

The Board of Selectmen held a meeting on Tuesday, November 5, 2019 in the Main Meeting Room of Town Hall at 7:00pm. The following members were present.

James O'Neil, Chairman
Nancy Mackenzie, Vice Chairman
Benjamin Barrett, Clerk
Mark Gallivan
David Salvatore

Also present:
James Johnson, Town Administrator

Chairman O'Neil called the Meeting to order followed by the Pledge of Allegiance.

APPOINTMENTS

11-1 Request to sign Amendment A of the Ground Lease for the Superfund site

Robin Chapell Health Director appeared before the Board. When we took down the old mill building she worked out a deal that the responsible party would come out and they would have a water treatment facility there. They gave us one dollar for the property and we would have certain obligations and they would have certain obligations with insurance. The insurance was 5 million dollars. The ground there they are still responsible for any contamination. So it would not be anything the town would be responsible for. We asked the insurance company if we could lower that price. They originally said no so we said what if we lower that to what our other buildings are insured for. We spoke to the insurance company and that we would be responsible for that afterwards. We spoke to the insurance company we had Mark Rich write up the amendment. We are asking that you approve this.

MOTION moved by Mrs. Mackenzie to sign the Amendment A of the Ground Lease for the superfund site seconded by Mr. Gallivan VOTED 5-0-0

Delegation discussion

Representatives Rogers, Kafka, Dooley, McMurtry and Senator Feeney were present.

Nancy Gallivan wanted to say a few words about the funding. Ms. Gallivan for almost 15 years I have been advocating for funding. One of the things, we have involved High School students along the way. It is an opportunity for them to learn the process.

Brendan Mahoney student from Walpole High School I see how this works. The first bill is a must have. One piece is special education. The Best Buddies program plays a great part in this. It is very important, and especially for specialized education for students.

Ms. Gallivan I felt strongly after working on this for so long, I need to thank our legislators for their help on this. After haunting some of these people I felt it was important to thank them. In 1993 the education reform Act came into effect. The 1.5 billion dollars that is no small request. It is working its way through the process. It benefits all Towns and Cities and it helps with Chapter 70 money. The next biggest money is circuit breaker. Helping our town, it should get us reimbursement. It took a lot of listening. I feel that this act is very important. It should get us full reimbursement for those that go to charter schools. The legislation does not do everything we ask for but we need to make compromises. This will help a great deal for Cities and towns and the Town of Walpole. Thanked the Legislators very much.

Mr. O'Neil thank you for your diligence on this issue.

The Board discussed the following subject matters with the delegation.

- Advocacy
 - o Charter Amendment ("Select Board")
 - o 40B - Impact of Comprehensive Permit Act on Walpole (Burns Ave, Dupee Street, Moose Hill Road, Summer Street)
 - o MBTA & Foxboro line
 - o Economic Development Bond Bill - \$1,000,000 for the Old Town Hall in 2017— funds yet to be borrowed - advocacy for the governor's office
 - o Prison Mitigation
 - o Home for Little Wanderers – better interagency communication and collaboration between Department of Children and Families, Departments of Early Education & Care, and Department of Elementary & Secondary Education.
 - DCF falls under Executive Office of Health and Human Services
 - EEC & DESE falls under Executive Office of Education
 - No accountability to each other, no point-person or oversight bringing them together. Interjurisdictional issue.
 - Police resources constantly going to the site for calls
- MSBA Middle School Project – Feasibility Study Phase
- Topics if you want to give credit:
 - o Morgan Field Improvements - \$50,000 received
 - o Boyden School Improvements - \$50,000 received for playground and field improvements

Mr. Johnson talked about the posting on Social media this is specifically around some notes that were inadvertently posted to the Town's website reflecting some activity in Executive Session and we want to address that it is problematic that those got posted. We want to make sure we address it properly and judiciously and that is what we are going to talk about. I do want to ask and I know there are a lot of people in the room that have points of view on this and we are not going to take public comment on this. This is a discussion between the Board. I am going to ask you to respect that and allow the Board to conduct its business.

