

Approved 6/29/2010

A Regular meeting of the Board of Selectmen was held on Tuesday, May 18, 2010 beginning at 7:30 p.m. in the Main Meeting Room of the Town Hall. The following members were present:

Christopher G. Timson, Chairman  
Al DeNapoli, Vice Chairman  
David Sullivan, Clerk  
Clifton K. Snuffer  
Nancy Mackenzie

Also present:  
Michael Boynton, Town Administrator

Mr. Timson called the meeting to order at 7:35 p.m.

**ANNOUNCEMENTS and PROCLAMATIONS**

Officer Moses went above and beyond the call of duty. He was threatened with a knife and she lunged at him. He was able to control the knife and knock her down without injury. He chose to use his additional training and he saved the life of that individual and himself. He did an outstanding job.

Mr. Sullivan noted this is not the first time this has happened and we are lucky to have the people that we have today. The officers today are very well trained.

Mr. Snuffer discussed the funding for training for police officers. The state is being pushed for additional funding and they always underfund training.

MOTION that we send a letter with a copy to the Richard Stillman commending Officer Moses of his action and ask the letter is placed in his permanent file, seconded by Mr. DeNapoli, VOTED 4-0-0

**SPONSORED AGENDA ITEMS**

7:35 p.m. Allied Recycling, Junk Dealer/Junk Collector

Allied Recycling has requested a continuation. Mr. Boynton informed the members that Attorney Macchi had dropped off Landscape plan and site plan. The documents are in the office and if you are acceptable with them they can be forwarded to the Build Commissioner for comment prior to the next meeting.

7:40 p.m. Adams Farm Committee, Appointment

Linda Colletti is seeking appointment to the Adams Farm Committee. She has been a resident for 34 yrs. She a nature lover and would like to be involved.

MOTION moved by Mr. DeNapoli to appoint Linda Colletti to Adams Farm Committee, seconded by Mr. Sullivan, VOTED 4-0-0

7:50 .

7:55 p.m. Gift Acceptances

MOTION moved by Mr. DeNapoli to accept the gift from Walpole Cooperative Bank for Concerts on the Common , seconded by Mr. Sullivan, VOTED 5-0-0

MOTION moved by Mr. DeNapoli to accept the gift from Walpole Chamber of Commerce for Concerts on the Common , seconded by Mr. Sullivan, VOTED 5-0-0

MOTION moved by Mr. DeNapoli to accept the gift from Junior Woman's Club for Concerts on the Common , seconded by Mr. Sullivan, VOTED 5-0-0

MOTION moved by Mr. DeNapoli to accept the gift from Dedham Savings Bank for Concerts on the Common , seconded by Mr. Sullivan, VOTED 5-0-0

5-26 One Day Liquor License

MOTION moved by Mr. DeNapoli to approve the request for one day Liquor License for Walpole Fish and Game Club, seconded by Mrs. Mackenzie, VOTED 5-0-0

5-27 Night Before the 4<sup>th</sup> Celebration

MOTION moved by Mr. DeNapoli that we approve the request by Capt Steven Smith for the Night Before the 4<sup>th</sup> Celebration as follows:

- Stone Street from Main to School Street to Diamond Street.
- School Street from Common Street to East Street.

And Further;

- The use of Morgan Field and the immediate area for both dates;
- The use of the Town Hall field for both dates:
- The use of the restrooms at Blackburn Hall for both dates

Seconded by Mrs. Mackenzie, VOTED 5-0-0

5-28 Raven's Nest, entertainment License

MOTION moved by Mr. DeNapoli to approve the license as requested for televisions, seconded by Mrs. Mackenzie, VOTED 5-0-0

8:00 p.m. Chief Stillman, Discussion on Promotional process

Mr. Timson spoke to an item that in his opinion is problematic, that being an appearance of conflict on the Board. He questioned Chief Stillman if the Deputy Chief has any involvement with the promotion of a patrolman? Chief Stillman stated yes. Mr. Timson questioned if the Deputy Chief has involvement with internal affairs. Chief Stillman stated this would be one of the primary responsibilities as the Deputy would make recommendations to the Chief. Does the deputy chief have involvement with overtime in the department? The Chief state yes, limited, if he is the only ranking person there, or he deems it necessary he could fill details.

Mr. Timson stated that he would suggest anyone on the board who has a spouse or daughter get an opinion that addresses these questions.

Mr. Sullivan questioned if on the requirements, would that make Heather eligible or no for the position of Deputy Chief? Chief Stillman stated it could make anyone potentially, probably not Heather. There is an allowance. 5-7 years, anything beyond that would be considered supervisory. Chief Stillman stated it is not for me to decide ethics

Mrs. Mackenzie stated that she has the required 23B form that her husband is a patrolman and her document is on file with State Ethics. She called them to discuss the issue and I am ok to participate. There is a decision on file and you can check.

Mr. Timson asked Mrs. Mackenzie if she talked to the Police Chief about the involvement of the Deputy Chief with a patrolman. I want to get this out. Mrs. Mackenzie replied she spoke to the State Ethics Commission and they gave her a ruling. Mrs. Mackenzie noted he can call the State Ethics.

