

A Regular meeting of the Board of Selectmen was held on Tuesday, January 26, 2010 in Room 112 beginning at 7:30 p.m. The following members were present.

Christopher G. Timson, Chairman
Al DeNapoli, Vice Chairman (arrived at 8:30 p.m.)
David Sullivan, Clerk
Clifton Snuffer
Nancy Mackenzie (arrived at 8:00 p.m.)

Mr. Timson called the meeting to order at 7:30 p.m.

Community Development Strategy, Public Hearing

MOTION moved by Mr. Snuffer to open the hearing, seconded by Mr. Sullivan,
VOTED 3-0-0

Ms. Mercandetti explained what a community development Strategy is and why Walpole needs a strategy. It represents an effort to engage in community based planning, conduct needs assessments and identify strategies for addressing those needs. The Town is in the process of applying for a planning grant through the Economic Development Fund. The town is required to prepare a community development strategy as part of the application. The strategy must explain how the community expects to address the priorities with CDBG. They looked at many documents including the Master Plan and EO418 community development Plan.

She explained there are different components, two tiers of funds .Walpole falls into tier 2 funds up to \$800,000 for a variety of activities, housing rehab, infrastructure, senior centers. Planning grants are up to \$50,000. The draft strategy is from the 2004 Master Plan. There are five main theses designed to accomplish the Town's vision;

1. Revitalize Walpole Center into a "smart growth" center with apartments or office space above shops, a new civic center for municipal facilities, improved streetscape and parking and a new Town Green.
2. Target economic development efforts to create a higher-value nonresidential tax base and improve the appearance and traffic function of all business zones.
3. Manage housing development to preserve open space character and create affordable housing.
4. Protect natural and cultural resources in a Green Network and a Heritage Network.
5. Invest in people and new processes in town government.

Additional plan reviewed were incorporated into the strategy; Housing Production Plan (2008), Development Options for Portions of Rt1A corridor in Walpole and Norfolk (July 2007) and Comprehensive Economic Development Plan (1999)

Mr. Snuffer questioned when we get fortunate to obtain this grant, who steers the grant?

Ms. Mercandetti explained they become allocated to project specific; project management would depend on who files the application. Health would be the health director.

Mr. Boynton noted it would be the Board of Selectmen more than not. When we make these applications they are through the Selectmen and ultimately staff through the Boards direction will oversee it. He commended Ms. Mercandetti for her work and noted that the Town has already started working on some of these. One thing they would like to look at is planning for the industrial park along Rt1-A. The plan is good of three to five years and if the town applies for funding under the community development fund it would require an annual public hearing.

MOTION moved by Mr. Snuffer to close the hearing, seconded by Mr. Sullivan, VOTED 3-0-0

MOTION moved by Mr. Snuffer that the Board adopt the town of Walpole community development strategy, seconded by Mr. Snuffer, VOTED 3-0-0

1-16 Brad McCracken, Historical Commission

Mr. McCracken introduced himself and told the Board he is a preservationist at heart. He formed a non profit to hopefully preserve the dollhouse in Norwood. The whole idea of protecting and hopefully have some redevelopment. He feels the Historical Commission a good fit for him. He would like to see further use of historical properties. He is also seeking a seat on the Zoning Board of Appeals. He has a real estate background and an understanding of the bylaws and master plan and feels he can bring a level of experience to the ZBA.

Mr. Snuffer would like to see him on the Historical Commission, due to the nature of what Walpole was and preserve it . The current police station was built by the same architect as the old stone school. I don't know how the board feels about the dual position but he feels that he should focus on the Historical Commission at this time.

Mr. McCracken stated he has the willingness to serve. He sold real estate in Walpole. I do know the zoning bylaws of Walpole, the master plan, and is involved.

MOTION moved by Mr. Snuffer that we appoint Brad McCracken to the associate position on historical commission, seconded by Mr. Timson, VOTED 3-0-0

1-19 Snow and Ice Deficit

Mr. Boynton reported that even with the extra funding on this line item this fiscal year, there is going to be a need for additional funds. He is asking the Board to allow them to deficit spend on the snow and ice budget.

