

The Board of Selectmen met on Tuesday, April 25, 2017 beginning at 7:00pm in the Main Meeting Room of the Town Hall. The following members were present.

Eric Kraus, Chairman  
Nancy Mackenzie, Clerk  
Mark Gallivan  
David Salvatore

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

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

#### **ANNOUNCEMENTS**

Mr. Kraus wants to recognize the Robotics team who are off to St. Louis Cincinnati and will be competing in the World Competition.

#### **APPOINTMENTS**

##### 4-18 Change in Manager and Directors, VFW

David Ferrara and Steven Kenney appeared before the Board. Mr. Kenney stated they have been working at getting the paperwork together for the Board and the ABCC. Mr. Ferrara told the Board he is originally from Walpole. He joined the Marine Corp at 17. Came back to Town, his heart is for Veterans. He has a connection to the VFW and he would like to see them prosper. A lot of things planned.

Mr. Salvatore questioned if he has had a lot of background in operating a liquor establishment. Mr. Ferrara no, but he is a marine. Mr. Salvatore explained they are concerned about our youth with alcohol and drug abuse. We want to be sure you do not serve to minors or overserve. Mr. Ferrara I take it very seriously, it will not happen on my watch.

**MOTION:** moved by Mr. Gallivan to approve the Change in Manger from Kevin Smiley to David Ferrara and the Change in Directors, Seconded by Mr. Salvatore, VOTED 3-0-0

#### **APPOINTMENTS**

##### Update on Jarvis Farm

Larry Pittman reported they are a mixed group; they meet often to see how they can make Jarvis Farm better. They did a mission statement. Mr. Pittman read the mission statement into the record. "To foster ways to encourage forms of community activities at Jarvis Farm for the benefit of the entire Walpole community, while protecting the

Walpole aquifer that adjoins Jarvis Farm.” Gave you an approved polices that we drafted. Wanted to thank the staff for making the Farm a better place for everyone. The pond was not available last year and the goal is to get it available. Sound like everything is on board. It is coming in steps. We want continue to see maintenance; we do not want to see it fall apart. There are Bathroom upgrades, safety updates that should be done. Other items trying to connect the pathway to the town forest. We are looking for any ideas. They are trying to do now is to figure out 2, 3, 4 year plans, what we want to see at the property.

Mr. Johnson noted that Recreation under Patrick Shields, we have taken out the docks for safety, fresh sand; the program is advertised and up. We are ready to go for the summer. Mr. Pittman the key is getting the water ready for the kids. Level that is safe. Want to thank the members we have now. Ask people to join, if you know of anyone that is interested.

Mr. Salvatore during the camp it is used by Recreation? Mr. Pittman, yes it is for their use only. Mr. Salvatore wanted to know when does that end. Mr. Shields explained during the hours of the program 8:30am to 4:30 and we have an extended day which goes to 8pm. Then after that the little league comes in. Mr. Salvatore is the pond going to be up. Mr. Shields stated they are working with the water dept. to get it up to working condition. There are a lot of families looking at the pond and hope that it can be used. We will have lifeguards. He suggested maybe staffing the pond for public swimming. For this summer it will not be an option. Have to give credit to our recreation team.

Mr. Gallivan is seeing a great evolution. Grow slow. He would like to see what you would like to do more of.

Mr. Shields announced that Walpole day is coming up May 13<sup>th</sup>.

#### 4-20 Appointment to Trails Committee

Mr. Maffei wants to serve on the Trails Committee. He wants to get more involved, this is a good start. A few projects coming up and he want to be involved with. He will be a laborer. He would like to see the connection to Jarvis Farm.

MOTION moved by Mr. Salvatore to appoint Glenn Maffei to the Trails Committee for a three year term, seconded by Mr. Gallivan, VOTED 3-0-0

#### 4-21 Appointment to PBC

Mr. Keefe is a 40 year resident, and was previously on the PBC for 10 years but work commitments made him step off, I am retired and can commit.