Mr. Snuffer asked her if in your conversations with them discuss promotional aspects? Mrs. Mackenzie stated the Deputy Chief would not be his supervisor. He is far enough up the chain.

Mr. Snuffer asked her if her husband is on the list for Sergeant, would you abstain? Mrs. Mackenzie stated she had conversation with them and they said it may not rule me out either.

Mr. Snuffer thinks it is in the best interest to put this over to the new board. Looked at polices and procedures, there are little tweaks. One is Article 7, posting, posting of 7 days and one is 10 days, one thing that would beneficial. change the Selectmen policy to agree with the Personnel.

Mr. Boynton wants to go with the 10 days, that is really the only spot that the policy is less restrictive. The personnel Board posting, union contracts may speak differently,

some may say they are posted at the location where there is a vacancy. In those situations, the contract is what drives the posting. With respect to non union positions, the vacancy, posting at Town Hall, Board's policy states T. Hall and Library. We will also post at library. The part that is conflicting is the advertising. Not every position need be advertised in the newspaper. I will present to you at a meeting, a modification advertisement as deemed necessary. We should make a determination when advertising is necessary.

Mr. Snuffer wants to be cautious, does not want to make any changes to the bylaw without pre-thought. Thirty day time frame, advertising is appropriate. He would like to recommend the Town Administrator, Personnel, Chief of Police, and Chairman take a look at those polices and update them to the 21<sup>st</sup> century.

Mr. DeNapoli addressed the issue of advertising within the discretion of the Town Administrator. He thinks it puts the Administrator in a bad position, as to why they are choosing to go outside on some and not on others. It can be looked at favoritism or lessen chances of people from within. I think we all work with the best motives and I don't suggest that anyone do differently, I think it open up to criticism. I think you should advertise to the general public and see what you get.

Mr. Boynton explained in most union contracts, we post in house. The policy states that you have to advertise on the onset. We post all in house. If we get a qualified candidate in house, if we determine there is a need to advertise it is after looking for a candidate from within. I am not trying to create a questionable issue. I do not want people to think we do not have qualified candidates. I will be required to follow contractual.

Mrs. Mackenzie stated we do have to weigh the expense. We should see how it all works out. To me I think it is different the process here, if it is only advertised in house. If there is only one outside candidate, we have to make sure the playing field is fair.

Mr. Timson explained they did receive a letter from the union that they want to keep the position in house. If we were to accommodate what they are requesting we would not advertise outside. If you are going to have a policy it should be even and transparent. .

Mr. Boynton noted you have two issues the policy as it relates to the bylaw, but you have the vacancy in deputy chief of police. It will be posted for 10 days at a minimum. The bylaw says post it in the library and town hall. We will post in Police Station. If we are going to follow the policy we will have to advertise. Once that happens, then we will go thru the normal screening process. The Board discussed how the screening process works.

They will present an amended job description to the Board and they will begin the process of interviewing a candidate for Deputy Police Chief. They will place an Advertisement in the Walpole Times. They discussed the possibility of placing an Ad in the Beacon. Mrs. Mackenzie wants to be sure they get the best candidates they can get.

5-19 Andrew Yakas, Farmers Market Committee  
Mr. Yakas to not appear for his appointment.

MOTION moved by Mr. Sullivan to put this over until he comes in, seconded by Mr. Snuffer, VOTED 5-0-0

5-24 and 5-25 June Street Drainage

Mr. Boynton noted this is not a new issue, other parts of town are dealing with significant water issues. We have been back and forth for a period of time. They looked for assistance, they have met with engineering and I have met with Mr. Brennan and Town Counsel has reviewed this. Town Counsel is of the option that you can allow the connection but you do so at the risk of the peril of the community. Risks that are under the EPA regulations, which down the road will lead to a major expense to the Town.

The residents have a dilemma there is no place to put the water, they have no options, on the other hand you have unregulated storm drain connections. I recommended to Mr. Brennan that there is nothing we could do. Since that time we have talked more about it, I believe we may have a solution, no tying in sump pumps. Drain system that will take the ground water away and let that tie into the system.

Bob O'Brien stated it goes back to I/I back to the 1980's. DEP encourages people to tie into town system. Since that time, EPA has issued some rather onerous on this type of work, the town has had to get a permit, MS4. The town adopted a bylaw to comply with this mandate. Try to draft a policy to tie in, subsequent, it went to Town Counsel, how will the town help get rid of water but to protect the town. One possibility is to allow ground water to be tied into this system but no sumps.

Under the bylaw the Town Administrator has the authority to issue a permit. Mr. Boynton explained what we are looking to do, if you are ok with concept, go back to the policy refine. Once there has to be a plan, for Engineering has to look at. There needs to be safeguards in place and mechanism as to how they want to tie in. We need inspection policy in place. Thirdly, a mechanism for repair of any town property, lastly coordination ability. Need to have that program in place that is acceptable. I am interested in what the residents have to say.

Mr. Sullivan noted that a French drain can be very costly. The Board understands the issue, but these are private property issues, it is not coming from the town. He understands the cost issue. It was discussed if there have been any borings done in the neighborhood to determine where the water table is.