Update regarding the 10/28th social media posting which was circulated by a private citizen of the community. The Board of Selectmen notes of August 6, 2019 were inadvertently posted on the town's website on September 19th. These notes were not approved by the BOS and have since been

removed from the website. There has been much speculation about the information contained in the notes. I would urge caution to any one who may want to take those notes at their face value. They do not contain accurate information of the discussion that took place. I understand that the Board wants to be transparent in our government and that information is provided in an efficient manner. The law provides specific purposes, which the Board may engage in. These were not ready to be released. A mistake was made and since this we have put in safeguards to insure that this will not happen again. Going forward minutes of material posted will be sent to the Asst. Town Administrator and myself and they will tell staff they can post the minutes. The Board will be provided with an actual draft at the end of this week for your review.

David Salvatore asked if the minutes would be ready in two weeks? Mr. O'Neil we will begin discussion. Mr. O'Neil I just want to remind the Board that we all do this we have to take Ethics Training, as the state requires it of all Board members and we have all done this. Part of that is to talk about behavior in executive session and the confidentiality of those discussions in Executive session. Which is critically important. As we discuss this amongst ourselves tonight, I want to remind the Board as we talk to amongst ourselves. We are in a public forum.

We are bound by the Executive session confidentiality rules and David you know this well and specifically the Board of Selectmen guide from the State Ethic confidential information section 23 the law prohibits you from publicly revealing confidential information or from using it for private or political purposes anything that is not a public record under the Massachusetts public record law is considered confidential. Remember that matters discussed while the Board is in Executive Session are confidential until after the Executive session minutes are released as public records. To find out more information the website is www.ssc.ma.us/pre.i.exm. I want to remind all the members we are bound by this. Right now we don't have the minutes yet. We will have a draft by the end of the week. We will review the minutes. Our process was broken and we do not want to compound that issue. A lot of this has to do with liability to the town and we will be transparent and clear and accurate accounting. I am not suggesting that we are not going to release the minutes.

Mr. Salvatore what information is available as a public record? Jim O'Neil None. I asked you previously in an email to have counsel tell us what was public and what was not. I reminded you on Friday. Jim O'Neil what is public is we posted to go into Executive session and we had that Executive Session. Mr. Salvatore so you are not going to make any statement as to what has occurred to this point. Mr. O'Neil no I am not. Mr. Salvatore you are not going to talk about person what the current police department chain of command is. Mr. O'Neil David let me remind you again of the confidentiality ethics rule here. Mr. O'Neil you may shut me down but you are not going to shut me up. This is something of such importance for this town. The activity of this Board if I could sit further away I would. This is upsetting. I do want to make one statement, as you know there have been questions from residents. I know there is a curiosity of what is going on I get it. But what I don't get I find actually deplorable is there are people speculating about the event and making up entire incorrect narratives of the event to the point as to who the victim is. That is what I find completely egregious and it is spreading rumors that possibly a victim had been paid off. This needs to stop and this needs to stop now. I realize that lack of transparency from this Board has allowed the vacuum of information to occur and that people are concerned. I was promised by Mr. O'Neil when I requested to have the minutes on tonight's meeting. I was told on Friday the minutes would be on the Agenda in two weeks. He said we don't have time to review them. Well we had the entire weekend we had Friday Monday and today. This is furtherance of their cover up of the facts of this matter. This is a continuing of their cover-up. People should know what is going on. People should know about their command staff at the police department looks like. Mr. O'Neil David I remind you again of the state ethics commission law. This Board and I are so far apart on this issue. Thank you. Mr. Gallivan, I would just say that I take the confidentiality of our

executive session very seriously and I know there is information out there and I am wondering who has been talking about our Executive Sessions discussion to other people. Mr. Salvatore are you accusing me? Mr. Gallivan I am not accusing you I am just wondering who did that. Have you talked to other people? Mr. Salvatore, absolutely and I will continue to talk to other people and if you want to shut me down. Mr. O'Neil David I would recommend if you have violated the Confidentiality segment of the State Ethic Commission I would suggest you stop talking. Mr. Salvatore you can continue to protect your political allies and political cronies. Mr. O'Neil that is not what this is about. That is absolutely what this is about. These records should have been released as soon as the document was signed. You said the executive session you were using was under the employee contract. That section says that when the contract, the reason for that exception is you don't want that negotiation to be available to the person to the other side of that contract. Obviously if you are talking about an employees salary. Give you an example if we were hiring a finance director and we were offering them \$100,000 and if they don't take that add another week's vacation. You have authority to offer them \$10,000. So obviously you don't want that record out there. But once that contract is signed the reason for the confidentiality no longer exists. Labor counsel and this Board decided to use that section of MGL they used that section to go into Executive Session. They now live by it; there was a better section that should have been used. I argued it that day and it got cut off from the video feed. This was in the open session of the meeting. When you are disciplining an employee it is an entire process that must be followed. Maybe it they had called it under that section that privacy could be held. But they purposely did it that way. They are stuck with that. This is a continuing process of protecting a political ally.

