

A regular meeting of the Board of Selectman was held on Thursday, May 16, 2013 beginning at 7:00 pm in the Main Meeting Room at the Town Hall. Mr. Berry was absent, the following members were present.

Eric Kraus, Chairman
Christopher Timson
Mark Gallivan
Nancy Mackenzie

Also present:
Michael Boynton, Town Administrator

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

ANNOUNCEMENTS AND PROCLAMATIONS

5-1 Building and Safety Month, May 2013

MOTION moved by Nancy Mackenzie to approve and sign the Proclamation, seconded by Mark Gallivan, VOTED 4-0-0

5-13 Proclamation Eagle Scout – Jonathan Trudell

MOTION moved by Nancy Mackenzie to approve and sign the Proclamation, seconded by Eric Kraus, VOTED 4-0-0

SPONSORED AGENDA ITEMS

Maguire Group, update on Municipal Facilities Study

Mr. Boynton, A presentation of the final phase of the study for the Town of Walpole, Municipal Facilities Study, Dan & Fab will discuss.

Per Fab – An update on what has transpired since our first meeting we had with the Selectman. The Maguire Group has met with and conducted meetings and workshops with Board of Selectman, School Committee, Sewer and Water Commission and Walpole Business Leaders.

Items they want to discuss:

Washington Street Site – Environmental Issues

- Well Radius
- Overlay District – Area 1
- Wetlands

Combined Public Safety Facility – Town Center

- Current Location
- Stone Field
- Municipal Parking Lot

Potential for Leasing Commercial Space for Senior Center (not a feasible option)

- Cost of Tenant Upgrades
- Cost of Long Term Lease
- Available Space
- Adequate Parking

Public Safety Building – Town Center

Renovation/Addition – Current Location

- Fewer Staff Parking Spaces
- Loss of Municipal Parking Spaces
- Police & Fire Site Circulation Issues
- Construction Phasing Cost
- Operations Disruptions to Both Departments

Public Safety Building – Town Center (Does not recommend)

Stone Field Option

- Unsuitable Soils – Cost of Removal and Upgrades
- Safety Issue – Fire Station Apron
- Loss of the Field

Municipal Lot Option (Does not recommend)

- Safety Issue – Fire Station Apron
- Loss of Parking Spaces
- Loss of Field
- Adjacent Private Property Impact

Washington Street Site – Environmental Issues

Wetlands Survey

- Small Areas of Wetlands within the Site
- Well Radius Opposite Side of Driveway
- Buildings Located Beyond 100' Buffer

Overlay District – Area 1

- Special Permit Required
- Environmental Compliance
- Independent Study of impact to Water Supply

Ms. Mackenzie - Great job, thanks for reaching out to all the groups. You have done a great job reaching out to all the committees. The Board of Selectman did send a letter to Water and Sewer to meet with them so we can discuss the independent study.

Mr. Gallivan – Good job and looking back at the prior study gathering information and presenting new ideas, and pulling it all together feels that the town is ready to accept the study. Ready to move on with the phase of accepting the study; feels that we are left in a good position and thanks them for their work.

Mr. Timson – Couple of questions;

Are you aware of any leased Senior Centers in any towns or cities?

No per Fab

Another questions the site map there, is an existing DPW facility are the buildings any closer then the well radius?

Per Fab; there are two buildings that are closer to the radius than the proposed building is. Part of this project is also improving environmental issues.

Is there shared parking? Yes some for police station and some for staff

Mr. Kraus – Thank you for a very difficult task and presented the study findings and job well done, and see how it sits with town meeting.

Jim Taylor – Why can't we use a ball field, we can use the one on Lincoln Rd, why not use that one for the fire station, he feels that is has to be downtown. Combined station downtown, I would go for it and everyone else would go for it, per Jim Taylor, Washington Street is not a good place for police station, the field (stone) should be used.

Mr. Boynton - Lincoln Rd landfill was capped permanently in 2003/04 it was not set for field space, it does not have any monitoring wells and would have to go through an extensive process with the DEP for them to do testing and would cost the town many thousands of dollars.

Mr. Kraus – would love to have a public safety building downtown. Were we completely disagree and I am very passionate about is field space. Mr. Kraus does not feel there are not enough ball fields in this town. The fields we have now are unplayable Not at expense of taking something away from our kids.

