

The Board of Selectmen met on Tuesday December 2, 2014 beginning at 6:30pm at the Boyden Elementary School. The following members were present.

Mark Gallivan, Chairman  
Christopher Timson, Vice Chairman  
Nancy Mackenzie, Clerk  
Clifton Snuffer  
James Stanton

Also Present:  
James Johnson, Interim Town Administrator  
Cindy Berube, Executive Assistant

#### SPONSORED AGENDA ITEMS

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

#### 12-1 Conservation Commission, Request to use Funds

Landis Hershey, Conservation Agent was present to answer any questions. The Commission is seeking \$8,000 from the Wetland Protection funds to use for extra hours needed for both the Agent and the Secretary. She explained the last time they used the funds it took approximately four years to use them.

MOTION moved by Mrs. Mackenzie to approve the use of the Wetland Protection Funds in the amount of \$8,000.00 as requested, seconded by Mr. Snuffer, VOTED 5-0-0.

#### 12-9 Request for Authorization for payment of property - Sharon Country Day

Marilyn, Finance Director explained this is a state required form to buy Sharon Country Day so she can borrow. We had to pay the purchase price.

MOTION moved by Mrs. Mackenzie to approve and sign the form, seconded by Mr. Snuffer, VOTED 5-0-0

#### 12-7 Change in COA members

The Board is in receipt of a request from the Council on Aging to decrease the size of the membership as they have difficulty with quorums. This would make the meetings Better. Mr. Gallivan explained the COA board was expanded up to 15 people and they found that too large and some have dropped off they seem to be comfortable at 11.

They did not have a quorum the last time. Joanne Damish, Chairman of COA. She explained, the BOS did increase our membership, people have dropped away, we have a hard time getting a quorum.

Mrs. Mackenzie, so you had 15 Regular members. I know we have had some issues with cable, maybe we should put this back on the Agenda. If people were interested we could keep it as is. Mrs. Damish explained anything over 15 is un-wielding. Mr. Snuffer suggested postponing this for a couple of weeks, to take very careful point, try to get a meeting to take a vote.

#### 6:40pm Wheelabrator Contract

Robin Chapell, Health Director explained they convened a meeting after ten years either the community or Wheelabrator can opt out. We convened in June and

negotiated very hard. We also had the John Goiorgio and asked if they could start the amended contract Jan1, 2015 or 13 years.

Mr. Johnson explained that the first year the town will save over \$44, 000 and over the course we will save 1.3 million. Robin has done a great job. Mr. Timson asked, do we have another opt out? Mr. Timson noted that trash Collection and tipping fees it is unstable enough we may want another offer. Ms. Chapell explained that some communities on the North Shore took a risk and they got burnt. We are saving ourselves money. I met with most of the communities, and all are favorable. More than half of them have given me December date signing.

Mr. Snuffer with respect notification of contract renewals, how soon must we notify one another of this. Robin explained you would sign the amended contract Jan 1, continue with the higher prices and it would end December, 2017. The hauler contract is two more years.

MOTION moved by Mrs. Mackenzie to approve the solid waste contract dated November 2014, seconded by Mr. Snuffer, VOTED 5-0-0

### MBTA Discussion , Train to Gillette Stadium

A very large group of residents were in attendance to hear from the Board and David Mohler of Mass DOT regarding the proposal of the MBTA to purchase a portion of the CSX rail and provide daily commuter rides to Foxboro at Gillette. Mr. Gallivan explained how the process will take place. He noted that in mid-October, the Board heard from Foxboro that there had been discussion regarding this issue. No one from Mass DOT, MBTA had contacted us. We did find out that back in June they were authorized to buy CSX lines from Worcester to Foxboro. We found out today on March 26 Mass DOT and Kraft signed a letter of intent to make this happen. Tonight we can hear what they are planning. I will let you know who we are.

David Mohler Mass DOT, Executive Director of planning.

[David.mohler@state.ma.us](mailto:David.mohler@state.ma.us)

857-368-8865 direct line. Brief overview Steve Jones, Trish Foley.

