

FALL TOWN MEETING WARRANT 2019

TOWN OF WALPOLE

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To any constable in the Town of Walpole

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Walpole, qualified to vote in elections in town affairs, to meet in the Auditorium of the Walpole High School located at 275 Common Street in said Walpole on:

**THE THIRD MONDAY IN OCTOBER, IT BEING THE
TWENTY-FIRST DAY OF SAID MONTH, 2019**

at 7:30 p.m. then and there to see if the Town will vote to amend the By-laws and Zoning By-laws to said Town and act on the following articles:

ARTICLE 1: To hear and act on the report of any committee or to choose any committee the Town may think proper and transact any other business that may legally come before the Town. (Petition of the Board of Selectmen)

ARTICLE 2: To see if the Town will vote to raise and appropriate, borrow, transfer to and/or from FY 2020 accounts appropriated at the 2019 Spring Annual Town Meeting, and/or transfer from available funds a sum or sums of money to defray departmental and incidental expenses of the Town for the fiscal year 2020 commencing July 1, 2019. Or take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 3: To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum or sums of money to pay costs of architectural design and constructing, equipping and furnishing of new playing fields in the Town of Walpole, along with any and all work associated with and appurtenant thereto, including but not limited to demolition, site preparation, the cost of a project manager and all other incidental and related costs; and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain any temporary or permanent interests in land that may be needed therefor, and, further, to apply for, accept and expend all funds received as gifts or state or federal grants associated with the project, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 4: To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum or sums of money to implement a Capital Improvement Program, to protect, improve, and/or modify the physical infrastructure, including but not limited to municipal buildings,

facilities, parking lots, fields and other properties, of the Town of Walpole. Or take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 5: To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum or sums of money as may be required for the purchase and/or lease purchase of capital equipment, including but not limited to vehicles, machinery, and computer/network systems, for the various departments of the Town of Walpole, including all incidental and related expenses, and, as appropriate, the equipping thereof, and to authorize lease purchase agreements in excess of three years in connection therewith. Or take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 6: To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum or sums of money to resurface, repair and /or reconstruct certain streets and parking lots and/or sidewalks, to make drainage improvements in certain Town roads, and to rebuild certain manholes and catch basins in the Town, including all incidental and related expenses. Or take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 7: To see if the Town will vote to appropriate a sum or sums of money for improvements to various streets and/or sidewalks within the Town, consisting of the construction, reconstruction or resurfacing of public ways or the extension or widening thereof, including land damages and the cost of concrete, macadam or other pavement or road material of similar lasting character and sidewalks constructed or reconstructed in connection with such improvements or independently, including all incidental and related expenses; to determine whether this appropriation shall be raised by borrowing or otherwise. Or take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 8: To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money for the purpose of supplementing the Stabilization Fund as authorized by Chapter 40, Section 5B of the Massachusetts General Laws. Or take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 9: To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money for the purpose of supplementing the fund known as the Other Post-Employment Benefits Liability Trust Fund (OPEB) as authorized by Chapter 32B, Section 20 of the Massachusetts General Laws. Or take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 10: To see if the Town will vote to transfer from Free Cash a sum or sums of money to supplement the FY' 2020 School Budget in amounts equivalent to the following:

- Funds collected from Medicaid Reimbursements;
- Funds paid into the General Fund for student parking;

Or take any action in relation thereto. (Petition of the School Committee)

ARTICLE 11: To see if the Town will vote to raise and appropriate, borrow and/or transfer a sum of money for technical services of a consultant, appraisal firm, and/or hiring temporary personnel, along with related expenses to assist the Board of Assessors in meeting the certification standards by the Department of Revenue for the valuation of Business Personal Property. (Petition of the Board of Assessors)

ARTICLE 12: To see if the Town will vote to authorize the Board of Sewer and Water Commissioners to acquire by purchase, gift, and/or eminent domain all or a portion or portions of the parcel of land located off of Darwin Lane identified by the Walpole Board of Assessors as Map 42 Parcel 240, for water supply protection purposes, pursuant to the provisions of G.L. c.40, §§39B and 41, and, as funding therefor, to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the foregoing purposes and costs related thereto, and, if necessary, to authorize the Treasurer, with the approval of the Board of Selectmen to borrow a sum of money pursuant to G.L. c. 44, G.L. c. 44, §8(3) or any other enabling authority, it being the intention that the debt service costs of the borrowing authorized by this vote be raised through water rates as a charge to the Water Enterprise Fund, and, further, to authorize the Board of Sewer and Water Commissioners to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effectuate said acquisition, and to permit such incidental recreation uses on said property as the Board of Sewer and Water Commissioners deems appropriate. Or take any action in relation thereto.(Petition of the Sewer and Water Commission)

