, across the front of the gated area. Do not want to completely block their view.

Mrs. Mackenzie questioned would the cars in accidents and leaking fluids would they be parked in an area that would have separate reciprocals underneath. Mr. Ellis explained he has worked with Jack Mee on this. The biggest thing is nine times out of ten if the vehicle is leaking it will leak out at the scene. I have been doing this for 20+ years. Yes we do have the capability of containing any extra. Mrs. Mackenzie asked if all the drivers that drive for these companies, do they have a background check done. Chief Stillman stated, no, but you should probably require they can operate a wrecking vehicle, and perform a criminal check. The town would have to set up someone who is Cori certified. Jim Johnson is going through that process. I think it is a good opportunity to get these up to date.

Mr. Timson asked how do the assignments get dolled out to the companies, I remember a situation, because town companies did not have work there was some head butting. Chief Stillman stated there had been some head butting, but what we do is split it by week. If you approve we would go to a three week cycle. Is there any requirement that the other towing companies are notified of this? Chief Stillman does not believe so, they are here.

Mr. Kraus has no issues adding a towing company. What guarantees do we have that this will not look like a junkyard in the future? We would feel more comfortable if we had something a year from now. Mr. Boynton explained you certainly have the ability to limit the number of vehicles and storage time and you could say no more than 30 days. You do not want this to be another junkyard.

Mr. Snuffer explained he has an agreement dated May 1, 2010, did you sign that contingent upon getting the approval to tow? Mr. Ellis explained we needed a tow lot. Mr. Snuffer further noted that you have a temporary agreement for not more than 15 but there could be up to 50. Mr. Ellis explained he has been taught how to maintain a good towing facility. The length of time at the facility is at most two months. Talked about what they would do with abandon vehicles. With our arrangement, there are two lots. There is a 15 car lot and a 50 car lot and the 15 car lot is the primary use if there is one that will be there longer we would move it to the back until we get the paperwork. I want vehicles in and out.

Mr. Snuffer stated his concern. He believes Mr. Ellis to be a forthright individual, one of the things I am faced with we have two very good functioning businesses doing that task. But how in this economy how do I create a 30% drop in their business.

Mrs. Mackenzie has a few issues with this site. She wanted to know if they had met with Stephanie Mercandetti regarding the location. Mr. Ellis explained they had looked at other sites which were closer to their Main Street business and Cook's seemed to be the ideal location. They did not need much to put it in play. Mrs. Mackenzie stated there are a few issues the Board has to look at. The things she things about is the future development of Route one and the impact that it makes on Route one the Board's own policies, towing regulations. She does not feel comfortable moving forward at this time. She would like time to review all the information and have you come back to another meeting. Doing a little investigation where we want to go.

Mr. Berry does not have a problem. He does not think we should be getting into the towing company regulation. You run your business efficiently, keeping clean. I do not think we have the basis to deny. On the basis we do not have a policy. In general I really do not have any huge issues.

William Needle, Assured Collision explained that April 2001 at that time, it was Chief Betro he had approached five years previous. We never had the right equipment, right yard; our principal business was not at the same location as the tow yard. I had to meet those requirements before I was actually granted the towing for police. Everyone has competition but I also believe in fair play as well. I think they should be held to the same requirements as I did, their principal business is at one location on Main Street and their

lot will be located on Route One. They would have to hire someone at that location 24 hours a day. The towing business that they have is not in the same location as the primary business, and that was a concern of the previous chief. I also had to face that I wasn't on Triple AAA. That was a requirement. They are not Triple AAA and not a back up.

Mr. Mackenzie agreed that Chris's Towing and Assured Collision are both working from their primary location. Chris is a back up for AAA. Mrs. Mackenzie asked what that has to do with this. Chief explained that if you are in an accident and have AAA we would have them tow. It saves people money. They do not have to pay the full fee. Mr. Needle stated, few of the other requirements, the Dept of Transportation certification, the trucks in advance wanted to see the equipment or the funds allocated for that. Where I was located at that time, I would be in limbo if I were at the location that I was. I looked at that location they are now on RT1A and was told I could not be a body shop never mind towing. It seems that the standards are not the same. I had to purchase the property to stay where I was and everything is on site.

