

A Regular Meeting of the Board of Selectmen was held on Tuesday, January 22, 2013 beginning at 7:00 p.m. in the Main Meeting Room of the Town Hall. The following members were present.

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

Mr. Kraus called the meeting to order followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND PROCLAMATIONS

Mr. Kraus read the Employees of the Month into the record.
Ava Martin, Karen Beaton and John White

SPONSORED AGENDA ITEMS

1-19 Street Opening Permit

There is a moratorium on the street opening on High Plain St. Mr. Boynton believes there is an issue with the furnace. The road was paved in 2010. There are conditions the town would like to see.

Matthew Harrington-He explained there are a lot of the programs in place are encouraging people to change to gas. In his case, he understands why the Moratorium is there. The reason why his situation is different is that he only bought the home in May; he did not own the home before the moratorium in place. His current system will not last until the end of the moratorium.

Mr. Gallivan understands the reason why the moratorium is in place, but he would support this.

Mr. Timson understands the heating system is not working properly. You are going to have to make it through this heating season.

Mr. Harrington was told the system would not make it through this system. If he knew he could tie into gas that would change my mind. It makes a difference to his decision. Mr. Timson explained the Board tries not to make exceptions to this, we are spending money on our roads and there is a cost to you as a citizen of the town and everyone else. That is what we have to weigh out.

Mr. Berry would support it as you have a failing system. He would like to see through the website information resource for homes with an oil system if people are considering converting to gas.

Mrs. Mackenzie explained every time someone cuts into the street you are cutting into the integrity of the road. In two years, there is a huge frost heave, I think it is great you are going to upgrade. I like you have the evaluation from a heating specialist. When you buy a house, you should be aware what the rules are.

Mr. Timson noted even though there is a failing system; it does not mean he has to cut into the street. He is asking to convert with natural gas. We are making a policy decision here.

MOTION moved by Mr. Berry to approve the Street Opening Permit for Matthew Harrington of 805 East Street for gas service subject to Columbia Gas Company abiding by the conditions set forth in the memo from the Town Engineer dated December 17, 2012, seconded by Mr. Gallivan VOTED 5-0-0

She one from Bay State Gas arrived at the meeting and stated Bay State Gas will agree to the stipulations set forth in Maggie Walker's memo.

1-20 Appointment to Veteran's Services Committee, Donna Summers

Jon Cogan explained Donna has participated in all veteran's events. She participates in our meetings. She stepped forward when Florence fell.

Ms. Summers is a Veteran, two active sons, a daughter who fought in the Gulf War. She has been in Walpole for ten years. Enjoys working with the Veteran's. I am a disabled Vet and do have the time and devote time. It would be a pleasure to help out.

MOTION moved by Mr. Berry to appoint Donna Summers to the Veterans Services Committee as a Resident At Large member until April 1, 2015, seconded by Mr. Gallivan, VOTED 5-0-0

M. Berry- I talked to Jon about a way of memorializing Rocky for all he has done for the Walpole Community.

7:20 p.m. OPEN FORUM –No one present.

7:30 p.m. Medical Marijuana Law, Discussion

Silvio Stumpo, 35 year resident of Walpole thought it was a nice small town. What I read today, even though there are residents that are sick. The thought his daughters are being exposed to it, medical or otherwise. Whether it is in the center of town or any other location, he really believes we are going down the wrong way. Any drug addicts will tell you this is a gateway drug. With all the problems we have in town.

Mr. Kraus explained we are not going down that slippery slope. The Chief and Deputy have been opposed to this. There has been no decision made.

Mr. Stumpo would hate to think we could walk down Main Street and see a dispensary.

Mr. Boynton-this is not an initiative by the town to invite Medical Marijuana to town. This is a result of the ballot that past in November. One of the challenges, the law is broad requires the Dept of Public Health that will govern the establishments. There can be thirty-five state wide and at least one per county. The reason this is before us is because we want to talk about the challenges involved here. How to establish a zoning article that would set a long term law in place. It may be something that can be prohibited. What would be the appropriate place? The BOS is recommending a Moratorium, which would provide the town time to understand the Dept of Health Regulations. There are some positive. Get feedback on the record what people think about this.

Chief Stillman we have been opposed to this, the whole legalization of this. But it did pass. He supports the Moratorium. He is opposed to a dispensary. It is more a zoning issue than a police issue. What impacts this will have on the town. It is going to be a problem, but it is something we will have to face.

Ms. Chapell also agrees with a moratorium would be beneficial, we will not know the rules until May 1. I know the town wanted a survey. We conducted a survey but the only problem is citizens not living in town could respond. That is what data point. The second is dialogue. The annual census will be mailed Friday in this mailing; there is a questionnaire for people to answer. It is not a clear reflection of how the town feels.