MOTION moved by Mr. Snuffer that the Board authorize deficit spending for snow and ice budget, seconded by Ms. Mackenzie, VOTED 4-0-0

1-20 Fisher School Banners

The Fisher School PAC is requesting permission to hang two banners.

MOTION moved by Mr. Snuffer to approve the banner requests for Fisher School Family Carnival and Fisher School Silent Auction, seconded by Ms. Mackenzie, VOTED 4-0-0

1-21 Carnival Request

Mr. Boynton spoke to the annual request to hold the carnival. He would like to see one change this year. He would request where the Legion has paid for a private person to clean up after the event that the Town require that they reimburse the town to upgrade the field. Town Expenses for clean up sent this way. Town Staff will do the work and they reimburse us.

Mr. Timson noted this issue to the carnival has been building up over time. We did have a group come in and we did have a group from football that wanted to upgrade. Assuming the carnival can co exist, they will have to bring the field back up to what is there.

Mr. Snuffer recalled the last time we discussed this Mr. Boynton was going to meet with Mr. White. He did and expressed to him his concern about the cleanup. Because we are going to use that for playing, they do the best they can, this is not a zero sum expense to the town, as we are not charging them for the use of the field. I would like the Board to send a message we are going to have it restored

MOTION moved by Mr. Snuffer to approve the carnival with the expectation the American Legion would utilize town personal for the clean up process and the organization pay the expenses, seconded by Mr. Sullivan, VOTED 4-0-0

1-22 Footlighters, Sunday Amusement

MOTION moved by Mr. Snuffer to approve the Sunday Entertainment license for Walpole Footlighters for February 14, 21 and May 16 and 23, seconded by Ms. Mackenzie, VOTED 4-0-0

1-23 LEED Certification , Public Library

The PBC has recommended the town move forward with LEED CERTIFICATION for the Walpole Public Library, the upfront cost will be \$127,200 and then we are reimbursed by the state for \$194,000.

Mr. Timson believes where it is ultimately no cost, the bldg will be energy efficient. He thinks they should be doing it. Mr. Boynton noted there is a number of cost savings to the town.

MOTION moved by Mr. Sullivan to authorize Mr. Boynton to sign off on the change orders and to move forward with LEED Certification, seconded by Mr. Snuffer
Discussion:

Mr. Snuffer would recommend that Jack Mee become certified. Mr. Boynton has already given him the green light to go forward and Stephanie is interested as well.

VOTED 4-0-0

Mr. DeNapoli arrived.

8:30 p.m. DPH Steven Hughes, Director Community Sanitation Program

Director Hughes gave a power point presentation to the Board regarding Minimum requirements for the Management of Medical or Biological Waste.

Purpose and background of medical and biotech waste, these are minimum standards, no city or town will be less restrictive than these codes. . This code was passed in 1989, in response to needles that were being washed up on beaches. The regulations specify minimum requirements for handling, storage and disposal of infections or physically dangerous medical or biological waste. The code was last amended in 2008.

Specific Need for changes.

Mass Biotech and the State Environment groups were concerned that plumbing codes needed to address biotechnology by-product and the Pharmacy Access Law placed requirements on MDPH for the safe collection and disposal of home generated needles.

The U.S. Department of Transportation issued a decision regarding whether Mass medical waste regulations relating to transportation of medical waste. The DOT concluded that Mass medical waste regulations governing manifest and packaging requirements that were not substantially the same as federal regulations.

Biotechnology issues

As biotechnology industry activities have increased, DPH medical waste regulatory requirements were no longer consistent with other regulations or guidance related to biotechnology management and disposal practices. Some of the regulations were not consistent with the plumbing codes. He put together an advisory committee. Dr. Michelson from MIT.

Biotechnology Amendments

The council is trying to promote a fair and safe environment in Massachusetts. Made sense to industry, biggest thing is to go to NIH guidelines. They would determine how protected a lab would be. A better and more advanced levels defining by the micro organisms. At the request of biotechnology council the biotechnology by product effluent requirements were updated and revised for continuity with State Plumbing code.

Definition of biotechnology byproduct effluent references CDC/NIH biosafety lab and risk group levels along with wastes containing rDNA.