MOTION moved by Mr. Salvatore to appoint Michael Keefe to the Permanent Building Committee for a three year term, seconded Mr. Gallivan, VOTED 3-0-0

OPEN FORUM- No One present

TOWN ADM UPDATE

1. Finance Committee- the committee will hold their hearing on Thursday night at 7:30pm at the Library
2. Town Meeting- All set to go on Monday night at the JMS. Will hold a prep session with the Moderator and others on Thursday.
3. Walpole Day-Patrick told you it will be May 13
4. Route 1A TIP- the TIP program was voted on last week and he is pleased to report that the project remained programed for 2020.
5. Fire Dept. and Police Dept.-Demo of the Fire Station has started. Expect it will be down by Thursday. The site preparation for the Police station is underway and expects that we will likely hold a groundbreaking ceremony in May.

Mr. Salvatore suggested we reserve the parking out front on the circle for seniors and handicap at JMS for Town Meeting. Mrs. Mackenzie suggested letting the VFW know.

MINUTES

MOTION moved by Mr. Kraus to approve the March 28, 2017 minutes, seconded by Mrs. Mackenzie, VOTED 4-0-0

Appointments Contd.

4-22 Eastern Pearl, Hearing for Alleged Liquor Violations

*\*\*\* Letters were sent to the establishment by Certified and Regular mail on January 20, 2017, February 22, 2017, March 21, 2017 and March 22, 2017, April 13, 2017. The hearing was originally scheduled for February 28, 2017 but at the request of Eastern Pearl's attorney the Board agreed to reschedule the hearing until March 14<sup>th</sup>. At the request of the attorney for Eastern Pearl the hearing was again continued to April 11, 2017. It was continued again at the request of the attorney as he stated the owner needed an interpreter and the hearing is continued to April 25, 2017.*

MOTION moved by Mrs. Mackenzie open the hearing for alleged license violations of the terms of their liquor license for Hong Kong Eastern Pearl Enterprise Inc. d/b/a Eastern Pearl, 2275 Providence Hwy, Walpole, MA, seconded by Mr. Gallivan, VOTED 4-0-0

Attorney Jackie Cowin, from K-Plaw. I want to make sure the necessary parties are here. Is Mr. Zhang here? He is. You have an attorney. His Attorney Wei Jai is present. His Interpreter is present. All replied yes. Gar Chiang is the Mandarin interpreter. Attorney Cowin swore in the translator. He stated he is a Mandarin certified court appointed interpreter. Attorney Cowin swore in the translator. Attorney Cowin asked for anyone that is going to testify please raise your right hand. Attorney Cowin swore them in. All police officers raised their hands. All responded yes we do.

She read the Letter dated April 13, 2017 addressed to Mr. Zhang regarding the notice of rescheduled hearing into the record.

T. Counsel, Jackie Cowin submitted the letter dated April 13, 2017 into the record along with the three police reports and submitted into the record and then used throughout the hearing. This matter was continued a number of times, for the record submit into evidence so I want to submit into the record previous letters which were sent to the owner as well as requests to continue the hearing by the applicant. If I may briefly lay out the process. I will present evidence that Eastern Pearl twice engaged to serving to minors. Violation of 138, Section 34 and CMR 204 Section 2.05(2) and 138 section 39 and overserved. I will call witnesses and examine them. Mr. Zhang or attorney can cross examine.

Attorney Cowin called Chief John Carmichael. She asked him to state his name and what his employment is and for how long. He stated John Carmichael, Chief of police for Walpole police about a year and half. Do you have some familiarity with Eastern pearl 2275 providence Hwy. John Carmichael, yes I do. Attorney Cowin stated prior to the incidence that brought us here tonight are you aware of any previous findings by the Board of Selectmen on Liquor license violations? He replied yes. Attorney Cowin asked when that was. Chief Carmichael stated that on March 1, 2016 the Board of Selectmen issued a finding following two incidents of serving to minors. The Board suspended the license for seven days

Attorney noted there are three incidents. Can you provide us with what occurred? Chief Carmichael stated.

On January 12, 2017 there was a situation where youths were congregating outside the restaurant and refusing to leave. They were served on the premises, served minors and one individual was impaired and placed in protective custody.

On January 29<sup>th</sup>, 2017 they responded to a crash from an OUI and during that investigation the operator of the motor vehicle stated he had left the Eastern Pearl and had his last drink at Easter Pearl.

On February 23, 2017 that was a compliance check, we describe as a shoulder tap one officer was on a walk and talk. You see if there is anyone that appears under the age of 21. He approached them and found them to be underage.

