

The Board of Selectmen held a meeting on Tuesday, March 18, 2014 beginning at 7pm in the Main Meeting Room of the Town Hall. The following members were present.

Mark Gallivan, Chairman  
Michael Berry, Vice Chairman (7:20)  
Nancy Mackenzie, Clerk (7:18)  
Christopher Timson  
Clifton Snuffer

Also present  
Michael Boynton, Town Administrator  
Cindy Berube, Executive Assistant

Mr. Gallivan called the meeting to order followed by the Pledge of Allegiance.

### **ANNOUNCEMENTS AND PROCLAMATIONS**

**Announced the Iron Chef Junior event at the High School.**

### **SPONSORED AGENDA ITEMS**

#### **(3-1) Public Hearings for Street Acceptances: Hummingbird Lane, Deerfield Drive and Alteration of layout for High Plain Street**

MOTION moved by Mr. Timson to open the public hearing for Street Acceptances, seconded by Mr. Snuffer 3-0-0

Mr. Snuffer will abstain on Hummingbird Lane unless he needs to vote due to necessity as he lives on the street.

#### **Hummingbird Lane**

Ms. Walker, Town Engineer explained everything is in order. She did receive a call from a neighbor regarding a situation with a street light, that is NSTAR.

Mr. Snuffer again stated he will abstain and leave it to a 2-0-1 vote.

Mr. Timson noted that we have had roads that have come back again. Can you assure us we do not need any of the bond money to complete anything? Ms. Walker explained everything has been installed to the standards. They have fixed everything we asked them to repair. Mr. Timson is happy to hear that.

#### **Deerfield Drive**

Ms. Walker explained this road is part of Lincoln Farm Estates from early 1980's approved 1984 bonded in 1985 and most of the work was done and the bond was reduced to \$5,000. The

developer walked away because the bond was so little. It is currently private and not available for Chp90 funding to repair the road. The Planning Board had advised the neighbors to come to the BOS and they did. The Planning Board voted to pull the bond and a demand letter was sent to the bank, but we can not find anything after that. The Treasurer has a folder that shows the passbook released 10/96. Working with Town Counsel to get the appropriate takings.

Mr. Boynton explained most of the work that needs to be done is age. We talked about this at the library last year. This is a twenty year old issue. The other issue is damage from plowing. This is a unique situation. It was the decision of this board to try to get this ready for acceptance. Mr. Snuffer questioned what the present stance from the Planning Board is. Ms. Walker stated they are concerned there is no resolution to the bond.

Mr. Snuffer is troubled by not having closure. Mr. Boynton noted the Town may have accepted the funds, if there is a statement that shows released; the common logic is we took it.

Mr. Timson recalls the Board took the steps and decided to work with the residents to take a road that is not up to subdivision standards for the purpose of repaving.

Mr. Snuffer would like to sunset these things by policy. To have a time certain when they have to be concluded. That should not exceed 7-10 years. I can not see these people hurt by an error.

#### High Plain Alteration

Attorney Macchi spoke to this issue. He had sent the Board a letter back in March we went thru Town Meeting twice and both time approved than the third time the applicant withdrew it. Mass Dot wanted to go forward by granting town an easement. It was going no where. Thank the Town and Michael for reaching out to Mass DOT officials. No we want to abandon it, want to give the town a fee. The town has been exceptional. You have three articles before you the land is the same, we are talking about a fee interest to be part of your layout. Now that we are dealing with a fee we needed to do an ANR plan. The new frontage will be at the end of the ANR for Mass DOT. It is the same land. T. Counsel worked hard for us. McMahan has been working with Mass DOT and reaching out to them 2 to 3 times.

This has been a frustrating situation. At this point I would like to go forward. At some point, this is a benefit. No one is against it.

Mr. Boynton explained that he and Rick Stillman went to the transportation bldg. and given the thumbs up dealing with bottlenecking. We realized this had fallen off track. Reached out to Dan Daley today, believe we are close. Can't get over that hurdle. This is frustrating. I would ask you to move forward. To approve the layout and the articles. Mr. Snuffer is not surprised; RT1A has taken over 25 yrs. Would you not be requesting us to do a Recommendation at Town Meeting. Mr. Boynton recommends Favorable Action as the plan is done.