Mr. Boynton explained that he and Mr. Needle had this conversation a few months ago. I do not disagree with some of the points he is making, but neither I nor Chief Stillman were here. He has recently seen towing pictures from Mr. Cook. He wanted to know where they operated that business. Mr. Boynton noted if you decide to move forward if those police conditions are not adhered to. If they are waiting periods of time for vehicles getting picked up. If you are getting complaints all the time about how they are operating the towing business. Just as quickly as you approve a license you can disapprove or remove the license.

William Needle, I believe Cooks was taken off the list because of the location. Mrs. Mackenzie stated that is hearsay. All of his drivers are wreck certified. They also have their Cori check done thru Triple AAA.

Mr. Kraus asked Mr. Boynton, do you feel they meet the conditions to be on the list? Mr. Boynton does not see anything that prevents them from being on the list. Certainly there are concerns. That site has not been an active tow lot for many years. There are different priorities now for the Board regarding future development and I understand that. I think there are conditions you could put in, you do not need to make a decision on this tonight. I do not see anything that prohibits this.

Mr. Snuffer stated the prevailing thought has someone demonstrated there is a need, I don't think in anything that has been demonstrated here tonight shows there is a need to cause two businesses working quite well to see their potential level of income reduced or that he can find the need demonstrated. I see no demonstrated need. I would be hard pressed to say yes to this.

Mr. Timson is the reason why there was a desire to have the business operated out of the tow yard so people who were coming to get their car could get it quickly or something else to that? Mr. Ellis explained that having the tow yard at the facility is much better, but we have taken the steps to provide that. The weeks that we are on for towing we have the facility set up. We have someone there 24/7 during that week we are own. When we are not own, we are only a few minutes away. Most of the time will be spent at the Cooks site.

M. Berry suggested we have liquor licenses that we have available, and we have plenty of liquor stores, and it is not up to this Board to determine need. I understand Mr. Snuffer's point, but I do not think we can reject something because we do not see a need. I am fine, if we need to table it, but he would like to develop some criteria. Work with Balabanis and to put everyone on a level playing field. Make sure this town's needs and requirements are met.

Mr. Ellis stated if you decide this, we are ready to go. We are ready to handle this.

MOTION moved by Mr. Kraus to table this to at least the next meeting and further if time is needed and have you provide us with additional information about ascetics of Route One and how you are going to handle that process

Mr. Ellis wanted to know what exactly the Board's concerns are with the Route One facility.

Mr. Snuffer, point of order, a motion to table is not debatable.

Seconded by Mr. Snuffer

Mrs. Mackenzie told Mr. Ellis she is not sure that you want to be spending any money on the ascetics of how the property is going to be. Her issue is not with whether to allow you to tow or not. It is site specific. I am questioning if that is the right place for the business in town. There is the number of licenses, and looking at the towing regulations that were adopted in 1978. I would like to table this and have the Board discuss it. I think I have to do what is best for the town.

VOTED 4-1-0 (Mr. Berry Opposed)

9-25 St. Acceptance Hearing Contd.

MOTION moved by Mrs. Mackenzie to reopen the hearing, seconded by Mr. Snuffer 5-0-0

Margret Walker explained they are here tonight to vote on Walden Drive and Summer Street.

