

The Board of Selectmen met on Tuesday, October 15, 2019 at 7:00pm in the Main Meeting Room of Town Hall. The following members were present.

James O'Neil, Chairman  
Nancy Mackenzie, Vice Chairman  
Benjamin Barrett, Clerk  
Mark Gallivan  
David Salvatore

Also Present:  
James Johnson, Town Administrator  
Cindy Berube, Executive Assistant

Mr. O'Neil called the meeting to order at 7:00pm followed by the pledge of allegiance.

Mr. O'Neil stated that at 7:45 we were scheduled to meet with the legislators but they could not make it. I would like to take the Omni issue out of order. I know there are a lot of people here to listen to that issue.

MOTION moved by Mr. Gallivan to take document 10-35 out of order regarding Omni, seconded by Mrs. Mackenzie VOTED 5-0-0

#### 10-35 Omni Properties Large Project Safe Harbor

Mr. O'Neil noted the request we have from them is to turn this into a 420 unit. I think three hundred is a lot. The Board does not have the purview, to say yes or no to that. What we can do is we can send a note to the ZBA and Omni telling them our concerns on this matter.

Mrs. Mackenzie stated this project of 300 is not in character of this town and is not consistent with our master plan. I think they are taking this piece of property for financial gain. It is near the Boyden School. The owner was very active in his own town of Concord. They should do it in Concord. We should not be building 300 units in town.

Mr. Gallivan I am against to expand the number of units.

Mr. Barrett it is well documented we have a large need in town and there are a lot of ways to build more units. That is why the Housing Partnership put in place inclusionary zoning. This proposed expansion does none of those things.

Mr. Salvatore, I would have liked to have heard from them. I did not get invited to the meeting with staff. I do not understand how we are going to stop the 300. I am not sure this is a good way to start the discussion. Some aspects that we do have control over. We should work with the developer to address the concerns and get some offsite improvements. Not allowing to converse with us. The neighbors have a lot to be concerned about. There is very little to stop this. But we can talk to them to get improvements to the neighborhood. The AQV is designing the road at High Plain and East Street. I am hoping to continue the dialogue with the neighbors to get improvements. The 40B is something we get stuck with. There is not much we can do to stop it. I would like to hear from the neighbors to make improvements to the South Walpole area. Get the developer to help us solve some problems.

MOTION moved by Mrs. Mackenzie to direct the Town Administrator to notify Omni that at this time the Town is not interested in considering the request to waive a safe harbor seconded by Mr. Gallivan VOTED 4-0-1 (Mr. Salvatore abstained)

MOTION moved by Mrs. Mackenzie to send the same letter to the ZBA, seconded by Mr. Gallivan seconded by Mr. Gallivan VOTED 4-0-1 (Mr. Salvatore abstained)

Mr. O'Neil told the audience we will send a letter to Omni that we are not in support of this request. We will also send the ZBA our input. My guess that with all the concerns it should not be a big problem.

Mrs. Mackenzie the town was notified about the 300 units. They never came to us to work with us. They want us to give them permission to go over the 300 units

## I. APPOINTMENTS

### 10-16 request for Common Victuallers License for New England Bar Pizza d/b/a CRISP located at 1049 Main Street

Robert I am looking to open a casual takeout, initially keep it simple, we will have some seats, looking to open at 10am every day, Pizza, salads, seafood.

MOTION moved by Mrs. Mackenzie to approve the request for a common Victuallers license for New England Bar Pizza located at 1049 Main Street subject to him meeting the conditions of the Fire Department, Board of Health, Building Dept. seconded by Mr. Gallivan VOTED 5-0-0

### 10-17 appointment of Kurt Tommy to Housing Partnership Committee

Kurt Tommy I have lived in Walpole for 12-13 years, affordable housing manager, 8 years for the past 20 years that is what I have been doing. Affordable housing is very important to me and done properly. As time has progressed in this project, give some ideas.

Mr. Barrett thank you for putting your application in.

Mr. Salvatore the elderly housing, senior housing is important for what we are looking for, the town should try to partner to build some affordable senior housing. Add to the fabric.