What the projects are and talked about how we got here. Next steps if we decide to proceed. The 1<sup>st</sup> was the purchase of the freight line, and the possible extension of the commuter line. It is a valuable piece of land we purchased. We signed the P&S and agreements. We have purchased this for 23 million. We go the authority back in June, and negotiation with our attorneys. You can make no use of this rail, it would have to be upgraded. The second project, extension from Boston to Foxboro. Also the Fairmount line and Franklin line. The proposal would extend some trains on the Fairmont lines. Go to Reedville and then to Foxboro. No commitment to make service to Foxboro.

In 2010 and 2011 there were studies done regarding the extension of the rail to Foxboro. The second study was a less intensive route. Two morning peak trains and two afternoons and one evening. Probably about January we sat down with Kraft Group about service to Gillette. They would provide 500 spaces charged and maintain. Give us a site of 5 acres where we would do storage. On March 26 entered into a non binding NOI. Working on a binding agreement. No decision yet. If there is one made we will work with the Kraft group and then decide how to fund the upgrade, it is not in the budget. It is not coming this year or next. It would probably start 2017.

Mr. Snuffer stated that in many ways this is a situation about transparency as well as the train itself. How can you or staff allow the multiple numbers of meetings not to come to the attention of Walpole and Foxboro?

Mr. Mohler stated it was a terribly managed process, I take full responsibility. We should have been there earlier. I want to separate the two projects, and that was done thru the normal process. It does not change anything that happens in Walpole. That purchase happened thru the normal process. Should we have notified Walpole and Foxboro yes, but the normal process we do not.

There was a question as to whether the Mass DOT had minutes. The Foxboro Selectmen requested information; the Attorneys sent back that we did not have any information. As soon as we heard, gave the Fox Selectmen per request all public records related to this. We should have been more transparent. We tape minutes of our Board. The question was, were there minutes from other Boards.

Mr. Snuffer stated that someone in a position of authority should be trained, full transparency for the residents of the Commonwealth of Mass. While you were at the Fox BOS, While Mass DOT and MBTA are not eager to extend service where it is not wanted. You can not promise that local opposition will derail the project.

We need to find our rights as citizens, we want a voice, how can we convince you this is a bad deal.

Mr. Mohler explained whether or not we decide to extend the rail, the purchase of the CSX lines is a wise decision. If we extend the service or not. It is not a done deal.

Mr. Snuffer noted this is not about satisfying political favors; it is about the quality of life, and our families. In my opinion, I suggest to you this is borderline deceit.

Mr. Timson suggested that Walpole is getting railroaded by this deal. He is opposed to this and remembers going to Sen Timilty's office when it came up a couple of years ago. This does nothing for Walpole, it is a cut thru. Harms those that live along the path, safety issues, at crossing, it is near a school. Walking distance from here. This was rejected the last time it came up, main reasons it was a money user, the MBTA is not flush with money. The 23 million dollar purchase was approved. He does not think the MBTA should run down a path of a money losing line. He wants to know what has changed since the last time this came up, that will show that this is not a money losing proposal.

Mr. Mohler explained the operating Cash, Capital, we spent 23 million, capital purchase, not a money loser or winner, operating budget, the extension of the Fairmont line, no new conductors, trains etc. There would be 650 new riders, whatever the zone is. I think zone 5, that revenue would go back. The parking revenue, those two will make this close to being a wash. The board would like to see the numbers some comparison of cost vs revenue.

Mr. Mohler noted if we decide to extend to the rail, we would have to replace ties, ballast rails, as well as great crossing improvements. In the order of 30-35 million dollars. I believe based on our thinking two AM trains one mid-day and two PM trains. Mr. Timson had read in the Globe about some group or person that was very excited in putting in an AMTRAX line from Worcester to providence. Mr. Mohler explained that is an AMTRAX issue about national rail service that would be over the Worcester line. Mr. Timson believes everyone in this room would like to see something that shows the long rang plans for this, so we know what the MASS DOT is, maybe there is some benefit, I do not see it. There is a huge impact to Town. Money has not exchanged hands they have executed P&S subject to the Service Transportation Board. If they do not approve, money will not change hands.