MOTION moved by Mr. Kraus to accept the Street layout of Walden Drive from its beginning at Station 0+00 to its terminus at station 17 + 20 +/- including any easements and utilities appurtenant thereto seconded by Mrs. Mackenzie, VOTED 5-0-0

MOTION moved by Mr. Kraus to accept the alteration to the roadway layout of Summer Street to include parcel 3-2 being acquired from Summer Realty Trust seconded by Mrs. Mackenzie, VOTED 5-0-0

MOTION moved by Mr. Kraus to sign the Street layout documents and the Acceptance Plans for Walden Drive and the alteration to the roadway layout of Summer Street seconded by Mrs. Mackenzie, VOTED 5-0-0

MOTION moved by Mr. Kraus that the Board of Selectmen have the written layout documents and plan for Walden Drive and alteration to the roadway of Summer Street on file at the Town Clerk's Office seconded by Mrs. Mackenzie, VOTED 5-0-0

Articles #10 and 11

MOTION moved by Mr. Timson to recommend Favorable Action on Article 10, seconded by Mr. Kraus, VOTED 5-0-0

MOTION moved by Mr. Timson to recommend Favorable Action on article 11, seconded by Mr. Kraus, VOTED 5-0-0

9-26 Hollingsworth and Vose, Curb cut permit

Phil Macchi Jr., attorney for H&V, and John Anderson site engineer were present. Several months ago the Board received a letter and a plan of the area. In order to move forward with the plans they require a curb cut permit. Most of these are administrative functions. This is somewhat different. If H&V develop the lot in accordance with the lot. They propose to bring the berm down to the Chestnut Street. John Anderson has surveyed this multiple times, and the H&V lot does not go to the outside of bridge. They

can remove up to a point. We also know when E. Walpole went thru the PWED Grant, the current board would not take this by eminent domain this abutment. I am purely here for the curb cut. If we did the site work it would create a safety hazard. Currently you have a safety hazard with the blocks. Your agreement does not bind future development. We are here asking that you approve a curb cut permit. We are not contesting anyone's ownership.

Mr. Timson asked if there is any other location that you can put the curb cut permit. Attorney Macchi explained they would have to re-engineer the site. This site was walked by Fire, police and Engineering, and it is located where they asked it to be. There might be another place to put it but not one that makes sense.

Mr. Timson as you understand it, does H&V have the right to remove the blocks on the property? Attorney Macchi explained, yes the ones on their property. Mr. Timson does not have that big of a problem. When the train was there, the safety hazard that it presented out ways the need. You have taken away any purpose that would out way this big object that cars are going by.

Mr. Snuffer felt what they prepared is very convoluted. The common denominator, February Realty Trust, they all have a common denominator that is Mr. Viano. I have to suggest to you, I do believe that the town of Walpole entered in that agreement. The question I have is does Mr. Viano want to abandon any claim on this and if so to whom, and if not, someone would have to ascertain that this is his property. I believe that can not be ascertained in my opinion. Have we been taxing these blocks as personal property? I favor the curb cut and the blocks going away. How do we reach an agreement?

Attorney Macchi stated from H&V perspective, if he abandons his fee. We are not at this point willing to move the blocks for him.

Mr. Kraus asked, do we know who owns the blocks? Mr. Boynton stated , No. One of goals of the PWED projects was to get rid of that old trestle. At that time, Mr. Viano ascertained ownership of the blocks. There was an agreement with H&V and Mr. Viano. We were very understanding of the disagreement between H&V and Mr. Viano about who really owned it and the value of the blocks at the time. The Town was in no position to buy the blocks. The mission at hand, at that time, was to get rid of the bridge and leave ownership for future discussion. The Town is not in any position to say he owns it or they own it, we do own the land.

Mrs. Mackenzie noted the value of project to E. Walpole and the project is a value to the town, if the Board creates a safety hazard, should any board be creating a safety hazard. Should we knowingly make a decision that creates a safety hazard. The mere issue of a curb cut does not do that, the development by them could. H&V is not taking ownership of this. There is a private person that owns them would we be setting ourselves up by moving private property. Is there a title search with no clear owner? There should be a record of ownership. If it is owned by someone are we liable. Mr. Boynton explained the town is not making any ownership claims of those blocks. You could only own them by eminent domain. But, because you do own the road layout under the blocks, you can require the owner of the blocks to relocate them or you can move them for him.