MOTION moved by Mrs. Mackenzie to appoint Kurt Tommy to the Housing Partnership Committee with a term to expire on 4/1/20, seconded by Mr. Gallivan VOTED 5-0-0

### 10-18 Change of Officers/Directors for Texas Roadhouse

Mr. O'Neil explained that they have been approved by the ABCC as they are changing the officers for all restaurants in Massachusetts. The Board is being asked to take a vote for the establishments in each Town.

MOTION moved by Mrs. Mackenzie to approve the request of Texas Roadhouse for a Change of Officers/ Directors seconded by Mr. Gallivan, VOTED 5-0-0

### 10-19 Hearing request of Eversource to install approximately 290+/- conduit in Elm Street

MOTION moved by Mrs. Mackenzie to open the hearing for Eversource, seconded by Mr. Gallivan VOTED 5-0-0

Christine Cosby, we are asking to install approximately 290 +/- conduit for Edgewood project. Carl Baldof I did supply a memo approving, it is a moratorium street. I did provide what they need to do.

Mr. Salvatore we had some discussions with Glenwood Street. Mr. Johnson the planning board is still in place, Jerry is still working on that. He is going to meet with the Rockwood's, to see if they would reconsider. Mr. Johnson he would have to go back to planning board to amend their decision if he is unable to get the Rockwood's to agree.

MOTION moved by Mrs. Mackenzie to close the hearing for Eversource, seconded Mr. Gallivan Voted 5-0-0

MOTION moved by Mrs. Mackenzie to approve the request of Eversource to install approximately 290+/- conduit in Elm Street to provide electric service to New apartment complex at 1034 East Street subject to the conditions set forth in the memo from Carl Balduf Town Engineer, seconded by Mr. Gallivan VOTED 5-0-0

## II. NEW BUSINESS

### 10-20 Settlement Agreement with 1350 North Street

Mr. Johnson you may recall back in July there was a problem at 1350 North Street, we issued our fines and they have met the requirements. They are not willing to pay \$30,000 in fines and they are willing to pay \$8,000 and they will not sue the town. They are back on track. Mr. O'Neil when they were in here we sited them for a lot of issues they did. We levied the fines to the highest we could and in my mind the \$8,000 is reasonable.

Mr. Gallivan I think it is a reasonable settlement and hopefully no further issues at that construction site.

Mr. Salvatore how is the situation with the wall. Mr. Johnson stated our Building dept. says it is ok and a historical consultant was hired and the wall is in order.

Mr. Barrett if this is what Town Counsel recommends than I am in favor of it.

Mrs. Mackenzie the heartbreak is we are not going to get the rock wall back. Mr. Salvatore I agree we were never going to see \$30,000 dollars, whether we had the authority to issue the fine or not. I think it is fair to receive this amount. We could file criminal charges. Mr. O'Neil we did not levy the fines we asked the Building commissioner to levy the fines, as we do not have the authority.

MOTION moved by Mrs. Mackenzie to authorize the Town Administrator to sign the Settlement Agreement with 1350 North Street seconded by Mr. Gallivan, VOTED 5-0-0

### 10-21 Request to declare Myers Waste oil system surplus

Rick Mattson, this waste oil system was in the old DPW garage, we are declaring it surplus.

MOTION moved by Mrs. Mackenzie to approve the request of Richard Mattson to declare Myers Waste Oil System surplus seconded by Mr. Gallivan, VOTED 5-0-0

### 10-22 Cemetery Perpetual Care Funds for new equipment

MOTION moved by Mrs. Mackenzie to grant approval of the request to use Cemetery Perpetual Care funds for new equipment In the amount of \$6,500, seconded by Mr. Gallivan VOTED 5-0-0

10-23 Friends of Saint Patrick to hold annual Parade on March 13, 2020 starting around 11:25-11:30am

MOTION moved by Mrs. Mackenzie to approve the request of the Friends of Saint Patrick to hold annual Parade on March 13, 2020 starting around 11:00-11:30am seconded by Mr. Gallivan 4-0-1 (Mr. O'Neil abstained as he is a member of the Friends of St Patrick)