Mr. Gallivan David you are so wrong, I can tell you are very agitated but you are spinning yourself out of control. Talking about things you should not be talking about. You admitted on TV that you violated the trust of Executive Session and that has implications. I am going to suggest we stop right here and don't continue down this path and make it worse than what it already is for you. Mr. Salvatore I spoke to people after November 1st. Mr. Salvatore the contract expired on November 1, 2019. Mr. O'Neil we need to find out what has been said. Jim and Cindy will look over the minutes and we will look at them by the end of the week. We will have Town Counsel vet them. Mr. O'Neil I will remind the Board that matters in Executive session are confidential until after the Executive Session minutes are released as public records. That is the process we are going to follow. Mr. Salvatore so they are going to delay releasing the minutes for another 30 days.

Mr. Barrett I agree with David about the speculation that is going on online and from people is horrible. Similarly speaking with David and Board members and other people and I find the speculation of cover-ups, it is spreading of rumors. I have talked to people about things I can talk about under the law. People have reached out to me and said what is going on. We can take the temperature down and the Executive Session minutes can be released in due course. There is a proper procedure. They will be released; I understand that it is not fast enough. We do not want to rush things it will only compound the issue. Ask for patientance. I am available to speak to what I can to people. People are jumping out with speculation is awful.

11-2 Request to use \$10,000 from the Wetlands Protection Act fees.

Mr. Wiley appeared before the Board seeking the expenditure of \$10,000 used for additional activities for the Wetland protection act. Hours for meetings for conservation for Secretary. Money has to be spent for administrating the act. Mr. Johnson explained

MOTION moved by Mrs. Mackenzie to approve the use of \$10,000 from the Wetlands Protection Act fees for staff hours used to administer & enforce the Mass Wetlands Protection Act. Seconded by Mr. Gallivan VOTED 5-0-0

11-3 Request of Joe DiSipio for Street Opening Moratorium on North Street to install Water Main for new house

Carl Balduf he wants to do a water service. This is for a new home. He has provided the necessary information.

MOTION moved by Mrs. Mackenzie to approve the Request of Mr. DiSipio for a Street opening Moratorium on North St. subject to the conditions sets forth in the memo from Town Engineer Carl Balduf. Seconded by Mr. Gallivan
VOTED 5-0-0

11-4 request of Pennington Crossing AQV for Offsite improvements to East and School Street and East and High Plain Street

Mr. Balduf showed the reconfiguration. Mr. Mark Mastriani they can give you a quick look as to what is going to happen. Robert Missio this was approved in 2018 and offsite improvements were part of the approval. The plans presented shows conceptionally what it will look like. Take the pedestrian crossing and shortening it up. The Plain St intersection and take a very awkward intersection and improve it. Showed the final decision for School Street intersection. These plans are the outcome of a series of meetings. Substantial improvement. We seek endorse on those plans. Mr. Gallivan feels this will improve the intersection, big improvement. Making those intersections as good as they can be. Mr. O'Neil, this intersection was the most dangerous intersections in town. Chief Carmichael feels that this will improve the area. There will be better line of sight. Mr. O'Neil this should help reduce the number of accidents. He talked about the house that is very close to the road, does that improve the house. It really does not affect it. It is actually an enhancement on this corner.

