

The Board of Selectmen met on Tuesday, June 19, 2018 at 7:00pm in the Main Meeting Room of the Town Hall. The following members were present.

Mark Gallivan, Chairman
Nancy Mackenzie, Vice Chairman
James O'Neil, Clerk
David Salvatore
Ann Ragosta

Also present:
James Johnson, Town Administrator
Cindy Berube, Executive Assistant

Mr. Gallivan Called the meeting to order followed by the Pledge of Allegiance.

Announcements and Proclamations

Appointments

6-26 7:00pm-Reconsider the Board's May 23, 2017 revocation of the Eastern Pearl's license

The ABCC would not hold up the revocation vote the Board took. They advised the Board to change their vote to indefinite suspension which will allow the licensee to transfer the license.

MOTION moved by Mrs. Mackenzie to reconsider the vote of the Board taken on May 23, 2017 relative to the revocation of the Eastern Pearl License, seconded by Mr. Salvatore, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie amend the vote of May 23, 2017 from revocation to indefinite suspension, seconded Mr. Salvatore, VOTED 5-0-0

PUBLIC HEARING Transfer of All alcoholic license of Eastern Pearl ,New Common Victuallers and Weekday Entertainment licenses

1. MOTION moved by Mrs. Mackenzie to open the public hearing for the transfer of the Eastern Pearl License, seconded by Mr. Salvatore VOTED 5-0-0

The new Restaurant owner Alex Deng will repair the Sprinkler system. The license will not be issued until the Fire department is satisfied.

Ms. Ragosta so as soon as the sprinkler system is done they can get the license. That is correct, once the Fire Dept. is satisfied the office can issue the license. It is a requirement of the ABCC. Mr. Salvatore questioned Mr. Deng as to who is Atina Eastern Pearl? He stated he was and there are no other stockholders. Mr. Salvatore questioned you are purchasing this from whom? Mr. Deng stated from Eastern Pearl Inc. which is Ming (Tiemin Zhang and Sandy Xiu Yun Wong). Mr. Salvatore you will be keeping sandy on as chef. Mr. Deng said yes and Chang. Mr. Salvatore asked what are Sandy and Chang?

Mr. Deng they are the cooks. Mr. Salvatore questioned if he was keeping the previous owners? Mr. Deng, no just Sandy. I own it 100%. Mr. Salvatore and how Sandy will be compensated. Mr. Deng she will be paid salary, \$3,000 a month. They owed a lot of money and I took on their debt. I have people that will be coming over from my other location. Mr. Salvatore asked if the restaurant were more profitable would Sandy get more. Mr. Xeng No. Mrs. Mackenzie asked how they check ID'S Mr. Xeng stated we use a machine. She asked have you ever had a problem. Mr. Xeng no we check id with machine. The best way is to scan ID. Mr. Gallivan explained we have had a lot of trouble in the past at this location, and we hope you are successful, keep an eye on underage drinking. We suggest that you put it out there that it is under new ownership. Let people know that there are new owners and run better.

2. MOTION moved by Mrs. Mackenzie to close the public hearing, seconded by Mr. Salvatore, VOED 5-0-0
3. MOTION moved by Mrs. Mackenzie to approve the transfer of the All alcoholic license from Eastern Pearl Enterprises to Atina Eastern Pearl Inc. d/b/a Eastern Pearl and to approve the Common Victuallers license and Entertainment license and manager Mr. Deng for the new establishment pending final signoff by fire chief seconded by Salvatore, VOTED 5-0-0

6-27 Justin Caron, Associate member of the Historical Commission

Justin Caron is seeking to be an associate member on the Historical Commission. He explained he moved to Walpole about a year ago. He works for Real estate project firm. We own the Carroll house. I thought what better way to save old houses. Ms. Ragosta, Sam will be very happy to have you. I thought the opportunity was great. Mr. O'Neil we know how important it is to safe old houses.

