

The Board of Selectmen met on Tuesday, March 1, 2106 beginning at 6:30pm in the Main Meeting Room at Town Hall. The following members were present.

Clifton Snuffer, Chairman
James Stanton, Vice Chairman
David Salvatore, Clerk
Mark Gallivan
Eric Kraus

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

Mr. Snuffer called the meeting to order followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND PROCLAMATIONS

SPONSORED AGENDA ITEMS

3-1 Police Appointment, Alexander Vinciguerra

Chief Carmichael thanked the Board for the opportunity. He grew up in Canton, MA, worked for two sheriff departments, state metal of valor. Outstanding background.

Alexandra spoke of his current employment and his other interests. Always wanted to be a Police Officer.

The Board members asked him several questions. Mr. Kraus wanted him to look ahead a year, what he hopes to accomplish. He hopes to get more acclimated to the town and understand the community and give himself a good name.

Five years from now he is hoping to better himself as an officer. He is always looking to grow and would be interested in School resource, DARE. He talked about an incident while working that was unexpected and how he handled it. He explained he received a Medal of Honor as an inmate had attempted to take his own life. Radioed for help and took him off the top bunk to control the bleeding. Myself and others were able to safe his life.

Mr. Snuffer noted his great background. He noted a comment made from one individual who stated Alex was capable of becoming a strong officer and the town would be gaining a great officer. He would of becoming a strong officer. He would trust you with his life and life of his children.

MOITION moved by Mr. Kraus to appoint Alexander Vinciguerra a Walpole Police Officer at a step 1 subject to the following conditions:

1. Successful completion of a pre-employment *physical* exam including drug screening;
2. Successful completion of a *psychological* exam,
3. Successful completion or “Pass” on the *Police Officer Physical Abilities Test (PAT)* administered by HRD.
4. Successful completion of the *MPTC recruit academy or MPTC waiver*;
5. Successful completion of one year of employment as a police officer - *probation*. Probation period begins AFTER you have completed the recruit police academy.

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

3-2 Firefighter Appointment, Jonathan McNamara

Chief Bailey introduced Jonathan, talked about where he served.

Mr. McNamara stated he has been a Firefighter for over 10 years, successfully past testing. Three years as a paramedic. Worked for Vital EMS. Is working currently in Sturbridge. What I like about Walpole it is a quiet town feels, but the big city work, it is busy, different aspects. There is a lot of opportunity for good calls. Have had a lot of 911 experiences. A lot of trauma and likes that aspect.

He talked about his five biggest strengths. He does not let tunnel vision get the best of him. Been able to work on that over the years. Slow things down and look at everything. Great aspiration and become familiar with the surrounding areas.

He enjoys being both a Firefighter and Paramedic each in their own way. His bedside manner is good. On the Fire side he has gained a lot of experience over the years. He talked about where he would fit in best. He enjoys each in their own ways. There is a lot more people so he figures more EMS calls. His bedside manner would be great. On the Fire Dept. side he feels his experience, over the last years gain the knowledge of fires. No issue with residents of Walpole. He is very confident on both sides.

He explained how he is working to avoid that. Experience that skill has paid off. He talked about last month had a motel fire and we were presented with 3 fires and the whole front side of the bldg. There were two weddings going on. People were still trapped in the building. I had to decide how to divide the task that needed to happen, attack some of the fire to contain it, went to rescue mode and escort people off the balcony until we had more resources. Size up the situation what would be most beneficial. He knew he had to attack the fire first or it could have gotten out of control if he had tried to help the people first.

He has had experience with Opioid overdose. Start assisting with ventilation, give medication. Wait for that to kick in.

Mr. Snuffer noted the Town in his opinion is blessed to have the people we have in Public safety. We have some discomfort with the distance you live. The chief said he has your word to move closer to the town. He said he is working on that, looking at an apt. He is starting that whole process. I hate commuting long distance.

MOTION moved by Mr. Kraus to appoint Jonathan McNamara as a Firefighter/Paramedic with an effective date and Salary Step to be determined. This appointment is conditional until all pre-employment testing has been successfully completed. , seconded by Mr. Gallivan, VOTED 4-0-0

3-3 7:00 pm Eastern Pearl, Hearing

Attorney Brian Riley from Kopelman and Pagie was present.