Mr. Timson noted that there are no regulations, so it is difficult to know how this is going to work. What is going to be the test for someone getting a card? The diseases set forth in the ballot question. I think reasonable people can say I can see the first group. I think we have seen when you look at other states, were they have had this law, when the test is anxiety, different cliental, going to the facility. What the DPH says about this, time to digest that.

Mr. Berry spoke of how much the town collected in prescription drugs. Recipients could have a 60 day supply. That is a concern. Will people be turning in their extra marijuana just like the prescription medication? The more you learn what an awful piece of public policy this is.

Mrs. Mackenzie agrees the Moratorium is something we must do. The DPH has nothing, for us to try to make zoning changes. The law is in affect and people could apply to come here. To me home growing, it brings on so many problems, my history, I spent ten years as a trauma nurse and there is a lot of drugs involved, to know that everyone is driving here and driving home. I can not see how this would be a good idea for us. Basing on the initiatives to bring business to town. To find that 60% of the people are supportive of a dispensary. It is not regulated by anyone. No one is making sure that it is clean. No mold. I feel out of touch looking at the graph showing people's responses.

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Mr. Kraus noted as there are no guidelines for the Town; it would be irresponsible for us to do nothing. There is a need to study this and do what is in the best interest of the town.

Mr. Timson talked about public bylaw regarding smoking of marijuana in public places.

Chief Stillman noted that in the states that have medical marijuana. The average age is 18-32 males. The moratorium is the best thing

Michelle Alexander-I am looking at it for my children. I was not aware of the home growing. Does that impact a moratorium from some growing at home? She opposes it and feels the Town should start thinking of ways to allocate funds to start the education process for children. I do think it is a gateway drug. Start thinking of allocation of funds.

Lisa Procaccini has been in the nursing field for 25 years, and does not see a need for it. Feels when those prescriptions are filled, a lot of them will sell it.

There will be language on the Spring Town Meeting Warrant for a moratorium.

1-22 Warrant Article, for Additional Wine and Malt Pkg. Store

Attorney Marc Chapdelaine is representing East Walpole Market and Deli. They have a petition seeking an additional Wine and Malt package store license. There are no licenses at this time. The store there is the market and deli, he hopes to put in Beer coolers and wine. The property itself has been cut into two stores. He opened up and turned it into one. Prior to purchasing this businesses, since 1985 ran a restaurant which had a beer and wine license. Never once was there any issue. They realize it is a long process. In getting the town meeting members to award this additional license. Jimmy's Pizzeria has a special license.

Mr. Boynton noted that there has to be a person who is a registered voter of the town being a petitioner. Mrs. Mackenzie noted it is consistent with what was there before. William Maloney Jr. will sponsor the warrant Article.

Mr. Berry-when you petition the General Court, particularly it is part of the broader scope of what the town is trying to do. I do not oppose the concept. To go through the process can take 9-10 months. He would like the Board to have a discussion of what we would need for our community. I would like to see us come up with a broader strategy. I do not know this meets the level they want to see.

CT I try to be pro business, I find it interesting if one license is requested and granted it does not mean it is going to go to them. That is the Selectmen's decision. I find it strategically you only go for one, there is a chance that someone comes in for it.

Mr. Kraus agreed that Mr. Berry raised a good point that maybe we should ask for more.

If we approve this it can still be shot down at the state level.

Mr. Berry talked about the E. Walpole Fire Station being a perfect building for a restaurant. He is looking for a broader area to increase business along Route One. He asked if E. Walpole Market and Deli would partner with the town and we can draft one article to meet everyone's needs. He would like to have a conversation with them.

1-23 Walpole Footlighters, Entertainment

MOTION moved by Mrs. Mackenzie to approve the entertainment license for Footlighters, Inc. for February 10 and 17, seconded by Mr. Timson, VOTED 5-0-0

1-24 Cathy's 5K Request

MOTION moved by Mrs. Mackenzie to approve the Annual Cathy's 5K for February 3, 2013 seconded by Mr. Gallivan, VOTED 5-0-0

1-25 Relay for Life

MOTION moved by Mrs. Mackenzie to approve the annual request to hold the Relay for Life on June 14, 2013 starting at 6p.m. through June 15, 2013 noon, seconded by Mr. Timson, VOTED 5-0-0

1-26 Reserve Fund Transfer

Mr. Boynton spoke to the Reserve Fund Transfer request for Hurricane Sandy.