ARTICLE 13 : To see if the Town will vote to raise and appropriate, borrow and/or transfer a sum of money to repair and/or rehabilitate various sewer lines as well as remove inflow and infiltration, including all incidental and related expenses; and to authorize the Sewer and Water Commission and/or Board of Selectmen, as may be appropriate, to apply for, accept and expend, in accordance with G.L. c.44, §53A, any MWRA grant/loans specifically for this purpose, or other grants/loans that may be available through any other federal or state grant or loan programs, and to enter into any agreements in connection with such grant/loans. Or take any action in relation thereto. (Petition of the Sewer and Water Commission)

ARTICLE 14: To see if the Town will vote to amend the Walpole Zoning Bylaws to include an inclusionary zoning bylaw, which bylaw requires large developments to include a certain number of affordable units, donate land for affordable housing purposes, or make a payment in lieu to the Walpole Affordable Housing Trust; for developments of 6 or more units, 10-20% of the units, depending on the size of the development, shall be restricted affordable in perpetuity; developers not wishing to provide these affordable units shall either make a payment to the Walpole Affordable Housing Trust, or may donate suitable property to the Town for future affordable housing development; this bylaw shall be administered by the Special Permit Granting Authority, as defined in the Walpole Zoning Bylaws; the purposes of such a bylaw would be to produce high-quality dwelling units affordable to low- or moderate-income households, to prevent the displacement of low- or moderate-income residents of Walpole, to assist the Town in addressing "local housing need", as defined in MGL c. 40B, §§ 20 through 23, and to assist the Town in implementing its Housing Production Plan. Or take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 15 : To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and establish a trust to be known as the Walpole Affordable Housing Trust Fund to provide for the creation and preservation of affordable housing in the Town of Walpole for the benefit of low and moderate income households; and, further, to see if the Town will vote to amend the Town of Walpole’s General By-Laws by inserting the following Affordable Housing Trust Bylaw, as detailed below, and, in connection therewith, authorize the Town Clerk to assign appropriate chapter and section numbers to bring the bylaw into conformity with the Town Code. Or take any action in relation thereto.

Affordable House Trust

Section 1 Purpose

The purpose of the Walpole Affordable Housing Trust shall be to provide for the preservation and creation of affordable housing in the Town Walpole for the benefit of low and moderate income households and for the funding of community housing, as defined in, and in accordance with, the provisions of the Community Preservation Act, General Laws, Chapter 44B (“Chapter 44B”). The Trust shall be governed by a Board Trustees in accordance with Massachusetts General Laws Chapter 44, Section 55C and the authority granted by Town Meeting as set forth herein and as revised from time to time.

Section 2 Name of the Trust

The trust shall be called the “Walpole Affordable Housing Trust” (the “Trust”).

Section 3 Board of Trustees

There shall be a Board of Trustees (the “Board”), comprised of five (5) members (a single “Trustee” or multiple “Trustees”), who shall be appointed by the Board of Selectmen. At least one (1) of the Trustees shall be a Selectman. The Trustees shall serve for a term of two (2) years, except that two of the initial appointments shall be for a term of one (1) year. Trustees may be reappointed by the Board of Selectmen for succeeding terms, without limitation. Vacancies shall be filled by the Board of Selectmen for the remainder of the unexpired term. Any Trustee may be removed for cause by the Board of Selectmen, after the opportunity for a hearing.

Section 4 Powers of the Board of Trustees

The powers of the Board, all of which shall be carried on in furtherance of the purposes set forth in G.L. c.44, §55C, shall include the following:

- a) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money appropriated by Town Meeting in accordance with the provisions of G.L. c.44B; provided, however, that any such money appropriated by the Town Meeting pursuant to G.L. c.44B shall be used exclusively for community housing purposes and shall remain subject to all the rules, regulations and limitations of that chapter, and such funds shall be accounted for separately by the Trust; provided further, that no later than one month following the end of each fiscal year, or such additional time as may be granted by the Town Administrator, the Trust shall ensure that all expenditures of funds appropriated to the

Trust pursuant to G.L. c. 44B are reported to the Town Administrator and Community Preservation Committee;

- b) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income, provided, however, that the purchase of real or personal property for consideration equal to or greater than \$5,000.00 shall require the prior approval of the Board of Selectmen, unless funded in whole by an appropriation made by Town Meeting for that specific purpose or purposes;
- c) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract; provided, however, that any sale, exchange, transfer or conveyance of any item of personal, mixed or real property for consideration equal to or greater than \$5,000.00 shall require the prior approval of the Board of Selectmen, unless previously specifically authorized by Town Meeting;
- d) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;
- e) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary, not to exceed \$5,000.00 per transaction, and, cumulatively, not to exceed \$10,000 in any fiscal year, unless previously approved by the Board of Selectmen;
- f) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- g) to apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- h) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person, provided that such action has otherwise been authorized as set forth herein;
- i) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;
- j) to carry property for accounting purposes other than acquisition date values;

