

The Board of Selectmen met on Tuesday, November 17, 2015 beginning at 6:30pm in the Main Meeting Room of the Town Hall. The following members were present.

Clifton Snuffer, Chairman  
James Stanton, Vice Chairman (7:15pm)  
David Salvatore, Clerk  
Mark Gallivan  
Eric Kraus

Also present:  
James Johnson, Town Administrator  
Cindy Berube, Executive Assistant  
Attorney Jeff Blake, Town Counsel

## **ANNOUNCEMENTS AND PROCLAMATIONS**

### **SPONSORED AGENDA ITEMS**

Mr. Snuffer called the meeting to order followed by the Pledge of Allegiance. The Board will hold public hearings for establishments that violated the Liquor law of serving to a minor.

#### **11-17 Liquor Public Hearing for those that have agreed to the suspension.**

MOTION moved by Mr. Kraus to open the public hearing for the liquor license holders who violated the MGL by serving to a minor, seconded by Mr. Gallivan, VOTED 4-0-0 (Mr. Stanton not present)

Mr. Snuffer introduced Attorney Jeff Blake, T. Counsel from Kopelman and Paige.

Attorney Blake explained

This is a hearing on the following licensee's violations of the terms of their liquor license.

Tee-T's Restaurant Inc. , 943 Main Street  
Red Wing Diner, Inc, 2235 Providence Highway  
R&R Liquors, Palumbo Liquors, 421 High Plain Street  
Jalapeno's Grill Inc. , 960-962 Main Street

Each individual establishment has the opportunity to be heard. He reached out to each establishment and to see if they will take responsibility. We will take each one individually. The facts are pertinent to each establishment.

On September 25, 2015, an employee for the licensees sold an alcoholic beverage to a person under the age of 21 years during a liquor license compliance check by the Walpole Police Alcohol Compliance Sting Operation Team. The service of alcohol to an underage person constitutes a violation of G.L. c. 138, §34 – sale of alcohol to a minor, Code of the Massachusetts Regulations 204 section 2.05(2)- permitting illegalities or disorders on the licensed premises, and improper management.

As I indicated with each of them;

As a result of these violations, the Licensee Tee-T's Restaurant Inc., Red Wing Diner, Inc. and Palumbo Liquors, through their Manager of Record have agreed to take responsibility for the violations and have agreed to a 2 day suspension of their liquor license as outlined in the Town's Alcoholic Beverage Sales to Minors Policy. The Licensee, Jalapeno's Grill has agreed to a 3 day suspension of their liquor license for a second offense within 5 years as outlined in the Town's Alcoholic Beverage Sales to minor policy.

The Licensee shall determine the days of suspension. The suspension need not be served on consecutive days. The Licensees shall notify the Chief of Police within 7 days as to the exact dates of suspension. The suspension shall be served within 30 days from the date of this hearing and shall not include any days that the establishments are closed. The licensees agree not appeal this decision.

#### Tee-T's

Like to have the Manager from Tee T-s Restaurant. Monika Burke manager responded the questions asked by Attorney Blake. Attorney Blake do you recall speaking with me. Ms. Burke, yes. Attorney Blake you agree that your staff sold to someone under 21, you received the police report and you are here to accept responsibility, and you agree with a two day suspension and waive any right to appeal. Ms. Burke, yes. She noted it was unfortunate, everyone will take the TIP class, I do not believe that we have ever failed.

Mr. Kraus made a statement for all the violators, we are a small community and we can not have this happen again, working hard, coalition, issues with underage kids to begin with, have to go above and beyond, please do not put us in a position that we have to do this again. I know things like this happen, I know you can't always control staff. There was no harm done, with a patron being served.