10-24 Blessed Sacrament School for a one day Wine and Malt license for November 9, 2019 from 7-11pm

MOTION moved by Mrs. Mackenzie to approve the request of the Blessed Sacrament School for a one day Wine and Malt license for November 9, 2019 from 7-11pm seconded by Mr. Gallivan VOTED 5-0-0

10-25 request of Lynne Chiodo to be reappointed to Cultural council

MOTION moved by Mrs. Mackenzie to reappoint Lynne Chiodo to the Cultural Council, seconded by Mr. Gallivan VOTED 5-0-0

10-2 Block party request

MOTION moved by Mrs. Mackenzie to approve the request to hold Block party on October 19<sup>th</sup> from 12:30-5pm Bird Street, seconded by Mr. Gallivan VOTED 5-0-0

10-27 Award of Bid Contract 2020-12

MOTION moved by Mrs. Mackenzie to award Bid contract 2020-12, joint salt Bid to Champion Salt LLC, and Eastern Minerals, Inc. For various salt treatments seconded by Mr. Gallivan

Mr. Johnson explained we do this with other towns.  
VOTED 5-0-0

10-36 One day all alcohol license for Knights of Columbus

MOTION moved by Mrs. Mackenzie to approve the one-day all alcohol license for Knights of Columbus for 11/2/19, seconded by Mr. Gallivan VOTED 5-0-0

10-37 One day all alcohol license for Knights of Columbus

MOTION moved by Mrs. Mackenzie to approve the one-day all alcohol license for Knights of Columbus for 11/9/19, seconded by Mr. Gallivan VOTED 5-0-0

Discussion on 300<sup>th</sup> Town of Walpole anniversary celebration

Mr. O'Neil stated that Ted Hoegler reminded him that the 300<sup>th</sup> anniversary is in 2024. The Board talked about the 100<sup>th</sup> class of Walpole High graduating from 1974. Read some of the information from the documents. We did something for the 275<sup>th</sup> but not as much as the activities in 1974. Quite a litany of things was part of this event. Would it not be marvelous to recognize the 300<sup>th</sup> anniversary? We would want to come up with a charge and put together an exploratory committee to see what we would want to do to have the 300 anniversary.

Is there any desire to go in that direction? Mrs. Mackenzie I think it is wonderful. Mr. Gallivan I think it is a good idea as well and anything we can do to draw people together. Mr. Salvatore we should have the cultural council be involved and see if they can form a subcommittee. Mr. O'Neil asked each Board member to write down what they would like to see for this event and the Board can discuss it at an upcoming meeting.

95 West Street Sidewalk

Discussion regarding request of temporary closure of Sidewalk for 95 West Street from Corcoran Mr. Johnson where not ready to move on it yet, everything is not in place I want some kind of proposal. There is a line of sight issue. We want you to be comfortable with this. Richard Mattson the plan you have before you is very close. We just want to work out issues with Corcoran.

Mr. Barrett is this town's plan or their plan. I would expect something more formal. I would feel better if they had an engineer look at it and design it.

Mr. Salvatore at the crosswalk at the Depot Rd if it should be designed more perpendicular. I think it is going to be closer.

Discuss and VOTE on FATM ARTICLES 12, 14, and 15,18,19,20

Article #12

Mr. Johnson explained to the Board that the S& W took action last week and voted 3-1-0 No Action. Mr. Salvatore based on a 1983 aquifer study there were four areas the town should get. My understanding is that this property is listed first that should be acquired to preserve the aquifer; it is 1/3 of the value of the appraisal. Mr. Johnson there is an easement on the property. Mr. Salvatore we should look at this, as this was first in order of importance. It doesn't look like it is going to go forward now.

MOTION moved by Mrs. Mackenzie for no Action on Article 12, seconded by Mr. Gallivan VOTED 4-1-0- (Mr. Salvatore opposed)

ARTICLE #14

Mr. Barrett the Finance Committee voted to refer back to committee on both of these. Andrew Flowers had read a statement on these articles.

