

The Board of Selectmen met on Tuesday, September 18, 2018 beginning 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 at 7:05pm

Appointments

Reaffirm Appointment of Rick Mattson as DPW Director

DPW director Bob O'Brien retired and I recommend Rick Mattson

MOTION moved by Mrs. Mackenzie to reaffirm the Town Administrator's appointment of Rick Mattson as the DPW Director, seconded by Mr. Gallivan VOTED 4-0-0

Mr. Gallivan was part of the interviewing. I think the dept. is well served.

Complete Street Policy VOTE of Board on policy

Maggie introduced Mr. Scully from Green International. Once our tier one and two are in place than we can apply for grant.

Bill Scully we have been working with MW and various depts. On these efforts. Complete Streets definition. It lists everyone from Pedestrians to single occupancy vehicles. It is a set of principals and proceeds that you have the street right of way make it safer. We recognize the different uses of the road. In the last 15 years, all different groups diverse group of people. Making things better and safer. What we have found over the years, approach is to provide for safe movement for all users. Better design for older adults and children, attention to details to better allow travel by people with disabilities. Create an environment that people feel more comfortable. More enjoyable spot. Showed examples of village centers. Talked about rapid beacons. People are slowing down or stopping when they see the pedestrian crossing beacon signs. Bicycle accommodation, transit service, shelters, benches, bicycle storage racks, ADA compliant curb ramps.

Policy these bullets outline the concept. It changes the way we approach a transportation problems. In the state makes the town eligible for funding grants. The Tier 3 which is the implementation you can apply up to \$400,000 a year. Mass DOT program, most of the state DOT is emphasizing complete streets. A unique program, they worked with the Mass Dept. of

public health. The Mass DOT program it hands Municipalities fund to complete streets. Provides the funding assistance, training program, and municipal staff to attend the program.

Three tiers policy, plan and implementation. If adopted will go into DOT and they will score it. As long as it gets an 80 or more they will approve it. Mrs. Mackenzie how the plan or guidelines deal with scenic roads, scenic walls and Historic sites. How does the Mass Dot feel about that and how does that impact our scoring. Bill in your context you scenic rd. There are techniques within the toolbar. Better connections for travel in a safer manner. Some of the things they will not pay for are engineering. NM I think this is great downtown. Could this plan be sitting on a shelf somewhere, could someone say you should approve this because it is consistent with your Mass DOT plan? Bill I do not think so. You can ask the developer to do something consistent with the complete streets policy. I am not sure how a private development could use the policy to not do something.

Mass DOT CS funding program there are 211 registered communities, 174 policies, 116 Tier 2 plans, 95 Tier 3 awards since late 2016 totaling approx. \$30m Covers six major areas. The town is for enhancing and providing safer ways of travel. The policy no only applies to the town it would also impact the state if there is a policy in place. There are sections that are exceptions. Reviewed best practices & performance. What DOT wants from the Town is to see how you are doing. No follow-up reporting with the state. This is the third year. Talked about the implementation and form a permanent committee to be designated by the Board of Selectmen.

Mr. Salvatore questioned how did this policy get created. Bill We developed a draft of that and the committee reviewed it a few times. We updated and finalized it. Started with Mass Dot. Mr. Salvatore the committee was in house people. We did do an outreach, online. Anyone can put information on the website. The funding for you came from where? Bill the Tier2 grant.

Mrs. Mackenzie, I want it out there that scenic roads, scenic walls. Bill if someone wants to do this they would still have to go to planning Board for scenic roads. Mr. Salvatore all users were practical Last sentence in Vision and purpose. In some cases not all users can be allowed. Mrs. Mackenzie safety before accessibility.

Ms. Ragosta knows we have the plans for the downtown revitalization study. Mr. Johnson noted that right know they are separate. I was going to include engineering in the downtown study. We will try to incorporate that. Apply some of these funds for that purpose.

