

FINANCE COMMITTEE

Minutes

April 29, 2010

Regular meeting of the Finance Committee was held on Thursday, April 29, 2010 at 7:30 p.m. in the Main Meeting Room, Town Hall, with the following members present: T. Jalkut, C. Lane, R. Knobel, L. Donovan, M. Kent, S. Connell, P. Stasiukevicius, T. Bowen, D. Burke, J. Muti, M. Boragine, L. Pitman, 8:50 p.m. M. Gallivan. Also in attendance was Town Administrator M. Boynton and Finance Director M. Good.

7:30 p.m.- Quorum being present, the meeting was called to order by the Chairman T. Jalkut.

May 3, 2010 Spring Annual Town Meeting

Article 21 – Parking Lot/Omega Associates

Attorney P. Macchi spoke to this article, he is representing Toll Brothers and he wishes to provide clarification on how this article came before the Board of Selectmen.

Yellow house alongside of Bird Drive was previously owned by Omega Associates. In order to provide access to the old office building, a definitive plan (Bird Drive) was created and one for the second house which is not part of Walpole Estates (Toll Brothers). Omega did offer the parcel to Toll Brothers but they choose not to go through the required approval process again. They are obliged to create a memorial where the Bird Family Home was by Historical Commission. It would be nice to access the memorial from Washington Street and Toll Brothers is willing to donate the parcel of land to the Town. East Walpole Square is comprised of a little park, and a raised bridge for which there is no parking. He spoke to Hollingsworth & Vose receiving site plan approval to create a building at the clock tower area which will have off street parking. They will be demolishing a building to create parking. The only parking available in East Walpole Square is along Chestnut Street, which belongs to Hollingsworth & Vose. If people want to use the park, they have to park up the street. It makes sense to create parking. Town has land along Bird Pond with trails and at this end there is no parking available. Town has a lot of conservation land but no access. There will be no access to the memorial from the lot nor any liability to the Town. It will really serve a need for the public, a benefit to allow access to East Walpole Square. It would be ideal to have land for a parking lot. Businesses have tried to go into the old Bird Infirmary, but there is no parking available. Lot won't be built on and there is little tax revenue received. Stairs will be owned by the homeowners association. The goal of H & V is to use the clock tower area eventually.

Some FinCom members spoke to the history of the memorial. When Toll Brothers started to begin construction, neighbors objected. This was an agreement between

Historical Commission and Toll Brothers, it is not a public memorial, roads haven't been constructed for the access roadway. Nothing has been turned over to the Homeowners Association yet.

M. Gallahue, Chairman of the Walpole Historical Commission, also spoke to the article. He wanted the Committee to understand the history of how it came to this point. Memorandum of Agreement signed on August 2003, there were a number of enhances in agreement for perpetuating the site. Mansion was supposed to be preserved prior to the fire. Homeowners concerned about the site being accessed. They reached an agreement with Toll Brothers. There were going to purchase a site at Mansion Drive and Washington Street to provide access for the site, they were also going to restore the path. Lot was owned by Omega associates, Toll Brothers entered into negotiations to acquire the lot, Omega wanted to gift it to Town to be used for the Bird site for parking for the path. Town Counsel approved everything, signed off on revised memo of agreement; the intent was to reach an understanding with the homeowners association. They were skeptical of access to land behind their homes. This is private property and is not bound by the American Disability Act. Access to the memorial will only be during daylight hours and appropriate signage placed at bottom of path.

MOTION MADE by R. Knobel, Seconded by T. Bowen to open the Finance Committee Public Hearing at 8:00 p.m., Motion Approved, Unanimous (12-0-0) (12 voting)

Discussion continued with Mr. Gallahue on Article 21.

Committee questioned homeowners not being aware of language in their purchase and sale agreements regarding the access to the property. Homeowners were not aware of it, unsure of due diligence by attorneys. Attorney Macchi made reference to it being in the deed. Homeowners not involved in Memorandum of Agreement between Toll Brothers, Omega and Historical Commission.

Committee questioned if stairs are private property, are they going to be maintained by the homeowners association?

B. Dyer, Conservation Commission Members, spoke to the view from this site being spectacular. There is a lot of conservation land available, but the accessibility for the people is difficult to get to throughout the town.