MOTION moved by Mrs. Mackenzie to appoint Justin Caron as an associate member to the Historical Commission seconded by Mr. Salvatore, VOTED 5-0-0

6-28 Street opening permit for 13-21 West Street, Eversource

Maggie Walker, Town Engineer and Christine Crosby representing Eversource. We are requesting this and the reason why is that Herb Lewis is on the pole in the back and those are going to be removed. The Board had approved the pole relocation previously.

MOTION moved by Mrs. Mackenzie to approve the request for Street Opening Permit under a moratorium, for 13-21 West Street subject to the conditions set forth in the letter dated June 6, 2018 from Town Engineer Maggie Walker, seconded by Mr. O'Neil, VOTED 5-0-0

6-29 Request of Corcoran to relocate sidewalk in front of their project "The Commons at Walpole Station"

Mr. Johnson reported his request came forward a few months ago. We met on site, I would prefer to not have to move people from one side to another. It is a solar crosswalk sign.

Abigail Middleton representing Corcoran and Company explained they are looking for a temporary sidewalk. We have updated the plans, found a route on our side. From June of this year until next June. It is for the safety of pedestrians. Showed the plan, West St. is a primary route for pedestrians. It will be a five-foot temporary sidewalk with concrete barriers. It will be ADA and we will remove the snow. All traffic signage. Try everything to keep traffic flowing and keep everyone safe. Paint new lines.

Mr. O'Neil questioned how wide will the sidewalk be. Abigail stated it is five feet. We have a site contractor on site. Will engineering be out there? Ms. Middleton stated that across the street is a parking lot. We want to keep people crossing safely. We will put in the compliance signage. The traffic lanes will remain 11 feet.

Mr. O'Neil wanted to know what would happen when the project is finished and take the fencing down. Ms. Middleton stated they are building the new sidewalk. We will put in new curbs and restripe the street.

Ms. Walker is comfortable with this. Chris Johnson met with the police and other departments and they were happy with this. Mrs. Mackenzie wanted to know if on the opposite side of the Street are they redoing all the curb cuts?

MOTION moved by Mrs. Mackenzie to approve the request for the Temporary relocation of the sidewalk subject to the requirements set forth in the letter from Chris Johnson, Asst. Town Engineer seconded by Mr. O'Neil VOTED 5-0-0

New Business

Fall Town Meeting

MOTION moved by Mrs. Mackenzie To open the Fall Town Meeting Warrant and close on August 21, 2018, seconded by Mr. O'Neil VOTED 5-0-0

6-30 Industrial Road Parcels

Mr. Johnson reported that town meeting authorized you to do this. He is requesting procurement for this. This is the First Step. Working on the RFP now. Ms. Ragosta, this land why are we selling it? Mr. Johnson explained the town was approached by Mr. Duggan and he wanted to purchased it. All 3 parcels. He wants to expand. Ms. Ragosta is this required to go out so other buyers could buy this land. Mr. Johnson stated yes.

MOTION moved by Mrs. Mackenzie to declare Parcels located off Industrial Rd as Surplus known as Map 46 Lots 63, 65 and 66 and authorize a request for proposals to sell said parcels by the Town Administrator, seconded by Mr. O'Neil, VOTED 5-0-0

6-31 Fighting the Opioid Epidemic

Mr. Johnson explained this is a national case that K&P that is working with other firms. To enter into this litigation a no extra cost to the town. They are going after the pharmaceutical manufacturers and distributors for their role in the devastating opioid epidemic, which has resulted in massive economic damages to Massachusetts's cities and towns.

MOTION moved by Mrs. Mackenzie to authorize The Town Administrator to execute the agreement for Legal services for engagement of the National firms in the Opioid litigation seconded by Mr. O'Neil VOTED 3-0-2 (Mr. Salvatore and Mrs. Mackenzie abstained)

6-32 Request to use Wetlands protection Act Fees

Mr. Johnson explained last year we did this, this covers Landis time and some of the secretary's time. Jack Wiley, Chairman of the Conservation Commission explained the last time we asked for money was August 2016. We are requesting \$10,000, approved at the last Conservation Commission meeting, to help balance the budget. This is the state fee that goes toward the town. Explained how the fee works. This money is used to supplement our agent and secretary beyond activity that is budgeted, administer the Wetlands protect act. Landis works on the Open Space plan, the MS4 plan, trail at memorial pond. Attending other meetings. The money is for anything over the 29 hours a week.