MOTION moved by Mr. Kraus to approve a Reserve Fund Transfer in the amount of \$33,938.99 for Costs associated with Hurricane Sandy, seconded by Mr. Gallivan, VOTED 5-0-0

1-27 to 1-29 Gift Acceptances

MOTION moved by Mrs. Mackenzie to accept the Gifts from New Pond Village, Eugene Reilly, Walpole Police Union Local 115, seconded by Mr. Gallivan, VOTED 5-00

1-32 Verizon Wireless Lease

MOTION moved by Mrs. Mackenzie to award contract 2013-13 for lease of space and land to Verizon Wireless, seconded by Mr. Gallivan, VOTED 5-0-0

1-21 CBD Revitalization

Mr. Kraus spoke of the working group for the down town and how would like to review the cost associated with what would like to do.

Mr. Boynton looked at what has worked and what has not worked from the previous upgrade of the downtown twenty years ago. Spoke of the brick crossings. Identify the big decision. We have added new curbing and sidewalks and decorative lighting. Need to replace the culvert; you have two estimates that are close in cost. What is before you is to request to our Congressman, Kerry, Senator Warren and state delegation to see what they can do help with funding. If that fails is to look at local funding for a decision. Mr. Kraus sees no harm to seek funding. The need is there. The big question is if we do not get that funding how would we pay for it.

Mr. Kraus feels there are still a number of priorities that have a cost need. Mr. Boynton noted the cost is 2.1 million just to do the sidewalk work, fixing road structure. We do need to replace the traffic signals that are there. That is one million dollar. The architectural lighting is 1 million. It is not cheap; to do the bare minimum is 2.1 million. The town can seek the design funding. Should ask for the full amount pre-design. Take chapter 90 money for a design for a future TIP project. He suggested it is better to ask for the money up front.

Ms. Mercandetti talked about the Mass works program. High number grants. Some of these the town can not apply for. While you can apply for some design money it is only ten percent of the cost. It would help you leverage the grant.

MOTION moved by Mr. Gallivan to direct Robert O'Brien DPW Director to send a letter to Congressman Lynch, Senator Kerry, and delegation seeking their assistance in acquiring Federal funding for the design and construction to revitalize Walpole's Central Business District, seconded by Mrs. Mackenzie, VOTED 5-0-0

Town Administrator's Report

Town Forest Committee- any work going on in there need to have the blessing of the Board of Selectmen. Dick is also on Conservation, no need for action.

Joint Effort with Norfolk-working with Norfolk in looking at a program where land in and around prisons has been dedicated to preservation. Asked Recreation, Bob Leblanc, Maggie Walker, Landis Hershey and Josh Cole and found the 66 acres are very flat and could be a great opportunity for field. While we are interested in this for passive and active. We modified this to meet the needs of our community. Thanked Senator Timilty and offered to file this bill for the two towns. For under \$40,000 we could have a good piece of land.

MOTION moved by Mrs. Mackenzie to place an article for the DOC Land, seconded by Mr. Kraus, VOTED 5-0-0

Stadium leadership meeting-meet with us on March 4. Few years ago we put together a traffic plan. It seems post games are a challenge as well. Country Fest, after the meeting in Foxboro last week, we have work to do.

WSHG fund balance- it has been growing steadily. Good job introducing health and wellness programs.

New Business/Old Business

There is an opening on the Norfolk County Advisory Board, given the expansion; it may be a good idea for one of us to represent us on that Board.

Revised Schedule meeting- Mr. Kraus stated the reason is due to conflicts he has and his ability to make Tuesday Meetings over the next few months.

MOTION moved by Mr. Berry to amend the schedule and to post as shown on the attached schedule, seconded by Mr. Timson, VOTED 5-0-0

9:15 p.m. Executive Session

Mr. Kraus read the declaration into the record. I hereby declare that:

- Under G.L. C.30A, §21(b)(3) the purpose of the executive session will be to discuss litigation strategy regarding litigation known as; Allied Recycling Center, Inc. v. Delmar. et al., and the Town of Walpole, Middlesex Superior Court C.A. No. MICV201 -03591; and

- Commonwealth of Massachusetts v. Allied Recycling Center, Inc. and Recycling Walpole, Suffolk Superior Court C.A. No. SUCV2010-00811; (1-30)

- That a discussion of the foregoing in open session could compromise the purpose for The executive session; and

- That the Board of Selectmen shall return to open session only for the purposes of adjourning.

MOTION

MOTION Moved by Mr. Kraus that the Board of Selectmen go into executive session, under G.L. c.30A, § 21(b)(3) for the purposes and reasons declared by the Chairman, seconded by Mrs. Mackenzie, VOTED by roll call: Mr. Timson-Aye, Mr. Gallivan-Aye, Mr. Berry-Aye, Mrs. Mackenzie-Aye and Mr. Kraus-Aye

The Board moved out of Executive Session

MOTION moved by Mr. Berry to adjourn at 9:40 p.m., seconded by Mrs. Mackenzie, VOTED 5-0-0

