

The Board of Selectmen met on Tuesday, October 23, 2018 beginning at 7:00pm in the Stillman Conference Room at the Walpole Police Station located on South Street. 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.

#### Appointments

#### 7:00pm- VOTE of the Board on Bond Anticipation Notes Short term borrowing

Marilyn Thompson, Finance Director appeared before the Board regarding the renewal of the BANS from last year. We will do another borrowing in May.

Ms. Ragosta I know you are talking about the new projects, items in blue as shown on the document 10-34 and these were appropriated at town meeting. Ms. Thompson those are renewed. This is short-term borrowing and in May I will do a long term and short term.

MOTION moved by Mrs. Mackenzie to approve the motion as presented in our packet for document 10-34 for the Bond Anticipation Notes in the amount of \$1,480,313.

Mr. O'Neil read the following:

I, James O'Neil the Clerk of the Board of Selectmen of the Town of Walpole, Massachusetts, certify that at a meeting of the board held October 23, 2018, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: to approve the sale of a \$1,480,313 3.00 percent General Obligation Bond Anticipation Notes (the "Note") of the Town dated November 9, 2018, and payable May 16,2019, to Eastern Bank at par and accrued interest plus a premium of \$0.00.

Further Voted: that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 9, 2018, and a final Official Statement dated October 17, 2018, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with

SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures in such form as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Note.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b) at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Note were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended. Signed by me and dated October 23, 2018.

seconded by Mr. Gallivan VOTED 5-0-0

#### VOTE to close out old bank accounts

These are accounts that have been carried on the books for over ten years, The Auditor suggested closing these accounts and allow her to clear them of the books.

MOTION moved by Mrs. Mackenzie to approve the request of the Finance Director to close out three old bank accounts for Mayfair Realty & Development Corp-\$2,571.60; Reservoir Realty Trust \$11.68; and Reservoir Realty Trust \$10.00, seconded by Mr. Gallivan, VOTED 5-0-0

#### UPDATE FROM IA CLUB

John Parrella was on the previous board and there were many items that the Board was looking to have done and are now completed. Things are going along great. We are in the middle of putting together a ramp.

Mrs. Mackenzie noted the building inspector has done a great job outlining the things you have done. You have been working really well with each department and have come really far.

James O'Neil great progress. Mr. Gallivan we are pleased with what you have done and worked through the issues, great to see the IA club come back and expand.

#### 7:50pm-VOTE Change in Manager, 99 Restaurant

MOTION moved by Mrs. Mackenzie to approve the request for Change in Manager from Nathan Stentiford to Christopher Fucci seconded by Mr. Gallivan, VOTED 5-0-0

#### Taxation Aid Committee

Jim Pelligrine, Kathy Hasenjaeger, Richard Zaccaro, Marilyn Thompson and Jack Fisher were present.

Mr. Fisher gave a brief background of their authority. The Town can receive donations from taxpayers through the tax bill. This will aid taxpayers; the Committee consists of three resident members, myself and the Finance Director. Even though it was on the books since 2000 it didn't start until 2012 looked at other towns. Received only a few applications and no one met the guidelines. Recently what has happened, you appointed 3 new people we have reviewed and updated the guidelines, this is tax relief. We have the information in the guidelines. Try to coordinate with other guidelines with other tax relief. We can say is that we were looking at. Someone may just go over the guidelines. We are looking for applicants to submit. We have a minimum 5-year residency. They want to encourage applicants to take advantage of all available tax relief. Send letter to Hometown weekly, letter in COA newsletter. Town website, when we get the applications in the springtime and report back to you.

Ms. Ragosta it is a wonderful revitalization of this committee and I applaud you by this endeavor,

Mr. O'Neil agrees that every little bit does help. Do you have any idea how many people will take advantage of it. Mr. Fisher we are looking for those that would fall through the cracks.

Mrs. Mackenzie not they are doing a great job. Mr. Salvatore questioned is there any state guidance how to distribute these funds. Mr. Fisher the state does not give any guidance on this. That is why we looked at other communities; the 5-year seem to make sense. Mr. Gallivan so do you envision to having a meeting and attract people to come int. Mr. Fisher the best way to reach these people is through the COA. Ms. Thompson and I talked about where to distribute these. We will do this at the Board of Assessors office. A lot of this information is sensitive. The New COA will open on January 2, 2019. You can get the information there.

#### **New Business**

10-40 Sign the Contract for New Building Commissioner Michael Yanovitch

MOTION moved by Mrs. Mackenzie to approve and sign the contract for Building Commissioner Michael Yanovitch seconded by Mr. Gallivan

Ms. Ragosta asked if there have been any changes to this. Mr. Johnson stated no. The minimum of 40 hours a week. The contract is for a Minimum of 3 years.