Mr. O'Neil section 5 performance measures. What does the process look like? Bill that will be up to the permanent com. The idea is, we have gone thru 38 roads and come up with 30 projects to Mass DOT. You have a plan and a mechanism to fund some of it, Way you want to measure if we have 5miles in disrepair. It will be up to the committee to meet and look over projects. The State wants to encourage you and continue on. Committee to monitor projects. You have a road layout with a certain width, what if we add a bike lane; we have not created a traffic problem. What would we do and what action would we take. Bill if you found something is a mistake, what we did wrong. You can go back and fix. Mr. O'Neil wants to make sure we think about what to do if something can go wrong.

Mrs. Mackenzie suggested the committee be made up by DPW, Board of Health, Walpole Police Dept., historic com, engineering, planner/EDC, pat shields they would meet during work. They know the projects going on. Similar to Design review committee.

Mr. Gallivan likes the idea. Looks forward to moving ahead with it.

***Will bring back in two weeks with language change. Scenic trees, road and sites, Safety is before accessibility.*

DPW Director

Mr. O'Neil was not present for the original vote and would like to vote on this.

MOTION moved by Mr. Gallivan to reconsider vote of DPW Director, seconded by Mrs. Mackenzie, VOTED 5-0-0

MOTION moved by Mr. Gallivan to reaffirm the vote of DPW Director Rick Mattson, seconded by Mr. O'Neil VOTED 5-0-0

British Beer, Update

They have closed and he has no one at this time.

Ari Arian, currently we have a couple of tenants. We are also know considering operating ourselves.

Public Hearing for Street Acceptance of Warren Lane & Atlantic Court

MOTION moved by Mr. Gallivan to open the public hearing for order of Layout for Warren Lane and Atlantic Court , seconded by Mrs. Mackenzie

Maggie Walker both of these streets has had their bonds releases. This is the last step before town Meeting.

MOTION moved by Mrs. Mackenzie to close the public hearing, seconded by Mr. Gallivan, VOTED 5-0-0

Warren Lane

MOTION moved by Mrs. Mackenzie to adopt the order of layout for Warren Lane from STA 0+00+/- to STA 7+50+/-, seconded by Mr. O'Neil, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to sign the order of layout documents and plans for Warren Lane and to have it on file In the Town Clerk's office, seconded by Mr. O'Neil, VOTED 5-0-0

Atlantic Court

MOTION moved by Mrs. Mackenzie to adopt the order of layout for Atlantic Court from STA 6+95.67 to STA 10+73.52, JO 5-0-0

MOTION moved by Mrs. Mackenzie to sign the order of layout documents and plans for Atlantic Court and to have it on file In the Town Clerk's office, seconded by Mr. O'Neil VOTED 5-0-0

Eversource Pole Location, East and Glenwood Street

MOTION moved by Mr. Salvatore to open the Hearing for Eversource for Grant of New Pole location East and Glenwood Streets, Seconded by Mr. Gallivan, VOTED 5-0-0

Christine Cosby from Eversource. Ann Ragosta, will any neighbors be impacted. Christine, no not at this location. We have to replace where the wires are going over their property and move the wires to a new location. Crossing over private property where the development is. Mrs. Mackenzie wanted to know what is in on the old pole. Going down East street. Christine in order to keep the feed we have to move the pole they cannot access the property.

Bob Rockwood, owns the bldg. on Glenwood and East St., if the poles goes in and crosses over Glenwood ave, it would go through a tree. Does eversource have an explanation on how they will handle it? Christine stated they would do some trimming.

Jerry Lorusso Edgewood development, we do not know where the wires are going. Any trees that get removed we will replace the best we can. We are in flex as to how we are going to get power down the street. The Planning Board would like us to do this underground. Mrs. Mackenzie what is stopping that. What is preventing it to going underground? She wanted to know is this a temporary pole. Mr. Lorusso does not believe so. Mr. Salvatore where do the wires go over your property there are also some on our property and they need to address that as well. You need this to be moved for your project. Ms. Ragosta this pole because of the wires will have an impact on private property. Bob Rockwood, I appreciate that Mr. Lorusso will make good on any damage with the trees. Ds at this point they need this pole at this location to get you through this project. The issue will be more the next move.