MOTION moved by Mr. Timson to close the public hearing seconded by Mrs. Mackenzie,  
VOTED 5-0-0

MOTION moved by Mr. Timson to approve the layout for Hummingbird Lane from beginning to it's terminus, seconded by Mrs. Mackenzie VOTED 4-0-1(Mr. Snuffer abstained)

MOTION moved by Mr. Timson to sign the order of layout document and plan for Hummingbird Lane and to have them on file in the Town Clerk's office, seconded by Mrs. Mackenzie, VOTED 4-0-1 (Mr. Snuffer abstained)

MOTION moved by Mr. Timson to approve the layout for Deerfield Drive from beginning to it's terminus, seconded by Mrs. Mackenzie , VOTED 5-0-0

MOTION moved by Mr. Timson to sign the order of layout document and plan for Deerfield Drive and to have them on file in the Town Clerk's office, seconded by Mrs. Mackenzie, VOTED 5-0-0

MOTION moved by Mr. Timson to accept the alteration to the roadway layout of High Plain Street, seconded by Mrs. Mackenzie, VOTED 5-0-0

MOTION moved by Mr. Timson to sign the order of Alteration of layout document and plan for High Plain Street and to have them on file in the Town Clerk's office, seconded by Mrs. Mackenzie VOTED 5-0-0

MOTION moved by Mr. Timson to recommend Favorable Action 29, 30 and 31, seconded by Mrs. Mackenzie, VOTED 5-0-0

MOTION moved by Mr. Timson to recommend Favorable Action on Article 32, seconded by Mrs. Mackenzie, VOTED 4-0-1(Mr. Snuffer abstained)

MOTION moved by Mr. Timson to recommend Favorable Action on Article 28, seconded by Mr. Gallivan, VOTED 5-0-0

### **OPEN FORUM**

Michael Moore lives on Moosehill rd. He heard a rumor that the way Barberry plans to build their development. He stated his concern is that Chemicals are buried in the ground. The land used to be a chicken farm. It is of concern. I don't know if the town is aware of it, if there is an inspection of the land. What I would like to see an inspection. I have lived there for 14 years and there has not been a farm. If there are chemicals stored in containers there are health concerns. What are the health concerns? Something else mentioned whoever owned the land tried to clear up something. Very concerned as I live in the area, I think we are above an aquifer. Concerned it might have entered the water supply. Can the town assure us about the chemicals?

Mr. Boynton explained this was brought to our attention, the Conservation Agent brought it up and we are pursuing it. A resident brought this to our attention. One area of concern is how to access the site, based on speculation. Number of steps needed. We are starting this process. That is where we are.

Mr. Timson is glad to hear activity to address that concern, robin involved in the process. Mr. Boynton explained unless there is an invitation to access the property we would need to go to court. We are in the initial stages.

Mr. Snuffer noted if it were a poultry farm, one chemical utilized would be formaldehyde. Mr. Moore explained he worked in a hatchery and is familiar with what they do. He is very concerned that chemicals are buried.

Mr. Boynton talked about the ZBA meeting which was continued to next Tuesday. It is challenging as the ZBA can vote on majority vote. The Town does not have the Mullen rule on the books which would allow the ZBA to go forward as one member missed some meetings. There could only be two members sitting on this next week so they would have to re-advertised and change the hearing date. There may be an announcement by next Tuesday. There are two seats likely one regular and associate seats available on the ZBA. We have business that needs to be done and we have quorum issues.

#### 7:55pm-Planning Board, Budget Discussion

Richard Nottebart, Jack Conroy and Ed Forsberg were present.