Attorney Macchi – There is no access to the property till everything is completed. Mr. Gallahue spoke to three access easements off Endean Drive, he would like the committee to reconsider their vote, there are multiple benefits to the community.

Town Administrator spoke to the parking lot not having direct access to the stairs, it will only be a municipal lot.

Articles 24, Use Table, Article 25 – Overlay District

B. Dyer, spoke as a member of the Conservation Commission, and their position on this article. Four weeks ago Planning Board had requested the Conservation Commission comments on the Overlay District and jurisdiction of wetlands. They were surprised at the Planning Board Hearing that their statement was not read or brought up. They contacted the Town Administrator and requested that their statement be considered and they would also bring it up at their meeting of April 28. 80 acres of the parcel are wetlands. They are requesting that under Section 18, wording be struck and replaced with new wording. *All the protected resources areas as defined in the Massachusetts Wetland protection Act and the Walpole Wetlands Protection By-law shall not be included within the Walpole Biotech Overlay District.*

Mr. Jalkut spoke to the position of the Finance Committee is to make recommendations and receive comments on articles.

Selectmen C. Timson spoke to the article. They saw bio-tech as a way for additional tax revenue for the Town, it is a growing industry. Town of Sharon has just passed By-laws and Foxboro is doing it. They tried to make sure there weren't any risks involved, went to two experts and final analysis is that it is a safe industry, they do have concerns with the aquifer. Level 1 and 2 is what is presently allowed in doctor's or dentist office, they are not jumping into something that is unsafe to the Town. Siemen's is the biggest taxpayer in town, one parcel touches Rte. 95. Road salt is more of a concern. Overlay District set up to allow a Level 3 and allow Siemen's to expand. The Selectmen have met with Siemen's and they have gone above and beyond on their recent expansion and been a good citizen to the town with a good track record. It makes sense to put in a Level 3 Overlay District, it will be covered by Board of Health Regulations that will ensure Siemens will have to report what they are using, providing oversight. If the Board of Health doesn't want them to use something, they won't be able to do it, they have reporting requirements. There are more regulations at federal level. If a company is operating at a Level 3 and it makes a mistake, it will cost dearly. Siemens has never done anything that causes a problem to the community. These companies that do this type of work help us, they are doing something valuable to society.

Committee had concerns with the potential for accidents on a Level 3. Are we giving something away and not receiving the benefit of the taxes.

Citizens Comments:

- Area residents were not informed, had to inform themselves, feel there is a number of health issues that Board of Health is not aware, they feel they should have been provided education on issues as they are neighbors.

- Area being designated an Overlay District and concerned with rezoning of residential land.
- Potential of accidents, anything can fail, with bio hazard it is more of a problem and much harder to contain and whose's responsibility it is for the clean-up. Health Agent R. Chapell spoke to an accident, the Board of Health is immediately notified, hazmat possibility, Siemens would ultimately be responsible. Board of Health is presently taking comments from the public and regulations are in draft form.
- Residents feel that the autism rate is high in area, potential for more illnesses; they felt it is a cluster area for special needs and autism. Property values will go down.
- Residents concern what happens if Town Hall is closed, what is considered significant and what procedures in place to notify on weekends or Friday afternoon. Town isn't prepared to do something right now to correct situations, potential problems dealing with big corporations. Will Board of Health regulations stand up in court and can the Town afford to fight it. Town might need to hire someone to monitor the site, town doesn't have the skills or the equipment that places like Cambridge do, don't have adequate staff, don't have a committee in place and don't have the skills to get regulations in place. Does the Police and Fire have all the necessary equipment to respond? It is happening too fast. Article should be delayed till all the regulations are in place.

8:50 p.m. – Committee Member Mark Gallivan.

- This is a massive facility, with 25 laboratories, they have an enormous amount of hazardous waste. Town has been involved in the Zoning Re-write for three years. Initially with Planning Board, originally permitted as a medical instrument facility and did not need a Special Permit and why do we need a Overlay District now with a medical instrument facility with an accessory use.
- Concerns expressed with language in Article 25 and if it was tying the Town's hands. Language was written by the law firm representing Siemens. There have been a number of changes done that don't appear to be in the best interest of the Town. What is the number on the potential taxes. Changes apply to other part of town that have residential properties, i.e. residents of Moose Hill Road.
- Not a great idea to do it over an aquifer. Siemens does have a lot of buffers. .
- Issue tonight is protecting town in entering biotechnoly industry.
- Siemens has no plans to purchase other lots.