- k) to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral; provided, however, that any borrowing, and any mortgage or pledge to secure an obligation, equal to or greater than \$10,000.00 shall require the approval of the Board of Selectmen, unless previously authorized or approved by Town Meeting;
- l) to make distributions or divisions of principal in kind;
- m) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this Bylaw, to continue to hold the same for such period of time as the board may deem appropriate; provided, however, that approval from the Board of Selectmen, or the prior approval of Town Meeting, shall be necessary to adjust any claim or accept any property in satisfaction of any indebtedness where the Board of Trustees reasonably determines that the value of the claim or amount of the indebtedness is equal to or greater than \$10,000.00;
- n) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;
- o) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and
- p) to extend the time for payment of any obligation to the trust.

The Trustees shall refrain from exercising any powers in such manner as to violate the provisions of said G.L. c.44, §55C or are inconsistent with the provisions set forth herein.

Section 5 Declaration of Trust

The Board is hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Walpole Affordable Housing Trust, consistent with G.L. c.44, §55C and this bylaw, to be recorded with the Norfolk County Registry of Deeds and filed with the Norfolk County Registry District of the Land Court.

Section 6 Funds Paid to the Trust

All moneys paid to the Trust in accordance with any Zoning Bylaw, exaction fee, or private contribution to the Trust, shall be paid directly into the Trust without requiring further approval or appropriation, and consistent with any rules established by said Trust. General municipal revenues appropriated into the Trust become Trust property and may be expended without further appropriation, subject to any of the provisions set forth herein or in the language of any appropriation or private contribution. All moneys remaining in the Trust at the end of any fiscal year remain Trust property subject to expenditure in accord with the provisions of G.L. c.44, §55C and this bylaw.

Section 7 Acts of the Board and of Trustees

A majority of the Board may exercise any or all of the powers of the Board provided for hereunder and may execute on behalf of the Board any and all instruments with the same effect as though executed by all the Trustees. The Board may, by instrument executed by all the Trustees, delegate to any attorney, agent or employee such other powers and duties as they deem advisable, including

power to execute, acknowledged or deliver instruments as fully as the Board might itself and to sign and endorse checks for the account of the Board consistent with the provisions of G.L. c.44, §55C and this bylaw. The Board shall not delegate the authority to amend or terminate the Declaration of Trust and no such delegation shall be effective.

Section 8 Liability

The Board, individual Trustees, and any agent or officer of the Trust shall have no authority to bind the Town of Walpole.

Section 9 Status of Trust for Various Purposes

The Trust is a public employer and the Trustees are public employees for the purposes of G.L. Chapter 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. Chapter 268A. The Board is a governmental body for purposes of the Open Meeting Law, G.L. c.30A, §§18-25. The Board is a board of the Town for purposes of G.L. c.30B and G.L. c.40, §15A, provided, however, that agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said chapter 30B.

Section 10 Annual Audits

The books and records of the Trust shall be maintained by the Town Finance Director and audited annually by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Board of Selectmen. (Petition of the Board of Selectmen)

ARTICLE: 16: To see if the Town will vote to accept as a public way Hancock Court from its beginning at STA 6+70.65+/- to its end at STA 11+18.47 +/- including any easements and utilities appurtenance thereto, and to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise an easement in said street for all purposes for which public ways are used in the Town of Walpole, and any associated drainage, utility, access or other easements, and further to raise and appropriate, borrow and/or transfer from available funds a sum of money for the foregoing acquisition and all incidental and related costs, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 17: To see if the Town will vote to accept the sentence set forth in Massachusetts General Laws, Section 59, §5 after clause Twenty-Second F, initially added by Section 110 of the Acts of 1993, and as later amended, which section provides that the exemptions available under G.L. c.59, §5, clauses Twenty Second and Twenty-Second A through F, may be granted to otherwise eligible persons who have resided in the Commonwealth for 1 year prior to the date of filing for exemptions pursuant to the applicable clause. Or do or act anything in relation thereto. (Petition of the Board of Assessors)

ARTICLE 18: To see if the Town will amend Chapter 554 of its regulatory bylaws, water use restrictions, by adding section 554-11, extending the Town's water supply beyond its boundaries: the approval of Town Meeting is required to provide the Town of Walpole's public water and supply

system to any and all properties outside Town boundaries. Or do or act anything in relation thereto. (Petition of the Joseph C. Moraski etal.)