Attorney Cowin handed him the police reports and asked him to authenticate them. Chief Carmichael stated yes these are the incidences that occurred on 2017.

Attorney Cowin you mentioned on Jan 29<sup>th</sup>, you talked about the Plea, was there a plea in that case from the OUI? Chief Carmichael yes there was. Attorney Cowin do you have concern about the continued operation of Eastern Pearl. The Chief replied, based on the last incidences this is a direct result of the inability to follow the laws and is jeopardizing the citizens of Walpole.

She asked if Attorney Wei Jai or Mr. Zhang if they had anything they wanted to ask.

Attorney Cowin called Officer Thomas Hart. She asked him to state his name and what he does. Officer Thomas Hart, I work for the Walpole Police Department and I am the school resource officer, and three months, prior to that a patrol officer. Attorney Cowin asked him; on January 12, 2017 did you have reason to go to Eastern Pearl? He stated the owner called about the three people outside that would not leave.

Exhibit one is the 1/12/17 Police report

Officer Hart stated when I arrived three males were hiding under the awning. I spoke to them,

Mr. Eaton said he was trying to go to (*Walpoloo*) and his speech was slurred. I told them they were already in Walpole. I could smell alcohol, speech was tough to understand. Attorney Cowin did you have further conversation. Officer Hart, I asked if they had been drinking at Eastern Pearl and they said yes. Two individuals Robert and Jonathan were under the age of 21. Attorney Cowin, did you ask if they were asked to show ID? Officer Hart, yes and they said no. Attorney Cowin, do you know who the proprietor is? Officer Hart, yes and I asked him what was going on and he said 3 males would not leave. I asked if they were inside drinking, he changed his story and said one of them was drinking inside, he identified the one as Bob. Officer Hart knows he was not 21. I informed him that Bob is not 21 and he got nervous and changed his story. I told him he would be summoned to court. On the way Mr. Eaton did something to put him in protective custody for the evening. Attorney Cowin did you perform a breathalyzer. Officer Hart he blew a .22. JC when you arrived at the station did any other individuals make statements. Robert called me over and said he knows of his friends and himself have been going to this establishment for two years. A lot of underage drinking occurs there and not asked for IDs and he was approached by Mr. Zhang to let him know if anyone is under 21.

Attorney-Does not wish to cross examine.

Mr. Salvatore can you point out the owner? Officer Hart it is the man with the blue button down shirt. Mr. Salvatore, when you had conversation with him in English were you able to understand him and him you? Officer Hart stated yes.

Attorney Cowin called officer Beberman.

Officer Beberman of the Walpole Police Department, I am a patrol men been here 3 years.

January 29<sup>th</sup> called to Georgia Drive for a motor vehicle accident. Attorney Cowin, what did you observe? A vehicle was crashed and people standing around it. The Vehicle had collided into a tree and fencing. There was just the driver inside. Attorney Cowin did you make any observation of the driver. I observed he was unsteady on his feet, staggering, and smelled of alcohol. His eyes were glassy and bloodshot. He stated he had been drinking at the Eastern Pearl. He stated 11pm was when he had his last drink at Eastern Pearl. Speech was very slurred. Attorney Cowin, did you administer sobriety test? Officer Beberman, I asked him first if he had any medical conditions and then to say the alphabet, he recited from A-N correctly and then skipped letter o and continued incorrectly. Attorney Cowin, so he did not recite the alphabet correctly. I attempted to perform a gaze. Officer Beberman stated he could not focus on the fingers. I went to the 9 step walking term. It became clear due to the level of intoxication; he could not maintain his balance so I decided it was too dangerous. At that point he was arrested for OUI. Attorney Cowin questioned did he take a breathalyzer. He refused. Do you know the status of the OUI?

Attorney Wei Jai, asked when exactly the accident occurred? Officer replied at 2300 hours is when it occurred. Attorney in your opinion was he able to provide accurate information at that point. Officer Beberman yes, Attorney Wei Jai, including the time of the last drink. So that is the only correct thing. I do not know what else he would have been incorrect about. Attorney Cowin asked the officer if he asked for his address, the officer state yes and it was noted he was able to provide you with correct address.

Attorney Cowin called Officer Robert Doherty.

