

Approved 6/29/2010

A Regular meeting of the Board of Selectmen was held on Tuesday, May 4, 2010 beginning at 7:30 p.m. in the Main Meeting Room of the Town Hall. Mr. DeNapoli and Mr. Snuffer were absent. The following members were present.

Christopher Timson, Chairman
David Sullivan, Clerk
Nancy Mackenzie

Also present:
Michael E. Boynton, Town Administrator

Announcements

7:30 Public Hearing, Texas Roadhouse

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

Andrew Upton, Attorney representing the applicant introduced Victor Hanon, proposed manager. He explained they were approved two years ago, because of the economy and restriction on parking we were not able to complete the deal. They are now in a spot that is acceptable. Same plan, same operation as last time.

They are proposing 270 seats and only 13 at the bar. They consider themselves a restaurant not a bar. Victor is Safe serve trained. When they have the opening of the Restaurant, all proceeds from two days go to a local charity.

Mr. Timson pointed out that the structure is laid out very nicely. When this came before us the first time the sense was that we were excited to have them come in. We wish you success. They would like to open in November. They are going to be located in front of LA Fitness.

Jeff Patell, 6 Sandra Road, I went to one in Brockton and has a lot of people coming in. The peanut shells over the floor, is that typical? Mr. Hanan replied, Yes. Mr. Patell felt that being an abutter, it is at the far end of the mall and thinks it is a good fit for the mall.

Judy Reade, abutter to the Walpole Mall in Norwood is concerned about parking as the parking lot is almost filled to capacity. It was explained to her they would have to meet the requirements of the town. She questioned how late do they plan to stay open at night? Mr. Hanan stated that will stay open until 10:30 p.m. Monday thru Saturday and Sunday they close at 10:00 p.m. We have lunch only M-F.

Judy Reade, where are the dumpsters being kept? Mrs. Mackenzie explained that each pad site was before the Planning Board for site plan and each dumpster has to be screened. That mall abuts Liberty lane in Norwood, are they going to do anything about the noise of that mall? Mr. Timson explained that issue really is not something they can deal with tonight. But we can look into it. She further stated that they are also having water problems. Mrs. Mackenzie suggested they speak with the Town Planner or the Building Commissioner.

Mr. Snuffer noted that in today's society, heightened sensitivity to strong reactions to peanuts, how do you address that to the uniformed citizen. Mr. Hanan explained they post it outside the building. They make it clear. In the state of Mass, they are in the process of putting allergy items on the menu.

Henry Graham, Liberty Lane, Norwood, has concerns about lighting. Directional tilts of the lights. These are issues that are not involved with the liquor license. Mr. Timson asked those present if in terms of issuing a liquor license you have any issues?

Attorney Upton explained they are only bound to notify Walpole residents. They are willing to talk to neighbors from any town.

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

MOTION moved by Mr. Snuffer that we approve the All Alcoholic Common Victualler's license for Texas Roadhouse Holdings, LLC d/b/a Texas Roadhouse located at 120 Boston Providence Highway, seconded by Mr. Sullivan, VOTED 4-0-0

5-3 VFW, Change in Manager

Mr. Kenney appeared before the Board representing the VFW. He explained Maria Rea has resigned a manager and the VFW has hired Joseph Marinucci, Jr. Mr. Marinucci has been working for them for the past month and has experience. He worked in the Norwood VFW Post 2452 as bartender for five years. He also worked at the Irish Heaven in Norwood. The VFW caters to the Veterans and it is their plan to put in different things for them. They would like to provide transportation for Veterans to hospitals when needed. Their goal is to bring it back to the Veterans. Clean the place up.

Michael Jordan, High Street told the Board he was elected to come in and speak. He stated has known Mr. Marinucci, there was an incident a few weeks ago which was not good. He is not happy with the decision.