Mrs. Mackenzie noted the last time you said the P&S was not going to be signed until the MOA was worked out. Mr. Mohler stated the MOA was not going to be signed, still in the process. Lawyers were doing what they do and then we execute the P&S. Mrs. Mackenzie stated the casino went away he purchased land that backed up to

Summer Street. It seems they found you so it would not be on our radar. Keep the MBTA out of it, so we would not notice, Mr. Kraft has had many of our employees and Reps. He has never mentioned about the extension to Fox. You are going to fly right thru, you made comment that he is looking for 600-990 riders. It looks like he is looking for housing. This has been going on for a year. It is sneaky, deceitful and wrong and irresponsible. Twenty-Three Million now and potentially 30 million later, we keep hearing our local aid is cut. Where do we make up for that? You keep spending your budgets, the local boards, we have to stay within what we have, you keep spending and this is wrong.

Mr. Stanton stated you mentioned there was a process and identified need for station at Gillette, station in Walpole, Sharon, Mansfield, Norwood, can you explain to us what went into this process that there was a need for this service.

Mr. Mohler explained two studies were done, 2010 MBTA housing economic development, law firm and 495 partnership and they identified the need. Mr. Stanton wanted to know which is the greater need to get commuters from this station to jobs or reverse to bring Boston to Patriot place. Mr. Mohler replied that he believes those our both needs.

Mr. Stanton wanted to know how would this benefit Walpole. Mr. Mohler does not believe it does. A train that does not stop does not benefit you. Mr. Stanton spoke to watching the Foxboro BOS meeting, you stated the process was terribly managed, should have been more transparent. This meeting should have taken place months ago. Who was managing this process? Mr. Mohler admitted he was the primary negotiator on behalf of Mass DOT, my failure. Mr. Stanton pointed out that when he watched the Foxboro meeting you stressed this was not a done deal. He questioned why the rush 3 days to sign a P&S agreement. Mr. Mohler stated we believe these are two distinct issues. The Framingham secondary whether we extend to Foxboro or not. That deal was being negotiated from June to Nov. That does not mean that we will go forward, that has not been determined. Mr. Stanton you stated you spent 23 million to buy and another 35 million needed to upgrade the tracks. You are talking about Mass DOT. It is really the taxpayers of Mass.

Mr. Gallivan questioned if they have walked across the track to the S. Walpole post office, kids 4 and 5 graders ride their bikes to and from school, worry about the kids, unprotected crossing, even if you put barriers up, you have changed the nature of the train service. Traffic will be jammed up. That is a problem for S. Walpole. We walked the tracks on a rainy day, when you are on the tracks you are feet away from the tracks. There is a safety facture that would need to be addressed. We do not want children killed. No benefit.

Steve Jones, Mass DOT in regards to the crossing, there is nothing we won't do to maximize the safety of the crossings. Warning devices and so forth. Foremost importance. Summer Street would be given the most attention. There is an added safety positive train control. An additional safety layer. Every precaution would be taken. Mrs. Mackenzie questioned the home values, what would you do for them. Mr. Jones explained his is not a real estate guy and cannot answer that. He cannot debate the real estate issue.

Rep Rogers-We join you in unanimous opposition to this ill-conceived plan. Good news last month, 4036 economic growth at Walpole Place. Two years ago the legislator enacted 242, the MBTA is to notify the Senate regarding expansion plans, have not received notice. Walpole is the only community that is afforded that. We have never been notified of this. Here we are again two years, ago we found out through whisperings. That is how we found out about this project, we should have been included at the beginning, they knew we would fight this project and we will kill this project.