Ken Fettig, who is on the Water and Sewer Commission. As you know Walpole has a legacy of industrial development these 4-5 firms built the town and provided the funding for these. 30% paid about that for the tax rate, not good stewards for the environment. We now have several building sites that need cleanup (bird machine, stone st.) and now presented with a proposal with other sites that are not contaminated; the result is that our children will be asked to replace those new buildings, after the proposed buildings become contaminated. Cars will leak out and endanger our water supply I was contacted by Lewis Davidson and requested to look into a site on Stone St. he turned over to me a report that was written in 2004 an visioning process prepared by Walpole Superfund Comm. Nothing has been done since that report 2004. The report listed alternatives for developments of that site and produced a number of possibility the report at that time showed that the owner of that property owned us over one million dollars in taxes and penalties, we can take that on a tax lien at relatively no cost. In addition people who own the property are not doing anything about this. In addition, the owners are renting that property but continue to not pay taxes and the town officials are not doing anything about this. The EPA said they will come up with 13 million to clean up the site. It is the best option for the municipal building. It takes a little courage and work to free up that site, someone was manufacturing there 3 yrs ago. We seem to be avoiding that site and not

sure why. Time to reconsider that site and suggest we reopen that reconsideration of that site.

Mr. Timson, you are probably not aware of what when on, on trying to obtain that property. I was involved in doing that, it is ridiculous that collecting rent and not paying taxes. The issue we face is if we take property the town could potentially have to pay for cleanup as long as you are owner. There is a statue and may get a waiver from the attorney general, to acquire the property and not be subject to a liability and we met with AG office and when a roundabout discussion, town council got involved. The end result was the AG would not give us a waiver to make us feel comfortable. Net result was we did look into and we were not able to put the town in an untenable position. Can't put the town in that position

Ken, there is a state program that allows a developer or town to go into a contaminated property/building and the state would ensure somebody to take over that property we could do that at a low rate.

Mr. Boynton, this is a 30 year old issue in the Town of Walpole. The EPA cleanup level was for the whole assessment, the cleanup was done in the 1990's we have heard that challenges are on the easterly side of that property and that it is not clean. There is a lifetime responsibility on that property forever. Once the buildings on the easterly side are gone and to buildings down at there expense the dirt would have to be tested and whoever owns it is the responsibility along the way. Federal government and the EPA and AG dual conveyances not to sue, they refused to do that. It is in the report that the Maguire Group has looked at that site. They have focused on at sites that are primary sites. The concerns of the Sewer and Water are legitimate concerns and ask that the letter to ask what fully can and cannot be done on that site. It is possible to build a police station on the superfund site easterly side but based on the fact right now, if they would approve, the earliest would be 2015 there is no plan that all site would be cleaned. The Town of Walpole would have to ensure the responsibility. No one has ruled that site out but talking yrs for this to be brought up to us.

Ms. Mackenzie, because it is a concern, the Maguire Group did spend a day to meet with the site to get the up to date information and make there assessment and that is why it was eliminated, because it is going to be too long, cost too much and put us at risk. Because we are not an owner we have to wait it out. Think of Stop and Shop, the parking lot could go right into the river the way they can build now, the water is cleaner same thing would happen here (Washington st). A lot of the junk yards on route 1A that is going into our well waters. It would be cleaning the water into our wells.

Ken; we get contamination levels of various salts and so forth that have been expressed. The ability to test has become more and more difficult and regulations will be parts to trillions. Why containment this site when we have places to build on, to me the South Street site is ideal, there are problems but we have to work through them.

Bill Hamilton– Area 1 and Area 2 are the only two places in town that we can build new wells. We have no other places in town. Area 2 is lineated on the sites. Area 1 is lineated

by the well itself. We had the wells draw down, when the wells are drawn down. And is very sensitive area we have lost several wells.

Ms. Mackenzie asked Mr. Hamilton how many wells? According to Mr. Hamilton; five and 100 on Washington St and Ms. Mackenzie asked when, Mr. Hamilton, over the years.

Ms. Mackenzie asked Mr. Hamilton if he could back up his comment with factual information on dates and how many wells. Mr. Hamilton continued with Area 1 not feasible because we get water from drilling down to bedrock and drilling down to fragile and releases natural gas. Wells have failed because of over pumping if you have a well and fails and may not produce. Bill Hamilton, continued to talk about TCE and bedrocks and wells failing because of over pumping etc.

Mr. Kraus asked Mr. Hamilton for some back up on his information if you don't think area 1 is not appropriate then please state the facts and when you say this that you have facts.

Mr. Hamilton asked the Board; Has the Maguire Group ever had a recommendation to municipalities other than build new buildings? Per Nancy yes to us, this year.

Fab, wants to reply to the "boring" issues site for the ball field they would not be going to bedrock.

Jimmy Taylor, questioned the report and asked Nancy what is more important water supply or police station? Ms. Mackenzie answered with water.

MOTION moved by Mr. Gallivan to accept the final study as presented by the Maguire Group and move forward with in-house plan development, seconded by Nancy Mackenzie, VOTED 4-0-0

Open Forum

No one present

5-2 Street Opening Permit

Street Opening Permit Request for Summer Street from Belcher Estate Property (Moratorium expires July 2016)

Roy Belcher, executer, trustee of the Belcher Realty Trust.