Mr. Snuffer read the following into the record.

This is a hearing on the following licensee violations of the terms of their liquor license.
Hong Kong Eastern Pearl Enterprise Inc. d/b/a Easter Pearl

On December 25, 2015 and January 15, 2016 an employee of Eastern Pearl sold alcoholic beverages to a person under the age of 21 years as submitted to the Board in reports from the Walpole Police Department. The service of alcohol to an underage person constitutes a violation of G.L. c. 138, §34 – sale of alcohol to a minor, Code of the Massachusetts Regulations 204 section 2.05(2)- permitting illegalities or disorders on the licensed premises, and improper management.

As a result of these violations, the Licensee has agreed to a 7-day suspension of their liquor license. (Read the Agreement signed by the owner into the record)

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

Attorney Riley Talked about what can take place. The incidents in the report were serious, he has dealt with their attorney very cooperative and the owners have been and they acknowledge the serious.

Mr. Salvatore read the violation notice into the record.

Mr. Kraus appreciates they have agreed to the 7 days. He told the owner, you do not want to come before this Board again we take this serious. Please take this seriously. He

hopes to be in your restaurant. Mr. Salvatore noted your attorney did a great job; there were members of this Board who wanted to take your license away. If you are back, your attorney may not be able to be as efficient.

Mr. Gallivan said to the owner we do take it seriously. He is glad an agreement was worked out. Hope never to have you back here and wish you good luck with your Restaurant. One thing we need to do is to choose the seven days.

After discussion with his attorney the owner asked the Board if they could close March 6th – March 12th for service of alcohol. The Board agreed. The owner is to turn in his license to the Selectmen's office. *(It was learned the next day March 6th and 13th are Sundays and the office is closed so the owner will turn it into the Police Dept.)*

MOTION moved by Mr. Salvatore to close the hearing on the license violations of their liquor license seconded by Mr. Gallivan, VOTED 4-0-0

MOTION moved by Mr. Salvatore to accept the agreement as outlined during the hearing. That seven days of non-serving alcohol shall be from March 6-March 12, 2016, seconded by Mr. Stanton, VOTED 4-0-0

David Norton, Building Commissioner

Mr. Snuffer had participated in the 2nd rounds of interviews and was very happy that Mr. Norton has agreed to join the town. Mr. Gallivan thought he was a great candidate and does well in the town. Mr. Kraus from what he has heard they were truly impressed.

MOTION moved by Mr. Kraus to affirm the appointment of David Norton as the Building Commissioner, Seconded by Mr. Gallivan, VOTED 4-0-0

Mr. Stanton arrived at 7:55pm.

3-5 Wine and Malt, Common Victualler's License, Ravens Vine

MOTION moved by Mr. Kraus to reopen the public hearing for Ravens Vine, seconded by Mr. Gallivan, VOTED 5-0-0

Mr. Snuffer, we had asked for those who are proponents, Mark McAuliffe, currently hear continuing what we did the last time. Following the last public hearing, it appeared to be more for the Ravens Nest not the Ravens Vine. We have been moving forward with the Sewer grease issue. That is a Ravens Nest issue not a Ravens Vine issue.

Mr. Gallivan, do you have a rough idea when this will be completed. Mr. McAuliffe again stated that is a Ravens Nest issue not a Ravens Vine. Mr. Gallivan understands but it is the same owner and the facilities are related. Mr. McAuliffe is currently meeting

with contractor; engineer and plumber tomorrow, probably have a date tomorrow. The grease separator is going in. Met with site contractor. Trying to figure out how economically feasible. Best way to put the grease separator in. I want to do it, we have to do it, and we are going to do it. Mr. Kraus knows it is a separate entity but same ownership. Thank you for following up from the last hearing. We all want new business here. We thank you for working with the town. Mr. McAuliffe has copies of email for the Board from the last time he was before them.

