

The Board of Selectmen met on Tuesday, February 16, 2016 beginning at 6:45pm in the Main Meeting Room of the Town Hall. Mr. Salvatore was absent. The following members were present.

Clifton Snuffer, Chairman  
James Stanton, Vice Chairman  
Mark Gallivan  
Eric Kraus

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

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

### ANNOUNCEMENTS AND PROCLAMATIONS

### SPONSORED AGENDA ITEMS

#### 2-17 Police Appointment, Philip Powers Jr.

Chief J. Carmichael introduced Mr. Powers who is inclined to take the position left by William Bausch. He was a premier investigator outside the county. Read a memo regarding Detective Bausch retirement after 36yrs of service. Please extend this Boards good luck going forward.

Mr. Powers spoke about himself. He is 24 yrs. old grew up in Hopedale, joined the military, army reserve. He attended Bridgewater and studied Criminal Justice. The first semester in senior year he was activated and went to Afghanistan. Finished his degree when he came home. DOC hired me as a corrections officer, worked for a year, started in Concord and transferred to Shirley.

In the next year he wants to get use to the area the big thing my father, really gain trust by getting involved in the community. He wants to get my face out there and let people know him. He talked about the Opioid being a large problem and Narcam. He notes that a lot of departments are cracking down on heroin dealers.

The difference between military policing and this is he was dealing with all soldiers and families, and he never got to travel around. Patrolling, pulling over cars, domestics. Language of the laws is different.

MOITION moved by Mr. Kraus to appoint Philip Powers Jr. as a Walpole Police Officer at a step 1 subject to the following conditions:

1. Successful completion of a pre-employment *physical* exam including drug screening;

2. Successful completion of a *psychological* exam,
3. Successful completion or “Pass” on the *Police Officer Physical Abilities Test (PAT)* administered by HRD.
4. Successful completion of the *MPTC recruit academy or MPTC waiver*;
5. Successful completion of one year of employment as a police officer - *probation*. Probation period begins AFTER you have completed the recruit police academy.

Seconded by Mr. Stanton, VOTED 4-0-0

## 2-18 Public Hearing, Transfer of License, E. Walpole Market

Bruce Norwell attorney representing the applicant.

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

Attorney Norwell representing E. Walpole Market and Deli. Rose and Elie are the shareholders. This is a family business they are very well invested and have been in town since 2011. Emigrated from Lebanon. Elie has worked in his family business, Restaurant on Beacon Hill. Fair amount of experience in food service. They are near Bird Park on Washington St. They are a convenient store and they are looking to purchase this license, want to increase the revenue. Being able to offer that product to the people of E. Walpole they can increase their revenue. This is not primarily a liquor store, will always be a convenient store. There will be no consumption of alcohol on the premises. It is similar to what Double D's Deli was and 7-eleven. He believes Edmunds Market, which was located at this site, did sell Beer and Wine as well. Some benefits, they are looking to build their business. Want to continue to do that. The Town is really trying to build that E. Walpole district. The lease limits the sale of products as well. I included a floor plan.

Elie works 12 hours a week, Rose will work there as well. He is the primary person. He will monitor all activity in the store. Will have to take TIP Certification classes. Notices have gone out to the abutters and in the newspaper as well. Attorney Jim Gulley is here representing the seller.

Mr. Snuffer asked if anyone in favor of this transfer. James Donata, 7 Grace Memorial Dr. in E. Walpole, when they took it over, it is like a little family. As a member of E. Walpole I like to do my stuff in E. Walpole and it would be nice to have the Beer and Wine. Mr. Snuffer informed everyone that James is his cousin.

Anyone opposed please come up and identify yourself.

Robin Chapell, Health Director, we have some concerns following regulations that are already in place and we have had to shut them down twice in 2015, we do one month

visits now. New tobacco regulations went into effect and went to them and gave them an opportunity to come in. The Health Dept. did a flavor tobacco, compliance check in 8/2015 and they are not in compliance, develop and actually live up to the regulations that are in place now, we do not want them to be in violation.