Mr. Berry explained he put a hold on this to find out where you are with the budget. I did not know what you were thinking about planners. Good idea with the development that is going on. Mr. Nottebart stated that since the last planner that position was abolished. Had ongoing discussion with Finance Committee and thought they were on our side. We have seen some things that may have come about not having the overview. We have taken upon ourselves, the various methods, consulting, part-time help or sharing. Because of the elected nature of our board as to the reporting structure of a shared person with the Town Administrator being involved or should this person just report to us. The Finance Committee wanted to see the reporting structure. The number you are looking at \$67,000 for a planner. I feel comfortable to use as a benchmark. He reached out to Sharon Wason, Foxboro Planner, in the town she is the planner, she reports to the Planning Board and she suggests that if you are a planner you can do economic development. She gave us a nice package, we have taken as a roadmap. Not too far from our thinking. One thing in Foxboro she does help for Grant writing, and authority on 40B. She does work with the ZBA. These things that are coming up. We have done things like leaving it alone. We are without any expert opinion. It is difficult to put it all together. I do not feel we have made any mistakes. With zoning and master plan, I don't think doing justice without a planner. Know budgets are tight, got nowhere with Finance Committee.

Mr. Berry acknowledged it sounds like you are thinking about the process. My advise, the reporting structure is important. Relationship between the Planning Board secretary and a Town Planner. I do not want to tell you what to do, if we are going to adjust do it so it makes sense. We are reaching a point, between econ development. She has housing issues. Eventually something is going to give. I do not think we are doing both very well, we are doing OK, but struggling. The way you are going about it is a great way. The town I work in uses consultants from MAPC. They might be able to assist.

In terms of managing both roles it is difficult for one person to be overseeing. I agree there should be more shoulders to take on responsibility. Because of the discussion with Mr. Boynton. Based on what I see, the Kendall Fund is a potential. There is \$291,000.000 dollars. The treasurer is looking into this. Can't seem to find a copy of the trust. We will take your suggestion and look at them.

Mr. Boynton will get the answer on the use of the Kendal Funds. This should not be about competing or combining. We are not seeking a planner reporting to Administration, been down that road not going down that road again. The Town Planner's position was the last one on the cutting board. I talked to Finance Committee last night and there is no additional funding. There is a hope and expectation, the Town Budget will reveal additional revenue. I would suggest to you all the priorities, this is the first position we should go to as far as need. I do support where they are going.

Mr. Timson questioned if there has been a vote by the Planning Board in regards to a planner? Mr. Nottebart the Board voted 5-0-0 to seek a Planner. Mr. Timson asked if they have seen an upturn in the number of subdivisions. Mr. Nottebart stated no, a lot of issues that take a lot of time. We rely on Ilana a lot. Mr. Timson suggested the issue comes down to volume, when there is not a lot of bldg., the T. Planner position is not as important. He would want to see number of filings. Mr. Nottebart will get that information.

Mrs. Mackenzie agrees that the Economic Development is not a Planner. Your Board's secretaries are not planners, your missing someone who can go to time review. We are talking about site plans, chapter 40B, compliance with state rules; a secretary does not know the changes. Missing the planner for housing, plan review. We spent money to put plans in and it has not been done. Past plans need to be entered into the GEO TMS data base. I do not think we should start with a full time planner. Start with a part time person.

Mr. Snuffer suggested they take a look at your workload and determine what you need that planner to do. The reporting structure has to be a direct line to the Chair of the Planning Board. The job description can be formulated based on what you have seen on your workload. He favors regional sharing. I believe the Kendall fund is available. It should be a contract individual.

Mr. Forsberg thinks it is important to have a planner. Need someone to support us. Talked about the town being one of a few that does not have a planner. Mr. Conroy agreed with Mr. Snuffer. The T. Planner is no different than the T. Engineer. We have subdivision site plans and ANR. The position we are looking for is not that. You should be bringing the Economic Development Officer in with the planner. The planner is waiting. It is up to us to sell the Planner. Cliff is the same as me. They have not talked about a substitute motion at Town Meeting. Need to do more homework. Mr. Conroy stated that decisions have been put into the GEOTMS program.

**(3-2) Texas Roadhouse, Change in Beneficial Interest**

Mr. Boynton explained this is for change in Beneficial interest, Michael Brangwynne representing Texas Roadhouse explained he is there for a change in the Beneficial interest this is similar to a change in officer. Texas Roadhouse Inc. appointed a new secretary and general counsel. We disclosed here the information. The premise is the same, hours etc. It is required from the ABCC.