Mr. Snuffer read the March 1, 2016 letter from Mr. McAuliffe to Rick Mattson. Status report. Mr. Snuffer understands is part of what we need to do is focus on the individual request. He asked if anyone in the audience wants to speak in favor. Noted the Board received a packet from Macchi and Macchi LLC. Attorney P. Macchi Jr., counsel for Walpole Cooperative bank, as long as you enter the letter into the record. Mr. Snuffer noted it consists of several pages and pictures and drawings.

Attorney Philip Macchi Jr., spoke to two issues. They have no issue with him operating a restaurant. If the applicant is willing to stipulate that with regards to his Employees and Customers, that he keep clean the passageway behind the subject building and the white line on the ground. Mr. Snuffer questioned if the bank has recourse to attend to that legally. Attorney Macchi, they could, but do not want to. He has spoken to both Mr. Glossa and Mr. Hockman and hopeful that whatever grease system be installed handle both kitchens. It is how many seats in the restaurant. Consider having contingent upon the completion of the project. Mr. Snuffer addressed Mr. McAuliffe, when you were here for the opening; you indicated the Ravens Vine was going to have a kitchenette. Mr. McAuliffe stated there are no ovens, no grease. It is a cold food service.

Mr. Kraus appreciates that it is going to be a cold kitchen. What he does not know if we fast forward, if you want to expand if we need a stipulation. What does that do to the agreement? Would you need to come back before that happens, or get it out of the way?

Attorney Riley stated it is difficult to put contingencies on this request. You have authority on a liquor license. If this was going to get appealed, the grease trap issue would not be something the ABCC would agree with. Concerns of traffic there are decisions that would support that. It sounds like the parties have agreed to that. Mr. Snuffer there is no agreement in principal. Attorney Macchi, no we have not talked about that.

Mr. Salvatore noted the Ravens Vine has no control over the parking in the rear. How can you make him control something he does not own? They cannot remove anyone from there. He is an appropriate owner and location, I believe in the best interest in Walpole granting the license at this location they have done more than they needed to do. Mr. Salvatore spoke to the Walpole Cooperative Bank; it is your property and do what you have to do. Has nothing to do with other business owners.

Mr. Gallivan questioned when he will be open, what hours. Mr. McAuliffe wants to continue the coffee shop and will open every day. He will put in the same training with

staff. If you are worried about someone waiting for a table anyone that comes in the door their Credit Card will be taken from them. Have a hostess at the front door. No one will leave with alcohol in hand. Mr. Gallivan understands the point that you do not own that back alley not a lot you can do. Mr. McAuliffe stated he has never been approached by the Walpole Cooperative. He does not want people parking there either. He would welcome a discussion with them. If he parks back there I cannot get out. It is a small space. He knows they could start towing. He can have no parking behind the restaurant. Mr. McAuliffe stated he is very approachable. Mr. Snuffer felt he could notify employees where he does have control. He will post a sign no parking out back.

Mr. Snuffer, you bring out something that is a concern, try to accommodate that Ravens Vine is one business and Ravens Nest is another. One thing that you need to police is that the Fri and Sat night crowd, be housed and staged to get into the Ravens Nest. Mr. McAuliffe, so you are concerned with over served, we have meetings as well. I am concerned about the Ravens Nest license. This is mine to police. We give staff really good training and people do not get over served. Mr. Snuffer when the two organizations coming together, one becoming a pertinent facility to other. That would only happen if we owned the building.

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

Mr. Gallivan noted the time he is asking is different than what is in the motion. Mr. McAuliffe would like to open coffee shop earlier at 7:00am.

MOTION moved by Mr. Kraus to grant a Wine and Malt Common Victualler's License to The Coffee Perch, Inc. d/b/a The Raven's Vine located at 1006 Main Street, Walpole Ma and name Mark A. McAuliffe Manager of Record open Sunday-Saturday with hours from 7am to 1am for the common victualler's license and the hours for the serving of alcohol is 10am-1am. subject to the licensee and staff prohibiting customers from bringing alcohol from the Raven's Vine to the Ravens Nest, Furthermore the Board imposes the following condition that the applicant shall to the greatest extent possible monitor parking (behind restaurant) with respect to its employees and customers in order to keep the access gate and passage way clear, Seconded by Mr. Stanton

Mr. Snuffer noted he has a technical question. The Board is well into the motion and there is a person in the audience with their hand raised. He is the applicant for Indie-Go who also applied for the Wine and Malt License. He told him he could speak at Open Forum.