Robert Doherty, Patrol officer for Town of Walpole, 5 years. He has been an officer for 11 years. Attorney Cowin, on 2/23/17 were you working this evening 4-12, did you have reason to be at Eastern Pearl. Officer Doherty yes to do a compliance check. Attorney Cowin, is there is a reason why? Officer Doherty, yes the chief wanted to check because of the numerous underage drinking incidents that has taken place at this location. Attorney Cowin wanted to know what

you observed.

Officer Doherty explained when he went in to the restaurant he looked over to a table were several patrons sitting; he made my way to the table and asked for ID. Attorney Cowin wanted to know how many at table. He replied there were four, two were over 21 and two were 19 and 20. Officer Doherty did see the individual 19 walked back from the bar. Officer Doherty the patron I saw walking back from the bar had alcohol. Did you have conversation with 19 and 20 year old and asked if they were carded? Officer Doherty noted they said they were not. He asked who their server was and they identified the person who was wearing the blue shirt and glasses and the only one behind the bar was Mr. Zhang. Officer Doherty had done previous compliance checks so he knew who he was. He placed him under arrest.

Officer Doherty explained that both patrons gave up their wallets and neither one had anything other than their real IDS.

Attorney Cowin that concludes her questioning.

Attorney Jai asked Mr. Zhang to identify himself. Attorney Wei Jai he started working there 2 ½ years ago. On 1/29/17 do you remember that date? Is this a special day? Through the translator Mr. Zhang replied yes that was the day followed Chinese New Year. Attorney Jai and do you have any special arrangements. Through the translator Mr. Zhang replied they invited some regular customers to celebrate with us and we had a buffet from 5-9 pm. They invited about 25 people, the buffet was free, cash bar.

Attorney Jai asked if he remembers a customer by the name of James. Through the translator Mr. Zhang stated he is a regular of restaurant, Attorney Jai, did he come alone? Through the translator Mr. Zhang stated he came with friends about four people. Attorney Jai asked if he knew the names of the friends. Through the translator Mr. Zhang replied Chris and his wife. His attorney asked him if he know what does Chris do. Through the translator Mr. Zhang replied he is a state trooper. Attorney Jai wanted to know how long did this party last. Through the translator Mr. Zhang replied started at 5 and ended at 9. Attorney Jai, wanted to know when did James leave and was anyone else still there. Through the translator Mr. Zhang replied he left at 9:30pm No one else was there. A lot of people left at 9 and they came in a company of several people and think three other people left. Attorney Jai wanted to know did James leave with his friends. Through the translator Mr. Zhang two or 3 went outside. Just left not sure how they left. Attorney Jai wanted to know how many drinks James had. Through the translator Mr. Zhang stated not be over four, he thinks 3 to 4 drinks Attorney Jai what type of drinks did he have.

Through the translator Mr. Zhang replied Cocktails. Attorney Jai, how can you be sure he only had 4 drinks. Through the translator Mr. Zhang replied no one would have more than 4 as it is hard liquor. Attorney Jai asked if that is their policy. Through the translator Mr. Zhang, correct.

Attorney Jai, went to the incident on 1/12/17 and asked if Mr. Zhang recalled that incident. Did he call police? Through the translator Mr. Zhang it was I that called the police sometime after 2am. He was asked why he called the police. Through the translator Mr. Zhang replied their restaurant closes at 1am and he needs to clean and do sanitary work that takes an hour and when he went outside he saw the 3 people, at 2am and they were laughing making noise. He would want them to go home on their own and cause problems, not safe for them to go home alone, so that is why he called the police. His intention was to have police come to restaurant at 2am and persuade them to go home as it was very late. The Police came and that was very early hours, went back to the Restaurant, he does not know what the police said or how the Police handled the situation. After short while, he locked the door, the police knocked on the door, when he opened the door and when they were standing outside of the door and I was inside, the officer asked him if he sold liquor to these three people and he said sold to one guy, that was his understanding of



the conversation, and then the officer asked if he recognized these guys.