MOTION moved by Mr. Timson to approve the Change in Beneficial Interest for Texas Roadhouse, seconded by Mrs. Mackenzie, VOTED 5-0-0

**(3-3)Applebee's , Change of hours for opening on Sundays from Noon to 11 a.m.**

MOTION moved by Mrs. Mackenzie to approve the change in hours for Applebee's from Noon to 11am, seconded by Mr. Snuffer, VOTED 5-0-0

**(3-4)Taco Bell, Change of hours for opening during week from 9:30 a.m. to 7a.m.**

Steve, operations manager was present and explained they are going to begin to serve breakfast and need the change in hours. It is allowed under their approval from the ZBA.

MOTION moved by Mr. Timson to approve the change in hours for Taco Bell from 9:30a.m. to 7a.m., seconded by Mr. Berry, VOTED 5-0-0

**(3-19) Board of Health, Lisa Procaccini, Dr. Richard Bringham, Carol Johnson**

Lisa Procaccini has been on the Board for ten years and is seeking to be re-appointed. Mr. Berry talked about solicitation letters he had sent to people. To wipe away availability is premature not fair to the process. I think it is better to extend all Board an additional month. If there are new people that need to be heard. I would suggest we not consider these appointments. Mrs. Mackenzie agrees we need people and want to bring new people in. To me the Board of Health has an opening as an associate, the applicants that would come in and looking to fill that associate spot. There is already an empty spot. I think when we have a Board with an opening we should not hold off membership. Mr. Snuffer is pleased this was brought forward. We could have had the collapse of a Board if we did not take action. I would suggest we move this forward. I am respectful that Carol Johnson is not here.

Mr. Timson thinks this is a case of good intentions gone right. I think to tell them to go away and come back why we want other people we do not want to make the process difficult for those that have served. I would vote to approve their position and have them continue serving. Mr. Berry did not feel the Board was managing their responsibilities very well.

MOTION moved by Mrs. Mackenzie to appoint Lisa Procaccini to the Board of Health as a Regular Member, seconded by Mr. Timson VOTED 4-1-0 (Mr. Berry opposed)

Dr. Bringham stated he has been on the Board of Health for twelve years and my pleasure to serve.

MOTION moved by Mrs. Mackenzie to appoint Dr. Richard Bringhurst to the Board of Health as a Regular Member, seconded by Mr. Timson, VOTED 4-1-0 (Mr. Berry opposed)

The Board instructed Cindy to invite Carol Johnson to a meeting.

**(3-5)Request to Use A. Farm 4/15/14 for a Drag Hunt**

MOTION moved by Mr. Timson to approve the use of A. Farm on April 15 by the Norfolk Hunt Club to the extent it is in the confines of A. Farm, seconded by Mrs. Mackenzie 5-0-0

**(3-6)Request to Use A. Farm April 1-November 1 for Mom's Club of Walpole**

MOTION moved by Mrs. Mackenzie to approve the use of A. Farm from April 1 to November 1 subject to approval by the A. Farm Committee, seconded by Mr. Timson VOTED 5-0-0

**(3-7)Chapter 90 Project Request, Type I Resurfacing: Abbey Rd, Alton St, butch Songin Cir. Carriage Lane, Cobble Knoll Dr, Diamond St, Harrison Ave, Neal St, Norfolk St (train to West St) Patriot Dr., Pine Hill Dr. and Ridge Rd**

MOTION moved by Mr. Timson to approve the Chapter 90 Request for contract 51010,seconded by Mrs. Mackenzie, VOTED 5-0-0

**(3-8)Bill No. 1965, An act to reduce prescription drug tampering and abuse**

Mr. Timson noted the way it is written it references other sections. Saying if they are requiring tamper proof opiates. Look at other sections and print them for Board members.

Mr. Berry stepped out of the meeting room.