VOTED 5-0-0

10-41 request to place a memorial bench on the Bandstand common

MOTION moved by Mrs. Mackenzie to approve the request to place a memorial bench on the Bandstand common as agreed to by Robert LeBlanc for Paul Procaccini, seconded by Mr. Gallivan, VOTED 5-0-0

10-43 request to use Adams Farm by Cub Scout Pack 44

MOTION moved by Mrs. Mackenzie to approve the request to use Adams Farm on October 25<sup>th</sup> by the Cub Scouts, seconded by Mr. Gallivan VOTED 5-0-0

10-44 request for one day all alcoholic license Knights of Columbus

MOTION moved by Mrs. Mackenzie to approve the request for a one-day license for the Knights of Columbus for November 3, 2018 seconded by Mr. Gallivan, VOTED 5-0-0

10-45 request to use common for Veterans Day Observance

MOTION moved by Mrs. Mackenzie to approve the use of the common and block off Elm Street between the commons on November 11, 2018 from 10am-2pm seconded Mr. Gallivan VOTED 5-0-0

10-46 annual request for Friends of St Patrick parade

MOTION moved by Mrs. Mackenzie to approve the request to hold the annual friends of St Patrick parade on March 15, 2019 starting at 11 am at Blackburn Hall. Seconded by Mr. Gallivan VOTED 5-0-0

10-47 award of bid contract 2019-09 Bid Joint Salt

MOTION moved by Mrs. Mackenzie to award bid contract 2019-09 for Bid Joint Salt at \$47.50 per ton to Eastern Minerals Inc. seconded by Mr. Gallivan, VOTED 5-0-0

Consent Agenda

MOTION moved by Mr. Salvatore to approve the items listed in the Consent Agenda Items  
Gift Acceptances

- |  |                     |
|--|---------------------|
| 1. EDIC , COA Building Fund                | \$65,058.64 (10-48) |
| 2. Junior Woman's Club, Library            | \$1,000.00 (10-49)  |
| 3. Junior Woman's club, Community policing | \$1,000.00 (10-50)  |
| 4. Conrads Restaurant, Community Policing  | \$200.00 (10-51)    |

Seconded by Mr. Gallivan, VOTED 5-0-0

Mrs. Mackenzie mentioned that the two donations from the JWC was in memory of Beverly Mattson.

Discussion and possible vote on renewal for Class II License for Supa Cars LLC d/b/a Supa Sales and Service

*(note\* NOI stands for Notice of Intent)*

SUPA SALES-Melissa the man putting in the septic tank past the test, we have notification from one of our neighbors, that a sewer line should be going down the street, that the sewer line is coming down the street, and we could connect. There were people out surveying. The law would require us to connect. If we are to proceed we can have that done within the next 6-8 weeks. Mr. Gallivan people may ask for sewer and they do a survey. I just want the board to take this under consideration. If the line does come down the street we would have to tie into it. It is something to consider on our behalf. The second issue is back taxes, we entered into a payment agreement with Marilyn. The issue of the Zoning Board and Stormwater management. Are three issues that seem to be tied into each other. The progress we have a stormwater plan designed, it has to go before the Conservation Commission, a Notice of Intent is being filed. Modification of the existing NOI.

Mr. Gallivan recalls that at the meeting with them last week they were told they needed to file a notice of intent. Landis Hershey, Conservation Agent explained they need to file a notice of intent, they filed for the front of the bldg.. What they need to do is file for the rear of the Bldg. It needs to include a stormwater management plan. It is reviewed by Con Com. I did review the information that was provided to ZBA some information is there and some is not, more needs to be provided to us.

She further explained we required a new NOI not an amendment. This is all the work to the rear of the property it is new. It was put into the enforcement order back in 2013. A NOI needed to be filed with the work that has already been done.

Mrs. Mackenzie what is the difference between where were last year and now. Ms. Hershey explained they just started pulling back the material on site. That has been complete. Mrs. Mackenzie what is missing that should have been done last year. She explained when they pulled material out in the back and put gravel without a permit from the Conservation Com. They need to file a NOI and address the stormwater. Mrs. Mackenzie when did we start this whole process. Ms. Hershey explained in 2013 with the current owners.

Ms. Ragosta if the design engineer has done this before. If the NOI or plan on file needs to be modified. Ms. Hershey we do not have any plans on file for the back of the property. Melissa, I was under the impression that a NOI was filed and I believe is opened with the Conservation Com. We have a restoration plan approved by the Commission. All the material that was pulled off town property.