When railroad ties are protected from harsh weather Creosol is used, tar like substance and that describes this project. Someone figured out it is a bad idea, that we can only let a few people know. We are going to spend every hour of every day to kill this plan, the former inspector general this would be most egregious use of money in state history. IG would add millions to the MBTA chronic loses. The quality of life is paramount. As a former member of ways and means the budget is being reviewed now. The first thing we do is take 881 million to the MBTA this year, this comes at a time, of a 329 million deficit in the FY15 budget, 23 million dollars spent on CSX lines and to cut local aid to Walpole. Peril the jobs of our Teachers, Fire and Police we will say no to it. Mass Development, past a law to economic growth to clean up brownfields, turn them around and promote employment. That is being looked to be cut. The delegation, the \$800,000 appropriated for Walpole has been cut. How important that is to balance your budget. We have talked to delegations, amendment, that would stop this project and stop contractual regulations, take the 23 million and support the bill. I saw a mother crossing RT1 to go to the mall. A better way to get our workers and citizens to these places. Busses are a better way. We want that conversation. We will work day and night to kill this plan.

Sen Timilty-I appreciate the agencies attempts. They spend most of their budget on debt service. Not the best track record on how they manage their agency. A green line in Somerville. The way that agency is run conspiracy of ignorance. We will use any means to stop this project, every hour day or every day. The money is not spent wisely.

Rep Dooley-Walking into Boyden School I read a sign "be a buddy not a bully" they are being a bully they are not asking us, they do not care about transparency. The reality is who does this serve? This serves Bob Kraft. I would say to the MBTA, if they want 650 more riders, they should fix the trains they have, have them run on time. They are broken now. We need to fix it. This is a huge expense and not going to help the people in Walpole. Not a huge ridership. The fact remains no other waiting in the wings for this 23 million dollars. I can not believe there were twenty other companies. Lets find out what the people want.

Mr. Gallivan thanked everyone for attending, including the Representatives and the Foxboro Selectmen.

Bill Hamilton-I would like to point out they are talking about ten more passes. In S. Walpole the crossing needs quad crossings. You will never have false alarms. CSX took the gates down and should never get back to them.

Mr. Mohler there has been a proposal, DMU cars, instead of running a 9 car with locomotive you run a 2 to 3 car. We do not own any of those. The repeal of the gas tax is going to have us look at our expenditures. We would store vehicles at the space at Gillette that would operate on this line. We are now legally required by EPA, they do not run overnight, we shut them down. Much quieter than use to be.

A resident who lives on Winter St, we live in a world of transportation, I have heard from those that have a vehicle. I also think does benefit the Town, it eases traffic, maintains the track. Yes it cost money and MBTA is not to be a revenue service. The state spends more on Roads. Having more trains, builds a place that does not require more cars. She supports the project.

Larry Pitmann-it was mentioned about the studies. Who funded the study 495 collaborative? If those studies are public can they be posted on the Town website?

Mr. Mohler explained the MBTA study is on our website, I have not gotten the full 495 study. I have know knowledge of who funded that study.

Spring St, Flaherty, my foundations are 57 feet away from the Rail, where is your environmental impact study on our neighborhood. Mr. Mohler responded there is no requirement for MEPA study related to commuter rail service. If we were putting down a rail. However, if we ever decide to execute this we would do an assessment on the impacts, noise, vibration, along the affected neighborhoods. Flaherty-you keep saying if you extend. The deal is not done you do not have eminent domain.

Mr. Mohler does not understand the Eminent Domain Question. This deal has been executed. The MOU with the Kraft group is not done. That will trigger capital improvements.

Ms. Flaherty looked at what they have done recently like Cape cod. Found multiple lawsuits where you did take their property. Living on this line it is a concern for me. I showed you that picture, would you want your family living near this train.

Mr. Mohler, we have the authority for eminent domain, we would never take land for CSX, I can guarantee are we planning on taking any land for this line. We are not taking anyone's property.

Flaherty we are facing 10 commuter rails a day. Once this deals go thru we will have 10 trains, with no benefit to us. When is CSX going to use the rails? Mr. Mohler noted the 40mph is the average, we will do a study about what the appropriate service is. The plan is for Weekday only service.