Mr. Snuffer asked Mr. Kenney if he has the full authority to act on behalf of the VFW. Mr. Kenney replied, that is correct. You are appointed correct? Yes. It is your opinion that Mr. Marinucci is the right candidate for the position. Mr. Kenney replied, Yes, without a doubt.

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MOTION moved by Mr. Snuffer that we approve the change in Manager for the VFW Post 5188 located on Robbins Road to Joseph Marinucci, Jr. seconded by Mr. Sullivan, VOTED 4-0-0

8:05 **Open Forum**

Mr. Timson explained how Open Forum works and asked those who want to speak to keep their comments succinct.

Articles #24 and #25

Mr. Panell, Precinct 1, would like to address the articles sent back to committee Article #24 and #25. My opinion there seems to be no money to be made unless Siemens expand. They are looking for egress on Moosehill Road. Concerned that Siemens crafted these articles for the town and the Selectmen did not involve the public and would like to see a public hearing. Involve the neighbors.

Mr. Timson explained since Siemens came forward to the last Town Meeting rather than have the town spend money to put this together and have T. Counsel review it. Yes we had them do the initial write, but we did have Counsel review.

Angela Moore Moosehill Rd., stated that at the Finance Committee meeting she expected what the revenue would be, and how it would out way the cost to the town. Instead she learned there is a \$300,000 waiver on property. What anticipated revenue and what cost to the town. Where is the analysis, that is what she would like to see.

Paul Cesary, 301 Moosehill Rd, would like to commend the Board for sending it back for further review. He believes the neighbors feel like they did not have input on these decisions. He would recommend, request, should articles of this magnitude come up, the Selectmen involve the neighbors in some of these meetings. He would like to see more transparency.

Mr. Timson explained the Board met in open session, we had public experts come in. Anyone could have attended the meeting. The articles were put on the website. People did not avail the opportunity on these. People owe it to themselves to become educated.

Chandler Smalling, Hale Rd, had heard that Siemens was going to come around and meet with neighbors. He did not know to go to the website. Does not think it is user friendly at all. Thinks the town needs to take a step back and look at this. The town needs to back up people in that area of the property value. Someone needs to step up to help.

Mrs. Mackenzie explained as far as bio safety levels, they are not zoning issues, it is controlled by DPH and BOH. As far as putting in to our zoning book that was pro active.

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Mr. Snuffer explained it has been going on for years. Mr. Snuffer wants his town to have this regulated.

600 Main St

Jimmy Taylor- What is going on at 600 Main Street? Yellow house in the woods, there is a proposal before the Planning Board. Someone should do a traffic study on that area.

Landfill

Mr. Taylor asked what is going on at the landfill, saw in the paper last week we are going to spend \$20,000 to knock down that building, Mr. Boynton explained that is not happening.

Articles 24 & 25

Bill Hamilton thought Foxboro is going to bio safety in our watershed. Mr. Timson explained that across from Patriot Place there is a plan to put in biotech. We do not control what they do, we can ask them what they are doing. Mr. Boynton explained they have attended meetings. The last time we met they did not have any plans in place. Walpole has a good relationship with them. Bill Hamilton hopes they stay on top of it. Thinks we could get help from the state to protect water supply. He felt leaving level 4 out of Article #24 could be problematic.

Mr. Snuffer noted if the zoning is silent, you could interpret all uses allowed. Bill Hamilton does not think it should be as right. You say the largest taxpayer in town. Mr. Boynton noted the town receives over \$900,000 in taxes from Siemens. They are exempt from Personal property taxes. The improved valuation of the expansion brought the tax level up to \$900,000. The town is granting a 10% TIF.

Mr. Snuffer noted as part of the TIF agreement they are hiring 70 residents and giving back to the community. Mr. Hamilton stated the tax rate went up for the rest of the taxpayers to cover that loss.

Stone Field, Walpole Youth Football

Bob Conrad brought a group of young football players up. Three youth football players spoke to the Board thanking them for everything and allowing the upgrading of Stone Field.

