

A Regular meeting of the Board of Selectmen was held on Tuesday, September 20, 2011 beginning at 6:00 p.m. in Room 112. The Board reconvened to the Main Meeting room. Members present

Eric Kraus, Chairman
Mike Berry, Vice chairman
Mark Gallivan, Clerk
Christopher Timson
Nancy Mackenzie

James Johnson, Asst. T. A.

Goals and Objectives Discussion took place in Room 112 of the Town Hall. The Board reviewed their current Goals and Objective and noted some of the items that have been accomplished and some have not. The members will review and forward recommendations to the Secretary by Friday, September 30, 2011.

The Board reconvened to the Main Meeting Room.

7:15 Pledge of Allegiance

7:15 Brian Davis, Personnel Board

Chairman Brian Davis appeared before the Board to talk about performance review process. The process has been amended over the years, the reviews will be sent out very shortly. The Dept heads review will take place by the end of December. Simple form, rate the employees with a variety of areas. Utilize that for step increases or what. This past year we requested some departments come in. We staggered evaluations. We will know by November 30th if dept heads get their evaluations. Mr. Kraus asked what type of training do you do for dept heads. Mr. Davis stated there is none.

Mr. Johnson explained they had asked for input from the department heads. We are requiring, acceptable, average, above average, written explanation. We ask for input. There is no training, as the directions are self explanatory. Mr. Kraus noted if we are tasked with promoting someone and there are four to five candidates and their reviews are identical it is difficult. Are there any measures so you are not just checking the box. It does not help someone if there are deficiencies.

Mr. Davis explained everyone seems to be above average. We are going to take some reviews and look at them and meet with the dept heads. I do not know if there is a

single remedy for this. We should see some variation. We need to make sure there is the same level of objectivity. The Personnel Board appreciates as much input as possible.

7:20 p.m. Public Hearing, Street Acceptance

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

Ms. Walker, Town Engineer spoke to the first street, Berkley Drive, part of brush hill subdivision. The Planning Board has released the bond and items have been completed.

MOTION moved by Mr. Berry to accept the Street layout of Berkeley Drive from its beginning at Station 0+00 to its terminus at station 14 + 34.24 +/- including any easements and utilities appurtenant thereto, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mr. Berry to sign the Street layout documents and the Acceptance Plans for Berkeley Drive, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mr. Berry that the Board of Selectmen have the written layout documents and plan for Berkeley Drive on file at the Town Clerk's Office, seconded by Mr. Gallivan, VOTED 5-0-0

Hollowdale Farm Lane and Yonker Place is located off Winter Street. The Planning Board has released the bond and all punch list items have been released. The Sewer and Water department have asked the developer to relocate the curb box for the water on 15 Yonker Place as it is located too far from the curb and street layout. It is on private property. Incidences like this have happened before and the developers have agreed to relocate. Mr. Delapa is being asked to install an additional curb box at the street layout.

It was noted the house is privately owned and must have been inspected by the water department. It was, but the water department does not certify the location. It is a simple fix.

Attorney Hern representing Mr. Delapa explained they went thru extensive discussions with engineering and the Planning Board released the bond a number of months ago. Mr. Delapa does not own the property. To have the water dept come up and say it is in the wrong place. I think it is unfair to the developer and property owner. It is rather late for the water dept to come in now and say it needs to be installed. It is very simple to put in another box. We responded to the planning Board and believe it is unfair to hold this up for this. It was not in the original punch list. He wanted to know where the responsibility lies. He noted if the homeowner gave the town an easement the problem would be solved. Mr. Timson noted they are suggesting an additional one be installed.

There was discussion whether or not the Sewer and Water department would fix it, but Mr. Mattson pointed out the Commissioners would not agree to that. It has been recognized and recommended that the town not accept the streets until this is addressed.

Ms. Walker noted even if the homeowner gives us an easement the mortgage would have to sign off on that.

John Yonker, 15 Yonker Place stated the road was laid out and done before he built the house. He noted every board gets plans as to where the roads are going to be. He did not realize it was that far back, and does not have a problem with anyone fixing it. I did not think Mr. Delapa should be responsible. He has lived with it for five years, it does not matter to him and is willing to cooperate.

James Kraul resident of Yonker Place checked into codes and found nothing about where a curb box needs to be placed. The issue seems not to be a code issue it is asses for the town. Thinks it is a good location because the end of the cul de sac gets a lot of snow. Neighboring towns have the right to go on to property to collect meters.

