

Approved 12/28/10

A Regular meeting of the Board of Selectmen was held on Tuesday, November 30, 2010, beginning at 7:30 p.m. in the Main Meeting Room of the Town Hall. Mr. Berry was absent. The following members were present.

Nancy Mackenzie, Chairman  
Eric Kraus, Vice Chairman  
Christopher Timson  
Clifton Snuffer

Also Present  
Michael Boynton, Town Administrator

Mrs. Mackenzie called the meeting to order at 7:35 p.m.

### **THE PLEDGE OF ALLEGIANCE**

### **OPEN FORUM**

No one present.

### **SPONSORED AGENDA ITEMS**

#### Deputy Chief Ceremony

The Board of Selectmen had previously voted to appoint Detective John Carmichael as the new Deputy Police Chief. The new Deputy Chief was sworn in by the Town Clerk during the ceremony and will receive his new badge. Mrs. Carmichael performed the pinning of the new badge on her husband.

#### 11-31 Coney Street Traffic Signals

The work has been completed by the Town Engineer. You need to vote to accept the Transfer of the traffic lights for Coney Street. This was all part of the expansion of the Walpole Mall.

MOTION moved by Mr. Kraus to approve the Transfer of Ownership of Coney Street Lights and appurtenances from Janss Walpole Parcel 75 LLC, Spring Street Walpole 1, LLC, Mountaingate Walpole, LLC, Spring Street Walpole, LLC, Union Street Walpole, LLC c/o Rubin-Pachulski Properties, LLC to the Town of Walpole, seconded by Mr. Snuffer, VOTED 4-0-0

#### 11-35 Relay for Life

MOTION moved by Mr. Kraus to approve the request to hold the Relay for Life, 2011 on June 17, 2011 ending June 18, 2011 at the High School, seconded by Mrs. Mackenzie, VOTED 4-0-0

#### 11-36 Gift Acceptance

MOTION moved by Mr. Kraus to accept with gratitude the gift from Giselle and Philip Sullivan for the Pond Gift Fund, seconded by Mrs. Mackenzie, VOTED 4-0-00

#### 11-37 Renewal of liquor licenses

MOTION moved by Mr. Kraus to renew the licenses as outlined in the memo from the Licensing Clerk dated November 24, 2010 and regards Jalapeños Grill, the issuing of the license it will be held until the Board and Building Inspector are satisfied with the renovations, seconded by Mrs. Mackenzie, VOTED 4-0-0

#### 11-38 One Day Liquor, Knights of Columbus

Board of Selectmen

Minutes of November 30, 2010

MOTION moved by Mr. Kraus to approve the one day liquor license for the Knights of Columbus for December 11, 2010, seconded by Mrs. Mackenzie, VOTED 4-0-0

11-39 Surplus Equipment

MOTION moved by Mr. Kraus that the Board of Selectmen declare surplus the attached list dated November 22, 2010 of town of Walpole equipment to allow for its removal/disposal or sale, seconded by Mr. Snuffer, VOTED 4-0-0

11-42 Susan Glancy, Cultural Council

MOTION moved by Mr. Kraus to re appoint Susan Glancy to the Walpole Cultural Council as a Regular member for three years seconded by Mrs. Mackenzie, VOTED 4-0-0

11-43 A-Frame Sign, Pond Committee

MOTION moved by Mr. Kraus to approve the request of the Pond Management Committee to place an A-Frame on the Common from December 1, through December 11, 2010 to announce the open house, seconded by Mrs. Mackenzie, VOTED 4-0-0

11-29 Public Hearing, Residential Factor

Mr. Kraus read the public hearing notice.

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

Jack Fisher, Chairman of the Board of Assessor's introduced, Ed O'Neil, Clem Boragine, and Dennis Flis.

Mr. Fisher spoke to the purpose of this hearing is the residential factor. What will fall out of that is the tax rate. He gave a brief summary of the process. Everyone wants to know how do you determine what they pay in taxes? The Assessor's are asking the Selectmen to vote on the shift for FY2011 based upon values of January 2010. They do not inspect every piece of property in town each year. Look at sales over the course of the year. The state comes in and certifies those values. You determine how much of residential assessment is shifted to commercial property.

Massachusetts allows for a shift of the tax burden from the residential class to commercial, industrial and personal property class. The current shift is 125%. Based on the current shift the residential taxes will go up an average of \$255, Commercial \$232 and industrial \$256. The average assessed value for residential is \$404,800.

The tax levy can not go up more than 2 ½ % not your tax rate. It does not determine or limit what the change will be in an individual's tax rate. A lot of people think this means their taxes can only go up 2 ½% from the previous year, when in fact it is the total property taxes a community may raise from year to year is 2 ½. There are exceptions to the law, such as overrides and new growth.

He reviewed the current debt exclusions for Boyden School, OPR School, High School Design, High School, High School supplement, Elm Street School, Adams Farm and New Library Construction.

He reviewed sample tax bills at the various shifts for FY2011.

Mr. Timson noted that reading all the documents he noted that the town has lost 11 industrial properties. Mr. Fisher explained there was a consolidation of parcels on RT1A.