Ms. Ragosta these funds that are being requested are outside the regular budget process. That concerns me. Concerned about that it is above what has been appropriated. Mr. Wiley the secretary's time at meetings comes out of this fund. She is shared with the Zoning Board. The best way to handle the meetings are to pay her hours out of this fund. Ms. Ragosta has that been an ongoing process. Mr. Johnson stated this has been going on since 2000. Ms. Ragosta feels the dept. budget should go through the right budget. Mr. Johnson explained these funds do not allow that, we reduce the budget accordingly.

Mr. Wiley explained that in accordance with MGL the fees go into these funds and cannot be mingled with the budget. The fringe benefits are not included with these hours. Mr. Johnson explained that her personal time and vacation time are not part of that calculation. Ms. Hershey, Conservation Agent stated if there was a week were I worked over my 29 hours, I don't get benefits over those hours. Ms. Ragosta with respect to the Secretary piece. When the secretary is budgeted at town meeting, these extra hours are not. It is the same hourly rate. Yes it is .

Mr. O'Neil great job you guys do. Is this request come and go or is it flat? Mr. Wiley it seems to work out every two years. Mr. O'Neil so next year you may not need the money. Every year we use some of the money. There is a part of me that says if it takes extra hours, why don't we just fund it. Do it so we do not have to do this year after year. Mr. Wiley these funds can only be used for specific purposes. Mrs. Mackenzie wanted to know can you use those funds to update conservation plan. To be used to protect the wetlands. Ms. Hershey explained it is a fund that was set up to help conservation to help pay staff. Mrs. Mackenzie wanted to know if would you be able to hire a consultant. Landis replied no, just for in house staff.

MOTION moved by Mrs. Mackenzie to approve the request of Conservation Commission to expend \$10,000 from Wetland Protection Act Fees Account for staff purposes in administering and enforcement of Mass Wetlands Protection Act seconded by Mr. O'Neil, VOTED 5-0-0

Ms. Hershey says that they do need more hours. They seek additional hours every year.

OPEN FORUM

Liz Barrows I was recently elected as an RTM, I submitted an application to be on the Housing Partnership Committee. The BOS can increase to 11 if deemed necessary. Mr. Gallivan I asked Cindy to hold that. He wanted to ask the Chair of the Committee. We did the same thing with the COA and it was not a good thing. I am the reason it is on hold. We hope to hear back from them. In the event that the Chairman doesn't want to add anyone what will you do. We will have a conversation.

Jimmy Taylor- Why are streets being tarred that do not need to be tarred. Mr. Gallivan you can ask the question, but I cannot answer. Mr. Johnson is aware that he visited the DPW. I visited with them and there is a pothole. We do have a pavement management plan. Industrial road across from Chris Service there is a pole that needs to be fixed.

6-33 Request to place an A-Frame , for Farmers Market

MOTION moved by Mrs. Mackenzie to approve the request to place an A-Frame at the corner of Main St and East Street on Saturday Mornings to advertise the Farmers Market, seconded by Mr. O'Neil
VOTED 5-0-0

6-34 Bid Contract Crack Sealing by Fiber Reinforced Method

Jim reviewed the bid. Mr. O'Neil wanted to know did we get references on them. Mr. Johnson stated they have worked for us before.

MOTION moved by Mrs. Mackenzie to award Bid/Contract No. 2018-18 cracks Sealing to Sealcoating Inc. for an estimated total of \$35,370.00, seconded by Mr. O'Neil, VOTED 5-0-0

Discussion on proposed Robbins Road parking Lot for Commuter parking

Mr. Johnson spoke of the commuter parking at the pool, which can no longer take place, as the pools are open. He spoke with the school and there is no issue. This will be until the teachers return on August 28, 2018. Mrs. Mackenzie what if you need to move the vans where will you move them to. Mr. Johnson stated one of the schools.