Mr. Timson the blocks are on the town layout. The roadway that the blocks are on is town property. The town does own that land. The only reason we have not told him to move the blocks is because of the agreement. Mr. Timson, so assuming that an agreement is in effect, the only reason we can have those moved is based upon public safety.

Attorney Macchi stated you always have eminent domain. The curb cut can not be completed without removing the blocks.

Michael Viano- 2 Norton Ave, the curb cut does go thru the block wall. In 1989 February Realty Trust acquired the RR line started at the Norwood town line and up to Chestnut Street and followed behind Sharon credit union and continued up to the Pinnacle property all the way up to Plympton St. Shortly after acquiring, Bird and Sons



was negotiating a deal with H&V to get land in exchange and we agreed to sell to H&V. The bridge, which was there since the 1800 was not conveyed to Bird or H&V. Back in 2006 Mr. Macchi's office claimed ownership to the blocks. These blocks are not located on the parcel. There are essentially two parcels going on here.

When Bird bought the land they new they did not want to own the bridge and the abutment. I met with H&V in 2007, trying thru various means to create this value. Back in 2005 and 2006 I entered into an agreement with the Town and approved at Town Meeting it is a binding agreement. Our gift to the town of this pocket park, and our giving to the town this abutment on Chestnut St and Washington St. We gave them permission to remove the trestle. The potential new commercial lot that can be created requires the cooperation of the owners. We have made it clear that we are willing to work with them and cooperate. We want to be part of the new fair share. We lived up to our agreement and are confident that the town will act in good faith as well. I can't believe that the town would take away our value and give it away to another property owner. We hired a structural engineer. He addresses current and future conditions. If we take the earth down behind there, it would create a safety hazard. Those blocks are bearing the load of the earth and removal of it would only make it safer. If the Board of Selectmen were to take this, you would have a problem because you own the one on the other side

We will oppose H&V removing our blocks. We will oppose them putting in a driveway without an agreement. If you were to grant them a curb cut permit, it would put you in a position of knowingly becoming part of a law suit. It would be a breach of the agreement made with us. I would respectfully in good faith not grant a curb cut permit until the issues are resolved.

Mr. Snuffer with respect to the PWED action was there any other quid pro quo that has not been mentioned. With respect to ownership, we are not saying that we own it. You are saying that you own it. This lot is not done, what is your plan with these blocks, so you will want to look at them with pride. Mr. Viano replied, yes.

Mr. Berry, H&V is looking to redevelop that location of land that formally housed the clock tower, Mr. Viano purchased a part of the wall. All of that has been taken down. The ownership does not seem to be in dispute. What is stopping H&V from going ahead with project is that you feel you have the right to do so. If we were to grant you the curb cut permit you would move forward. Attorney Macchi explained it is a two step process. H&V is asserting ownership to the lot line. If you grant the curb cut and told us to move it or Mr. Viano to move it. The blocks are in the roadway, the town is not asserting ownership. This is one of the most confusing issues I have seen.

Mr. Timson directed to Mr. Viano, you want to get paid by H&V to remove the blocks, and they are on town property because of an agreement. The blocks have the right to be there, that agreement is not un-deaftable. I understand you gave this to the town when this went on. Why can't you and H&V agree.

Attorney Macchi thinks this is beyond the scope of what is being asked tonight. Mr. Timson stated this is where we are at. The right thing to do is to get together and resolve the differences.

Karen Sacard, an E. Walpole resident and member of the E. Walpole Civic Association told the Board we are in favor of the H&V plans and look forward to the project moving forward. We want to revitalize that area. They are looking forward to seeking the clock tower looking good again.

MOTION moved by Mr. Timson to grant the permit subject to an agreement with the parties to remove the blocks of Mr. Viano.

I see no purpose of that block if there is not an agreement I do not have a problem with the Safety issue.