MOTION moved by Mr. Barrett to refer Article 14 back to committee, seconded by Mr. Gallivan,

Mr. Salvatore I had some misgivings about this. I am very concerned about doing zoning this way last minute and not giving the residents the opportunity to understand this. We need to relook at more issues. There were several provisions of the Zoning Book, which were taken out. The open space came out. I think again, even with the benefits, we do better if we look at the zoning book in a comprehensive manner. Have a program and go out to neighborhoods. The document is fairly vetted. I hope at the time we can address other issues that need to be addressed and vet it with the community.

Mrs. Mackenzie agrees it needs to be taken as a whole document. Mr. Gallivan I hope to see this come back in the spring. This was the smart thing to do. Mr. O'Neil agrees it should come back in the spring. Mr. Barrett this is something we have worked on for quite some time and we had Town Counsel review it and we searched by laws.

VOTED 5-0-0

ARTICLE #15

MOTION moved by Mr. Barrett to refer back to committee Article 15, seconded by Mr. Gallivan VOTED 5-0-0

Mr. Johnson asked the Board if they will wait until the Finance Committee votes.

MOTIONS moved by Mrs. Mackenzie to table Articles 18, 19, 20, and make recommendation before town meeting seconded by Mr. Gallivan VOTED 5-0-0

Sarah Khatib to change the name of the Chairman to Chair, but this change is to better reflect our reality. Talked about Sam Obar and he talked about BOS, read what he wrote. When Walpole was founded to 1953 no woman served on the Board, in the decades on the 50, 60, and 70's explained how many women served on the Board. Words do matter. It is not acceptable to have a male gender name, change the Charter and the Bylaws. Many studies that have been done have shown the value of gender language. Many towns and cities are changing the name of the Board of Selectmen to a more inclusive name. The cost is around \$10,000. I ask that you vote in favor of this.

Mr. Barrett noted the changes that you are talking about. The change to the general bylaws you inserted the Zoning by laws.

Mr. Barrett so does that require a substitute motion? Finance committee can make the change. Mr. Salvatore if you do add zoning to this does the newspaper ad cover that? When Mr. Kraus was the Chairman he did ask if we wanted to change the name of the Board. I will let Town Meeting decide.

Nancy I was elected as a selectmen and I think it is crazy to change the name. I feel this town elected me 18 years ago. I also felt it a problem when you used my picture on Facebook regarding this article. It gave the impression that I support this. I have given a lot of service to the town. I think I have been a very good leader for females in the future.

Ms. Khatri stated you and I had a conversation, but it really is indifference to you. I wrote an article I did not select the picture.

Mr. Barrett with respect to Nancy, with the title it is very important to individuals. It is not very often for the town to place a marker to say this is what we are about.

Jim O'Neil Selectmen it would be better with Chair, Select Board, nothing wrong with the word Selectmen. Defer these three articles.

On Article 18 the S&W Commission voted refer back to petitioner. Mr. Johnson it requires a special act to make it bonding.

## OPEN FORUM

Jim O'Neil told the audience the Board took two votes about the waiver our safe harbor rights. The Board voted not to do that and send a letter to Omni and ZBA that we will not support that provision. It is the ZBA that controls that. Try to limit the conversation to a couple of minutes.

Christine Bradt of 62 Pine Street I have been in town for 8 years and I hate to see it overdeveloped as in Boston. It seems that you have a lot to say of the quality in town. Overdevelopment is affecting the town. I can't see this happening in Concord or Wellesley.

Mr. O'Neil explained we cannot explain. The ZBA acts under a certain rules. Jim did a good job with input of answers on the website and it is a worthwhile read as to where we can make a difference.

Peter Drogan, Precinct 5, I am happy with your decision. We are going through a lot of things in South Walpole, Trains to Foxboro is one of them.

Kathleen Cleary I have the 2018 Water report. They are going to be building on top of WRPOD. They are building on the Aquifer, how is it going to protect the town. The MWRA with so much development and that we are going to go MWRA.

Dan O'Shea of 6 Shufelt rd. stated there are only certain things you can do regarding 40B. We have to look at safety, how many 40B's we have done in the last 12 months? Were it is more appropriate. The Fire Dept. said when you are going to put in the gravel driveway. That must mean they need to drain and that will not stay there. Those points should be brought up. I appreciate you are getting involved. That is not an appropriate spot. People are going to die coming out of there. We need 40B in town. We need to do it proactively. It is going to end up on a farm somewhere. We should be able to have our say.