Mr. Lorusso explained that Eversource has to figure out a way to get them underground. Mr. O'Neil what can we do to bring Eversource into the conversation. Ms. Walker noted there is a second issue. When they put underground wires we will still need two poles for streetlights.

Christine does not know much about it. We would like it to be underground. The Glenwood piece of it. Mr. Lorusso there may some trimming on the limbs in the town right of way we would not run the wires on private property.

Mrs. Mackenzie do you need this approved now. Mr. Lorusso they have to move the lines where it crosses our property. Mrs. Mackenzie if they move the wires over and it does ruin the tree, would you be ok with it being replaced. Mr. Rockwood this one tree is not critical. I am in favor of allowing this.

MOTION moved by Mrs. Mackenzie to close the hearing, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mr. O'Neil to approve the request of Eversource to install a new pole on East Street on the southeasterly corner of Glenwood Ave with the understanding that

Eversource will work with the developer to put the wires underground tying the underground wires to this, seconded Mrs. Mackenzie VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to sign and Send a letter to Eversource and asks them to come before us to discuss the underground wires seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie that no more permits for Eversource unless there is an emergency until the Glenwood underground issue is resolved, seconded by Mr. Gallivan VOTED 4-1-0 (Mr. Salvatore opposed)

OPEN FORUM- William Abbott, since you have Eversource here we have a lot of poles that are damaged. There are double poles. Do we ever prioritize this? Generally our local person. We do have a list of double poles. Eversource can be tough to deal with.

Susan Lawson, RTM 2, Finance Committee, questions to voice opinions. She is referencing a comment made on Facebook by Selectwoman Ragosta. Read the questions. She appeared before the Board regarding a number of questions to clarify the rights of residents of Walpole to voice opinions and vote, to hold elected and appointed positions in town. 1. Must a resident of Walpole pay real estate taxes in order to voice an opinion regarding matters at issue in Town? 2. Must a resident of Walpole pay real estate taxes in order to vote in Town elections? 3. Must a resident of Walpole pay real estate taxes in order to hold an appointed or elective position in town? 4. Must a duly elected or appointed member of a board of committee pay real estate taxes in order to participate in debate, make a motion or vote as part of the Body? She provided the Board with a copy of the questions. *(a copy is on file in the office)*

Ms. Ragosta is assuming that she is referring to my comments. I am providing information to his taxpayers. I do not think it has anything to do with the first amendment. Mr. Salvatore we have never restricted anyone's free speech. It is a political discussion they are having. There is nothing anyone has done. Mr. Salvatore read the following at the meeting.

Mr. Salvatore read this: I did not make the remarks in question. But I defend the rights of all the selectmen to speak on political issues related and unrelated to the governance of the town.

No it is not a requirement to be a taxpayer to be eligible for appointment to the Finance Committee.

Ms. Lawson you often season your remarks with the fact that you are an attorney in order to give your remarks an added level of credence. As in the past, you are using this status to bolster your deceit. You well know that political speech is protected speech, and that the speech by my colleague of which you complain is political speech. There has been no action by this board or the town to infringe on Mr. Flowers speech or to remove him from his position. His vote counts just like everyone else's. You can point to no official action which has infringed a non-taxpayer from actively participating in town government or having his or her voice heard. Mr. Flowers rights have not been impinged.

And while you are correct that you needn't be a taxpayer to be a member of the Finance Committee, it is protected speech to point out that a non-taxpayer may not represent the taxpayers' best interest and that Moderator Bruce has in his appointment of Mr. Flowers, has appointed someone with little empathy for the taxpayer.