Elizabeth Kerry, wanted to thank the Board for allowing the fixing up of the Stone Field. Glad to see that it is going to be upgraded and the entire town will benefit. Mr. Boynton reminded everyone this is not just for Walpole Youth Football. There will be multiple uses on the field.

Mr. Timson noted the Board did receive a letter from Ralph White and he understood the town is moving on from that location for the carnival. As he was upset of the end of the carnival, it was gracious of him to understand.

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Ralph White-I did see some sensitivity of the Board, I think Mr. Boynton pushed the Board into voting. I did not see strong willingness to vote that night. I feel the Board did have a degree of feeling. No animosity, I understand Walpole youth football came up with a plan and I have concerns about the water supply. I would hope they would put in a sprinkler system. I praise them for wanting to do something. It was not clear to me how they were going to do it. We did put loam in there many times and seed but no way to water it. The carnival will not be here anymore. I feel it was unnecessary to vote that night without us. It is a multi use field, it served the town well over the years. It is a people's field.

Mr. Timson explained there is a willingness to work with Babe Ruth. He understands how they might think without that field the carnival would not work. But the Board is still trying to find them another location. If you decide you want to work with us we are ready. Mr. White explained we have been looking for a number of years. There is no where else. The field is an ugly duckling, but it has served the town well. If the Walpole Youth Football wants to build we are willing to help. If the organization, youth football will call the Field "The Legion Field", they will guarantee that we will come up with \$10,000 towards the upgrade. He explained how the baseball field on West Street was called the Legion Field and several years ago the names were changed. They would like this field to be called the Legion Field. We will also put \$5,000 out there for a flag pole.

Ponds Committee, Membership

MOTION moved by Mrs. Mackenzie to appoint Dan Ryan to the Pond Committee, as a regular member, seconded by Mr. Sullivan, VOTED 4-0-0

5-4 Veterans Day

MOTION moved by Mrs. Mackenzie to approve the request to use Common for Memorial Day, and grant the request to block traffic seconded by Mr. Sullivan, VOTED 4-0-0

5-5 Use of Adams Farm

The Board received four requests for use of Adams Farm. Are waiting to hear back from the A. Farm Committee. Epiphany church, Trail Bound Hounds, Cub Scouts and Impact martial Arts.

Mrs. Mackenzie wants to be sure that we make people aware of the ticks in the area.

MOTION moved by Mrs. Mackenzie to write to Adams Farm Committee and ask them to advise users of A. Farm that there are ticks and Lyme disease in Walpole, seconded by Mr. Sullivan, VOTED 4-0-0

MOTION moved by Mr. Snuffer to approve the requests to use A. Farm subject to approval of A. Farm Committee, seconded by Mr. Sullivan, VOTED 4-0-0

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Mr. Snuffer wanted to comment on a statement made by a speaker during open forum. He does not think anyone pushes this Board into a vote. They guide us; I know the Chair was very sensitive. Mr. Timson agreed we do not get pushed into any votes by Mr. Boynton.

5-9 Special parking Officer

Chief Stillman, we made a commitment to clean up down town parking, the consensus was that it be done thru enforcement. We talked about using senior work off program. Mr. Denneen would be a volunteer. He had expected more people to sign up. He will come in four hours a day chalk the tires and after two hours come back and ticket those that do not move.

Mr. Snuffer is concerned about liability and would like some advice from insurance on this issue. Chief Stillman had spoken to labor counsel and they thought it was fine. Wants to be sure the town and individual are on safe ground. Mr. Boynton will ask the question of Workers Comp and Counsel.