Bruce Norwell she said shut them down. Ms. Chapell stated part of their establishment was closed for a while. Mr. Norwell, they do have a deli counter, they did an inspection and had cleanliness issue, they were instructed to clean, to take course work which they did, they are fully in compliance, has been up and running for six months. During the monthly inspections there have been no problems. They did sell flavored tobacco and were instructed they could not sell, display case where they keep tobacco products, after they were instructed, they cleaned out what they believed was all the flavor products, there was one box or one item that fell thru the cracks, fined \$2000. They double check to make sure everything was cleaned out. Try to address those. They were told it was not a serious issue.

Ms. Chapell stated we do take tobacco seriously, we would never say that is was not serious issue. I only went back to 2015 but there have been issues further back.

Larry Pittman-RTM, gave the Board a signed petition by 125 people asking that the Board deny the transfer of the license. The issue was selling or accused of selling paraphernalia. The disturbing part, they were selling scales. Not a good thing to be selling and they sold to an underage person, worries me they have alcohol. The day care across the street and the church. All those places need to be protected. Based on police reports, not appropriate place to have Beer and Wine. People are concerned.

Police Chief John Carmichael, the incident Mr. Pittman is talking about, the drug paraphernalia being sold out of the store to children 14 /15 yrs. of age. Kept under the main counter of the store, MGL in Mass it is illegal to sell drug paraphernalia. Anything that would be used to deliver drugs. They received complaints , we conducted stings, and several involved undercover officers. During the time we made controlled drive byes asked about drug paraphernalia and several sales were made to the under cover officer. The Board received a memo from the Police department with several concerns and attached various incidents that occurred at this location.

Bruce Norwell-they did at one time carry some pipes which would be used with flavored tobacco products. Only to be used for tobacco products, tried to make those disclaimers.

The Board questioned if he had any signs stipulating the pipes were for tobacco use only.

Attorney Norwell asked his client, did you have any signs that pipes were only to be used for tobacco. Elie we would tell customers it is for tobacco use only. We took everything out. Everyone else carried these items as well.

Mr. Snuffer, how does that lead to the secretion of other paraphernalia. Attorney Norwell does not know if there were other paraphernalia. Mr. Snuffer noted this was written up in the newspaper with pictures. The people who enter the premises, if it is hidden, then how do they know that unless it is word of mouth Elie if someone ask we check ID we tell them it is for tobacco use. During that time everybody was selling

those. Attorney Norwell noted there was an arrest, Rose was charged, the charges were dismissed part of the understanding, they agreed they would not sell these products. This matter will be dismissed.

Mr. Kraus to Attorney Norwell, I am a big believer in full transparency, I have been in the store, I agree with the sweat equity. I have received more phone calls on this issue than any other issue in this town saying this is a bad idea.

Elie stated he is there 7 days a week, loves the neighborhood. The neighborhood is asking us to get the beer and wine license. Not trying to make a huge liquor store, something simple. Something convenient for the neighborhood. We have cameras everywhere, I do not want any troubles. I check ID's this makes the people behind them more comfortable. Been in the business for a long time. We will check everyone's ID before selling Beer and Wine.

Mr. Stanton echo's Mr. Kraus Statement. Putting a lot of hard work into your business. I have received a lot of calls on this transfer of the license. Mr. Pittman submitted a lot of names of people in E. Walpole. If we were to grant this we would have to make a finding that this would not be detrimental to the church.

Mr. Stanton read into the record the letter from the Parish of St Mary's Church, E. Walpole. They are opposed to the transfer. That is in the record, how you suggest that we go about that we make that finding. Attorney Norwell stated he spoke to Father Hines, he told me that he would not support this. He does not explain how it would be detrimental. I do not understand how he got to that. Points out there are other establishments that serve alcohol in the area; Jimmy's Pizzeria sells beer and wine on premises and the 204 sells beer and wine. If you are concerned that it is a detriment. These people will buy and take off site. I don't understand why he is saying that. I am not sure I understand what is so detrimental.