Attorney Jai asked if he understands English enough to understand officer. Through the translator Mr. Zhang replied my English was never 100% go along with the concept even when I was serving liquor. The officer asked him if he knew the 3 people. Through the translator Mr. Zhang I don't know these three people and one of them is named Bob. Because I know these 3 guys conversation, one of them called somebody Bob. I think one is names Bob. The police came and said Bob is the one is the minor. The one was served I checked his ID. I don't know which one is Bob. The officer explained you served to minor and that is against regulations and then the officer left.

Mr. Salvatore in the first incident where you called the police. What time did you call the police on 1/12/17? Through the translator Mr. Zhang I think around 2am. Mrs. Salvatore how long for them to arrive at the scene? Through the translator Mr. Zhang replied 5-10 minutes. He estimating he was not wearing a watch. Mr. Salvatore, you understand the police report indicates they were dispatched at 1:33 am? Through the translator Mr. Zhang that is possible. He was not paying attention to the clock. Mr. Salvatore, so between 1:30 and 2:00. Through the translator Mr. Zhang probably he was not looking at the clock.

Attorney Cowin called Detective William Madden. My name is William Madden detective with WPD. Attorney Cowin do you have a specific assignment. He is a prosecutor for police dept. All the paperwork and the plea agreements. What do you do?

Detective Madden explained he does the pleas in the courtroom. Attorney Cowin asked him to explain what a last drink plea. He explained if you do a plea for an OUI the judge will ask you were you had your last drink. Attorney Cowin you mean a guilty plea. The court has enough to find you guilty. The court continues the finding for one year. Attorney Cowin wanted to know if was present in Court when proceedings had James. He replied, yes OUI alcohol. You were here when officer Beberman testified. Do you know of not know if James is the same person involved in the accident. Yes I signed the plea. This was arising out of the incident yes. Where did he say his last drink was? He stated at Eastern Pearl under oath. The incident on 1/29 do you know the James is the same person involved in the accident. He replied, yes. Attorney Cowin, so this was a plea arising out of the January 29 incident.

Attorney Cowin stated that completes the testimony. One more document on the record if I may enter once I find it. Invited the attorney to closing statement

Attorney thanked the board for allowing him to provide a statement. Three incidents were involved and police reports. He conceded at the last hearing. For 1/29 incident if you find his testimony credible, that it would be difficult to make a finding that the last drink James had was that James had his last drink at the Eastern Pearl. It only takes about 3 minutes and James left around 9:30 and the crash occurred around 10:30. Something must be missing for that hour. For that incident that Mr. Zhang called the police to be sure those three youngsters will go home safely. He could not convince them to go home. And he did conceded that he did serve to one person, he was sure that the person was not underage. The 2/23 he did concede to that incident. Mr. Zhang right after March 2016 had a 7 day suspension; he did purchase a machine to check for fake ID's. I told him this problem is serious as this is not his first time. He told me he will make a serious effort to do better. Attorney Cowin is you client stipulating that on 2/23 he did serve to a minor. Attorney Jai stated yes.

### CLOSING THE HEARING.

MOTION moved by Mr. Kraus that the evidentiary portion of this hearing be closed, seconded by Mrs. Mackenzie, VOTED 4-0-0

MOTION moved by Mr. Kraus that after hearing and deliberation regarding alleged liquor license violations by Hong Kong Eastern Pearl Enterprise Inc. d/b/a Eastern Pearl, 2275 Providence Hwy, Walpole, MA, the Board of Selectmen finds the following facts

1. 1. The Board finds the Restaurant is currently the holder of a license under G.L. c.138 §12.
2. The Licensee served under-aged persons on January 12, 2017, in violation of G.L. c. 138, §34 (sale of alcohol to a minor) and Massachusetts Regulations 204 CMR §2.05(2) (permitting illegalities or disorders on the licensed premises, and improper management).
3. The Board finds the licensee served under-aged persons on February 23, 2017. This is a violation of G.L. c. 138 §34 sale of alcohol to a minor and Massachusetts Regulations 204CMR Section 2.05(2) permitting illegalities or disorders on the licensed premises and improper management.
4. The Board finds the licensee overserved a person on January 29, 2017. This is a violation of G.L. 138 §69 sale to intoxicated persons and Massachusetts Regulations 204 CMR section 2.05(2)
5. The above violations happened within 60 days of one another.
6. The Licensee was previously found, on March 1, 2016, to have served minors, for which the Licensee served a 7-day suspension. Thus, there have been four violations within 13 months.