There was discussion as to whether the Town should consider grouping the uses by risk other than levels and it was suggested that they look at both. Mr. Hughes recommended establishing at a minimum accountability and due diligence.

Establishing an institutional bio-safety Committee. When NIH is establishing grants and providing moneys to Bio tech, each group has an oversight committee. Everyone has to have this committee. Some concerns were that it was hard for smaller firms. Some found it difficult to establish a non partisan membership. DPH suggests that MA biotech council establish and IBC that could serve as an umbrella IBC for firms without one. The IBC would meet at a minimum of once a year. We establish criteria in the regulations. There will be 5 people, 2 can not be on the payroll.

Minimum requirements; NIH guidelines and BMBL we reference that as well. Updated more frequently, if we go back two decades everyone was nervous. There is a difference in what is going on. The health code always said that every microorganism had to be treated. As time goes on there has been proof there is not risk to public health. Level 1 and 2 do not need to be treated but levels 3 and 4 do. They may not be removed from the site unless all viable microorganisms are rendered non infectious in accordance with the plumbing code. The NIH guidelines are the best management practices for biotechnology research or large scale commercial operations.

The BMBL is looked at more frequently. It is the code of practice for biosafety and is the discipline for addressing safe handling & containment of infectious microorganisms and hazardous biological material.

Mr. Hughes is a stickler for record keeping and recommends putting in some stringent provisions as to what they had to do for records. All medical or biological waste generators must document in required record-keeping lot policies and Procedures, documentation of training, contact names, waste storage areas, treatment parameters contingency plans and IBC minutes. These are the minimum standards and recommends the town be more restrictive. Create record keeping requirements. He would want the IBC minutes kept in a log book.

Clarification of disinfection/disposal. If it is RG1 or RG2 they can go into the drain. They will still treat and go into the drain. This is in compliance with the MA plumbing code and other applicable regulations are maintained. Because of the due diligence approach of the regulations, they apply across the board in all respects, regardless of the size of the firm. Biotech can not go into a septic system. It must be sewerage. The oversight should be the protective layer.

Disposal for animal waste bedding. He is not sure this would pertain to Walpole but a lot of animal testing the animals had to be treated as if they were infected. If the lab can do testing to show that there are no microorganisms. If there is tissue or culture or similar media involving RG1 or RG2 to be removed from the site it must be sent for offsite treatment and logged. Animal waste bedding must be interred or incinerated only when known to be infected with designated agents or inoculated with infectious agents.

Summary. There are a lot cities and town looking to promote this industry. He knows Sam Lipson's (City of Cambridge) regulations were restricted more than his. The 2008 amendments update various aspects of regulations to reflect current standards and procedures, restore documentation requirements related to tracking of medical wastes, and provide for requirements in response to new Pharmacy Access Law. The Mass Department of Public Health received over 100 comments on the amendments and will continue to work closely with industry and the council to provide clarification and other information regarding compliance with medical waste regulations.

Mr. Timson spoke of one concern that has been a focus of towns people we have a sole source aquifer and we are trying to make sure if we allow biotech we do not have a

problem with contamination. When the Board met with Mr. Lipson we discussed whether an agent could penetrate to the water. He did not feel it was a concern. If in fact biotech facility was located over the aquifer do you see it reasonable to video the waste? Mr. Hughes does not feel you have to go to that. Talked about MWRA knowing the amount coming out of Walpole. The more records you have the better it is accountability. You can be more restrictive on the accountability issue.

Mr. Timson wants to be able to say to the residents of the town that we have put up something for their protection. Is there something more we should be doing for the Aquifer, or if people are abiding by the regulations that we should feel comfortable. Mr. Hughes stated it is a baseline. There is no perfect answer for every question. If you hold the standard and tweak it a bit, you will find that it is not an industries benefit not to abide. They do not want to hurt people.

Mr. Snuffer felt if you take the baseline and treat it as the town's preliminary roadmap the town would be heading in the right direction. Mr. Hughes agreed.

Mr. DeNapoli understands the minimum baseline, but wanted to know if he has looked at other cities and towns to see what they have done. Mr. Hughes stated whenever a municipality passes a local public health law he does see them. He just saw Grafton, he has not seen them all. He noted the town can find them and most of them are going to be very similar. Not a lot of resources. Cambridge is very proactive.