Mr. Salvatore noted the Elm st lot is being paved. Do you know the status? Mr. Johnson is trying to find out.

MOTION moved by Mrs. Mackenzie to approve the use of the Robbins Road parking lot for Commuter parking while School is out of session. Seconded by Mr. O'Neil, VOTED 5-0-0

6-35 One day all alcoholic license Knights of Columbus

MOTION moved by Mrs. Mackenzie to approve the one-day all alcoholic license for Knights of Columbus, July 3, 2018 seconded by Mr. O'Neil, VOTED 5-0-0

6-36 One day entertainment permit for live band

MOTION moved by Mrs. Mackenzie to approve the one day entertainment permit for Live band on July 3, 2018 as requested by Colleen Towne with music stopping at 9pm and if there are any complaints made to the police department they would stop promptly. Seconded by Mr. O'Neil, VOTED 5-0-0

6-37 One day entertainment permit for live band on July 3, 2018

MOTION moved by Mrs. Mackenzie to approve the one day entertainment permit for Live band on July 3, 2018 as requested by Fred Giandomenico for music to be played from 6-9 and 10-Midnight with the condition if there are any complaints made to the police department they would stop promptly. Seconded by Mr. O'Neil, VOTED 5-0-0

One day WINE and MALT only for Main Street Live

MOTION moved by Mrs. Mackenzie to approve the one day wine and malt only for Jalapeno's Grill Inc., Ravens Nest & Ravens Vine and tap for Main Street Live on the following dates 7/6, 7/7, 7/14, 7/20, 7/21, 7/27, 8/3, 8/4, 8/24, 8/25, 8/31, 9/1, 9/7, 9/8 and 9/14 seconded by Mr. Salvatore VOTED 5-0-0

6-47 One day WINE and MALT for IA outside area

MOTION moved by Mrs. Mackenzie to approve the one-day Wine and Malt license for IA on July 3, 2018 from Noon to 10pm, seconded Mr. O'Neil 4-0-1 (Mr. Salvatore abstained)

6-48 Well cleaning and redevelopment services

MOTION moved by Mrs. Mackenzie to award Bid/Contract No. 2018-20 for well cleaning and redevelopment services to Denis Maher Co. in the amount of \$81,765.00 seconded by Mr. O'Neil VOTED 5-0-0

MOTION moved by Mr. Salvatore to approve the following Consent Agenda Items
Gift Acceptances:

- | | |
|---|-------------------|
| a. Thomas & Sons Funeral Home, RAD special program account | \$ 250.00 (6-40) |
| b. Dental Associates of Walpole, RAD special program account | \$ 250.00 (6-41) |
| c. Dune Jewelry, RAD special program account | \$ 250.00 (6-42) |
| d. Real Living Realty Group, Program scholarships Recreation Gift & Donation acc. | \$1,000.00 (6-43) |
| e. Friends of St. Patrick, Recreation Program Scholarships | \$4,000.00 (6-44) |
| f. Italian American Club, COA gift/donation | \$50.00 (6-45) |
| g. Matthew & Linda Miga, COA gift/donation | \$50.00 (6-46) |
| h. Junior Women's Club, donation community events | \$ 500.00 (6-49) |
- Seconded by Mrs. Mackenzie VOTED 5-0-0

Ms. Ragosta brought up the Housing Partnership committee. She feels that 7 are not enough. I want to update the Board wants to know if the HR benefits coordinator position has been posted. Mr. Johnson stated yes it has. She is looking to outsourcing that particular position.