Mr. Gallivan Landis is saying a there is no NOI that has been filed for the back. Ms. Hershey explained the restoration was done on the enforcement order. Mr. Gallivan it sounds like you followed the enforcement order but did not file an NOI. Melissa the matter at hand that there were materials that were there previously. We were allowed to run back hoe w/o hay bales. Melissa if we have to file for Stormwater we will.

Mr. Gallivan there either is or isn't. Ms. Hershey they would have filed a NOI and the Con com would have issued an order of conditions and it lasts for 3 years.

Ms. Hershey we are talking about the work they have done and what they need to going forward and the Stormwater management.

Ms. Ragosta you do not have a stormwater management. Plan filed? Your understanding is what has been filed is a description of the work that has already been done. Melissa there was several areas where there was encroachment in a particular area, and I believe that can be amended. Her engineer told her that. Ms. Hershey, you cannot amend an expired order of conditions. Melissa talked about the stormwater management.

Ms. Ragosta I would like to attend the meeting when your engineer goes before the Cons Com. Ms. Hershey I did send Melissa and Jay an email on what they need. I was very specific that they need to meet the standards.

Mrs. Mackenzie we have a copy of your mail on March 2, 2018 that stated all this. It is October, our last chance was signed last December. Melissa if the ZBA could take care of what they are in need to take care of. For the last several years we were asked to file plans after plans. All of these things run hand and hand. Melissa it does not make sense to file with Plan Board until after ZBA.

Mrs. Mackenzie Robin update septic system. They hired an installer he passed the test. Today came in and picked up a copy of the signed septic plan we went over the R&R he said he had to get in touch with the LSP and engineer. It is not in they have to be at the site at the same time and with Melissa or I there.

Mrs. Mackenzie can this be done by the end of the year? Ms. Hershey they could probably get on Dec 12, they can file concurrently with ZBA and Cons com. Melissa explained what zoning wants until they get a letter of compliance from Robin and Landis. They want to continue it for one month.

Mrs. Mackenzie so you already filed with Zoning. They are accusing me of being unprepared. Mrs. Mackenzie it seems like you know what you can get done. I do not think I can get stormwater. Ms. Hershey can they file and install that is hard because you are going into the winter. I do not think it is possible.

Ms. Ragosta I walked the property inside and out and it was a beautiful piece of property. I urge anyone to go walk this property. It was a dump now to a pleasing revenue making business. We should not be setting something they can't meet. What is the downside for extending it 6 months more? They seem to have their plans in place.

Mrs. Mackenzie this has been since 2013 the last chance agreement was signed in December I do not think it is fair that other businesses in town meet the deadlines. There are reasons for the commission to be watching. They took on a piece of property that is troublesome. It is from 2013 to 2018. Last chance agreement signed last year, I think we went above and beyond to help this business. The trouble is not with the Boards the Business has not helped themselves. Mrs. Mackenzie, I have a responsibility to our wetlands, aquifer and other businesses in town.

Mr. Salvatore talked about the enforcement order from 2017, have all the items have competed. Ms. Hershey no they need to file a NOI(*Notice of Intent*) for the rear of the property. They were to do that in 2015. In the enforcement order you have to file a NOI. Was that for completing the work to comply with the NOI. Ms. Hershey that was for a violation, the restoration plan was written up and asking them to start the restoration. A NOI needed to be filed afterwards to have a record for work that has been done w/I 100. Ms. Hershey that is an application. Mr. Salvatore so that was for the work they were doing to complete the violations. Ms. Hershey as well as the work they did. They were told they needed to file the NOI and they did not do so. Ms. Hershey they started improvements to the rear of the property without a NOI.

Mr. Salvatore what work needs to be undone. It is a matter of filing the paperwork and to complete. Ms. Hershey cannot say it would be approved. Mr. Salvatore is there anything that is glaring. Ms. Salvatore how much the work is going to cost to do the stormwater? Mr. Santos about \$50,000. Ms. Hershey even if you are improving a property you still have to file the NOI. It can cause damage to the wetlands. It still requires a filing.

Melissa, Mrs. Mackenzie keeps stating this goes back in 2013; we were not the property owners. We were dealing with a complicated property and human being. We took ownership in 2016 and I take personal offense that we are not doing our job. I know there are multiple business in that area that do not have stormwater.

Mr. Gallivan the NOI not for the enforcement order it is for the Backyard. The work that you did without approval. Melissa the only work that needs to be done in the back is the Stormwater management. Mr. Gallivan if you filed the NOI, you are looking at it one way I am looking at it different.

