

A Regular meeting of the Board of Selectmen was held on Tuesday, August 10, 2010 beginning 7:30 p.m. in the Main Meeting Room of Town Hall. The following members were present:

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

Also present:  
Michael Boynton, Town Administrator

Mrs. Mackenzie called the meeting to order at 7:35 p.m.

7:30 p.m.      **Citizens Input/Open Forum**

No one present

7:31 p.m.      **Sponsored Agenda & Action Items**

8-4      **Bid Award Contract No 2011-05**

**MOTION** moved by Mr. Kraus to award bid contract 2011-05 for Bird Middle Partial School Roof Replacement TO Wayne Roofing Systems of Norwood, MA for an amount of \$189,400.00, seconded by Mr. Berry **VOTED 5-0-0**

8-5      **Hardship application, Fire Department**

The amount requested to be waived is \$150 and the person's income is above the level to consider for waiver. Mr. Boynton is sympathetic but noted there are other insurance options. There is a frequency of trips for this applicant. He is not supportive of the request.

**MOTION** moved by Mr. Kraus to deny the hardship application from the Fire Dept in the amount of \$150 for run number 72888, seconded by Mrs. Mackenzie

Mr. Snuffer feels the government can help guide people to a direction that would assist someone in getting help. It was suggested maybe the outreach coordinator could help.

**VOTED 5-0-0**

8-6      **State Primary Election Warrant**

The Board had voted at the previous meeting to sign. They only need to sign the warrant.

8-7      **Changes to Sunday alcohol serving hours**

Mr. Boynton explained the statute Chapter 138, 33B would allow license holders, restaurants, to serve alcohol prior to noon. The new law allows pouring of alcohol at 10 a.m. prior to that the Board would need an article on the warrant to see if the Town would accept the law, then you could set the hours.

Mr. Snuffer does not have an interest in doing this as he does not see the value and believes Sunday should have some quiet time. Mr. Berry would support it and leave the choice to the consumers, whether they wish to patron these places, it is not our job to

provide people with a moral compass. Should not be an obstacle, caution any license holders to be a good steward of the license. Follow same rules as they would do any time of the week.

Mrs. Mackenzie noted a group of citizens could petition the Board to place an article on the warrant.

Mr. Timson has not seen a big push for this change. If there were a group of owners who were supportive, he would be more inclined to look at it. Part of our function is to promote business, but I feel on this I do not want to take the lead on this issue, if there is an interest let them come to us.

**MOTION** moved by Mr. Kraus to place an article on the Fall Town Meeting Warrant to see if the Town will vote to accept G.L. c. 138 Section 33B, seconded by Mr. Berry

Mrs. Mackenzie wanted it known that this vote does not mean that if petitioners bring a request to board they would not support them.

Mr. Berry asked if it would be possible to have a letter sent to the businesses to see if they are interested, is this something you would benefit from. Let's take the initiative. Let them know we did not go forward with this. Tell them the statute has changed.

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

#### 8-2 Amber Crowley, Cultural Council Application

Ms. Crowley appeared before the Board seeking membership on the Cultural Council. She has been a Walpole resident for 10 years and works for Walpole Recreation. She has a Masters Degree in Special Education. She has done a lot with art and Josh and Aisha asked if she would be interested in serving on the committee.

**MOTION** moved by Mr. Kraus to appoint Amber Crowley as a regular member to the Cultural Council, seconded by Mrs. Mackenzie, **VOTED** 5-0-0

#### 8-8 Blessed Sacrament, Request to use Parking Lot

The church is holding a Barbecue on September 12<sup>th</sup> and may need to use the municipal lots for parking. They are seeking permission from the Board.