Mrs. Mackenzie noted if we accept some mistake of the location, if they want to put one in they can do so. The Sewer and Water can do that at any time. The easement can be far more costly. This was not on the original punch list. It is too bad this happened.

Mr. Timson questioned if there has been any discussion about splitting the load, sharing the work so it can get done before town meeting. Mr. Mattson stated his department would provide the materials and assist. Mr. Delapa stated it is more labor than materials and he can not speak for his father. He will speak to his father.

MOTION moved by Mrs. Mackenzie to continue the public hearing for Street acceptance hearings for October 4, 2011 at 8:00 p.m., seconded by Mr. Gallivan, VOTED 5-0-0

8:05 Public Hearing, Applebees, Transfer of License

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

Attorney Demarkis appeared before the Board representing the applicants. We appeared before the ABCC and they say everything is in order. Ralph Sacromane from the ABCC provided the Board with a letter explaining the process. There are 29 restaurants in Massachusetts that require a transfer. The ABCC has reviewed all the paperwork and found everything to be in order. He noted that it is the same operation, same manager, and there will be no noticeable changes

Mr. Timson felt the Certificate of insurance needs to be in the name of Applebees. Attorney Demarkis explained that is the insured party, they are the current licensee. We do not own the stores; this closing will happen early November.

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

MOTION moved by Mr. Berry to approve the transfer of the All Alcoholic Common
Victualler's license from Applebee's Restaurants North LLC to Apple New England LLC
d/b/a Applebee's Neighborhood Grill & Bar, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mr. Berry to approve the Pledge of License for Apple New England
LLC d/b/a Applebee's Neighborhood Grill & Bar, seconded by Mr. Gallivan VOTED 5-
0-0

MOTION moved by Mr. Berry to approve the Pledge of Inventory for Apple New
England LLC d/b/a Applebee's Neighborhood Grill & Bar seconded by Mr. Gallivan,
VOTED 5-0-0

MOTION moved by Mr. Berry to approve the Common Victualler's license for Apple
New England LLC d/b/a Applebee's Neighborhood Grill & Bar seconded by Mr.
Gallivan, VOTED 5-0-0

MOTION moved by Mr. Berry to approve the Entertainment license for one radio and
four televisions for Apple New England LLC d/b/a Applebee's Neighborhood Grill &
Bar seconded by Mr. Gallivan, VOTED 5-0-0

8:10 MPIC Facilities Study Report

Dick Power explained they started this at the Board's request. They met with the
different departments in Town. They put together a gathering sheet and tried to
understand what the department's needs were. The results were no surprise to them the
town needs a new police station and senior center. The Committee met as to how we
could resolve those needs. Robbins road was a preferred for senior center, rebuilding
the fire station in the same place seem to be the right need. Acquiring the NSTAR
garage, or Walpole Woodworkers warehouse for potential for Senior center. Closing
school street and redesigning the campus was another thought as well. Some are not
good solutions.

They focused their attention on Town. owned property, these requirements need to be
met quickly. Their suggestion is the Town needs to look at what property we have first.

A Senior center on Robbins Road is suitable no restrictions. We do not believe it will fit
downtown. Anyone can argue with me, but it will not fit. You could possibly have
athletic fields in the back. The police station should be sited on Washington Street next
to DPW garage. There is no space downtown for a new police station. The Fire station
it be rebuilt in place. Footprint would not be so different than what we have.

Conclusions: That a professional study be funded. They also recommend use of the
prison mitigation funds for a study. If Walpole Woodworkers is going to be apartment

complex will have needs in the school. He went to a lot of senior centers and Walpole needs to do something about that. We did not address how to reuse.

The Board members felt they did a great job and appreciate their work. Would like to see it on the web.

9-16 Use of Town owned property and Special license requirements

The Board was presented with an amendment to Sections 204 and 804 of the policies and procedures manual. Mr. Johnson explained Cindy worked on this policy with Counsel, Police Department and MIA insurance. This is a work in progress, you will have to come and talk about fees. He knows Josh wants to coordinate fees. Would like to get something in place.

MOTION moved by Mrs. Mackenzie to adopt the amended Section 204, Town owned parcels and property regulations and amended Section 804, Use of Adams Farm , with clerical corrections seconded by Mr. Berry VOTED 5-0-0

9-17 One Day Wine and Malt License, Country Fest

The Recreation department and Walpole Youth Football would like to serve beer at the Country Festival this Saturday September 24th on Stone Field. If it rains they will move the even indoors with one tent set up inside with proper enclosures. There will be police detail for public safety purposes. All kegs will be kept under the tent and Aicha Kelley will be there at 9 a.m.