## Board of Selectmen

Minutes of November 30, 2010

Mr. Snuffer complimented them on a great presentation. The total value of our property is three billion. The residential outpaces the commercial 10 to 1. Walpole is becoming a bedroom community. If you look at the growth factor, little if any growth has taken place in commercial. He looked at 125% and that has been in place for 5 to 6 years. In looking at it in the category of single family dwelling, he cannot support 125% for the residential tax, it takes the average assessed value and asking the residents to take on 5% tax. He finds it in the wrong direction, and is looking at 130%, a little tight, under 4%. When you see the 125% you will see a decrease in commercial. When we talk about overrides. With respect to this, that would get \$45 into the hands of the residential homeowner. We need to start taking a look at the balance.

Mr. Timson had that same feeling. He did look at other towns and part of this attractiveness of keeping the same shift to businesses coming in. Does forty-five dollars make a big difference to the homeowners? Are we salable enough to add to that shift?

Me. Kraus questioned why the Assessor's were not recommending the 130% shift. Mr. Fisher reported this was not an easy decision. We did not take an easy approach. It is the Selectmen's decision to make, it is a policy decision. All that is going to change is what is raised by residential and commercial. Because of the 85% residential, every one dollar a homeowner saves, it costs the commercial eight dollars. To shift it up to 130% it is going to affect the small business owners. Look at surrounding towns, these towns with a higher shift they have more commercial base. The entire Board felt they should stay at 125%.

Mrs. Mackenzie spoke to the difference between the 125% and 130% for commercial. The 125% would add \$233 to their tax bill and the 130% would be \$700.

Mr. Snuffer questioned how many commercial abatements have they had. Mr. Flis stated there have been six. With respect to those in citizens who look at this. You are an average citizen and the value of your property goes down. Government never takes a hit. Mr. Snuffer thinks they should help residents. We are an 86% bedroom community and he feels the businesses have been getting a bargain for a long time.

Mr. Timson noted when you look at other bedroom communities they do not do a shift. Look at the Federal Government, no one knows what is going to happen with taxes. There is something for keeping the rate stable. He feels the 130% would help residents.

Mr. Kraus asked if they go to 130% what is the average going to be? The increase to a Downtown business is about \$500.

Mrs. Mackenzie thinks Downtown businesses are hurting. People shopping Downtown is not happening. She thinks by increasing it that much is a burden.

Mr. Snuffer felt if you continue to bleed the taxpayer, you will create a desert oasis. You have to make a determination that we are going to support our residents.

Bill Hamilton, previous Selectmen stated in 1990, it was a long battle to get the first shift. He does not believe that the tax invites or detracts a business. It is location and services. I know you have talked about Downtown, we knew when Walmart came in we knew it would hurt them. He agrees with the 130% shift.

MOTION moved by Mr. Snuffer to close the hearing, seconded by Mr. Kraus, VOTED 4-0-0

Mr. Kraus felt this is very important decision. Does not want to have our residential taxpayers overburdened, and the board has a goal to attract new business in town. There is a Selectmen not here tonight. He would like input from Economic Development Commission. He wanted to know if the hearing could be continued, but it was explained that the Assessor's are on a very tight schedule. They brought the information to the Board members for the hearing as soon as they could as they had to wait to hear from the DOR regarding certification.

MOTION moved by Mr. Snuffer to set the shift at 130% for FY2011 and the residential factor at 951706, seconded by Mr. Timson

Mr. Timson felt it is a harder decision this year then in the past. I wanted to talk about the shift at 130%. The one thing they said if we do that shift the people that will bear it are the small businesses.

VOTED 1-3-0 (Mr. Timson, Mrs. Mackenzie and Mr. Kraus opposed)

MOTION moved by Mrs. Mackenzie to set the shift at 125% and residential factor for FY 2011 at 0.959755, seconded by Mr. Kraus

Mr. Kraus would have liked more time to discuss this issue. The work the Assessors do is an act going up to the last week. Getting this packet together is stuck in this window. We are being asked to make a decision within one week's time. Cliff made good points and have to vote having the information for 5 days. The timing is awkward.

Mr. Fisher explained their back is up against the wall as they need certification from the state. There is a very tight window.

Voted 3-1-0 (Mr. Snuffer Opposed)

#### Cruisers on Main St. Public Hearing

MOTION moved by Mr. Kraus to open the public hearing at 9 p.m. for the all alcoholic license for Cruisers on Main Street, seconded by Mr. Snuffer VOTED 4-0-0

Cheryl Sullivan is the applicant talked about bringing a business to where Dick and Jane's Candy store was located on Main St. Her food will be American Italian retro restaurant. A family restaurant with an area in the back for the kids to come in and have hot dogs and coke and the adults can go to the front of the restaurant and have drinks. The majority of her menu items will be cooked from scratch. She will have seventeen different flavors of chicken wings, grilled cheese sandwiches. She will have vinyl tablecloths and is trying to keep her prices low. She has spent twenty years off and on in the restaurant business. She is a certified food safety manager and TIP certified. Everyone that will be hired will be TIP certified. She does not have workers compensation yet as she is not open and has no employees.