MOTION moved by Mrs. Mackenzie to approve of the request for offsite improvements to East and School Street & East and High Plain Street as part of the Pennington Crossing AQV subject to the requirements set forth by the Town Engineer seconded by Mr. Gallivan VOTED 5-0-0

OPEN FORUM-Shannon McCarthy lives on Stone Street and talked about the MBTA service, anything they can do to at least get things run on time. The train is running late. It is disrupting a lot of people's life. There was one day when trains did not show up. There was one day when trains did not show up. Mr. O'Neil I take the Franklin line and pick it up in Norwood and it is either overcrowded or runs late. I did call the Governor's office and tell them what is going on. He did get a call back.

John O'Leary- I Live close to the East and High plain will be more of a 90 degree angle. He talked about the change in the East and High Plain Street recommended by Pulte for their project. Mr. O'Neil we just voted to approve the plan as presented.

John Carmichael if you are coming from High Plain Street to the center. We actually think things will get better and hopefully be able to make left turn.

Mr. Salvatore what I think is going to happen is that East St and High Plain. Many times when you go to take the right turn it is difficult. He feels that people will slow down. He feels this will allow more people to get through. We are hoping this will work out.

NEW BUSINESS

Mr. Johnson explained we had a meeting last week and we were accepted into the program. This is ready to go. Mr. O'Neil felt it was a major step forward being accepted into the program. Mr. Gallivan is happy with it.

11-5 execute all MSBA contracts and other related documents.

MOTION moved by Mrs. Mackenzie to designate Town Administrator to execute all MSBA contracts and any other documents related to the project as requested by the MSBA or otherwise on behalf of the Board of Selectmen, and, further, to direct the Town Administrator to include in the packet for the MSBA next Board meeting occurring after such action is taken a summary thereof or copies of signed documents. Seconded by Mr. Gallivan, VOTED 5-0-0

11-6 Review and comment and Vote on Mass Housing letter to Cedar Edge project

Mr. Johnson recognized Ashley for her help in writing the letters. She is the Economic Development Director. What you have is about 28 pages and about 18 letters from residents which will be sent in as well. They are expressing their concerns with traffic, water issues, and public safety issues. All the departments weighed in on this. Mr. O'Neil they are both written very well. We have done our due diligence. Mrs. Mackenzie noted the neighbors did a great job. Mr. Barrett agrees with the letters they are cordial and professional and have excellent points that are compelling.

MOTION moved by Mrs. Mackenzie to send letter as written, seconded by Mr. Gallivan VOTE 5-0-0

11-7 Review and comment and Vote on Mass Housing Letter for Diamond Hill Estates Project

MOTION moved by Mrs. Mackenzie to send letter as written, seconded by Mr. Gallivan Voted 5-0-0

11-8 request of Fisher School Parent Advisory council to hold a 5k & 1 Mile Fun

MOTION moved by Mrs. Mackenzie to approve the request of the Fisher School Parent Advisory council to hold a 5k & 1 Mile Fun Run on April 3, 2020 to start at 9:10am seconded by Mr. Gallivan, VOTED 5-0-0

11-9- request of Hans Luwald to use Adams Farm

MOTION moved by Mrs. Mackenzie to approve the request to use Adams Farm for a 5 Mile hike on December 12, 2019, seconded by Mr. Gallivan, VOTED 5-0-0

11-10 request of Veterans Service Officer to use both commons on November 11, 2019 for Veterans Day observance from 10:30am-2:00pm

MOTION moved by Mrs. Mackenzie to approve the Jon Cogan Veterans Service Officer to use both commons on November 11, 2019 for Veterans Day observance from 10:30am-2:00pm seconded by Mr. Gallivan VOTED 5-0-0

11-11 request of Jalapenos for a one day entertainment license

MOTION moved by Mrs. Mackenzie to approve the request of Jalapenos for a one-day entertainment license to have acoustic music on November 27th from 7-11pm, seconded by Mr. Gallivan VOTED 5-0-0

11-12 request of Fancy That for Bell Ringer performance

MOTION moved by Mrs. Mackenzie to approve the request of Fancy That for Bell Ringer performance on December 1, 2019 from 10am-4:30pm seconded by Mr. Gallivan VOTED 5-0-0

11-13 request for one day all alcoholic license on November 16th

MOTION moved by Mrs. Mackenzie to approve the request of Knights of Columbus for one day all alcoholic license on 11/16/19 from 12-4pm seconded by Mr. Gallivan, VOTED 5-0-0

