

The Board of Selectmen met on Tuesday, April 11, 2017 at 7:00pm in the Main Meeting Room of the Town Hall. The following members were present.

Eric Kraus, Chairman
Nancy Mackenzie, Clerk
Mark Gallivan
David Salvatore

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

ANNOUNCEMENTS & PROCLAMATIONS

4-1MOTION moved by Mrs. Mackenzie to sign the Proclamation for Arbor Day seconded by Mr. Gallivan, VOTED 4-0-0

APPOINTMENTS

4-2 Borrowing Articles

Mr. Johnson spoke to being very pleased to present this to the Board. We are pleased with rates about 3%. Disappointed we could not increase to AAA bond rating.

Marilyn Thompson, Finance Director explained the \$200,000.00 are for road improvements and the Bond in the amount of \$19,627,000.000 is for Police Station, Fire Station, roof and window replacements, water main replacements and water booster pump station. The town received two bids on the BAN resulting in an interest rate of 1.30% and received 5 bids on the bonds resulting in an interest rate is 3.01%. The town is at an AA+ rating.

MOTION moved by Mrs. Mackenzie to sign the articles as written, seconded by Mr. Salvatore, VOTED 4-0-0

I, the Clerk of the Board of Selectmen of the Town of Walpole, Massachusetts (the "Town"), certify that at a meeting of the board held April 11, 2017, 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:

that the sale of the \$19,627,000 General Obligation Municipal Purpose Loan of 2017 Bonds of the Town dated April 20, 2017 (the "Bonds"), to Raymond James & Associates, Inc. at the price of \$21,100,073.58 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on April 15 of the years and in the principal amounts and bear interest at the respective rates, as

follows:

Interest			Interest		
Year	Amo	Rate	Year	Amount	Rate
2018	\$557,000	5.00%	2031	\$ 975,000	3.00%
2019	580,000	5.00	2032	1,000,000	3.00
2020	605,000	5.00	2033	885,000	3.00
2021	635,000	5.00	2034	910,000	3.00
2022	670,000	5.00	2035	935,000	3.125
2023	705,000	5.00	2036	965,000	3.125
2024	740,000	5.00	2037	990,000	3.125
2025	725,000	5.00	2038	665,000	3.25
2026	760,000	5.00	2039	690,000	3.25
2027	795,000	5.00	2040	705,000	3.375
2028	840,000	5.00	2041	730,000	3.375
2029	875,000	5.00	2042	760,000	3.50
2030	930,000	5.00			

Further to approve the sale of the \$200,000 1.30% percent General Obligation Bond Anticipation Notes of the Town dated April 20, 2017, and payable November 10, 2017 (the "Notes"), to Eastern Bank at par and accrued interest.

Further that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated March 29, 2017, and a final Official Statement dated April 5, 2017 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated March 29, 2017, and a final Official Statement dated April 5, 2017, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

Further: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the 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 Bonds and Notes.

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 Bonds and Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

TOWN ADMINISTRATOR UPDATE

Finance Committee- the Committee will likely meet on Thursday night to consider any final matters that need to be considered before the public hearing on April 27.

Moose Hill Road 40B- The Company that is purchasing this development will be holding a public outreach session on April 24, 2017 at 7pm in the library.

East Walpole Washington St Bridge-He met last week with the Engineer who explained this bridge was in urgent need of repair/replacement. The estimated cost for this work is about \$8.5 million. We are trying to explore options with the state to determine if there are any funding sources available.

Fire Department building update- we are planning for the groundbreaking on Thursday at 5:30pm.

Expect the bids for the Council on Aging facility in June. We want to get a general idea of what the cost is to construct this building. Mr. Kraus inquired if we know where the Friends are with their fundraising. Mr. Johnson has tried to reach out with no success.

MINUTES

MOTION moved by Mrs. Mackenzie to approve the minutes of March 21, 2017, seconded by Mr. Gallivan, VOTED 4-0-0

4-3 Eversource petition, install overhead transmission lines

MOTION moved by Mr. Salvatore to open the hearing seconded by Mr. Gallivan VOTED 4-0-0

The representative from Eversource explained they were here before the Board two years ago this is for an 115V transmission line; we are here to talk about the section within Walpole. Some of these lines will cross over Washington and South Street. It is not going to cross over Pine Street.