ARTICLE 19: To see if the Town will vote to authorize the Board of Selectmen to file Home Rule Legislation to amend the Town Charter to replace gendered language as follows:

HOME RULE LEGISLATION/CHANGE THE BOARD OF SELECTMEN TO SELECT BOARD

First, that the entirety of the Town Charter be and hereby are amended to substitute the term "Select Board" for: (a) for "Board of Selectmen" and "Board of Selectman" (and any abbreviated variant thereof), and (b) for "Selectmen" or "Selectman" in contexts in which that term refers to the Select Board as a whole, acting as a board;

Second, that Section 3-2(B) of Article II of Chapter C, be and hereby is amended to add a clause noting that the Select Board is the body historically termed the "Board of Selectmen" and holds all of the powers and duties associated therewith, so as to read as follows:

1. Powers and Duties: All executive authority of the town government shall be vested in a ~~Board of Selectmen~~ Select Board, hereinafter called ~~Selectmen~~ Select Board. The ~~Selectmen~~ Select Board shall have all the powers and duties conferred upon ~~Boards of Selectmen~~ Select Board under the Constitution and General Laws of the Commonwealth, as determined by the Town By-laws and this Charter. It shall be the responsibility of the ~~Selectmen~~ Select Board to provide executive policy and procedure to be carried out by the Town Administrator. The ~~Selectmen~~ Select Board shall require all offices and municipal agencies to administer and enforce the laws equally among the public to protect the general welfare and the ~~Selectmen~~ Select Board may bring suit against any offices or municipal agency if necessary to carry out the rule of law. The Select Board is the entity historically known as the "Board of Selectmen," and possesses all the duties, authorities, and legal rights and responsibilities of the Town of Walpole's "Board of Selectmen."

Third, that Section 3-2(B) of Article III of Chapter C, be amended to provide for new section 9, to provide that an individual member of the Select Board may be referred to by office in the following manners:

Section 9. Office Title

Members of the Select Board may be addressed as "Select Board Member," or "Board Member," "Selectwoman," "Selectman," or "Selectperson."

IT IS FURTHER VOTED: That the Town does hereby request and authorize the Board of Selectmen to file Home Rule Legislation to provide substantially as follows:

"AN ACT AMENDING THE CHARTER OF THE TOWN OF WALPOLE TO RENAME THE BOARD OF SELECTMEN, "THE SELECT BOARD."

Section 1. Chapter 300 of the Acts of 2006 (An Act Relative to the Town Charter of Walpole) as subsequently amended, is hereby amended in all sections and subparts to substitute the term "Select Board" for: (a) for "Board of Selectmen" (and any abbreviated variant thereof), and (b) for "Selectmen" in contexts in which that term refers to the Select Board as a whole, acting as a board; and further amended in its entirety to substitute (a) "Select Board member" for "Selectman", (b) "Select Board members" for "Selectmen" in contexts in which that term refers to one or more (or all) Selectmen individually but not to the entire Select Board acting as a Board, and (c) "Chair" for "Chairman" (and any variant thereof).

Section 2. Said Section 3-2(B) of Article in is further amended by appending the following clause to the end of Section 1:

The Select Board and its members are the entity and elected offices historically known as the “Board of Selectmen” and “Selectman” respectively, possessing all the duties, authorities, and legal rights and responsibilities of the latter.’

Section 3. This Act shall take effect upon its passage

Or take any other action relative thereto (Petition of Sarah Khatib etal.)

ARTICLE 20: To see if the Town will vote to amend the entirety of the Town Bylaws to:

First, substitute the term “Select Board” for (a) “Board of Selectmen”: and” Board of Selectman” (and any abbreviated variant thereof) and (b) for “Selectmen” or “Selectman” in contexts in which that term refers to the Select Board as a whole, acting as a board;

Second, substitute (a) “Selectmen Board member” for “Selectman” and (b) “Select Board members” for “Selectmen” in contexts in which that term refers to one or more (or all) Selectmen individually but not to the entire Select Board acting as a Board;

Third, substitute “Chair” for “Chairman” (and any variant thereof); or take any action relative thereto; (Petition of Sarah Khatib etal.)

And you are hereby directed to serve this warrant by posting attested copies thereof in at least two public places in each precinct in said Town not less than seven days before the day appointed for said meeting Hereof fail not make due return of this warrant with your doings thereon to the Town Clerk.

Given under our hands and the seal of the Town this third day of September in the year Two Thousand and Nineteen.

BOARD OF SELECTMEN

A true copy:

By virtue of the within warrant I have notified the inhabitants of the Town of Walpole qualified to vote in elections and town affairs, to meet at the time and place for the purpose mentioned in said warrant by posting attested copies thereof in at least two public places in each precinct of said town not less than seven days before the day appointed for said meeting.

Constable of Walpole

Date Posted