Mrs. Mackenzie is concerned that by voting on the curb cut permit it could create a public safety issue. Mr. Boynton, Mr. Macchi is telling you that H&V is not ascertaining ownership of the blocks

Mr. Timson amended his motion.

MOTION moved by Mr. Timson to grant the curb cut permit subject to an agreement with the two parties H&V and February Realty Turst, 46 Broadway Trust and the Tun Tavern Realty to remove the blocks of Mr. Viano, within six months seconded by Mr. Snuffer

#### Discussion

M. Berry there is no time contingency and an agreement could be reached I think one would have been reached by now. I would add some type of contingency. Mrs. Mackenzie noted the site plan has an end date on it 2012. We can make that an end date. The two parties that need to agree are H&V and 46 Broadway Trust and the Tun Tavern Realty Trust.

Mr. Timson recommends they go some type of mediation. Mr. Boynton suggests that they send this to town counsel before you take a vote.

Mr. Snuffer withdrew the second. Mr. Timson withdrew his motion.

MOTION moved by Mrs. Mackenzie to continue this discussion, in two weeks, seconded by Mr. Kraus, VOTED 5-0-0

#### 9-40 Parking Lot License, Millbrook Homes

Mr. Orlandi is seeking to use the property of the former campers headquarters site for stadium parking.

Mr. Orlandi the owner of Millbrook homes distributed pictures of the site. The site has not been leased very often in a period of eight years. It was used to sell campers, then Rodman Ford used the site, then Tree tech went in there. This is a current picture of the site. Mr. Orlandi has lived in town for nine years and bought Millbrook homes. The site is not funded by any bank. I am a displaced Executive and have bought this company and have put my life savings into it. I met with Jack Mee six months ago and have done everything he has asked me to do. I have gone to the Deputy Fire Chief he did an inspection of the site and he supports this. He went to police department three times, and they have no issues. He feels it is important to the site as it will bring in additional revenue. The site is totally enclosed with a fence. At my original meeting I did have opposition from an abutter, she was concerned about modular home company going in. I spoke to my neighbor and she does not oppose me. She wanted to know if I would be on site during event, I told her I would be.

Mr. Boynton had spoken with Mrs. Alexander and there is one concern on stadium days when the school is open the lot not be open any earlier than two hours before the event. Monday or Thursday night games that it not be two hours. Mr. Orlandi agrees to do that.

Mr. Snuffer extended his compliments in what he has done to this site. The parking aspect is just a common sense approach.

MOTION moved by Mr. Kraus to approve the application from Millbrook Homes LLC, for a 113 parking lot license located at 2255 Providence Highway, Walpole Ma, subject to the following conditions:

1. All requirements of the Fire Dept and comments from the Deputy Fire Chief in his memo of August 31, 2010 are adhered to.
2. The Applicant shall provide a minimum of ten 55 gallon containers for litter control during stadium events.

3. The Applicant shall keep the property immaculate at all times following events at stadium.
4. All artificial lighting used to illuminate the site shall be arranged and shielded so as to prevent direct glare from the light source into any private way or onto adjacent property.
5. The use of the parking lot shall be limited to three (3) hours prior to stadium events and two (2) hours post stadium events.
6. The applicant shall provide three portable toilets/restrooms, at least one of which shall be handicapped accessible . They shall be dropped off no earlier than five (5) days prior to an event and picked up not later than five (5) days after an event.
7. The Applicant shall abide by the Board of Selectmen, Parking Lot Regulations and Procedures.