Seconded by Mrs. Mackenzie for discussion

Mr. Salvatore noted that the incident on 1/12/2017 I find the officer statements and testimony credible, it is interesting the witness stated that he served Bob and he is the underage and the story changes and there was alcohol in front of those patrons. It is clear that all three were drinking and Bob was. These young men had something to lose by admitting to drinking. I do find the story that Bob was served. Mrs. Mackenzie agrees.

The Board is voting each finding separately

1. MOTION moved by Mrs. Mackenzie that Board finds the Restaurant is currently the holder of a license under G.L. c.138 §12, seconded by Mr. Kraus, VOTED 4-0-0
2. MOTION moved by Mrs. Mackenzie The Licensee served under-aged persons on January 12, 2017, in violation of G.L. c. 138, §34 (sale of alcohol to a minor) 204 CMR



§2.05(2) (permitting illegalities or disorders on the licensed premises, and improper management seconded by Mr. Kraus, VOTED 4-0-0

3. MOTION moved by Mrs. Mackenzie that the Licensee stipulated that it served under-aged persons on February 23, 2017, seconded by Mr. Kraus, VOTED 4-0-0

4. MOTION moved by Mrs. Mackenzie the Board finds the licensee overserved a person on January 29, 2017. This is a violation of G.L. 138 §69 sale to intoxicated persons and Massachusetts Regulations 204 CMR section 2.05(2)seconded by Mr. Kraus VOTED 4-0-0

Mr. Salvatore spoke of the 1/29/17 found it interesting the police got called out and the matter of the few minutes does not change the bottom line. The man who was arrested for DUI indicated the last place he was served was Eastern Pearl. Mr. Gallivan found the police officer credible.

5.MOTION moved by Mrs. Mackenzie the violations occurred within 60day , seconded by Mr. Kraus voted 4-0-0

6. MOTION moved by Mrs. Mackenzie that there have been four violations within 13 months, seconded by Mr. Kraus Voted 4-0-0

MOTION moved by Mrs. Mackenzie As a result of the above detailed violations, the Board of Selectmen hereby suspends the all alcohol beverage license for Hong Kong Eastern Pearl Enterprise Inc. d/b/a Eastern Pearl, 2275 Providence Hwy, Walpole, MA, a period of six months. The Restaurant shall surrender the license within five days of date of issue of the decision to Deputy Police Chief Christopher Mackenzie on and may retrieve it at the completion of the suspension seconded by Mr. Gallivan VOTED 4-0-0

Attorney Jackie Cowin explained they must turn in the license from five days when the decision is issued. Mr. Kraus explained we take serving of minors seriously; Eastern Pearl is a habitual server to underage. You may disagree with this, please let this be eye opening.

Mr. Gallivan noted this is an ongoing problem and I know they bought a machine but it does not seem to work. Mr. Kraus we work hard to support local business, and they had the requirement to uphold the law, I hope you take this penalty to heart and improve your behavior and practice. You have to the ability, to figure out the basic math. Mr. Salvatore other people we have told the managers their employees need to obey the rules.

Mr. Salvatore thinks 6 months is a fair penalty.

## **NEW BUSINESS**

### **4-23 Bid Award 2017-16A**

MOTION moved by Mr. Kraus to award Bid Contract No. 2017-16A to S.M. Lorusso & Sons, Inc, Walpole Ma for item prices as submitted, seconded by Mr. Gallivan, VOTED 4-0-0

**4-24-** MOTION moved by Mr. Kraus to take no action on Bid Contract 2017-17, seconded by Mrs. Mackenzie, VOTED 4-0-0

**4-25** MOTION moved by Mr. Kraus to take no action on Bid Contract 2017-18A, seconded by Mrs. Mackenzie, VOTED 4-0-0

**4-26 Bid Award 2017-23**

MOTION moved by Mr. Kraus to award Bid Contract No. 2017-23 to Denis Maher Col, LLC, Ayer Mass for a lump sum of \$70,688.00, seconded by Mr. Gallivan, VOTED 4-0-0

**4-27 Marijuana Ballot Question**

Mr. Salvatore noted this is the way the state said we can go. Mr. Johnson explained it is not very clear. The language in the regulations change continuously, but it is what Town Counsel recommends.