I made similar political remarks to a crowd of over 100 at a tax relief rally on September 23 on the issue of nepotism in town government. spoke of jobs have been created for the well-connected in Walpole, that relatives of Selectmen have been appointed to the Fire Department and the fact that our moderator and numerous town meeting members derive family income from the town

While people are not precluded from serving in those capacities because they derive income from the town, taxpayers are entitled to be made aware as to who they elect and to whose best interest those that they elect will be serving when they make decisions. When they make decisions, whose wallet are they going to be concerned about yours, or theirs? Ms. Lawson, you will not restrict my free speech.

And it ironic, sad, but maybe not surprising that this complaint is coming from you who along with School Committee member Geotsis under took a smear campaign against an extremely prepared and well-educated member of the committee, who dared to disagree with you. You accused that member of a violation of open meetings law which you Ms. Lawson and Ms. Geotsis, both attorneys, clearly knew did not exist as there were less than the required 8 participants. The promise to be more vigilant and apologies were not enough - you sought to silence the member. You or your confederates even went so far as contacting the person's employer in an attempt to cause the member and his family financial harm.

As long as there is less than the quorum, there is no violation. A fact that you know as an attorney. You know that as you continue to legally discuss Finance Committee business outside of the meeting with members of the finance committee on at least weekly basis. It is indeed legal and in fact advisable to read things and talk to people. The legislature has decided not to restrict all communication and discussion as the legislature has recognized that some discussion is useful in gathering and processing information which cannot be expected to only occur in the confines of a meeting.

Neither this board nor any of its members have infringed on Mr. Flowers' free speech. What you attempting to do now is to silence another person whose effective message is hitting home. And what you are asking is for us to restrict a member of this boards free speech because you disagree with what is being said. As attorney you should know it this illegal. But, then again, using your misinterpretations of the law for political motives is not new to you. Shameful.

Ms. Lawson I would ask you to seek input from Town Counsel.

Reaffirm Vote taken on July 17, 2018 for DeBevino Winery. LLC

The ABCC required us to re-advertise and add in that the license is a Section 12 license.

MOTION moved by Mr. O'Neil to open the public hearing, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mr. O'Neil to close the public hearing, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mr. O'Neil to reaffirm the Vote for DeBevino winery for the Transfer of license taken on July 17, 2018 seconded by Mr. Gallivan, VOTED 4-0-1, (Mr. Salvatore abstained)

Hearing for Eversource to Grant a New Pole and One Anchor Guy on Short Street
Has been withdrawn.

MOTION moved by Mrs. Mackenzie to accept the withdrawal for the application of a new pole seconded by Mr. Gallivan, VOTED 5-0-0

New Business

State Aid reimbursable program for Complete Streets Tier 2

MOTION moved by Mrs. Mackenzie to Sign State Aid reimbursable program for Complete Streets Tier 2 for \$36,955.54 , seconded by Mr. Gallivan VOTED 5-0-0

One day Wine and Malt at Adams Farm for October 6, 2018

MOTION moved by Mrs. Mackenzie to approve the One day Wine and Malt at Adams Farm for October 6, 2018 for Cyclocross Race, seconded Mr. Gallivan, VOTED 5-0-0

One day Wine and Malt for November 3, 2018 at Blessed Sacrament Church

MOTION moved by Mrs. Mackenzie to approve the one day Wine and Malt for the Blessed Sacrament church, seconded by Mr. Gallivan, VOTED 5-0-0

Appoint two members to the Walpole Housing Partnership

At the previous meeting the Board had interviewed all candidates. Chairman Gallivan asked each member to provide two names for the seats.