Mr. Mohler explained the train would be 10-12 cars long. They did a regional travel demand line, where people live and work and want to go to determine ridership. A resident does not believe that Kraft is giving them free land without anything in return. She feels that South Walpole is always paying the price for the stadium. The line is not going through Foxboro at all.

John Murtough-from 630am-930am there is a back up on Summer St. We are getting all the Metro west traffic. Will you do a traffic study? Mr. Mohler stated if this proceeds we will to study to the impact of the neighbors. Traffic, I don't think we envisioned doing that if the need is there we will do one.

Mr. Murtough asked with the two early morning trains, how are you going to manage the school buses? Mr. Mohler stated we will ensure the safety of people. Could a tragic accident happen, can not guarantee that. The trains run in and out. The amount of time they go thru the crossing is minutes.

Mark Sullivan-who will make the decision to run the line? Mr. Mohler explained it would be the Secretary of Transportation. The Board has been appointed by Governor Patrick. The incoming Governor, he can appoint someone else. The Board is appointed legislatively mandated terms. Right now the next vacancy will occur in one year. The Governor does not have the Authority to appoint until the term expires. The Governor does appoint the Secretary assuming this deal is not done by Jan 8 it will be the next Secretary that who has not yet been named.

New resident, Norfolk St, do not have a train. Overpass, what about state structures that clearly would be affected by trains running over them several times a day. If we realize that running commuter rail would impact bridges we would ensure that it would be fixed.

Mrs. Mackenzie questioned who is on the surface Board? Mr. Mohler can get her a list. I do not know when this will be heard by them. Mrs. Mackenzie noted if Mr. Kraft is not planning housing, he is looking to take people away from Walpole parking lot and economics in Town. There is nothing good about this. It does not help to say sorry.

Mr. Mohler will research if there is any other Mass DOT rail that transverse private property. He believes North Station is privately owned.

Mr. Stanton noted that Mr. Mohler has withstood a barrage of questions, one thing he found during questioning, you stated this was within the professional judgment of railroad experts to spend millions of taxpayers money. A lot of this coincides, with a bid by Boston officials for the Olympics in the future and Mr. Kraft to bring a Superbowl to the stadium. Do you agree? Mr. Mohler stated Mass DOT made recommendations to the Secretary. It is true about the Olympics, never been any discussion of Foxboro as a site, hotels etc. That does not mean there is not a lot of discussion. I have no knowledge of this.

This part of the meeting ended at 9:35

12-2 Reserve Fund Transfer, Professional Service

The Board is seeking funding to hire a consultant to assist in the hiring of a new Town Administrator. They are seeking \$17,500.

MOTION moved by Mrs. Mackenzie to approve the request for a reserve fund transfer in the amount of \$17,500, seconded by Mr. Timson, VOTED 5-0-0

12-3 Use of Adams Farm, Wedding, Levine

MOTION moved by Mrs. Mackenzie to approve the use of A. Farm for a wedding on May 23, 2015 for Rebecca Levine, seconded by Mr. Timson, VOTED 5-0-0

12-5 Bid Award, 2015-17, Personal Property Revaluation

MOTION moved by Mrs. Mackenzie to award the contract for Real Estate Research Consultants, Inc., North Andover, Ma for FY16 for \$36,700. Seconded by Mr. Timson VOTED 5-0-0

12-8 Gift Acceptances

MOTION moved by Mrs. Mackenzie to accept the gift from Stop and Shop for \$1,000 and the Italian American Club for \$50 for the Council on Aging, seconded by Mr. Stanton, VOTED 5-0-0

12-6 2015 License Renewals

MOTION moved by Mrs. Mackenzie to approve the All Alcoholic Common Victualler's, Wine and Malt Common Victualler's, Club, Wine and Malt and All Alcoholic package store licenses as listed below, seconded by Mrs. Mackenzie, VOTED 5-0-0

Town of Walpole 2015 ALL ALCOHOLIC COMMON VICTUALLER (22) (25 allowed, includes 3 clubs VFW not included)		
204 Washington	204 Washington St.	Bradford F. Brooks, Jr.
99 Restaurant	55 Bos.-Prov. Hwy.	Cindi Fuller
Applebee's	990 Providence Hwy.	Ashley Ann Tougas