VOTED 5-0-0

3-6 Keno License, Express Mart

Deputy Chief Mackenzie stated the plan he saw is very basic. Concern people may think people are loitering. Mr. Snuffer asked the representatives of Express Mart, do you feel safe in the running of your business, and you feel safe with it. They replied yes.

The Board only needs to vote if they oppose as they do not, no Action taken.

Town Administrator Update

Budget Discussion

He wanted to know if the board wishes to pursue the Community Compact. Agreement that the town has with the State for best practices capital infrastructure. Assisting with the MSBA .

DOR Land across from the Prison-all the paperwork is in and Attorney Shirin is saying we should go on record.

Compost Site- He is going to keep it open for residents without a sticker so they can dispose of branches.

3-7 Callum Maclean, Trust Fund Commission

Mr. Snuffer Mr. Maclean is not here but is highly recommended by the remaining Trust Fund members.

MOTION moved by Mr. Kraus to appoint Callum Maclean to the Trust Fund Commission to fill the unexpired term Left by Mr. James Manninen until April 1, 2018, seconded by Mr. Gallivan, VOTED 5-0-0

3-8 Special Town Meeting

This town meeting is for the TIF agreement with Siemens. There is only the one article.

MOTION moved by Mr. Kraus to recommend Favorable Action on Article #1 of the Special Town Meeting seconded by Mr. Gallivan

Mr. Salvatore stated there has been some discussion the town knows what the other locations are. Mr. Snuffer stated he has no knowledge. Mr. Salvatore, Siemens is saying that if they do not get that TIF they will move out of town. Mr. Snuffer is that from someone at Siemens. We have not heard that.

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

3-10, 3-11 Spring Town Meeting

The Board is being asked to reopen the warrant to place an article which will fund the Walpole Media (Community TV). It will be treated as a receivable account. We have

just under 1 million dollars. Town Counsel said that the word grant is giving the money. Mr. Snuffer one thing this will do by creating an article this will be the spring annual town meeting having a conversation about these funds. He does not want the conversation go astray. We have a very close relationship with WCTV. Important that we be able to show a clear line with RTM.

MOTION moved by Mr. Salvatore to reopen the 2016 Spring Town Meeting Warrant, seconded by Mr. Gallivan VOTED 5-0-0

MOTION moved by Mr. Salvatore to place an article on the Warrant as written for cable tv funding,

(This will be Article 18)

ARTICLE: To see if the Town will vote to accept the provisions of General Laws Chapter 44, Section 53F³/₄ (inserted by c.352 of the Acts of 2014), for the purpose of establishing a separate revenue account (a receipts reserved for appropriation account) to be known as the “PEG Access and Cable Related Fund”, into which shall be deposited funds received in connection with franchise agreements between a cable operator and the Town, which funds may be appropriated by Town Meeting for cable-related purposes as provided in the franchise agreements and in accordance with law, including, but not limited to: (1) support of public, educational, or governmental (“PEG”) access cable television services; (2) monitoring compliance of the cable operator with the cable television license(s); or (3) preparing for the renewal of the cable license(s); and to transfer all cable television license proceeds and receipts held by the Town for such purposes to such new PEG Access and Cable Related Fund, and further to appropriate from said fund a sum of money as a grant for Cable Access and PEG purposes, and to authorize the Board of Selectmen to enter into a grant agreement for the expenditure of such funds for cable-related purposes in accordance with law; or to take any other action relative thereto. (Petition of the Board of Selectmen)

Seconded by Mr. Gallivan

Mr. Gallivan explained this is the money that comes from Comcast and Verizon. While we kept it separate, the state wants it to be done in a special way. Kept track of the money. Mr. Snuffer noted the states concern is alleviated by the ruling.