Mr. Stanton stated the formula for having onsite is one per one thousand, for package store, it is one per five thousand. There is a distinction between sitting down and having a meal and having a drink. If the church and school are within 500 feet it is a detriment, we would have to make an exception, we understand this is a detriment; we would have to make a finding that it is not.

Attorney Norwell understands the residents who signed the petition are concerned about their neighborhood. Trying to provide a product.

There is an email sent to the Board. Read Kathryn Derwin memo into the record. She is concerned and opposed to the transfer of the license.

Mr. Gallivan read a memo from the Finance Dept. Personal property accounts, shows outstanding accounts since 2009, 2011, 2015. Attorney Norwell stated the first he has heard of this.

Mr. Snuffer read the memo from Deputy Fire Chief Laracy dated Feb 8, 2016 regarding the Fire Alarm System. The plan shows a commercial system but they were unable to locate the system panel. Does your client know where it is? Elie. Stated he called the

owner. Mr. Snuffer read the Building Department memo. Attorney Norwell stated he has tried to point out the benefits this would allow.

Larry Pittman I want business to thrive in town, but this is about trust, unfortunately they have not earned that trust, police issues, health issues, and I do not think they are ready. If the Board does deny forward information to the ABCC.

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

MOTION moved by Mr. Stanton that the Board vote to deny the application of Rose and Elie Nakhoul, d/b/a East Walpole Market & Deli for transfer of a wine and malt off-premises alcoholic beverages license for the business located at 196-198 Washington Street, due to concerns as to the operation of the business and reputation of the applicants based on

- The Board of Health's suspension of the food service permits in August 2015 and October 2015.
- A Police Department incident report dated October 18, 2012.
- A Police Department incident report dated August 25, 2014.
- A Police Department incident report dated February 15, 2015.
- Opposition of the St. Mary's Church, and that approving the license at this location will be detrimental to the spiritual activities of the St. Mary's Church.
- Neighboring residents are opposed to the owners of this establishment obtaining a Wine and Malt Package Store License. Citing petition submitted by Mr. Pittman containing 114 signatures.

Seconded by Mr. Kraus,

Mr. Snuffer will abstain as his cousin spoke in favor.

VOTED 3-0-1(Mr. Snuffer abstained)

## 2-19 WCTV Budget

James D'Attilio, President of Walpole Media Corporation. We have accomplished a lot in a short period of time. Thanked the Board for their vision. They have made great improvements. They have increased coverage of sports events and of local government meetings from 4 to 14 a month. Creating new policies and procedures, so they operate to meet Board's expectations. Tonight they are here looking for PEG funds to enhance our operations, improve our content and service to the community. A goal, we have Televue production teacher at the HS, highly seasoned director. Intention weave these benefits and support facilities and personal to bring what you started to the next level, make Walpole into the new standards so all other new England communities want to meet. Introduced the Board members; Mr. Brown, Michelle, Nancy O'Neil, Marc Romeo, BJ Burke could not be here.

They discussed their Capital Budget request. Mr. D'Attilio noted there will be more improvements coming forward. Mr. Johnson had worked with Mr. D'Attilio and Jeff to use the same forms we use for capital budget requests. They have a five year plan, this gives us a general idea of expenses that will come up. Broke down into five different categories. This is consistent with what we did this past summer. Looking to get better prices.