Mrs. Mackenzie- Ben Barrett, Liz Barrows

Mr. Salvatore- Ben Barrett, David Wildnauer

Mr. O'Neil- Ben Barrett, Liz Barrows

Mr. Gallivan- Ben Barrett, Liz Barrows

Ms. Ragosta- Ben Barrett, Liz barrows

Articles 1 through 20 of the Fall Town meeting

MOTION moved by Mrs. Mackenzie to recommend Favorable Action on Article 2, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to recommend Favorable Action on Article 6, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to recommend Favorable Action on Article 10, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to recommend Favorable Action on Article 11, seconded by Mr. Gallivan,

Mr. Johnson explained this is short term borrowing. Mrs. Salvatore the budgetary process has been is not putting money into roads and we have free cash.

VOTED 4-1-0 (Mr. Salvatore opposed)

MOTION moved by Mrs. Mackenzie to recommend Favorable Action on Article 12, seconded by Mr. Gallivan, VOTED 5-0-0

Ms. Ragosta all the repairs are paid through the water rates. It comes from the Water retained earnings.

MOTION moved by Mrs. Mackenzie to recommend Favorable Action on Article 13, seconded by Mr. Gallivan, VOTED 5-0-0

This would allow us to participate in grant program for me/me. 75% of the grant you do not pay back. Find where the leaks are.

MOTION moved by Mrs. Mackenzie to recommend Favorable Action on Article 16 seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to recommend Favorable Action on Article 17 seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by to recommend Favorable Action on Article

Article #19

A resident asked to have swimming. The E.coli level was high and we shut down the pond during the summer. I would propose that it be funded through retained earnings. Mrs. Mackenzie thinks it would be an addition to summer live. It is a large piece of property. I think we need to get a better grip on.

Bill Abbott he came before us we did not deny or approve. Concern about lifeguards and the recreation department have a budget. Would they want to have swimming on the weekends? I do have a concern about using water-retained earnings; I think you would have a problem with 21/2 percent using revenue for non-water uses.

Ms. Ragosta would like to see this open to the public. If the rate payers are paying for the land. The question is who pays for the lifeguards? Mr. Salvatore didn't think Recreation controls the property except in use during Jarvis harvest and camp.

Bill Abbott I cannot recall not allowing it. Our concern is that this is not a recreation program, do they want to do that and it is a money issue, the commission will not look favorable on using water retained earnings.

Mrs. Mackenzie thinks there a public health issue. When you start lifeguarding a pond it is different than a pool. Mrs. Salvatore are the pools open on the weekends? Do they drop attendance? Mr. Johnson, yes they do.

Mr. Abbott does the Recreation dept. wants to be involved in this. Mr. Gallivan suggested a trial day

Authorization for T. Administrator to move forward with inter municipal agreement with Sharon for Hotel.

Hotel-located in Walpole/Sharon. They need an inter municipal agreement with Sharon for the proposed hotel. He is asking the Board to authorize him to sign.

Showed the board a picture of the layout of the hotel. I think they are going in the right direction. We will be getting a portion of Sharon's hotel taxes. Work out the details for the site plan review for both towns. I need to know if you want me to move forward.

Ms. Ragosta my concern is for the water usage. We have put hotels on line and I did speak with the owner and he expressed concern about this. He has put 14.5 million dollars. He wanted to be here tonight, he would like to send a letter to the Board and how it takes 3-5 years to get established. My concern we encourage business to come to town and we should do what we can to see them proceed. I know that the Fairfield pay about \$8,100 in taxes. Do we have plan when we have these businesses help them succeed. Mr. O'Neil is trying to separate her two concerns the ways we allocate water between residents and commercial. We limit our water and now bring on a hotel. I am not sure why we are moving forward. JO I would like to know how much water utilization.

Bill Abbott, sewer and water we did have some discussion on this, they wanted to build the entire faculty in Sharon. I do not remember a problem with water. Our real problem is Summer. In terms of normal usage, hotels we have plenty of room. The summer usage for irrigation is a concern. Mr. O'Neil is there a valid concern or not. Mr. Abbott that was brought up, the consensus we were ok with doing this as long as we got more than 50% of the revenue. Mr. Johnson we have achieved that. Mr. O'Neil on the competitive front, I do not want to get involved with that. I don't see that we should anything up here, I understand the point, and the market is the market. Competition is good in my mind. Question about the connector to Applebee's and Hotel.