Per Mr. Belcher they have an offer and a plan and are asking for a variance so we can close estate.

Mr. Timson, are you aware of the town engineers recommendation about maintaining the street opening for the period that the moratorium is in place till 2016, because you would be responsible.

Mr. Belcher, wasn't aware but it is a reasonable request. Mr. Timson, the town is trying hard to improve streets and spending money on street improvements. There are exceptions. He asked Maggie; how do we ensure that responsibility?

Maggie – typically there is a bond which is \$10,000 minimum bond and would put as a requirement and would stay in place for one year or a term of the moratorium.

Ms. Mackenzie asked why you couldn't put an easement and run it through.

Mr. Boynton suggested table it tonight and coming back next meeting to come up with plan.

Mr. Timson, would have to ask engineer and come back to us to see if there is an easement.

Ms. Mackenzie stated there is more than enough frontage, if you don't want to do easement then change the frontage could be on Neponset, cutting the street should be the last option

Mr. Kraus agreed that cutting should be the last option.

Board decided to table till May 30, 2013

5-3 Memorial Day

John Robinson, Jr., Memorial Day observance update and request to use the commons

Jon Cogan, Veterans Service Officer, updated the Board on the Veterans committee and Memorial Day. There were 60 volunteers that replaced over 1200 flags for the headstones of Walpole; it was a great turnout and support. Also a shout out to the Walpole Council on Aging knitting group, who have been making afghans which will be sent to Afghanistan and knitted small items to the children of Afghanistan. He also thanked the Board for establishing the Veterans committee and supporting the committee.

Chairman of the Veterans Committee John Robinson spoke; he is pleased to come back to the board, and wants to thank the board and the vision of the committee.

His comments included:

On January 5th the town lost the unofficial face of a veteran and to properly honor Rocky Rockwood, there will be a plaque and they will be doing this at the Memorial Day parade this year.

The secondary mission is the War Memorial on the common Nicholas Cancaks it was misspelled years ago and wanted to have it done before Memorial Day, Mazzola Monumental Works in Norwood, did change the name on that stone.

Regarding the parade, John Simone got in touch with Northeast Military and they are donating their time and effort and flags. The Veterans Committee is working with local organizations and citizens to have a convoy of tanks and stationary display of WWII-era military vehicles and a flyover of a Korean War-era aircraft during the ceremony. Larry

Fisher has donated time and fuel for this 300 feet fly over. After the ceremony, we are organizing a barbecue at the VFW post 5188; there will be food, drinks and a live band, and drawings for multiple gift baskets donated by local business.

The committee wants to get kids more involved and interested with the history, thanks to Patrick Shields and Mrs. Gallivan for supporting this and letting the kids know.

Mr. Kraus thanked to John and the committee for the power and passion that will last for a long time sounds like an outstanding day. A terrific agenda and thanks to the outside folks for honoring Rocky.

Mr. Gallivan thanked them for everything and very supportive effort for new and old and encourage with ideas to bring forward.

MOTION moved by Nancy Mackenzie to approve the use of the commons for Memorial Day on May 27 from 9am-2pm and to block off Elm Street between the common, and additional military parade, tank and fly over seconded by Mr. Gallivan, VOTED 4-0-0

5-4 Annual Town Election

Annual Town Election, June 1, 2013 Warrant, Vote to endorse.

MOTION moved by Chris Timson to call the Annual Town Election fro June 1, 2013 and endorse said warrant, seconded by Eric Kraus, VOTED 4-0-0

5-5 Norfolk Aggie, Use of Ballfield

Norfolk County Aggie School, annual request to use Old Fisher Ball Field for parking during graduation ceremonies

MOTION moved by Mr. Kraus to approve the use of the Old Fisher Ball Field on June 5, 2013 in the evening for Graduation night, seconded by Mr. Gallivan, VOTED 4-0-0
Ms. Mackenzie noted that she was happy to see the paperwork which included the insurance cert.

5-6 Village Fair

Epiphany parish, requests to hold 65th Annual Village Fair, June 9, 2013, hold a road race, exclude traffic on streets bounding church.

MOTION moved by Ms. Mackenzie to approve the request to hold annual Village Fair on June 8 and 9 as requested, seconded by Mr. Kraus, VOTED 4-0-0

5-7 Apple Harvest Fair

Union Congregational Church, Request to hold Apple Harvest Fair September 14, 2013 and to make Rhoades Ave one way during event

MOTION moved by Ms. Mackenzie to approve the request to hold the annual Apple Harvest Fair on September 14, 2013, seconded by Mr. Gallivan VOTED 4-0-0

5-8 A-Frame on Common

Bird Park request to place A-Frame on Common to announce events:

June 15th Beatles Tribute Concert 6/1-6/15

June 22nd Ice Cream Social, from 6/8-6/22

September 7, Concert, from 8/24-9/7

October 26, Pumpkins in the Park from 10/12-10/26

MOTION moved by Mr. Timson to approve the request of the Trustees of reservation for Francis William Bird Park to place A-Frame on the common announcing their concerts as requested, seconded by Mr. Gallivan, VOTED 4-0-0

5-9 Wedding Anniversary

Letter of Congratulations to Joy and Jack Shone a couple who have been married 60 years

MOTION moved by Mr. Timson to send and sign the letter of the couple celebrating their 60th wedding anniversary, seconded by Mr. Gallivan, VOTED 4-0-0

5-10 Job Description

Vote new Seasonal Landscape Staff job description

MOTION moved by Ms. Mackenzie to approve the new Seasonal landscape job description, seconded by Mr. Timson, VOTED 4-0-0

5-11 Bid Award, Cleaning, Redevelopment and Chemical Treatment of Gravel packed wells

Award of Bid/Contract No. 2013-22 Cleaning, Redevelopment and Chemical Treatment of gravel packed wells

MOTION moved by Ms. Mackenzie to award contract 2013-22 to Maher Services, Inc., N. Reading for a lump sum of \$50,800.00, seconded by Mr. Gallivan, VOTED 4-0-0

5-12 Road Race/Walk, helping our heroes

Request to hold Road Race, Helping our Heroes 5k Walk/Run

MOTION moved by Ms. Mackenzie to approve the 5k Walk/Run on June 1 subject to the final approval of the Police Department, seconded by Mr. Gallivan, VOTED 4-0-0

Mr. Kraus along with other Board member and Michael Boynton attended the memorial service for Ralph Knobel at Adams Farm. Mr. Kraus spoke that Ralph Knobel is a real hero and wants to acknowledge the contributions he made for this town.

Town Administrators Report

Farmers Market Permission Request, Stephanie Mercandetti has requested the fourth season of the farmers market starting June 14th through Sept. 27th

MOTION moved by Mr. Kraus, to approve the Farmers Market from June 14th till September 27, 2013 second, by Mr. Gallivan VOTED 4-0-0

Spring Annual Town Meeting Review -Walpole Park South

Mr. Boynton stated that the SATM overall went very well generally well prepared. Key important points and some points were thrown out originally denied it. There will be a revise plan for 2013 Fall Town Meeting and Walpole Park South and make sure we have it lined up and will involve them in discussions and all ducks lined up

Sewer Odor Issue – Letter to Gatehouse

Ms. Mackenzie comments on Water and Sewer requesting after all that it is a bad idea the current owner is vested in the town and a pump station and sewer line the back up and flooding to the sewer line. She hopes they rethink the situation and have has some odor issues and to chemically treat this before it goes into our water system.

Sewer Odor Issue – Letter to Gatehouse

Superfund Groundwater Treatment Building

The engineers along with Robin Chappell and EPA to have a meeting

Mikayla Way – Requesting and permitted issuance of that permit, for the BMS area did meet with John Rockwood and Jack Mee and acceptable to go to zoning board Mr. Timson; can we get something from zoning “unrelated people under one roof” info from Jack on info what the basis for permissible use for a neighborhood. Michael Boynton will ask

Security Cameras

Mr. Timson when developing that policy asks that we are sensitive to Constitutional rights. Michael Boynton understood

Memorial Day Holiday – Monday May 27th – Town Offices Closed

Town Admin – Out of Office

Friday May 17 – Out of Office

Wednesday May 22 – Wednesday May 29 – Vacation

Thursday & Friday May 30&31 – MMMA Conference – Lenox

Next Regular Selectman Meeting – Thursday May 30, 2013

New Business

None

Old Business

None

Minutes

MOTION moved by Mr. Gallivan to approve the minutes of April 2, 2013, seconded by Ms. Mackenzie, VOTED 4-0-0

EXECUTIVE SESSION

Declaration by Chairman:

Mr. Kraus declares the following:

- Under G.L. c.30A, §21(3) the purpose of the executive session will be to discuss strategy with respect to potential litigation
- A discussion of the strategy in open session could compromise the purpose of the executive session; and
- The Board shall not return to open session at the conclusion of the executive session

MOTION moved by Mr. Gallivan to enter executive session for the purposes stated by the Chair and the Board shall not return to open session, seconded by Ms. Mackenzie VOTED by roll call vote: Mr. Kraus-Aye, Mr. Gallivan-Aye, Mr. Timson-Aye, Ms. Mackenzie-Aye

The Board returned to regular session for the purposes of adjourning.

MOTION moved by Mr. Kraus to adjourn at 9:00p.m., seconded by Ms. Mackenzie VOTED by roll call vote: Mr. Kraus-Aye, Mr. Gallivan-Aye, Mr. Timson-Aye, Ms. Mackenzie-Aye