**MOTION** moved by Mr. Kraus to allow the Church of Blessed Sacrament to use the municipal lots at the town pool, the town hall and the other town parking lots on September 12, 2010, subject to them submitting a signed "Release from Liability, Indemnity and hold harmless agreement to the Board, seconded by Mr. Berry **VOTED** 5-0-0

#### 8-9 Mass DOT, Common Street Bridge Fill in Project

The Board reviewed a memo from Town Engineer dated August 3, 2010 regarding the project. What DOT is asking for is preliminary comments on the traffic management plan to fill in the abandoned railroad overpass. Mr. Boynton has nothing more to add to the Town Engineers comments and suggested they be forwarded.

**MOTION** moved by Mr. Kraus To forward comments to Mr. McCourt as written in a memo from Town Engineer, Margaret Walker dated august 3, 2010 regarding Mass DOT project, Common Street ridge W-03-003, seconded by Mr. Berry

Mr. Snuffer questioned if we looked in what the ownership of this does to the town. Mr. Boynton explained once the bridge is constructed and abandoned and Mass highway abandons that portion, it will just be a roadway, no bridge. Town requirements will be plowing paving etc. He does not see any problem with this. Mr. Snuffer sees this as a long project. There is a five year forecast.

**VOTED** 5-0-0

### 8-10 Junior Women's Club, A-Frame for holiday Spree

**MOTION** moved by Mr. Kraus to grant permission to place an A -frame on the common near the banner poles to announce the Holiday Spree, seconded by Mrs. Mackenzie, **VOTED 5-0-0**

### Town Administrators Update

Old Post Road Drainage- this had come up before the Board back in 2004. The Town Engineer has met with the applicant's engineer, Richard Merrikin. It is at the rear of Old Post Road School at Hummingbird Lane. She walked the property, she has written conditions. This will be done under the watch of our Engineering Department.

**MOTION** moved by Mr. Kraus to authorize the access to town property in accordance with the request and the conditions set forth by Maggie Walker (Motion not seconded or voted on)

Mr. Snuffer stated he will abstain from discussion as his daughter bought a lot on this subdivision. Does helping one issue hurt another, he hopes that it will not.

Mrs. Mackenzie understands that the Town Engineer has spent a lot of time bailing out the neighbors. What is on site is not working. This is not something we should get into helping bail out a subdivision on unaccepted roads. Her concern if there is any standing water in this. If the town owned one is going to have standing water in it she would want the developer to put up a fence.

Mr. Timson is concerned if someone gets hurt on town property, we could be open to liability. The Town can have the liability agreement. Mr. Timson noted it looks like they are putting berms on the town property going to subdivision, if the effect of that being what, where does that water go? Mr. Boynton explained the drainage will end up in the meadow ridge basin.

Mrs. Mackenzie suggested before they approve they see some legal binding agreement with the developer and she would like to see a one year agreement to review this. Suggested getting comments from Planning Board.

Library Construction- The plan has been approved, the driveway between the Blackburn and field will close as of Aug 18, 2010 and the one between his office and the field. There will be some alteration of traffic. Anyone leaving from the back will have to go out near the Fire Dept. Caution needs to be taken going by Blackburn hall. There will be some disruptions in the area. Trees will be removed along Stone Street to make room for the building. The trees being taken down are all flagged and the cannon near the old volleyball court is being relocated near memorial pond.

Parking Regulations by law change- Dave Wildnauer made a request on parking regulations change, if you are supportive on this, does the board want to forward that change for a warrant article.

Mr. Snuffer was in favor of this, because of difficulties appeared of the locating of the library, could have implemented nicer strategy. Building may have been moved further away from Stone St. If you felt it was worthy, it could be a place holder style, I recommended that he go to the Chairman of the Planning Board.

Mr. Timson feels they should look at supporting this article.

Mrs. Mackenzie suggested we have him start with Planning Board and Planner and see how they feel and have them sponsor the article. The Zoning Book should be controlled by Planning Board. Start with them and see what they think. Call Jack Conroy and let him know.

Town Meeting Articles- Mr. Boynton briefly reviewed the articles.

Paving projects- going great guns on grinding and paving. Several streets are done. We are going to utilize the balance in Chapter 90 and \$200,000 in an article for East St. and complete work on Summer St. Ron Prebis has been our paving guru and he watches everything. Nice job.