TOWN ADMINISTRATOR UPDATE

1. The superintendent informed me this week that the SOI's have been submitted to MSBA for review. WPS is in a holding pattern while MSBA does their diligence to review all applicants. The final decision with respect to acceptance into the grant program is scheduled by MSBA for Mid-December 2018.
2. Paving - The paving contractor is in Walpole and he has started working. We are going to start paving North St in the beginning of July. Rubber chipseal is set to start July 16th. These are the streets; Cinnamon Circle, Lilac Court, Jersey Way, Guernsey Way, Heather Lane, Lorusso Rd, Holly Lane, Beth Rd, Tanglewood Rd.
3. Water Dept. Pipe replacement –Attached a list of streets that will have their water line replaced this year. Bids will be opened on Wednesday July 11th for late summer/fall construction.
4. Keep Walpole Beautiful committee-met with them last week, I explained to them they would be bound by open meeting law. If you like to have this placed on an agenda let me know. They came up with the mission statement. Mr. Salvatore approach the Chamber of Commerce we could discuss that instead of being a town committee. I did see some of the things they did and they cleaned out the CVS parking lot. Do we have a procedure that we will get rid of the disposal?

Mrs. Mackenzie before they come to us, maybe they can sit down with Cindy and make sure that we line them up with other committees. Run by Bob at the DPW. Questions about setting up this committee. Robin and Cindy could meet with them. Mr. O'Neil I like this idea a lot. I would love to have them come in.

Ms. Ragosta does have a concern about the mission statement. I do not want this committee to overstep and have us be the litter police. Language matters. If we adopt this, that is a very broad based. The public private relationship. They are not in a position for us to create new laws.

Mrs. Mackenzie does have a few worries, technical worries, even before we put them on the Agenda. Look at it. Thinking about them at CVS. What is our ability to go onto private land. Before it is on the agenda there is some work that needs to be done. Mr. Gallivan supportive of the idea

5. Rail Trail work-work being done near the Town forest. Working with the business but making the area better for the residents.
6. Night before the Fourth the committee continues to raise funds for this. We will close offices on July 3 and 4th.
7. Private building projects, Peter Mahoney said they should be renting apartments by next summer. Pulte is working its way through the permitting process.
8. Coney St Siemens mass works grants-The meeting went well. Today met with Eversource and the firm that the town hired to design Coney St. The project is currently 25% designed. It is expected that it will be at 90% design by the end of the summer. He would like the Board to invite the designed in and allow him to present it to your Board of consideration.

Mr. Salvatore have the designers been in contact with the close abutters.

9. Request for wedding on common- Received a request to hold a ceremony at the Gazebo on June 21st. Just the couple and their kids and the Justice of the Peace. The Board had no issue.

Talked about the police department and the items available. Mr. Salvatore can we offer the items to Non-profits?

Ms. Ragosta talked about the kennel. Pitched the drains the right way.

Mr. O'Neil mentioned that when you look at the old surplus stuff in the Police station be sure there is nothing old that gets thrown out.

EXECUTIVE SESSION

CHAIRMAN'S DECLARATION

I hereby declare that

Under G.L. c.30A, §21(a)(6) to discuss the purchase, exchange, lease or value of real estate for Norfolk County

Under G.L. c.30A section (2) and to conduct strategy with respect to possible litigation relating to Burns Ave Property

- That a discussion of the foregoing in open session could compromise the purpose for the executive session
- That the Board shall return to open session for the purposes of adjourning

MOTION moved by Mr. Gallivan to enter Executive Session

•to consider the purchase, exchange, lease or value of real estate for Norfolk County land as a discussion in open meeting may have a detrimental effect on the Towns position.

•conduct strategy with respect to possible litigation relating to Burns Ave Property as a discussion in open meeting may have a detrimental effect on the Towns position seconded by Mrs. Mackenzie VOTED by roll call Mrs. Mackenzie –Aye, Mr. O'Neil-Aye, Mr. Salvatore-Aye, Ms. Ragosta-Aye and Mr. Gallivan –Aye.

The board moved out of Executive session at 9:55pm

MOTION moved by Mrs. Mackenzie to adjourn at 9:56 seconded by Mr. O'Neil, VOTED 5-0-0