Mr. Boynton noted the town has developed some regulations, share a copy with Siemens and give us some feedback. We hope to meet with them in a week. The regulations will be tighter than state level, based upon what we are hearing; this is a heavily regulated activity. Corporations have their reputations at stake. We are trying to make sure as we head down this road, we want to build in a level of comfort for our residents.

Bill Hamilton questioned the inspecting. He does not think the concern was the inflow; he is concerned with the outflow. Mr. Hamilton would not want to wait until there was a large MWRA bill before we started looking.

Mr. Boynton noted the town does not have reports of outflow into the ground. He is not sure if there is a fear of items that may get into the sanitary sewer system getting into the ground water. Mr. Hamilton would hope we would want to look at the pipes to make sure there is no failure periodically.

Mr. Hughes suggested that if this is your concern you can step up quality control. You will find, in some instances that some companies will be more restrictive. You can make it so it is more restrictive. There is a good chance they are more restrictive.

Mr. DeNapoli wanted to make sure he understood it correctly that once you treat the waste from a risk3, it becomes no more of a risk than what is coming out of risk 1 or 2. The Board thanked Mr. Hughes from coming.

1-16 **Richard Beauregard, BOH appointment**

Mr. Beauregard is the Senior Manager, environmental health and safety for Avecia Biotechnology, Inc. He had a background in biotechnology and believes he can bring knowledge to the Board of Health.

MOTION moved by Mr. DeNapoli to appoint Mr. Beauregard to the Board of Health as an associate member, seconded by Ms. Mackenzie, VOTED 5-0-0

1-13 **Carol Paul, BOH appointment**

Ms. Paul started in Biology in 1965 and was an Administrator in a school in Long island. Speaking of the Biotech she knows people that work in labs are nit pickers. If you put the needle in the wrong place you could loose your life. She has a long experience in biology and feels she can bring her knowledge to the Board of Health.

MOTION moved by Mr. DeNapoli that we appoint Carol Paul to the Board of Health as an associate member, seconded by Ms. Mackenzie, VOTED 5-0-0

1-17, 1-19 **Lloyd Smith, COA Bylaw**

Mr. Smith appeared before the Board to discuss the proposed changes to the Council on Aging Bylaws. The committee voted on these in 2009 and accepted on Dec 17, 2009. Not to many changes in them

Joanne Damish, member of the Council on Aging explained they did change the number of regular members to eleven. Went to other towns to see their bylaws, and decided after reviewing that eleven was a good number. It was decided to keep associates; we will now have five associate members. Other than that there are not too many other changes. She explained there are a lot of times they do not have enough regular members present.

MOTION moved by Ms. Mackenzie to accept the COA changes to the Bylaw as presented, seconded by Mr. Snuffer, VOTED 5-0-0

Town Administrator's Update

1. The storm caused a lot of disruption in town. May have to come back in for funding after clearing everything. There was street flooding on many streets and damage under Elm St. Had employees in for several hours. There was a significant amount of damage between 3:30 and 4p.m. with wind. There were many trees taken down during that time.
Not sure if there would be any funding available from FEMA. Mr. DeNapoli wanted to know if this is something the delegation can bring up.
2. Town Vehicle Crash-One our employee was in an accident. He is ok, the car is not. We will have to replace it.
3. S. Walpole Fire station boiler failure- it is a problematic situation, it needs to stay heated, we have to replace it, have asked Mr. Johnson to see if there is any legal recourse on this, it was replaced in 2002.
4. Green Communities –we received notification that the next initiative that is underway, you have a memo about green communities from Town counsel. We are assured by the state that it is not something we have to establish. This topic will come up again. Mr. Timson felt the town needed to take advantage of all these avenues.
5. Mini grant award- Robin received \$500.00 alcohol awareness grant.
6. Route 1A state highway meeting review- Met with Senator Timilty and Mass Highway Commissioner, Skip McCourt regarding the redesign of the RT1A from the center to Norwood line, we received assurances this is a priority. MPO, will make them aware it is our priority. It is a major issue and we are focused on it. When he met with them they also discussed about the plowing of RT1-A. On Monday Ms. Mercandetti represented us in Congressman Lynch's office on the RT 95 interchange project. Congressman Lynch is asking for the communities top priorities. We do advocate for the community.
7. MMA meeting- attended on Friday the highlight was the Governor's speech as there is indication that he will level fund local aid. We are not sure where this will play out. The state might propose an early retirement incentive. They are not interested in discussing plan design. That did not seem to sway the Governor.