MOTION moved by Mr. Timson to appoint Mr. Denneen as parking enforcement officer subject to obtaining and providing board information regarding the safety liability aspects of this particular appointment for both the town and Mr. Denneen, seconded by Mrs. Mackenzie, VOTED 4-0-0

5-10 Epiphany Parish, Village Fair

MOTION moved by Mrs. Mackenzie to grant permission for the Epiphany parish to hold the Village fair and road race and use of the town common, closing of the streets and to place the banner on the banner poles, seconded by Mr. Sullivan, VOTED 4-0-0

9:10 Contd. Hearing, Lucas Class II license

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

Mr. Lucas spoke to Deputy Fire Chief and Jack Mee and they were to send letters. Mr. Timson questioned what hours of operation do you want? I am reasonable. Mr. Donnell Murphy believes there are no hours of operation; the property existed before the bylaws were in place. There are noise regulations

Mr. Lucas stated he will not be making any noise. He will not be working on any vehicles. He is willing to abide by normal hours. Mr. Timson needs to hear him tell him this is the hours he will start and this is the hour he will not do anything after.

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Mrs. Mackenzie is thinking 8 -8 during the week, Sat 8 -8 and Sunday is noon to 5. This is a residential neighborhood. I think these hours are reasonable.

Mr. Snuffer is seeing RT1A from this property to Winter St becoming the used car auto mile. We have a responsibility to see if there is a need. I come to question. I am not at all pleased with the progress of suitability that has been made. I am not supportive of a used car auto mile.

Mr. Timson agrees that issue has come a few times before; there has been interplay as well. I know Cathy Winston was very much against putting more used car dealers in that area. I do think you reach saturation.

Mr. Timson is looking for the hours of operation. Donnell Murphy explained that none of the other businesses have hours of operation. This use has been there prior to the 1950's. The property has been cleaned up. A lot people use the businesses, and he is not aware of any hours of operation.

Mr. Snuffer recalls the Board does have an interest in what the hours are; you need to have some compassion to the residents.

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

MOTION moved by Mr. Timson to approve the license for Class II, for Lucas automotive the hours of operation, M—F, 8a.m.-8 p.m, Sat 8 a.m.-8 p.m. and Sunday noon to 5 p.m. There will be no advertisement, by appointment only operation, no signs stating there are cars for sale on the public way, Limited to nine vehicles, reference ZBA decision, March 2, 2010 #02/10, seconded by Mrs. Mackenzie, VOTED 3-1-0 (Mr. Snuffer opposed)

Solid Waste Pickup

The Board had previously voted to limit the number of trash bags a resident can place

MOTION moved by Mr. Sullivan that we rescind the vote that was made before, seconded by Mrs. Mackenzie

Discussion ensued:

Mrs. Mackenzie noted the intent in where we want to go is very important and a goal, but she thinks that just having the presentation and making a decision without looking over it at home. I want us to look at it. Our contract is coming up in a year and half and we need to address. Averaging 1.6 is incredible, and push more recycling. I would like to note the phone calls and emails I received. I jumped too quickly.

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Mr. Sullivan agrees with Mrs. Mackenzie. He would like to know what we can really go to that is reasonable. We need to discuss Bulk, are we going to have a fee with a sticker program.

Mr. Snuffer stated he was not present and is going to abstain from the motion. I would have been in opposition; I want this town to start doing the things like recycling on a volunteer basis. I want to remind everyone how we got to where we are. The limit is 6 barrels. Old contracts use to beg for tonnage. We created the very beast. Feels we are going to create a problem for those that use more. Do not like to use trash police. What is the voter expects of its government, trash, snow, feel safe, education. The spirit of the citizens of Walpole, can achieve the goals that we set out. I think it is fair to have debate on bulk items.

The Board members stated that while they were driving they noticed the majority of residents put out two barrels.

Mr. Timson questioned, if everyone is seeing two barrels then why are there so many calls about it. This can be done putting out only two barrels. I think the people that are recycling. I am not in favor of a trash fee. I am really not supportive of a fee for bulk, I think this is reasonable. I do not have a problem doing more study on it.