MOTION moved by Mr. Kraus to approve the request from Walpole Media Corp in the following manner:

The Board agrees to release \$113,500 to be used in the following manner

- 1) \$39,000 for improvements to the High School TV Control room
- 2) \$31,500 for Robotic cameras to be used in the High School TV Studio
- 3) \$43,000 for a robotic camera fly pack for Town Hall

Furthermore the Board authorizes the Town Administrator to proceed forward with the following improvement projects that will be charged to the cable account:

- A. High School TV Studio Improvements
- B. High School TV Studio lighting, electrical and grid improvements
- C. High School Auditorium and Gym Fiber installation

Seconded by Mr. Gallivan,

Mr. Gallivan, we asked you to look at meetings and I think it is important for people to be able to watch government meetings. I think you are on the right track and doing a great job. Mr. Kraus agreed and what they have done since the annual meeting is incredible and Jeff your contributions have been immediate. Mr. Snuffer is glad to see each area of the PEG is all getting attention

VOTED 4-0-0

## 2-20 **RTM Apportionment**

Mr. Snuffer noted the Town Clerk asked if she needed to come in, I wanted to be sure she was aware of precinct 5 issues.

MOTION moved by Mr. Stanton to keep the apportionment as presented by Town Clerk Danielle Sicard in a memo dated February 2, 2016 , seconded Mr. Gallivan, VOTED 4-0-0

## 2-21 **Liquor License, language change**

Ted Philips, aid to Representative Kafka explained it is a slight change in the language. If you have any questions I am here to help. The House and Senate are working on template language. Because there were slight technical changes, the language that was voted on at Town Meeting. Not substantive changes. Mr. Johnson explained they are looking to making this consistent, recommend favorable action.

MOTION moved by Mr. Kraus to clarify the language of proposed bill H38-72 currently before the House Committee and the slightly different language between Article #13 of the Fall Town Meeting and the letter of November 16, 2015, seconded by seconded by Mr. Stanton, VOTED 4-0-0

#### 2-22 **Change membership for EDC**

MOTION moved by Mr. Kraus at the request of the EDC to change Michael McGrath from a regular member to an Associate member and Marc Romeo from an Associate member to a regular member, seconded by Mr. Gallivan, VOTED 4-0-0

#### 2-23 **Use of A. Farm, Drag Hunt**

MOTION moved by Mr. Kraus to approve the request to hold a drag hunt on April 19, 2016 at Adams Farm and September 10, 2016, seconded by Mr. Gallivan, VOTED 4-0-0

#### 2-24 and 2-25 **Gift Acceptances**

MOTION moved by Mr. Stanton to accept with gratitude the gift from an anonymous donor in the amount of \$910.95 for the Town Forest Trust Fund, seconded by Mr. Kraus, VOTED 4-0-0

MOTION moved by Mr. Stanton to accept with gratitude the gift from the Walpole Police Union in the amount of \$1,000 to the Council on Aging, seconded by Mr. Kraus, VOTED 4-0-0

#### 2-26 **Request to Hold Parade, Friends of St. Patrick**

In addition to their annual request they are seeking permission to place a platform on the common. Mr. Johnson is working with them. They will not be required to obtain insurance.

MOTION moved by Mr. Kraus to approve the request to hold the annual Friends of St. Patrick Parade as requested, VOTED 4-0-0

### **TOWN ADMINISTRATORS UPDATE**

Budget- The budget books are available for you in the office. The Finance Committee continues to meet to review the budget.

March 7 Special T. Meeting- He continues to prepare for this. The warrant was sent to the printer las week and Finance Committee is scheduled to consider this matter on February 25<sup>th</sup> and March 3<sup>rd</sup>.

Building Commissioner-He thinks he will have a fine candidate for the Board to affirm. He will bring him before the Board in the next few weeks.

Town Report- Almost complete working on the cover page.

South St-The truck scale was removed and waste inside was pumped out and disposed of.

Snow and ice- Have spent about half the budget around \$400,000. He will continue to keep a close eye on this.

### **MINUTES**

MOTION moved by Mr. Kraus to approve the minutes of January 19, 2016, seconded by Mr. Gallivan, VOTED 4-0-0

MOTION moved by Mr. Kraus to adjourn at 8:45pm, seconded by Mr. Stanton, VOTED 4-0-0