Mr. Timson would like an update on where we stand on the roads. General conditions of our roadways. Mr. Boynton will get that to him quickly.

Lincoln Road Resident Request, Mr. Gilmore- does the Board want to send along the letter. Mr. Snuffer would like there to be a moratorium on that development. He feels there is a great need for improvement with public safety.

Mr. Timson noted they are an exempt use, from a planning and zoning there is not much they can do. There was a case in Weston, tried to set up over 55 community, get around ZBL, court said there was too much housing to determine educational use, knows there is a lot of housing involved. He does not know if that case would apply to this. Demand that they do something; unless we have something with our public safety powers we have a hazard that allows us to do something. While the concept would be desirable from the neighbors, it may be desirable for us. I do not know if we have grounds to do it.

Mr. Kraus spoke to it being his understanding they had not raised enough money and does not know if a 6 month moratorium is necessary. Wanted to know if there been any discussions between the Chief and HFLW? Safety issues on Lincoln road but also for the entire town. They need a plan to address protection for the entire town.

Mr. Snuffer noted that from a public safety prospective we can forge ahead. We do have it on record, they are in agreement they have a problem. If we take six month look at it and ask if they consider a six month moratorium.

Mrs. Mackenzie suggested that Town Counsel be contacted to see if we are on legal standing to see if we can do this.

Mr. Timson felt that one can argue there is negligence on HFLW to allow children to run ramped thru neighbors. You could recoup for costs of services. It seems like we have tenuous toeholds.

Mr. Kraus would like to have some accountability as to when they came in here. He would be eager to see if anything has been done and what can be done short term. No contact with Chief since that meeting they need to be doing something. He would like to know where they are today since they last met. He would like a letter sent to them to see what they have down and ask town counsel for guidance on what legal ground they have on a public safety issues. Look at claims of any potential negligence or public nuisance and being concerned for the safety of the children as well as the staff.

**MOTION** moved by Mr. Snuffer to send a letter to Town Counsel seeking their legal opinion as to whether they support us requesting a moratorium on permitting process, seconded by Mr. Kraus, **VOTED** 5-0-0

### 8-3 Public Hearing, NSTAR Crosswoods Road

**MOTION** moved by Mrs. Mackenzie to open the hearing, seconded by Mr. Kraus, **VOTED** 5-0-0

Christine Cosby from NSTAR was present to answer any questions the Board might have. She explained they wish to install conduit in Crosswoods Road. The Board is in receipt of comments from Town Engineer dated July 30, 2010. She is recommending approval of the petition with conditions.

**MOTION** moved by Mr. Kraus to close the hearing, seconded by Mr. Snuffer, **VOTED 5-0-0**

**MOTION** moved by Mr. Kraus to approve the request of NSTAR to install approximately 50 feet of conduit within Crosswoods Road to provide underground electric service to 4 new house lots, this approval is subject to the recommendations as set forth in a memo from Town Engineer dated July 30, 2010, seconded by Mr. Snuffer, **VOTED 5-0-0**

### **NEW BUSINESS**

Mr. Kraus has received a request from residents regarding the Volleyball move. The Conservation Commission wants a full blown plan for the move. It has all been done by private funds.

**MOTION** moved by Mr. Kraus that a letter is sent to the Conservation Commission expressing the Board's support of the move of the volleyball court and asks that they expedite the process seconded by Mrs. Mackenzie

Mr. Timson does support the fields being moved, his only comment on it we should make a statement that this is not something we will do on a regular basis. We displaced them, created the hardship.

**VOTED 5-0-0**

### **OLD BUSINESS**

Mr. Snuffer shared with the Board that he heard Baker Hughes is very interested in deed restricting and turning land over to our Conservation Commission. I think that is a positive sign.

**MOTION** moved by Mrs. Mackenzie to adjourn at 8:45 p.m. seconded by Mr. Snuffer, **VOTED 5-0-0**

Respectfully submitted,

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Michael C. Berry, Clerk