- What is the definition of biotechnology. Town Administrator spoke to speaking to Town Counsel. If it has been advertised, and it is less restrictive it is allowed as it reduces the overall scope of what is proposed.
- Members expressed concerns that Siemens is making their own rules, Town is not prepared for something like this, potential to happen with the whole town. Town should be more proactive in rules and regulations with Conservation and Board of Health and not rely on Siemens for what is good for us.
- Residential overlay would only be a buffer/ what is the access. Mr. Canary, two lots on Moose Hill road, one donated, one retained.
- Residents spoke to numerous attempts to rezone area, getting closer and closer to homes. Needs to be a discussion on how important commercial is to the Town. There appears to be no regard to residents or abutters. Need to think about the people that live in Town.
- Siemens has spoken to no plans to expand in the area, what happens if they move out of town. There is the potential in South Walpole. Zoning goes with land, Siemens is the fourth owner of land.
- Setting a precedent with zoning, we are not set up like Cambridge, some towns have experts in bio-tech, people would be looking for abatements, cause an increase in Legal Budget.
- Biotech is new to state, there is an incentive for Siemens not to have a problem, risk is minimal, reward is far more certain, need to look at economy ahead of time, need to find a source of commercial revenue, don't have money for schools, infrastructure, building. This all has to be weighed, but don't want to expose ourselves but have to fine money, everything has to be taken into consideration, this is a growth industry.
- What Siemens has done is impressive. They employ number of people, and also do good things. Good to have a company in Walpole that is going to benefit mankind. Biotech plays a part in the economy. Correct facts need to get out and be provided to Town Meeting by the experts and be available to answer the questions, need to know the right from wrong. Siemens is willing to talk to anything that is not confidential, and things that they have the expertise in.

Article 24 covers Level 1 and 2, but need regulations, town has a long way to go for a level 3. Town doesn't want to lose the company, but don't think we are ready for article 25, there is support for Article 24.

Chairman Jalkut spoke to there being proposed changes last year, that were going to have negativity to Siemen's and Hollingsworth & Vose. Article wasn't brought forward, they were encouraged to come up with changes that could be lived with. No one knew they had a Level 3 capability.

C. Timson spoke to the overlay only applying to Siemen's. Board has asked the Department of Public Health if there is an issue with Level 1 or 2 over the aquifer, answer was no. He feels it is shortsighted to curtail this industry that is growing. We all want to protect the aquifer.

- Residents spoke to talking to Town Administrator, property values have gone down in the area 10 – 20%. People that live in area have reservations about accidents and house values. Anywhere you put this type of facility in, house values will go down. Most people are against both articles and would like to see a vote of No from Finance Committee. Have we gone to CDC, feels that a level 3 should not be in a high density area. Health Agent has talked to State, she will also contact CDC.

Mr. Canary from Siemen's spoke to this not being an argument of money vs public health. Town has brought in experts from Cambridge, have gone to Department of Public Health. There are a lot of misconceptions going on, this is a new and evolving industry.

P. Millett spoke to a good deal of information being provided, and requested that the FinCom vote in favor of Articles 24 and 25. Biotech industry is highly rated, growing in Commonwealth, good business to have in town. Town has not had a successful track record in getting good businesses, this is a good company that has been established, good taxpayer and have done great things for the community and have had no problems. This is a control environment, we need to make Walpole a competitive community. Foxboro is going to build a big facility and he is more concerned with that.

MOTION MADE by R. Knobel, Seconded by J. Muti to close the Finance Committee Public Hearing at 10:25 p.m. Motion Approved, Unanimous (13-0-0) (13 voting)

Article 24- Use Table/Biotechnology Facility

MOTION MADE by T. Bowen, Seconded by M. Boragine for Reconsideration of Article 24, Motion Approved, Unanimous (13-0-0)

MOTION MADE by T. Bowen, Seconded by M. Boragine to correct the typographical error and removal of the word "be" under Section 2/Biosafety Level 2: human cell lines where the presence of an infections agent is (be) unknown, Motion Approved, Unanimous (13-0-0) (13 voting)

Mr. Canary spoke to none of the property is in the water protection area or in the aquifer overlay district. If Article 24 passes and Article 25 doesn't, they would not pursue products in Level 3.