MOTION moved by Mr. Berry to approve the one day wine and malt license for Walpole Youth Football and Recreation department for the Country Fest on Stone Field, September 24, 2011 subject to one detail officer for public safety purposes, with the set up approved by the police department and as shown in the sketch to the Board. The police detail will be assigned from one (1) hour before the start, to one (1) hour after the end of the event (in this case 10:30-3:30), seconded by Mr. Gallivan, VOTED 5-0-0

Mr. Timson would like further detail on layouts of these requests in the future.

9-18 One Day All Alcoholic license, N. Walpole Fish and Game

MOTION moved by Mr. Berry to approve the one day all alcoholic license for N. Walpole Fish and Game for October 22, 2011, seconded by Mr. Gallivan, VOTED 5-0-0

9-19 One Day All Alcoholic license, Blessed Sacrament

MOTION moved by Mr. Berry to approve the one day all alcoholic license for Blessed Sacrament School for October 15, 2011, seconded by Mr. Gallivan, VOTED 5-0-0

9-20 Resignation, Lisa DeMaio, EDC

MOTION moved by Mr. Berry to accept with regret the resignation of Lisa Demaio from the EDC, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mr. Berry to appoint associate member Christopher Walker as the regular member to fill vacancy on EDC until April 1, 2015, seconded by Mrs. Mackenzie, VOTED 5-0-0

9-21 Acceptance of Gift, Recreation

MOTION moved by Mrs. Mackenzie to accept a gift in the amount of \$450.00 from the Sharon Credit union for the Concerts on the common , seconded by Mr. Gallivan, VOTED 5-0-0

9-22 Acceptance of Gift, COA Building Fund

MOTION moved by Mrs. Mackenzie to record but not accept the funds for \$500 and \$50 from the Council on Aging, seconded by Mr. Berry, VOTED 5-0-0

Mr. Kraus stated the board was presented with a gift accepted the money without setting up a gift account at this time. Take the money in and the Board can meet with the COA to discuss this issue later. If it is determined that there is no issue with this, we will set up a future account. Mr. Kraus would like to set up a meeting with the COA to discuss the fundraising.

Mr. Smith explained as far as the gifts for the building fund those funds were given specifically for a building. We object it being put into any other gift account. We talked to the town over six months ago and thought we were given authority. Mr. Pelligrine talked to Mr. Boynton two or three weeks ago.

Mrs. Mackenzie recalls meeting with Mr. Smith last spring to discuss fundraising. The people that are set up to fundraise are the Friends of the Council on Aging. It was discussed that you did not have the ability to do that. Mr. Smith stated the friends will not give them any accounting on their fundraising.

Mr. Kraus found it mindboggling that there are two entities that will not meet and discuss this. If we want to move forward with a new senior center, he is amazed of the unwillingness to work together.

Lloyd Smith stated they want to cooperate. Jim Pelligrine explained they have been trying to have meetings with friends, trying to get financial info, they have the right not give us that info, if they are they fundraising arm, they should tell us. We have set up a building fund , I am the treasurer of the council on Aging.

Mr. Berry recalls at a meeting he and Mr. Gallivan had with the Council on Aging, one issue is that some checks were received and possible fundraising solicitation that had the town seal, and there were a number of issues.

Mr. Kraus explained they will work this out. Joanne Damish hopes the Board will work with them for this account. They can work with the friends, they are their own organization. If they have funds for a building fund, let us put money toward a building fund, they can all go together. We would like accountability, reports. People give money, you want to know where it is. You want to see a report on that. We did not know that we had an account in town, we were told all money had to go thru friends. We are looking into that Council on Aging fund. Any business should have a report of funding. It behooves you to approve an account.

Mr. Gallivan suggested what makes this unusual is town boards do not do fundraising. That is why there is hesitation on our part. Mrs. Mackenzie recalled a meeting a year ago Mr. Smith talked about the Friends books, and they came in and sat down with us.

Mr. Kraus feels at the end of the day everyone wants to move forward. It is more than troubling that two groups do not want to work together. Get you and friends in here to try to figure out a way to move forward. Mr. Smith agreed the Council would be happy to cooperate. They just want a new senior center.