VOTED 5-0-0

MOTION moved by Mr. Salvatore to close the 2016 Spring Town Meeting Warrant, seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mr. Salvatore to sign the 2016 Spring Town Meeting Warrant, seconded Mr. Gallivan, VOTED 5-0-0

3-12 Question for June Election Ballot

MOTION moved by Mr. Salvatore to place the following question and summary on the June 4th election ballot

"Shall this Town approve the charter amendment proposed by the Town Meeting summarized below?"

Summary

The October 19, 2015 Representative Town Meeting approved an amendment to Section 6-10 of the Town Charter relative to the role of the Finance Director. Currently, the Charter requires the Finance Director to serve as the Treasurer Collector. The amendment would allow the Finance Director to serve as the Treasurer Collector or as the Town Accountant, but not both. The amendment makes no other changes to the duties and responsibilities of the Finance Director.

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

(These items were taken out of order and Mr. Stanton was not present)

3-13 A Frame Request, Norwood Garden Club

MOTION moved by Mr. Kraus to approve the request to place an A-Frame on the common with gazebo, Seconded by Mr. Gallivan, VOTED 4-0-0

3-14 Use of A. Farm, Barn Burner

MOTION moved by Mr. Kraus to approve the use of Adams Farm for the barn burner on July 30 and July 31 subject to the Use of ATV is for emergency use only and for the applicant to review set up and take down with the Adams Farm Committee, seconded by Mr. Gallivan, VOTED 4-0-0

3-15 Old Post Road, Fun Run Race

MOTION moved by Mr. Kraus to approve the Old Post Road Fun Run on June 12, 2016, seconded by Mr. Gallivan, VOTED 4-0-0

3-16 *NO ACTION NEEDED*

3-17 Letter Agreement between Town and Performing parties, Superfund Site

Mr. Johnson explained a few months ago had difficulty with the slab removal. The Responsible parties agreed to step up. It is for the slab removal cost at the Superfund site. Explained what they will pay for. Our contractor will do the work and they will reimburse us. Mr. Snuffer we take ownership of \$2,500 and they take the rest.

MOTION moved by Mr. Salvatore to sign the letter Agreement between the Town of Walpole and W. R. Grace & Co. and Covidien LP for performing the remedy at the Blackburn and Union Privileges Superfund Site for the slab removal and sub slab soil assessment as outline in the agreement, seconded by Mr. Gallivan VOTED 4-0-0

MINUTES

MOTION moved by Mr. Kraus to approve the minutes of January 5, 2016, seconded by Mr. Stanton, VOTED 5-0-0

MOTION moved by Mr. Kraus to approve the minutes of January 26, 2016, seconded by Mr. Stanton, VOTED 5-0-0

MOTION moved by Mr. Kraus to approve the minutes of February 2, 2016, seconded by Mr. Stanton, VOTED 5-0-0

MOTION moved by Mr. Kraus to approve the minutes of February 16, 2016, seconded by Mr. Stanton, VOTED 5-0-0

8:15 OPEN FORUM

Bob Luce- here to talk about an issue a lot of people may not be aware of regarding the police. The police handle sexual nature crimes. Mr. Snuffer it is a violation of Public Employee rights if you are to talk about them without their knowledge. Mr. Luce disagrees. Mr. Snuffer told him if you would like to put them to paper and deliver to our Secretary will take it under consideration. Mr. Luce, why don't you want to take action against an employee? I have ruled you out of order you may step down please.

Mr. Vahal Indie Go- I was one of the applicants of the Beer and Wine license. I was not able to complete the process. One thing that was not made to clear to me it was scheduled on March 15th. He was upset the Board granting the license without fair opportunity. Mr. Snuffer I would recommend to you the process worked, you were given fairness, and it was due to an unfortunate step. The fault falls on you. We said we would schedule it but you lost your position. However I want to encourage you we have bills in 3rd reading for additional licenses. Mr. Vahal, to some extent I take some responsibility. Why I was not given the opportunity to have the hearing on the same night. Mr. Snuffer, we will work with you. It was unfortunate the situation in your family.

MOTION moved by Mr. Kraus to adjourn at 8:30pm, seconded by Mr. Stanton, VOTED 5-0-0