Mike Sutton VHB explained the project does cover the MBTA line. That will require a permit thru the MBTA and crosses RT1A. We did go before Conservation Commission in 2015 and received our approval. This process began with the DPU in 2016. We filed the certificate, Army Corp of Engineers permits, and Mass Historical has been acquired.

There was discussion as to whether or not this was an upgrade or additional power. This project was required by SF New England, which did a study and came out with over 40 projects that needed to be addressed. On the existing ROW, there are two circuits on one pole, From station 146 on South St, to station 447 off Main St, we will have to install monopoles as we have no space in that area. For future growth in the same area, they will always be on.

Mrs. Mackenzie inquired about the clean up on the curve. The town wants the street to look good and she believes that when they were before the Board two years ago it was implied that you would make it look better. Jack, from Eversource state they are not addressing that issue. They cannot do it until this is approved.

MOTION moved by Mr. Salvatore to close the hearing, seconded by Mr. Gallivan, VOTED 4-0-0

MOTION moved by Mr. Gallivan to approve the petition of NSTAR Electric d/b/a Eversource for a grant of location to install an overhead 115-KV transmission line on and between existing towers over South St, Washington St in Walpole, seconded by Mr. Kraus VOTED 3-1-0 (Mrs. Mackenzie opposed)

4-4 Eastern Pearl Hearing

NOTIFICATION

**** Letters were sent to the establishment by Certified and Regular mail on January 20, 2017, February 22, 2017, March 21, 2017 and March 22, 2017. The hearing was originally scheduled for February 28, 2017 but at the request of Eastern Pearl's attorney the Board agreed to reschedule the hearing until March 14th. At the request of the attorney for Eastern Pearl the hearing was again continued to April 11, 2017.*

CONDUCT OF THE HEARING

MOTION moved by Mr. Kraus to open the hearing for alleged license violation of the terms of their liquor license for Hong Kong Eastern Pearl Enterprise Inc. d/b/a Eastern Pearl, 2275 Providence Hwy, Walpole, MA, seconded by Mrs. Mackenzie VOTED 4-0-0

Attorney Jeff Blake explained he spoke to the Attorney and he does not believe that his client can fully understand this process. He indicated to me that if you want to wait for a translator.

Mr. Kraus noted the Board has agreed to postpone and postpone, and he is not in favor in waiting for interpreter. Mr. Salvatore noted the town is paying the police to be here, my recollection, he indicated that he understood what is going on and now at the last minute he doesn't. Counsel should have provided us with this information before this. Counsel was away at the last hearing date and it is very frustrating, I do not know the rule, if he is represented by Counsel.

It was questioned by Mrs. Mackenzie if they can we use a phone interpreter service. Attorney Blake does not recommend and he agrees with your frustration, Counsel had an issue not of his on doing. The applicant should provide an interpreter. It is a corporation represented by Counsel.

Attorney Blake, I share your frustration, even if it is a corporation, if Counsel is telling me that they do not understand the issue before him. I share your frustration, at the 12th hour to have this come up, he has agreed to bring a translator, there is a situation, that his client does not understand.

Chief Carmichael we have officers here and they have spoken to the owner, to now come to the Board and throw this on us now. There has been communication back and forth, I find it disturbing.

Mr. Kraus if we go forward will it hinder to our ability to take action? Attorney Blake noted it will

make it difficult.

Attorney Wei Jai, I thank you for rescheduling the hearing, on March 14th my father past away and spent ten days over there, there was a lot of stuff on my desk. We talked about hiring a court translator, but I was not able to get him here tonight.

Mr. Kraus expressed sympathy for his loss but finds it troubling, that what seems to be gamesmanship seem to be played now.

Attorney Blake will it cause a legal problem? I can not give you an answer, the fact that the person being charged is unable to testify on his own behalf. It is way late in the game. They are saying he cannot participate in this. He has had notice; the opportunity to be heard is in question.