**(3-9)Vote 2014 Summer hours for Farmers market**

MOTION moved by Mr. Timson to approve the summer hours for the Farmers Market, seconded by Mrs. Mackenzie, VOTED 4-0-0

**(3-10)Accept resignation of Richard Adams from Conservation Commission**

MOTION moved by Mrs. Mackenzie to accept the resignation of Richard Adams from Conservation with regret , seconded by Mr. Timson VOTED 4-0-0 (Mr. Berry left the room)

**(3-11)Accept resignation of Daniel Cunningham from Zoning Board of Appeals**

MOTION moved by Mrs. Mackenzie to accept the resignation of Daniel Cunningham from ZBA with regret, seconded by Mr. Timson, VOTED 4-0-0

**(3-12)Fire Department Hardship Request for Ambulance Run to Norwood Hospital**

**(3-13)Fire Department Hardship Request for Ambulance Run to Newton-Wellesley**

MOTION moved by Mr. Timson to approve the Hardship requests for Ambulance run #13-241190 and #13-179100, seconded by Mr. Snuffer, VOTED 4-0-0

**(3-14)Reserve Fund Transfer Request, Animal Control**

MOTION moved by Mr. Timson to approve the Reserve Fund Transfer for Animal Control, seconded by Mr. Snuffer, VOTED 4-0-0

**(3-15)One Day All Alcoholic license, N. Walpole Fish and Game**

MOTION moved by Mr. Timson to approve the one day license for N. Walpole Fish and Game, seconded by Mr. Snuffer, VOTED 4-0-0

**3-16 to 3-18)Acceptance of Gifts:**

MOTION moved by Mrs. Mackenzie to accept the gifts with gratitude for Turner Pond Lodge Programs, Accounting Consultants \$75.00 , Fire Dept. Account, Ann Jane Patnode \$35.00 and Police Safety Fund, Antoinette Chambers \$50 , seconded by Mr. Timson , VOTED 4-0-0

**(3-20)Request to hold Annual Little League Parade**

MOTION moved by Mrs. Mackenzie to approve the request for the Little League Parade, seconded by Mr. Timson, VOTED 4-0-0

**(3-21)Request from Chief Stillman: Re-appoint Jeff Abate and Detective Jason Reilly As Special Police**

MOTION moved by Mr. Timson to appoint Jeff Abate and Detective Jason Reilly as Special Police, seconded by Mr. Snuffer VOTED 3-0-1(Mrs. Mackenzie abstained)

Board recessed for 10 minutes and returned. Mr. Berry and Mr. Gallivan were not present.

9:40p.m. Mrs. Mackenzie opened the meeting. The Board is continuing back from the Break.

**T. Admin Report**

Mr. Boynton explained he met with Norfolk County engineers office and thru the graciousness of Donnell Murphy for title of Norton and Hartshorn roads. The town spent over \$38,000 on improving these roads. We are expecting an updated layout plan. Will hold a joint meeting with the neighbors. To date the cost is negligible.

**OLD BUSINESS**

Mr. Snuffer requests on a biweekly basis have an update of the Home for little wanderers from the Chief. Mr. Timson agrees.

### **NEW BUSINESS**

Like to recommend those who can attend the School Committee meeting with the Fin Com. Looking to set an off night meeting on April 8<sup>th</sup>. Mr. Boynton talked about the interest of a Medfield BOS to talk about regionalization.

I think we need to have a discussion on used cars on Rt1A. Mrs. Mackenzie suggested having J. Mee present.

Mrs. Mackenzie noted the Board will reschedule budget discussions for another meeting April 1 and 8<sup>th</sup>.

### **EXECUTIVE SESSION**

Mrs. Mackenzie read the following. Mark Reich, Town Counsel was present.

#### **Chairman's Statement**

- Under G.L. C.30A , §21(a)(6), the purpose of the executive session will be to consider the purchase, exchange, lease of real value of property being the Blackburn And Union Privileges Superfund Site
- That a discussion of the foregoing in open session could compromise the purpose for the executive session ; and
- That the Board of Selectmen shall return to open session at the conclusion of the executive session for the purposes of adjourning.

MOTION moved by Mr. Timson that the Board of Selectmen meet in executive session to consider the purchase, exchange, lease or value of real property, such property being the Blackburn and Union Privileges Superfund Site (South Street), based upon the Chairman's declaration that an open meeting may have a detrimental effect on the negotiating position of the Town, and that the Board return to open session after the executive session only for the purpose of adjournment. VOTED by Roll call Vote: Mr. Timson-Aye, Mrs. Mackenzie-Aye and Mr. Snuffer-Aye

The Board returned to open session.

MOTION moved by Mrs. Mackenzie to adjourn at 10:40 pm seconded by Mr. Timson, VOTED 5-0-0