Cathy Winston was on the Friends of the Council on Aging and worked very hard. The first van was going to be purchased by friends, but was paid for by Jake Murphy. Three members walked out, we raised a lot of money and could not get an accounting from the Treasurer. If the Friends members can't get an accounting, she does not know how the Council can.

9-24 Acceptance of Gift, Ambulance Fund

MOTION to accept a gift in the amount of \$232.68 for the Fire Dept from the Cianci family, seconded by Mr. Gallivan, VOTED 5-0-0

9-25 Hardship application , Ambulance Fee

The Board would like further information provided prior to taking action on this request.

9-26 Council on Aging, Membership Appointments

MOTION moved by Mrs. Mackenzie to appoint Gloria Denneen to Council on Aging as a regular member,

A lengthy discussion ensued between the Board of Selectmen and members of the Council on Aging. There is a Regular seat opening on the Council due to the passing of

a member. It is the Council's request to have Jim Pelligrine who is currently an associate member be promoted to the Regular seat and to appoint David Sullivan to the Associate seat.

The Board of Selectmen had received a letter of interest from another resident to serve on the Council. The Board of Selectmen is the appointing authority. The Chairman of the Council, Lloyd Smith explained the process through their current bylaws that a person interested in serving should apply to the Council on Aging and their request is forwarded to the nominating committee of the Council for recommendation and then forwarded to the Selectmen for appointment. The Selectmen questioned how the Council lets a resident know there is an opening on their board. They suggested it should be advertised like other openings on cable and the web. How is someone supposed to know there is an opening unless they attend the meetings? It was explained they have had Mr. Sullivan's application since February and Mr. Pelligrine is a active member and they wish to have him promoted to Regular member.

The Council felt strongly that their By-laws should be followed. Article #4 section C refers to the nomination of a candidate to serve and the additional resident interested in serving should have gone through the same process. The Selectmen want to see changes made that would inform all residents of the Town there is an opening on the Council, just as all other Boards and Committees in town do. They want to see the By-laws on the web. The other candidate sent their letter to the Board of Selectmen and wants to be appointed and the Council on Aging does report to the Selectmen. Since there is no way for that resident to even know those bylaws exist. Every other board and committee candidates send their letters to the Selectmen.

The Council noted they were not aware of the interest of the resident. There was further discussion amongst the Selectmen regarding the process. Mr. Timson noted there is a bylaw and a process and it is clear to him they should follow it. If they wish to change it in the future they can do so. The Board does have recommendations from the nominating committee but he would like to see a wider outreach to residents regarding openings.

Mrs. Mackenzie withdrew her motion.

MOTION moved by Mrs. Mackenzie to send the three candidates names back to the nomination Committee (no second)

Discussion:

Mr. Timson felt the Board should act on what is before them as he feels the bylaws are clear.

Mr. Kraus spoke to the two nominations before the Board. He has an issue with the Council on Aging's nomination for the full time member. Given his outside of the Council activities. His full time job that is an inherent conflict of interest for him and it is his personal view. If you have an individual selling services to the elderly he does not think that it is the best way to go. Mr. Smith did not feel he had all the facts. He

informed the members he is chairman of the Council and is a lawyer and works in the town. It is more so a conflict for himself than for Mr. Pelligrine. Mr. Kraus disagreed as he is not selling services to the elderly. Mr. Smith stated he certainly is, most of his clients are over sixty years old.

Mr. Kraus explained it is his view there is a conflict of interest with Mr. Pelligrine. When he has a conflict on the Board he recuse's himself and he knows other Board members have done so as well. Mr. Smith stated that Mr. Pelligrine does not sell his services in Walpole.

Mr. Jim Pelligrine told the Board he owns a home care business and he does sell services to the elderly, just like Mr. Smith sells his services to the elderly. He told the Board they can disagree with him but a service is a service. Mr. Smith is making just as much money as he is if not more. He does not solicit his services when he goes to a meeting. The minutes are all under scrutiny and the Board can look at the meetings for the last two years and not once has he ever solicited during the meetings. He stated he donates a lot and every two weeks he donates his services to the town. He had someone come up to him after four years and looked at his shirt and asked if he was in construction. He has been going there for four years. He has been on the Board for two years. It is his opinion as a voting member there is no difference between a regular and associate. There is nothing that the town is going to vote on that he would be a part of that he would be able to get some lucrative money from. He stated he would not vote on a contract, he would abstain from that vote. He does on the board represent the Town of Walpole for the local ASAP "HESSCO". He explained he is their biggest provider and if the Board wants to call it Conflict of Interest that would probably be it.