Attorney I have an alternative, the 3 events, offer a solution to avoid the dilemma. Mr. Kraus the dilemma is not having a translator. Mrs. Mackenzie wanted to know if they are listening to testimony. Attorney Blake suggested listening to what he has to say.

Attorney Jai the events are 1/12/17, 1/29/17, 2/23/17 the January 12th event we were before the clerk magistrate, there is a gap, Mr. Zhang is not ready to admit to the facts, the January 29th event he was not aware of the car crash that happened somewhere were someone said they had a drink at Eastern Pearl. The February 23rd, event where five young people came to the bar and in the past he checked their ID. They are known to him. Two underage customer, they came to my restaurant last Dec, both showed me their ID over 21, one told him he just past the 22 birthday so he gave him a birthday drink. Now he realizes the two underage people showed him were fake. He should be able to notice the fake ID. So for that he should be penalized.

Mr. Kraus, so you are offering two weeks for the February 23, 2017 event. Mr. Salvatore noted we have a progressive, he is admitting to the 3rd event. Attorney Blake you have discretion, you can make a case that there were two other events. I think there are circumstances that you could take into account.

Mr. Kraus if we look at these as individuals, if any of the two proceedings and they are found guilty I want to revoke the license. It was noted by Mrs. Mackenzie if he cannot understand the language and unable to communicate with us maybe he should not be open. Discussion as to what would happen to the other two charges. If a year from now, he gets convicted If he is found guilty the Board can go back. Or are you saying he agrees to the February 23 and we are done with it.

Attorney Blake explained if you want to move forward with the other events we would need a translator. He agrees with February 23 but not January 12 and 29th. If he is found guilty the Board can hold another hearing.

It was Mr. Salvatore's position the February 23 incident rises to more than a two week penalty. Attorney Jai those facts have not been established. They are allegations. Attorney Blake explained they are not bound by hearsay rules, the court is. To take them out of order, may not be a finding of guilt, I don't see that as a problem.

Mrs. Mackenzie so we can wait for a translator and take up all three issues. If we take the two weeks now we can give him another warning.

Mr. Kraus asked the Police Chief, you have been involved in this what would your recommendation be? Police Chief Carmichael stated we are dealing with enough problems, to think that kids can go into a bar in town and get intoxicated. Hate to loose on appeal to the ABCC. I would wait for you

to continue it and get a translator.

MOTION moved by Mr. Kraus to suspend the hearing until April 25th at 7:30pm, seconded by Mrs. Mackenzie, VOTED 4-0

4-5 Walpole Farmers Market

Carol Johnson there are about five of this on the Committee, Kathy Garvin does it with me. Last year in a terrible spot in the dirt next to Roxy's and we lost vendors. The others that were running it walked away. We put together a contract and we made a decision in looking at what other Farmers Market charge, we are nonprofit. They are looking at becoming 501. Not looking to make money. We have some great people on the committee and made some inquires.

They are going to take out one add. We have a date after graduation. I spent money on banners 8x12. It will start on June 24 and end Oct 7th.

MOTION moved by Mrs. Mackenzie to approve the request of Carol Johnson to use the property known as Spring Brook Park located off East Street to hold a Farmers market on Saturdays beginning June 24 and ending October. A General Liability Certificate of Insurance shall also be provided naming the Town of Walpole as an additional insured. The banners will be allowed to be hung during the farmers market on the Gazebo, seconded by Mr. Gallivan VOTED 4-0-0

NEW BUSINESS

4-6 Use of Old Fisher Ball Field

MOTION moved by Mrs. Mackenzie to grant permission to the Norfolk Agricultural School to use the Old Fisher Ball Field on June 1, 2017 for graduation, seconded by Mr. Salvatore VOTED 4-0-0

4-7-4-9 Reappointments to Committees

MOTION moved by Mrs. Mackenzie to reappoint the following to their committee for another term
Ken Fettig, EDC Regular member
George Ransom, Historical Commission, Regular member
Melissa Totten, Historical Commission, Regular member

Seconded by Mr. Gallivan, VOTED 4-0-0

4-10-4-11 Not seeking Reappointment

MOTION moved by Mrs. Mackenzie to accept the decision of the following members to not seek reappointment