VOTED 2-1-1 (Mr. Timson opposed, Mr. Snuffer abstain)

5-12 One Day Liquor License, Knights of Columbus

MOTION moved by Mrs. Mackenzie to approve the one day Liquor License for the Knights of Columbus, seconded by Mr. Snuffer, VOTED 4-0-0

5-13 Bid Award 2010-09

MOTION moved by Mr. Timson to approve the award contract 2010-19 type I to D&R general contracting Stoneham, per item unit cost basis as allocated money will allow, seconded by Mr. Snuffer VOTED 3-0-1 (Mrs. Mackenzie abstained)

5-14 Flex Spending Bid Award

Mr. Boynton noted we are entering into this as part of getting people to go to rate saver. It is totally voluntary. It will be for Teachers, School unions, and all non union staff who will be required to go to rate saver plans.

MOTION moved by Mr. Sullivan to accept the bid from Cafeteria Plan Advisors, with a one time set up fee of \$500, Monthly enrollment fee for dependent care and medical expenses of \$50.00 and monthly cost per employee including debt card of \$6.00, seconded by Mrs. Mackenzie, VOTED 4-0-0

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Walpole Day parade Route

It will leave the high School and go down common to school to stone.

MOTION moved by Mr. Timson to approve the parade route for the Walpole Day event, seconded by Mr. Snuffer, VOTED 4-0-0

Town Administrator's Update

The Various process and steps that have been down and it does work. The issue with respect to articles 24 and 25, the residents expressed concerns. These articles were referred back. Further review will take place. Everything we did was done in open session. Our meetings are posted and advertised on cable television, agendas are on town website. It is everyone's right to speak. To suggest that something was done in the back room, we do not operate that way. The minutes and record play that out. Feels we need to bring in the other boards for earlier discussion. I am proud of the staff that worked on this.

It is not my intent to push the Board. You had the representatives from Youth Football here that night and they were looking for an answer.

Mr. Timson noted the one thing that struck him as to what was going on in the process I heard several times, we should have given notice to the residents at Siemens. The people want us to go above and beyond what we are required. We may want to consider inviting neighbors in. I think the notice we sent out is fair.

Mrs. Mackenzie noted we requested that Siemens help us and they were helpful to us. It helped our legal budget as our counsel did not have to write it. It did have review by Counsel. It was a partnering with the town. We are part of the entire town.

Mr. Snuffer suggested we may want to go that extra step and involve the neighborhood early on.

MOTION moved by Mrs. Mackenzie that we send a letter to Siemens for their time, energy and efforts for helping complete the document over the last few months, and we plan to continue seconded by Mr. Sullivan, VOTED 4-0-0

School Pool Repairs- major work has been taking place there. Upgraded the walkway, progress is moving, the line work should be rapping up shortly.

TIP presentation- meeting on Thursday in Boston and will lobby for RT1A project.

Safe Routes to School Meeting-Bob O'Brien and Margaret Walker had a meeting with representatives from state providing sidewalk and drainage improvements on Elm St. That seems to have gotten favorable review.

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Insurance open enrollment- all non union have to enroll in new rate saver plans and retirees.

Clock Tower- H&V is looking to jump start the clock tower project.

State Auditor- many months ago you sent a letter about unfunded mandate, they called and asked about prison mitigation.

MINUTES

MOTION moved by Mrs. Mackenzie to accept the minutes of March 23, 2010, seconded by Mr. Sullivan, VOTED 4-0-0

MOTION moved by Mrs. Mackenzie to accept the minutes of April 6, 2010, seconded by Mr. Sullivan, VOTED 4-0-0

MOTION moved by Mrs. Mackenzie to accept the executive session minutes of April 6, 2010, and April 15, 2010 but not release, seconded by Mr. Sullivan, VOTED 4-0-0

MOTION moved by Mrs. Mackenzie to adjourn the meeting at 10:20 p.m., seconded by Mr. Sullivan, VOTED 4-0-0

Respectfully Submitted,