Seconded by Mr. Snuffer

Mrs. Mackenzie wants to be sure the lot is emptied after each event,

VOTED 5-0-0

9-27 A-Frame Request, Cub Scouts

MOTION moved by Mr. Kraus, to approve the request to place an A-Frame on the Common near the Banner poles and in the S. Walpole Common from September 22, 2010 to September 28, 2010 to announce recruitment of Cub Scouts, seconded by Mrs. Mackenzie, VOTED 5-0-0

9-29 Use of Adams Farm

MOTION moved by Mr. Kraus to approve the request of the Moms Club of Walpole to use Adams Farm on October 4, 2010, subject to approval of A. Farm Committee, seconded by Mrs. Mackenzie, VOTED 5-0-0

9-30 One Day liquor License, Blessed Sacrament

MOTION moved by Mr. Kraus to approve the request for a one day liquor license at the Blessed Sacrament School, seconded by Mrs. Mackenzie, VOTED 5-0-0

9-31 Halloween Parade

MOTION moved by Mr. Kraus to approve the annual Halloween parade on Saturday, October 30, 2010, seconded by Mrs. Mackenzie, VOTED 5-0-0

9-32 Walpole Arts & Music Fest

MOTION moved by Mr. Kraus to approve the annual Walpole Arts & Music Fest on October 2, 2010 and to allow use of Town Hall in case of inclement weather and to close the road between the Fire dept and Blackburn hall from 9 a.m.-4 p.m., seconded by Mrs. Mackenzie, VOTED 5-0-0

9-33 Gift Acceptance

MOTION moved by Mr. Kraus to accept the gift in the amount of \$50.00 from the Takacs family for the Fire Department, seconded by Mrs. Mackenzie, VOTED 5-0-0

9-34-9-39 Gift Acceptances

MOTION moved by Mr. Kraus to accept the gifts for the Ponds Gift Fund from; Computer Technology for \$200, William Raveis for \$200, Amanda Ryan for \$50, KMK Enterprises for \$100, Walpole Chamber of Commerce for \$250, and Robins Florals for \$200 with the thanks of the Board, seconded by Mrs. Mackenzie, VOTED 5-0-0

9-42 Trailbound Hounds, Use of A. Farm

MOTION moved by Mr. Kraus to grant permission for Trailbound Hounds of SEMA use the Adams Farm property on September 25, 2010 subject to approval of the A. Farm Committee seconded by Mrs. Mackenzie, VOTED 5-0-0

Town Administrators Update

Fields policy update- will be coming back with adopt a field and adopt an island policy.

Traffic configuration- we are going to have to make some changes here at Town Hall with the construction of the New Library. They are looking at maybe two way passage. We are making some changes to the landscaping in the town hall building. We are doing some trimming. We will be seeding the grass area.

Purchasing Coordinator-is going to retire from the town and he is looking at how we want to approach that.

2011 Mass taxpayers foundation- we are looking at some level of cuts in state aide. If those projections are correct, there could be a 30% cut that has a potential of a three million dollar cut in local aide.

Ponds Committee-dedication will be this Saturday for the fountain in Memorial Pond which was purchased through donations to the Ponds Committee.

Mr. Kraus would like to know how many traffic tickets we have written since we started parking tickets.

OLD BUSINESS

Home for Little Wanderers a.k.a. Longview Farm- there is going to be a meeting with Representative Rogers and neighbors as well as staff on October 5 and potentially again on the 12<sup>th</sup>. There is discussion they have accepted a one year moratorium.

NEW BUSINESS

Mr. Snuffer announced that he is not going to be a candidate for re election next June. Relative to Santa's house, if you want to see what the DPW does and it looks nice. We put DPW into some of our priorities.

Mr. Kraus was approached by Grid Iron Club, honoring John Lee, there is a time crunch on the dedication. Hear what their ideas are. Mrs. Mackenzie and Mr. Berry would support that. Mr. Snuffer sated why not have Mr. Kraus report back to the Board.

Mr. Berry spoke of the recent meeting with the MPIC and one of the things discussed was a progress report on what is going on with the brook. They are talking about seed money to get started. They are moving forward to get the cost estimate of what the bridge would be.

The Board authorizes and supports the dedication of the fountain in Memorial Pond.

MOTION moved by Mr. Kraus to adjourn at 11 p.m. seconded by Mr. Kraus, VOTED 5-0-0

Respectfully submitted,

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Michael Berry, Clerk