She would also like to have some live entertainment, someone to come in and sing Frank Sinatra songs. She will investigate with the Building Commissioner.

MOTION moved by Mr. Kraus to close the public hearing, seconded by Mrs. Mackenzie, VOTED 4-0-0

MOTION moved by Mr. Kraus to approve the All Alcoholic Common Victualler's Liquor License for Walpole Restaurant, Inc. d/b/a/ Cruisers on Main Street, 944 Main Street, Walpole Ma and to appoint Cheryl S. Sullivan as Manager, seconded by Mrs. Mackenzie, VOTED 4-0-0

MOTION moved by Mr. Kraus to approve the Entertainment license for 6 televisions and one tape player at Walpole Restaurant, Inc. d/b/a Cruisers on Main St. seconded by Mrs. Mackenzie, VOTED 4-0-0

#### 11-30 Texas Roadhouse,

Andrew Upton representing the restaurant explained the site has been approved and construction has begun. Brian Franciosi the proposed new Manager is TIP certified and trained. He is going to live in Foxboro and is a US citizen.

Board of Selectmen

Minutes of November 30, 2010

MOTION moved by Mr. Kraus to approve the Change in Manager for Texas Roadhouse Holding LLC from Victor Hanan to Brian Franciosi, seconded by Mrs. Mackenzie, VOTED 4-0-0

#### 11-34 James Finnigan, Conservation Commission

Attorney in Walpole and thought it would be interesting to be on the decision side. Thought it would be good to do some community service.

Mr. Timson asked Mr. Finnigan in terms of your thinking of business development, you have to decide on merits. Are you supportive of business development in Walpole? Mr. Finnigan stated he is supportive of business.

MOTION moved by Mr. Kraus to appoint James Finnigan to the Conservation Commission as a Regular member, seconded by Mrs. Mackenzie, VOTED 4-0-0

#### Trust for Public Land Discussion , Sunnyrock Farm

Darci Schofield, project manager wanted to introduce what the TFPL does. Described how they got involved with Sunnyrock Farm. She was approached by a resident. TFPL is located in Boston, and she has worked in Massachusetts for many years. They work in partnership with state and local agencies to protect land. TFPL, differs from local land trust as they act as a facilitator. They do not hold properties in a long term but short term. Once they have an agreement with landowner they would do all the due diligence. Incur some of the closing costs. TFPL does not use own capital to purchase property. Their funding sources typically come from State agencies, Federal Government, partnership with local land trusts. If Walpole were interested they would work with the town for reimbursement grants. Once they put together purchase price. There could be more than one party owning property.

Mr. Snuffer wanted to know what percentage of final sale price is requested of the municipality. Ms. Schofield explained her role is to minimize the amount of money by each group. This property contains about 86 acres and the majority in Chapter 61, a local community resident approached her and asked her to explore the possible conservation opportunity. They have engaged in many conversations with the Trustees. They are competing in other bids but they are tough negotiators.

Mr. Snuffer noted that if TFPL is involved there is no change in use and assuming that remains in perpetuity there is no back tax issue.

Her hope at the end of the day is to offer a fraction of the cost. There would be a conservation restriction over the majority of the property. One goal is to bring the property back to the agricultural state. Maybe have a farm, these are options.

Mr. Boynton is still waiting to hear back from the attorney of the trust. They were discussing with four buyers. Looking at estimated maximum build of 39 lots. The whole thing has not been proposed to the town and have not seen an offer. It is interesting that the TPL becomes involved with this.

Mrs. Mackenzie felt the Town is lucky to have a citizen contact TPL regarding this. Ms. Schofield explained there are other offers on the table and we are still negotiating. She would expect to close this time next year working around awards and grants.

#### Town Administrators Update

Insurance Claims- high school lower gym and the brush truck one came in contact with a deer on Main Street.

Neponset Valley Humane Society-West Street Former Pump Station-Kennels

#### New Business

Mr. Snuffer noticed the Board had a letter from the COA relative to the location of a site of a senior center, have we set a date to entertain such a concept. Will that be on an agenda item?

Mr. Timson noted that any member of the Board can put an item on the Agenda, if you would like to put that on you can put that on.

### **MINUTES**

MOTION moved by Mr. Kraus to approve the minutes of November 2 and November 10, 2010, seconded by Mrs. Mackenzie, VOTED 4-0-0

### **Executive Session**

MOTION moved by Mrs. Mackenzie to move into Executive session to discuss strategy with respect to litigation under MGL c.30A, Sec21 as the Chairman has determined that the open discussion may have a detrimental effect on the position, and to exit for the purposes of adjoining, seconded by Mr. Kraus, VOTED Roll Call, Mr. Snuffer-yes, Mr. Kraus-yes, Mrs. Mackenzie-yes and Mr. Timson-yes

MOTION moved by Mr. Timson to adjourn 10:19 p.m. seconded by Mr. Kraus, VOTED 4-0-0

Respectfully submitted,

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Michael Berry, Clerk

Prepared by Cindy Berube, Administrative Secretary