Mr. Pelligrine stated he would abstain from any kind of a vote that deals with a contract. He suggested the Board can contact anyone on the Council and he does not think there would be any issue. He stated he owns his own franchise. They are a private pay organization they usually get higher end people. But he either has HESSCO services or high end services. He does not think there is any conflict. He does not hand out brochures during meetings.

Mr. Kraus wanted him to know his comments are in no means a character assassination, but he sees this as a conflict. As an associate member he felt Mr. Pelligrine has done a great job, but he sees a difference between serving as an associate and a regular member.

Mr. Pellegrine does not see the difference. He does not see what he would gain from being a Regular member.

Mr. Berry did not feel it was the Selectmen's duty to investigate whether there is a conflict. We want to avoid an appearance. He wanted to know if Mr. Pellegrine has considered filing a disclosure statement with the Town Clerk. An additional option is Mr. Pellegrine can call the State Ethics Committee to seek advice/opinion. He explained he is not telling him what to do, this is his issue.

Mr. Pellegrine stated he is a certified Senior Advisor and one of the oaths he takes is Ethics. He noted the Board can contact them. He has to pledge every year.

MOTION moved by Mr. Timson to appoint Jim Pelligrine as Regular member and Dave Sullivan as associate member on the Council on Aging, seconded by Mr. Berry

Mr. Berry would also like to see a wider recruit for members to the Council. The Board members agreed and would also like to have more dialogue with the Council going forward. It was also noted by Mr. Gallivan that every member of a Board or Committee is required to go the State Ethics webpage and take the test.

Mrs. Mackenzie felt to move forward and be positive we should review the bylaw and have proper advertising. Have two new members from the Friends of the Council on Aging serve by increasing the membership to 13.

Mr. Kraus wanted Mr. Sullivan to know his concerns have little to do with him, because the motion is combining the two positions he will abstain.

Mrs. Mackenzie stated her vote for support as her main goal is to get a senior center built, to bring these two groups together; it has to be done, to increase the membership on the Council on Aging and include members of the friends.

VOTED 4-0-1 (Mr. Kraus abstain)

MOTION moved by Mr. Timson that we have in front of us a revised bylaw from the Council on aging within 90 days by January 1, 2012, seconded by Mr. Gallivan, VOTED 5-0-0

The Board wants to see more meetings with the Council on Aging. Mr. Timson talked about having two new members on the Council from the Friends group. He would like to see an accounting of their funds.

Assistant Town Administrator's Update

Chip Seal- starting to get complaints in the office regarding the Chip Seal program.

Mr. Gallivan thought they did a great job on the chip seal.

Town Administrator is at his conference

Library Re use Group- he is working with that group and hopes to start next Tuesday working to determine ADA issues.

New Library -PBC continues to meet. The Board would like to tour the facility. Mr. Johnson will set it up.

Mr. Timson raised the issue of a generator. The PBC did not want to pursue it. Mr. Timson feels it makes sense to have a generator for a new building. The committee was concerned about going outside the vote of the residents. I think it a prudent thing to do.

MOTION moved by Mrs. Mackenzie to send a letter of interest to the PBC to have a new library with power back up, seconded by Mr. Gallivan

Mr. Gallivan believes it probably came off the list due to budget constraints.

Mrs. Mackenzie feels in a new modern building we should have the power backup. Mr. Berry agreed if emergency power was put there it would be better housed. Mr. Berry thinks the PBC believes that the intent was not to use that library as a shelter.

Mrs. Mackenzie thought if they clarify what we are looking for just backup power for a new building.

Voted 5-0-0

MINUTES

MOTION moved by Mrs. Mackenzie to approve the August 9, 2011 minutes, seconded by Mr. Berry, VOTED 5-0-0

MOTION moved by Mr. Berry to move into Executive session for the purposes of discussing strategy as it relates to collective bargaining, seconded by Mr. Gallivan, VOTED roll call; Mrs. Mackenzie-Aye, Mr. Berry-Aye, Mr. Gallivan-Aye, Mr. Timson-Aye and Mr. Kraus-Aye

The Board moved back to regular session to adjourn.

MOTION moved by Mr. Berry to adjourn at 10:30 p.m. seconded by Mr. Gallivan, VOTED 5-0-0