Asia Treasures	399-401 High Plain St.	Yongzhen Lin
British Beer	85 Boston-Providence Hwy.	Nancy Cowles
Chili's Grill & Bar	120 Providence Hwy.	Anthony Rego
Clyde's Roadhouse	642 Providence Hwy.	Scott A. White
Conrads	907 Main Street	Robert Conrad
Finnegan's Wake	7 Glenwood Ave.	Kristin Smith
Ginjo Susi & Hibachi	887-889 Main St.	Amy Wong
Guido's Restaurant	683 Main St.	Joseph J. Guarino
Jalapeno's Grill	960-962 Main St.	Ricardo Dorransoro
Kihei Dynasty	743 Main St.	Lisa Chiu
NapperTandys	1065 Main St.	John G. Jacob
Patriot Tavern	100 Main St.	Michael Quinn
Eastern Pearl	2275 Bos.-Prov. Hwy.	Sandy Xiu Yun Wong
Raffael's Banquet & Conf.	1601 Main St.	Elio Ricci
Raven's Nest	998 Main St.	Maura McAuliffe
Red Wing Diner	2235 Providence Hwy.	Liam Murphy
Texas Roadhouse	120 Providence Hwy.	Brian Franciosi
Tee-T's Restaurant	P.O. Box 5 942-946	Monika Burke
The Crease	Main St.	Stewart Grossman Chapter 7 Trustee
<b>WINE &amp; MALT COMMON VICTUALLEF</b>	<b>1(5 issued. 0 available)</b>	
Asian Deli Brid Park	691 Main St. 166	Ying Chen
Cafe Bristol Square	Wahington St. 1428	Diane Beatty
Cafe	Main St.	Diane Beatty
Farmer in the Dell	935 East St.	Adam Laliberte
Jimmy's Pizzeria	4 East St.	Athena Kalemkeridis
<b>CLUB LICENSES (4)</b>		
Boylston Schul-Verein	153 County St.	Hans T Hoegel
Italian American Club of Walpole	109 Stone St.	James D. Bruce
Veterans of Foreign Wars	Robbins Rd.	Kevin Smiley
Walpole Country Club	233 Baker St.	Edward Iodice
<b>ALL ALCOHOLIC PACKAGE STORE (5)</b>	<b>[Up to quota]</b>	
Dalton's Package Store	944-C Main St.	Thomas Jackman
East Walpole Package Store	79 Bos.-Prov. Hwy.	Carolyn M. Kim
Palumbo Liquors	419 High Plain St.	Russell V. Palumbo
Sam's Package Store	262 Main St.	Mark /Jay Abarbanel
Walpole Wine & Spirits	669 Main St.	Steven D. Goller
<b>WINE &amp; MALT PACKAGE STORE (5)</b>		
<b>(quota met)</b>		
C. Scott's Beer Wine & Deli	1600 Providence Hwy.	Fouad Labki
Double D's Deli & Market	931 East Street	Patricia Ann Zampitella
Walpole Fuel	Providence Hwy	Alian Nasr
Walpole Discount B & W	1339 Main St.	Gomatiben Patel
7-Eleven	909-911 Main St.	Magdy Megelly

The Secretary explained "The Crease" restaurant closed back in July and is now in Bankruptcy Court. The Trustee has renewed the license. Will keep an eye on this. The Bird Park Café is going to start construction in the Spring.

### Spring Town Meeting Warrant

MOTION moved by Mrs. Mackenzie to open the Spring Town Meeting Warrant, seconded by Mr. Timson, VOTED 5-0-0

### MINUTES

MOTION moved by Mr. Timson to approve the minutes of October 14, 2014, October 20, 2014 and October 28, 2014, Executive Session October 28, 2014 seconded by Mr. Snuffer VOTED 5-0-0

MOTION moved and seconded to adjourn at 10:09 pm