MOTION moved by Mrs. Mackenzie to place the following question on the June 3, 2017 election ballot, seconded by Mr. Gallivan, VOTED 4-0-0

“Shall this Town prohibit the operation of all types of marijuana establishments as defined in G.L. c.94G, §1, including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licenses marijuana-related businesses, with the Town of Walpole?”

**4-28 Re-appointment to Veterans Com**

MOTION moved by Mrs. Mackenzie to re-appoint John F. Robinson, Jr. to the Veterans Services Committee for a three year term, seconded by Mr. Gallivan, VOTED 4-0-0

**4-29 Re-appointment to Town Forest Committee**

MOTION moved by Mrs. Mackenzie to re-appoint Stephen Cyr to the Town Forest Committee for three year term, seconded by Mr. Gallivan, VOTED 4-0-0

**4-30 Run/Walk New life**

MOTION moved by Mrs. Mackenzie to approve the request to hold a 5K Walk /Run on June 17, 2017 for New Life Home Refurnishing, seconded by Mr. Gallivan, VOTED 4-0-0

**4-31 Promotion from Associate to Regular**

MOTION moved by Mrs. Mackenzie to promote Michael McGrath from an Associate member to a Regular member on the Recreation Committee for a three year term, seconded by Mr. Gallivan, VOTED 4-0-0

**4-32 Article #31, STM**

John Hasenjaeger, EDC voted this down, due to restrictions for multi-family housing, we do not have many low profile condo complexes. The more restrict we are in the GR we push it into Business Area. The Chamber of Commerce is also in opposition. This is eliminating in the GR zone, by Special Permit that one must obtain from ZBA. By eliminating separate buildings, larger bigger buildings. Many people have concerns. The Building Inspector and ED officer does not support this. It seems like a subtle thing.

Mr. Salvatore spoke on this being the 2<sup>nd</sup> time that some of these zoning matters are getting fully flushed out. As you tighten up in residential pushing a developer into a business district. The Open Space. I do not think this has had the same vetting.

Mr. Kraus does not like hearing about this at the last hour

MOTION moved by Mr. Kraus to recommend No Action on Article #31, seconded by Mr. Gallivan, VOTED 4-0-0

**4-33 Renewal of Junk Dealers & Junk Collectors license**

MOTION moved by Mrs. Mackenzie to renew the Junk Dealers and Junk Collectors License as shown on the attached document 4-33, seconded by Mr. Gallivan, VOTED 4-0-0

Allied Recycling Center Inc.-Junk Collectors/Junk Dealers  
Game Stop  
Re-Plays  
Second Glance  
Westside Stamp & Coin

**CONSENT AGENDA**

MOTION moved by Mr. Salvatore to approve the consent agenda items listed seconded by Mr. Gallivan,

1. One Day wine & malt license at Jalapeno's Grill Inc. on May 5<sup>th</sup> from 6pm-11pm at the parking lot in the rear of the Restaurant owned by the town. The Wine and Malt may not be served from inside the restaurant as require by the ABCC, and the applicant must purchase the Wine and Malt separately and have an area set up outside for storage of the wine and malt from which they will be serving.
2. One day All Alcoholic License for knights of Columbus on May 6 from 5:30pm-9:30pm

VOTED 4-0-0

MOTION moved by Mr. Kraus to close the public meeting at 8:45pm seconded by Mr. Gallivan, VOTED 4-0-0

### **EXECUTIVE SESSION**

Chairman Declaration:

Pursuant to G.L .c.30A, §21(a) (3), the purpose of the session will be to discuss strategy with respect to potential litigation

That a discussion of the foregoing in open session could compromise the purpose for the executive session

That the Board of Selectmen shall return to open session (for the purposes of adjourning)

MOTION moved by Mr. Kraus to enter Executive Session under G.L. C30A, Section 21 (a) (3) for the purposes declared by the Board's chairman , seconded by Mr. Gallivan by Roll call vote; Mr. Gallivan-Aye, Mrs. Mackenzie-Aye, Mr. Salvatore-Aye and Mr. Kraus-Aye

The Board moved back to Regular session.

MOTION moved by Mrs. Mackenzie to adjourn at 9:10pm, seconded by Mr. Gallivan, VOTED 4-0-0