Jim O'Neil I understand you took ownership in 2016 did you sign an agreement with the town. Melissa There were additions. We brought the Bldg. inspector to our property and this is our intention. That was the first time we heard we were in violation. It was at that point we entered into an agreement with the town and these were your violations.

Mr. O'Neil it has been since 12/16 that is two years. Somehow there is always a reason that things there don't get done. The nature of the things that are not getting done. Why have you not filed the NOI? Melissa a NOI is not something that I can file, I cannot answer. An Engineer who is a conservation specialist, when this was handed to me. Melissa I sent Landis an email and she told me that I needed to file a NOI. Mr. O'Neil why have you not done that, if we are trying to do this. Melissa it was always our intent to file the NOI, there is me and Jay and we were under the understanding. We had a specific income, we had to turn away all of our customers. Mr. O'Neil why have you not filed the NOI? Melissa it is being filed by my design engineer. He will file it before November 8. Mr. O'Neil why did not you not file it back in March? All the Boards file and file and it costs money. Mr. O'Neil these are not issues for the Selectmen. I was not part of the Board when that agreement was made, given last years and the previous years. It feels that this is not ever getting done, there will always be a reason that it will not get done. Nearly 90% of that property falls within the 100' wetlands.

Melissa you cannot run a business the way our license is currently set up. We have done everything we can to bring this business up. Mr. Salvatore the IA had a room full of people to get this work done, among that group there are engineers, plumbers and come up with cash and get the work done. When I voted for the last chance agreement, it was not my intention to stop this business. I spent 13 years in Rhode Island working with people and try to get people to take care of violations and get their business back on Board. One issue has been the septic from the beginning. The Tight tank seems to work out. That is in progress. I asked specific questions and getting answers that are not clear. For a layman that comes into the office and ask questions. Mr. Santos has a short fuse. As a town we have to put up with it and they deserve our help. Mr. Zion there are problems. I think that Mr. Santos is short fused and frustration, what we need to do is to resolve this. What I see from the NOI that needs to be filed. The Stormwater plan is in progress. This is a large piece of property, middle of the wetlands, and I would like to see it be used so the business has a future. We need to work together and move this forward. The applicant is not blameless. We are seeing some progress. I want us to move forward. How do we help these people and how do we get this done?

Mr. Gallivan you are putting blame on the town people, I have not seen that. I am sticking up for the departments. Mr. Gallivan we heard there may be a sewer line. Rick Mattson it is a privately owned line. Mrs. Mackenzie when was that proposed? Mr. Merriken about 6 months ago. Mrs. Mackenzie if it is privately owned can they connect. Mr. Mattson it would be for that property only. It is not practical it will be done within the next few months. It could take up to two years. This is going to be a dedicated service. The S&W may require certain things.

Mr. Gallivan would be ok with a later date. Mr. O'Neil by the end of October were this agreement can you put on a piece of paper. If we said to you to come back to us by the end of the month. I would be inclined to look at.



Ms. Ragosta would not want them to be put in a position to come up with realistic plan. I would caution you to use realistic dates. You need to know when the board is meeting. This whole NOI it is not filed in a day and approved in a day.

Mr. Johnson there was a comment that the last chance signed them up from failure. That is not correct, their attorney worked with us. We signed the agreement so we would not have to hold a hearing. I was not comfortable working with them one on one. We have tried to work with them with Dept. heads behind the scenes. It is back and forth, people speaking over people. You need to consider. If we give them 6 months that we will involve Town Counsel. But we will back here and I would suggest that T. Counsel be present.

Mr. Salvatore lets give them a few weeks to get things done. Right now they do not have a date for the septic system. If we renew this license, this will be on the books for another year. Mr. O'Neil that concerns me too. Melissa I hear what you are saying it comes down to the same thing over and over again.

Mr. Gallivan we generally do not renew the license if there are issues with other boards and committees. My there have been some periods of time when all boards have worked together. You asked us to apply for relief.

Mr. Gallivan you have a series of issues you need to resolve. Jay said last Tuesday, once the guy past the test it would be within the ground in a week. Mr. Gallivan A whole year went by this year and last year. The question is your plan creditable, because your last plan did not work.

I think what would be better than a list of things is to have some successes over the next few weeks.

Mrs. Mackenzie is ok to putting them on the November 13<sup>th</sup>. Plan of what you can accomplish.