It is strange that we would consider level funding a great thing. It only means the level of destruction is not seen but we are still projecting major deficit in the school budget.

Mr. Timson feels they should send a letter to the representatives that they have stepped up and looking forward to further advocacy on this position.

MOTION moved by Mr. Timson we send a letter to Representatives for sending the January 14, 2010 letter and the board is looking forward to their advocacy on our behalf to make some of these things happen, seconded by Mr. DeNapoli, VOTED 5-0-0

New Business-None

Old Business- There is a potential of putting solar panels at Lincoln Road Landfill. Mr. Johnson has a memo that he has put together for the Board. Mr. Timson would appreciate it if everyone would look at the memo

Mr. Snuffer wants to be on very safe ground when it comes to the capping.

Mr. Timson asked everyone to take a look at what he has revised as it relates to the Bio Tech bylaw. I question if we need or want to bring in the risk groups as well with definitions. He thinks level 3 needs to be defined and identified and identify level 4 is not allowed.

Mr. DeNapoli questioned why we wouldn't allow level 3 in other areas of town. As long as we have the regulation and the controls. We do not have to put it in residential areas.

Mr. Boynton reminded him so the idea is to plan first and know who you have coming thru the front door. The town has a comfort level with Siemens. Developing an overlay district to allow Siemens to continue. Why create a level 3 allowance for someone you have not met. If the next group is as good as Siemens it can be done for them.

Mr. DeNapoli thinks we are tying our hands as other towns may allow it. Sam Lipson said they self regulate themselves. It is not a mom and pop group. It is a business that is so regulated. He thinks we are shooting ourselves in the foot. He would suggest that if you go back to the biotech group interested in two towns they would go to the one that is not restricting with an overlay district.

Ms. Mackenzie feels there would have to be another set of guidelines for aquifer protection. She felt the Board was looking to make levels 1 and 2 by right and should have a separate article on level 3.

Mr. Timson recalls in terms of looking at this, when we started out on this, we are trying to get this done as soon as possible. We found the last time unless we have the other Boards in agreement with us, we may not get anything past. In order for us to take that position we have to have assurance we get something past. It would be worthwhile to find out if there is tolerance for a district.

Mr. Snuffer does not agree. We determined is that we were going to take the article for Siemens to the Spring town meeting and if you talk about generalization, it will be dead on arrival.

Mr. Boynton reminded the Board they had directed him to have staff draft three articles; Health Regulations, establish an overlay district for Siemens and level one and two allowed in the existing table of uses.

Mr. DeNapoli felt this process is to educate the Board and he is looking at the big picture. If you are saying we should take one step at a time, he does not want to close the door for a matter of right for bio level 3 in this town.

Ms. Mackenzie's suggestion is to make sure when we are referencing level 3 in overlay districts.

Mr. Timson asked Ms. Mackenzie to circulate the change she is talking about. In hearing all the positions it maybe be most prudent that if we want to explore a bio level 3 as part of the bylaw we hold off until the fall town meeting. His concern is if we have

consensus as to where we are going if we change our direction we could have that consensus disappear. We may want to stick to course.

Ms. Mackenzie wanted to know in the definition part of the bylaw, what is it going to read for biolevel 3. She feels it should reference the bio level 3 overlay. If anyone else wants level 3, they will have to create an overlay area.

Mr. DeNapoli is still reserving his objection. He thinks the Board has been educated and it is their role to educate as to what they know and hold back may not be the right thing.

MOTION moved by Mr. Snuffer to adjourn at 10:30 seconded by Mr. Sullivan, VOTED 5-0-0

Respectfully submitted,

David Sullivan, Clerk