Mrs. Mackenzie you look at this site and it is a buildable site. We looked at Route one as a place for businesses. What happened is someone wants to sell it; they turn around and build a 40B there. We want business on rt1.

Mr. Abbott we asked do we need all of these hotels. Mr. Salvatore with the site and their problems physically could not get more than 50% in Walpole. That is pretty good.

MOTION moved by Mrs. Mackenzie authorize the Town Administrator to move forward on the Inter-municipal agreement with Sharon for proposed Hotel and update Board on proposed site layout seconded by Mr. O'Neil Voted 4-1-0 (Ms. Ragosta opposed)

Mr. Johnson we may need to have a meeting with Sharon.

TA update

Foxboro Pilot-He informed the Board that the letter attached was sent to the Governor's office regarding PILOT service to Foxboro. There will be gates installed Pilot to start May 19, 2019. The speed limit is a big deal

Paving-sunshine paving is coming back to town next week to finish out all the work. The remaining roads to be paved are Polley Lane, Stone St, and Lilac Court. Sidewalk construction on Coney, common, High Plain, Blackburn Hall and Cascade are expected to be completed by the End of the month.

Flooding-Was and issue today for a short period of time.

Parking-They have the final parking count for the area behind the fire station. Have an increase from 186 to 237 now.

MOTION moved by Mr. Salvatore to approve the Consent Agenda Items

1. James Delany & Sons Funeral Home, Recreation Community events sponsorships \$1,000.00
 2. Dedham Savings, Recreation Community events sponsorships \$1,000.00
 3. Walpole Co-operative, Recreation Community events sponsorships \$3,500.00
 4. Fidelity Charitable, COA Building Gift Account \$2,000.00
 5. Kenneth & Anne Maffei, Library materials \$100.00
- Seconded by Mrs. Mackenzie VOTED 5-0-0

Minutes: MOTION moved by Mrs. Mackenzie to approve the minutes of August 7, 2018, seconded by Mr. Gallivan, VOTED 5-0-0

Executive Session

CHAIRMAN DECLARATION

I hereby declare that

Under G.L. c.30A, §21(a) (2). & (3), to discuss strategy as it relates to negotiating a contract with non-union personnel and to discuss strategy as it relates to potential litigation

1. To negotiate with non-union personnel Richard Mattson for contract as DPW Director
2. Discussion on Solid Waste and Recycling Services
3. Discussion with issues relative to the Foxboro PILOT MBTA Train
4. That a discussion of the foregoing in open session could compromise the purpose for executive session
5. That the Board of Selectmen shall return to open session at the conclusion of the executive session

MOTION moved by Mr. Gallivan that Board go into executive session under G.L. c.30A §21(a) (2) & (3) for the purposes declared by the Chairman and to return to open session to vote on the DPW contract seconded by Mr. Salvatore, roll call all in favor: Ms. Ragosta-Aye, Mr. O'Neil-Aye, Mrs. Mackenzie-Aye, Mr. Salvatore –Aye and Mr. Gallivan-Aye

The Board moved out of Executive Session at 10:29pm

MOTION moved by Mrs. Mackenzie to approve and sign the Contract for new DPW Director Rick Mattson Jr. seconded by Mr. Salvatore Voted 5-0-0

MOTION moved by Mr. Gallivan to adjourn at 10:30PM, seconded by Mr. O'Neil VOTED 5-0-0

*****Please NOTE: Other than scheduled times for Public Hearings, the order of Agenda items are subject to change. The Board of Selectmen Meeting is televised. If you read a document or provide any material to the Board it becomes part of the official record and a copy must be provided to the Secretary.**