Mark Almeda, Historical Commission
Kathleen Watson, Conservation Commission

and to thank them for their service to the town

Seconded by Mr. Gallivan, VOTED 4-0-0

4-12 Promotion from Associate to Regular Katie Birtwell

MOTION moved by Mrs. Mackenzie to appoint Katie Birtwell as a Regular member of the

Historical Commission, seconded by Mr. Gallivan, VOTED 4-0-0

4-13 Mass DOT, Chapter 90 project requests

Ms. Walker those are the typical forms to go to DOT. Mr. Johnson spoke to people asking about Lincoln Road and Granite and that is not part of the Chapter 90, this is all the way to Plain Street. Ms. Walker explained the Rubber chip seal was done at Fox hill drive.

The following roads are part of the Contract: Briarwood land, Brook St, Chickering Rd., Clinton Ave, coach Rd, David Circle, Eleanor Rd, Ginley Rd, Irving Dr., Maude terrace, Old Farm Rd, Paddock Court, Pontiac Rd, Saddle Way, Sandy Valley Dr., Towle Rd, Whiting Ave and Woodard Rd.

MOTION moved by Mr. Kraus to approve and sign the Chapter90 project for Type I resurfacing request for contract 51010 in the amount of \$768,571.35, seconded by Mr. Gallivan 3-0-1 (Mrs. Mackenzie abstained)

4-14 Spring Annual Town Meeting Articles

MOTION moved by Mr. Kraus to recommend No Action on Articles 3,8,10,12 and 13 VOTED 4-0-0

MOTION moved by Mr. Kraus to recommend Favorable Action on Article 2, seconded by Mr. Gallivan VOTED 2-1-1 (Mr. Salvatore opposed, Mrs. Mackenzie abstained)

MOTIN moved by Mr. Gallivan to recommend Favorable Action on Article 4, seconded by Mr. Kraus Voted 4-0-0

MOTIN moved by Mrs. Mackenzie to recommend Favorable Action on Article 21, seconded by Mr. Gallivan VOTED 3-0-1 (Mr. Salvatore abstained)

MOTIN moved by Mr. Gallivan to recommend Favorable Action on Article 22,seconded by Mr. Kraus voted 3-0-1 (Mrs. Mackenzie abstained)

Article 31 postponed until 4/25

CONSENT AGENDA

4-15-4-16

Motion: MOTION moved by Mr. Salvatore to approve the request under Consent Agenda

1. Hold OPR Fun Run on May 21, 2017
2. One Day All Alcoholic for N. Walpole Fish and Game Club April 29th

Seconded by Mrs. Mackenzie, VOTED 4-0-0

EXECUTIVE SESSION

Chairman Read the following into the record

I hereby declare that:

- Under GL. c.30A § 21 (a)(3) the purpose of the executive session will be to discuss contract negotiations with DPW, Police, Clerical, Library and Fire unions; and
- That a discussion of the foregoing in open session could compromise the purpose for the executive session; and
- That the Board of Selectmen shall return to open session at the conclusion of the Executive Session

MOTION moved by Mr. Kraus into executive session under G.L. c.30A, Sec21 (a)(3) for the purposes declared by the Board's chairman with the Board returning to open session at the conclusion of the executive session seconded by Mr. Salvatore by, roll call vote Mr. Gallivan-Aye, Mrs. Mackenzie-Aye, Mr. Salvatore-Aye and Mr. Kraus-Aye

The Board moved back to regular session at 8:28pm.

Union Contracts

MOTION moved by Mr. Salvatore to approve and sign the MOA for the Clerical Union, seconded by Mrs. Mackenzie VOTED (4-0-0)

MOTION moved by Mr. Salvatore to approve and sign the MOA for the Police Union, seconded by Mr. Gallivan VOTED (3-0-1Mrs. Mackenzie abstained)

MOTION moved by Mr. Salvatore to approve and sign the MOA for the Library Union, seconded by Mr. Gallivan, VOTED 4-0-0

MOTION moved by Mr. Kraus to adjourn at 8:30pm, seconded by Mr. Gallivan VOTED 4-0-0