MOTION MADE by T. Bowen, Seconded by J. Muti for Favorable Action on Article 24 with the following revision to Section 1 – Biotechnology Facility to read as follows: BIOTECHNOLOGY FACILITY –A research, experimental, testing or product development laboratory or manufacturing facility utilized for the scientific study of biological and life processes for medical application and/or commercial purposes, but limited to uses which satisfy the safety requirements described herein as Biosafety Level 1 and Biosafety Level 2 as defined in Section 14 of the Zoning Bylaw and as otherwise regulated by the Town of Walpole. Any activity that includes a Biosafety Level above 2 as defined herein is prohibited, except as otherwise expressly permitted elsewhere in the Zoning By-laws. Biotechnology facilities are expressly prohibited from being located in the WRPOD, as defined in Section 12 of the Zoning By-law, Motion Approved, Unanimous (13-0-0) (13 voting).

Article 25 – Walpole Biotech Overlay District (WBOD)

MOTION MADE by T. Bowen, Seconded by M. Boragine for Reconsideration of Article 25, Motion Approved, Unanimous (13-0-0) (13 voting)

Committee Member R. Knobel spoke to this being a pretty complex and contentions issue, looking at big picture, people are lucky to be alive with things that have been done by medical companies, allowing us to extend our lives and more comfortably. Inclined to think that this is good for Walpole, and doesn't look it as financial, see the total picture and gains for all.

Committee Member T. Bowen spoke to being against Article 25, feels regulations should be in place first, not sure of the financial gain is there. Biotech has by-products that are hazardous, they also tend to use a tremendous amount of water. Where would they get the water from if they double in size. They are promising things that aren't realistic, need to follow the rules, and he is against the waiver requirements in the article. Article is premature at best, sometimes in future might be able to support.

Committee Member M. Boragine spoke to being in favor of Article 25, this is a step in the right direction.

MOTION MADE by M. Boragine, Seconded by S. Connell for Favorable Action on Article 25, dated April 26, 2010, Motion Approved (8-5-0) (T. Jalkut, T. Bowen, J. Muti, D. Burke and P. Stasiukevicius opposed) (13 voting)

J. Muti feels that this is a work in process, very mindful that includes residential land, sets up a precedence in other areas of town, feels neighborhood should be considered.

Board of Health regulations not complete and need more work. There is a need for a Bio-Safety Committee in place with professional expertise. Siemen's no longer pay Personal Property Tax of \$300,000, unless they expand, don't see any additional revenue. Allowing a Level 3 will not bring in any more taxes.

Some members spoke to Siemens being a good neighbor, they deserve a partnership with the Town. Some members have a problem with writing an article that pertains to Siemens.

Town Administrator spoke that if this is defeated, Level 1 and 2 allowed outside of aquifer, Level 3 is not permitted.

Reserve Fund Transfer

Highway Salaries & Expenses - \$22,036 being requested

Town Administrator spoke to this request. This is for expenses and overtime that were incurred during the March 29 and 30, 2010 storm event \$7,953 being requested for Overtime and \$14,083 for Expenses

MOTION MADE by C. Lane, Seconded by M. Boragine for Favorable Action on the Reserve Fund Transfer Request for Highway Salaries & Expenses in the amount of \$22,036, Motion Approved (12-0-1) (R. Knobel abstained) (13 voting)

Town Administrator spoke to the budget, interest income is up, motor vehicle excise numbers are close to what was projected, State Aid is about \$100,000 off, might be different when state numbers come through. Problem with Economic Development Budget – Salaries, step increase was missed in budget, but will be addressed at Fall Town Meeting. He does not think it is a good idea to start opening the budgets.

Town Administrator spoke to appreciating and extended his thanks to the Committee for all the time and work that has been done in preparing for Town Meeting.

11:15 p.m. – Meeting adjourned.

Respectfully submitted,

Clare P. Abril
Clerk