Jen Karnakis Consider using the Historical Commission for that 300<sup>th</sup> anniversary committee.

Christine Bradt I have 3 children in schools. My first grader will never be able to walk to Boyden School and there are safety issues, the safety in that area in Walpole. I go through there a lot of the time. On a daily basis there are many times I have almost been hit as well. I can't imagine more in South Walpole. The Train is concerning, but putting housing in that area and next to that property is a contaminated site Baker Hughes. When they start digging that up let's see what happens. Suggested they build on the Fields property on Rt1A.

Representative Shawn Dooley I want to thank you for all you do. If there is anything we can do to help. It is very helpful that we are a unified front. I look forward to our meeting with you.

Mr. O'Neil discussed what the process looks like between now and November 1<sup>st</sup>. Mr. Johnson stated that Mass housing has asked for our feedback, I have asked for an extension until November 6<sup>th</sup>, but I have not hear back. Set a deadline of October 18<sup>th</sup>. Once we vet it I will have Town counsel vet it. I share a lot of your concerns. I understand the traffic. He is concerned about the Sidewalks. He talked about the train, which will start October 21<sup>st</sup>. We have added more information on the website.

Kathleen asked the Board if they can put the dates they are talking about on the website. Mr. Salvatore what things can we do to alleviate some of the concerns.

#### CONSENT AGENDA Items (These items will be VOTED as one motion)

MOTION moved by Mr. Salvatore to accept the following gifts with Thanks

Numerous donors, Ambulance Gift Acct	\$200.00 (10-30)
S.M. Lorusso & Sons, Recreation Community events	\$750.00 (10-31)
Dominic & Randi Silvestro, COA	\$ 12.00 (10-32)
Karen Carpenter & Vivian Woo	\$ 25.00 (10-33)

Seconded by Mr. Gallivan, VOTED 5-0-0

#### TOWN ADMINISTRATORS UPDATE

Town Meeting- Starts next week. The Moderator is going to start the festivities at 7PM.

40B training- We have set up 40B training for town officials for Tuesday 11/12 at 7pm at the Senior Center.

MSBA –We received confirmation that the Town of Walpole is on the October 30<sup>th</sup> Board of Directors Meeting in Boston.

Legislative delegation -will meet with Board on November 19<sup>th</sup>. He asked the Board to forward any questions or topics they would like to discuss at the meeting.

MBTA Matter - Train will start on the 21<sup>st</sup> and there will be extra police there.

Mr. Johnson told the Board that Engine 4 I think we will declare it surplus.

MINUTES: MOTION moved by Mrs. Mackenzie approve the minutes of October 1, 2019 Minutes, seconded by Mr. Gallivan, VOTED 5-0-0

Mr. O'Neil stated we are going to talk about the Contract for the Town Administrator

EXECUTIVE SESSION

Chairman's Declaration

I hereby declare that;

Under G.L. C 30A § 21A (2) the purpose of the executive session will be to conduct  
Negotiations with nonunion personnel; and

That a discussion of the foregoing in open session could compromise the purpose for  
The Executive Session; and

That the Board shall return to open session at the conclusion of the executive session to  
Vote.

Roll call vote Mr. Gallivan-Aye, Mr. Barrett-Aye, Mrs. Mackenzie-Aye, Mr. Salvatore-  
Aye and Mr. O'Neil-Aye

The Board returned to open session

Jim O'Neil talked about the new contract with Town Administrator; there are competitive  
salaries around us. We have negotiated the contract and would like to move forward.

Mr. Salvatore I was against extending the contract, but I will vote in the affirmative.

Motion moved by Mrs. Mackenzie to endorse the new contract for the Town Administrator  
document 10-34 seconded by Mr. Gallivan VOTED 5-0-0

Motion moved by Mr. Gallivan to adjourn at 9:15pm seconded by Mrs. Mackenzie  
VOTED 5-0-0