#### 10-42 Discussion on requests of Chief Carmichael to High School Traffic Mitigation Plan and No parking on East Side of Ellis Street

##### High School Parking, Ellis Street

Chief Carmichael the students are parking on Ellis Ave and we would like to restrict parking on the East side of the Road. We did talk to the neighbors and they like the idea, residents on both sides of the street, post it after the second house down to Walpole housing, just during school hours. The Fire department would have a difficult time trying to drive down this road.

Mrs. Mackenzie when you go up to marguerite two-hour limits. It is a tough spot, the amount that park there now if they stay on the West Side. If you turn onto Ellis from common. They would park on the West side.

Ms. Ragosta are there other streets that are having issues? Chief Carmichael thinks all the rest are posted. Leave the residents how they are now. Ms. Ragosta thinks the residents want this. Chief Carmichael just restrict on one side.

Officer Songin noted it is difficult for the busses going down the street, they cannot pass.

MOTION moved by Mrs. Mackenzie to support the chiefs parking plan for Ellis Ave and post no parking signs on the East side of the street, seconded by Mr. Gallivan, VOTED 5-0-0

#### High School Traffic Mitigation Plan

Chief Carmichael spoke of the 15 minutes of chaos people dropping off or picking up and are parking as far down as cascade Terrance. People are pulling up and letting students out on the street side. Kids are cutting between vehicles. Causing a problem with crossing against the grain. We came up with a few different solutions. Leave it like it is, trying to ask parents to help out. We have tried and it does not last long. Relocate the traffic on Common St to pull into the driveway. Open up the main driveway we can get all the traffic off Main Street. One row to all the way where the buses go out. It would relieve a lot. Mr. Gallivan have you talked to the schools about this. Chief Carmichael yes we did and we came up with these options. We think this is the most viable solution. We would post from Cascade to the entrance. We will have to be there directing people in. Part of the problem no one goes beyond the entrance.

MOTION moved by Mrs. Mackenzie to go forward with option3 (Re-position special needs vans, and post Common Street with "No Parking, Stopping or Standing Signs," on the southeast side of Common Street from Cascade Terrace (OR South Street) to the front of the High School. This would relocate and divert the traffic on Common Street and require rides to pull into the HS driveway, where they would be lined up inside the driveway from the middle high school exit to the driveway entrance on Common Street. This would move all or most waiting traffic off Common Street to the safer area of the HS driveway. Problem is that parents may not like pulling off Common Street and into the driveway, however this option is significantly safer for everyone and would make traffic flow more evenly.) for the HS pickup issue, seconded by Mr. Gallivan, VOTED 5-0-0

OPEN FORUM- Talked about the sign posted in the police station Quote from Plato.

#### Old Business

Possible discussion on the Foxboro PILOT MBTA Train

### Town Administrators Update

Mr. Johnson explained that counsel needs further clarification on their previous vote of October 9, 2018 regarding the sale of the property on Industrial Road.

MOTION moved by Mrs. Mackenzie acting pursuant to the vote taken under Article 22 of the May 7, 2018 Annual Town Meeting, to sell the Town-owned parcels located on Industrial Road and shown on Assessors Map 46 as Lots 63, 65, and 66, to Industrial Road, LLC, and to execute the Purchase and Sale Agreement and the deed conveying said parcels, and, further, authorize James Johnson the Town Administrator] to execute any and all documents, affidavits, settlement statements as may be necessary or convenient to accomplish said sale., seconded by Mr. Gallivan VOTED 5-0-0

Foxboro Pilot-Mass Dot has let him know they would like to meet with the Selectmen on 12/18.

Hasenjaeger- Few properties around the well. Mr. Salvatore is it currently restricted, as Jarvis farm is restricted. He believes he can get a 40B on this property. Mr. Gallivan assuming that S&W wanted this, it looks like a parcel that would be difficult to build on. The price looks high. I explained it would need to go through town meeting. Ms. Ragosta and to do a land swap he would want land that would be buildable. Mrs. Mackenzie it could be for him if he has properties that are landlocked could be a good swap.

Community compact grant having an outreach on October 27<sup>th</sup>. At 7 have some public session and have them come into the board after the new year. Ms. Ragosta asked if they have reached out to EDC. Mr. Johnson yes they have.

Sidewalk requests-Lou Mortelli is requesting the Board of Selectmen support the request to install sidewalks near her home on RT1A.

MOTION moved by Mrs. Mackenzie to reach out and support the Sidewalk request, seconded by Mr. Gallivan, VOTED 5-0-0

Mr. Salvatore talked about the need for sidewalks on Common Street. On Main Streets we should be looking at that.

MOTION moved by Mr. O'Neil to adjourn at 9:30pm, seconded by Mr. Gallivan VOTED 5-0-0