Resident of 22 June Street stated the condo behind his house has a drain that goes into the town storm drain. Mr. Timson explained timing is everything, these laws were not in place until recently, now as a board we know that statue is out there. I am not going to get into a debate on that. John that pipe goes thru my property and as far as I know there is no easement there.

Sean Brennan, believes a perimeter drain would work, the cost would be \$3-\$5,000.

Mr. Snuffer thinks that the neighbors should get a professional to look at this and present this Board with a plan. He thinks in order to assess the magnitude the scope, feels the level of responsibility would grow on the town. MB work with engineering department and conservation and counsel to review it about perimeter drains and see if that would allow us tie in.

#### Town Administrator's Update

Swan Pond Flooding- Town receive a letter, we discovered there was a collapsed culvert that takes water out of that area. I can not respond to the letter. Bob stated they are working with FEMA to discuss any claims. Maggie has applied thru a grant to address this issue. The way to solve this is to impound water above Rolls Royce. Believes the collapsed culvert is the reason why Swan pond flooded so much.

Mrs. Mackenzie noted there are swales that run thru woods for swam pond, do they have to maintain them or have them cleaned out? Bob there really is no Operation and Maintenance plan for that. We asked them maintain the culverts.

Field Status- The people were out in full force today, one more major event to take place out there. Mr. Timson noted the Walpole Youth Football organization is putting a lot of money into that field, is there a written agreement we can offer them? Mr. Boynton noted when you do a license on a piece of property, it comes back to the town. You do not have the ability at this point to limit future actions of a board. They are basically giving an in-kind service to the town. You are expecting recreation activities.

Mr. Snuffer noted that is the jewel of the town of Walpole, the reality is in compliance with master plan that it be kept as green space. There have been discussions that this be used as a future building site. We could declare that as our park and recreation area. You can not isolate and spot zone, I do not think we should build on that site at all. To build on that site would be counter productive. Walpole Day was a fine example of use of that field. You put a building where do you put all the families that use that field? I think it would be a mistake if we ever did anything with that field. Mrs. Mackenzie agrees, the MPIC is willing to meet and work with the Field group regarding the plan.

Mr. Snuffer noted the football group has consistently said it is a multi use field. Mr. Timson spoke to the vote that was taken by the Board that there would be an agreement entered into. We appreciate their gift and partnership with them and those that utilize it. We need a commitment that it will be maintained as recreational purpose.

MOTION moved by Mr. DeNapoli that we send a letter Walpole Youth Football and we thank them for their gift and apprise them of what the plans are and state commitment of the board as recreational use, seconded by Mr. Sullivan, VOTED 5-0-0

MBTA- Plan still has a long way to go. Several impact issues. MBTA Assessments are picking up what is not derived from user fees, do not want to pick up additional costs so it can run at a loss. Invited Deb Burke and Joanne Muti to attend. This created problems from EDIC. There is a lot of work they have left to do.

Mr. Snuffer does not see a benefit of this proposal to the Town.

Regional services- Trying to get regional service for Animal Control and no one is willing to share service. We are going to post the Part time Animal Control position. I am going to have to find a private kennel. The Veterans side, Walpole and Foxboro are in the same boat. If we can do that with one or more communities, the problem today, there are communities beyond borders, under statute you have to be contiguous. Are you supportive of us joining with Foxboro proportionately share the benefits.

Mr. Sullivan, Mr. Snuffer and Mr. Timson are supportive.

MOTION moved by Mrs. Mackenzie that we start the process to see if Foxboro is interested in regionalizing Veteran's Agent services, seconded by Mr. Snuffer, VOTED (Mrs. Mackenzie would like to see if there is a national recommendation) 5-0-0

Senior Work off program- they would be treated as an employee. There is no salary, but medical costs would be thru workers comp.

Walpole Day-Well done for that event.

### **MINUTES**

MOTION moved by Mr. DeNapoli to approve the Executive Session Minutes of March 9 2010, seconded by Mrs. Mackenzie, VOTED 4-0-1 (Mr. Snuffer abstained)

MOTION moved by Mr. DeNapoli to approve the Executive Session Minutes of March 23, 2010, seconded by Mrs. Mackenzie, VOTED 4-0-1 (Mr. Snuffer abstained)

MOTION moved by Mr. Sullivan to approve the Minutes of April 20, 2010, seconded by Mrs. Mackenzie, VOTED 3-0-2 (Mr. DeNapoli and Mr. Snuffer abstained)

MOTION moved by Mr. Sullivan to approve the Minutes of April 27, 2010, seconded by Mrs. Mackenzie, VOTED 4-0-1 (Mr. Snuffer abstained)

MOTION moved by Mrs. Mackenzie to enter Executive Session to discuss real estate in that an open meeting may have a detrimental effect on the negotiating position of the public body and to reconvene to open session to adjourn, seconded by Mr. Sullivan, VOTED 5-0-0 by roll call; Mr. DeNapoli-Aye, Mr. Snuffer-Aye, Mr. Sullivan-Aye, Mrs. Mackenzie-Aye and Mr. Timson-Aye.

Motion to adjourn at AD NM 10:46