11-14 award of Bid/Contract No. 2020-05 route 1A Recreation Facility in the amount of \$5,967,000.00

MOTION moved by Mrs. Mackenzie to award of Bid/Contract No. 2020-05 route 1A Recreation Facility in the amount of \$5,967,000.00 to RAD sports and to award two project alternates for the lights for the synthetic turf fields in the amount of \$500,000 and the lights for the natural grass fields in the amount of \$675,000 and further to designate the Town Administrator to execute all contracts and other documents related to the project. Seconded by Mr. Barrett

Mrs. Mackenzie this is a great project. To round it off with a beautiful recreation space. Very excited to be a part of it. Mr. Barrett it is exciting, the work that went in to this. Thanked everyone who was involved and thanked those that had comments. This is the process working. I know a lot of people did a lot of work.

VOTED 5-0-0

11-15 award of Bid/Contract No. 2020-09 for Memorial Pond Hydro raking & planting project for \$125,000 to Solitude Lake management

MOTION moved by Mrs. Mackenzie to award Bid/Contract No. 2020-09 for Memorial Pond Hydro raking & planting project for \$125,000 to Solitude Lake management seconded by Mr. Gallivan

Mr. Johnson this money came from a grant that will clean up about 2.5 acres of land. We are working with Mosquito control in another area. We want to keep moving this forward.

VOTED 5-0-0

11-16 request to hold annual Christmas Parade at 11am and Tree Lighting on November 30, 2019 at 6-8pm

MOTION moved by Mrs. Mackenzie to approve the request to hold annual Christmas Parade at 11am and Tree Lighting on November 30,2019 from 6-8pm on the common seconded by Mr. Gallivan VOTED 5-0-0

11-17 request of Corcoran co. LLC approval of Plan as presented

Mr. Johnson both fire and police are happy with this. Carl Balduf moving the barriers over to the same side it will provide for two-way traffic.

MOTION moved by Mrs. Mackenzie to approve the plan presented by Corcoran Co. for reconstruction of Existing sidewalk and new Curbing on West Street for The Commons at Walpole Station project. Subject to the conditions of the Town Engineer. Seconded by Mr. Gallivan VOTED 5-0-0

TOWN ADMINISTRATORS UPDATE

Budget process -starting the 2021 process soon. As we progress through the process please let me know if you would like to weigh in on something or if there is something you would like me to focus on.

MSBA- as you all know the Town was accepted into the program last week. We are going to start the process of developing a request for services documents so we can go out and find a Project Manager. The Town School Building Committee is set to meet next Tuesday and we will provide them with an update as to the status of the project.

Old Town Hall- The bid deadline has passed for the RFP to lease the old town Hall. The town received zero proposals. We are going to start internally developing a plan to present to your board as to what the next steps may be. I am mindful that the Town's 300th anniversary is fast approaching. It is my hope to have that building in excellent shape for that anniversary.

Master plan-We are just about complete with a draft master plan request for proposals. Once we have a draft that is ready for you to review we will share it with the Selectmen and the Planning Board. Per Mass General Laws the Planning Board is the awarding authority for the Master Plan. I would like to involve the Planning Board as soon as a draft is ready for review.

EXECUTIVE SESSION

CHAIRMAN'S DECLARATION

I hereby declare that:

Under M.G.L. Chapter 30A Sec 21 (3) the purpose of the executive session will be to conduct a strategy with respect to possible litigation relative to the Foxboro MBTA Pilot program with Town Counsel.

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

That the Board of Selectmen shall return to open session at the conclusion of the executive session for the purposes of adjourning.

Board's motion

MOTION moved by Mrs. Mackenzie that the Board of Selectmen go into executive session, under G.L. c.30A Sec 21 (3) for the purposes and reasons declared by the Board's chairman, with the Board not to return to open session at the conclusion of the executive session Roll Call VOTE Mr. Gallivan-Aye, Mr. Barrett-Aye, Mrs. Mackenzie-Aye, Mr. Salvatore –Aye and Mr. O'Neil-Aye

The Board returned to open session for the purposes of adjourning at 10:31pm

MOTION moved by Mrs. Mackenzie to adjourn, seconded by Mr. Gallivan VOTED 5-0-0