MOTION moved by Mr. Kraus to close the hearing on the license violations of Tee-T's , seconded by Mr. Gallivan VOTED 4-0-0

MOTION moved by Mr. Snuffer to suspend the all alcohol license of Tee T's for two days with the establishment picking the dates of suspension, as previously indicated., seconded by Mr. Gallivan, VOTED 4-0-0

#### Red Wing

Attorney Blake asked Liam Murphy if he agrees with the allegations. Mr. Murphy stated yes, Attorney Blake asked if he received the notice and agrees with the suspension for two days, and you will waive any right to appeal.

Liam we take it seriously, first time, had everyone recertified. The person is still with me.

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

MOTION moved by Mr. Salvatore to suspend the all alcohol license for two days with the establishment picking the dates of suspension, as previously indicated., seconded by Mr. Gallivan, VOTED 4-0-0

#### Palumbo liquors

Russell Palumbo, Manager of Record. Attorney Blake do you agree with everything I said. You agree that someone sold to a minor. Yes, you received the police report and notice and accepting responsibility and agreeing to the suspension and waiving right to appeal. Do you want to say anything. Mr. Palumbo, No.

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

MOTION moved by Mr. Kraus to suspend the all alcoholic license for two days with the establishment picking dates, of suspension, as previously indicated., seconded by Mr. Gallivan, VOTED 4-0-0

#### Jalapenos Grill Inc.

Attorney Blake asked for the representative, Ricardo Dorronsoro. Attorney Blake you are the owner. Mr. Dorronsoro Yes, and you heard what I said and you agree with what I said, yes. You agree your staff sold liquor to a minor and you received a report and notice. Mr. Dorronsoro, yes and you are agreeing to a 3 day suspension. Yes. You agree to waiving right to appeal.

Ricardo I try to go above and beyond training. We have booths to check license. Scanner ID to make sure we don't get fake ID, Number 14 we talk about ID. Every staff they have to sign. We received that there is going to be a sting operation. I tell them it can happen at any moment. Every weekend, I tell them to be careful with college students. I do everything to try to correct this. I am asking you as Selectmen to change the law, I do not think it is fair. As an adult you have to take responsibility for your actions. Mr. Snuffer, I appreciate it, in this forum as the owner you have accepted the responsibility of your employee's actions, to lobby and create dialogue. You can make an appointment, come to open forum. I want to keep this to the dialogue of the violation.

Mr. Salvatore, you submitted a test to us, 15 questions related to alcohol and the rest tequila, I would suggest it is your responsibility, what the law should be. You cannot serve to minors.

MOTION moved by Mr. Kraus to close the hearing for Jalapeno's Grill, seconded by Mr. Gallivan, VOTED 4-0-0

MOTION moved by Mr. Kraus to suspend the all alcoholic license for three days with the establishment picking dates, of suspension, as previously indicated., seconded by Mr. Gallivan, VOTED 4-0-0

Attorney Blake will meet with the owners to get a signed agreement.

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

### **Town Administrators Update**

Town Clerk talked about the interviews. When would you like to conduct the interviews? November 30, 2015 for interviews. There will be three candidates.

Thanksgiving Week-Close town hall early day before and close Friday and require that employees use Vacation or personal time.

Chapter 90- MOTION moved by Mr. Salvatore to accept and to sign the Chapter 90 in the amount of \$312,681 , seconded by Mr. Kraus, VOTED 4-0-0

Workshop- energy bulk purchasing. There are 24 other towns that did this and able to get a reduced rate for residents and business owners. Save the residents money. They agree to come in for a presentation and put an article on the STM warrant. Authorize me to have them come in to present. Mr. Snuffer anytime you can save the residents money I am in favor of hearing it. Mr. Salvatore suggested as much material before hand would be great.

Veterans Day- very well attended Jon did a great job.

### **NEW BUSINESS**

Massachusetts town green book, portion of the book is dedicated to our town green. It will be on Chronicle Friday he is interviewed. He cheerleads for our town Common.

#### **11-19 Adams Farm Application, Fee Schedule, Mass Audubon Grant**

Mr. Wiley, Chairman of the Adams Farm Committee appeared before the Board to seek a change in the application for use, people are not removing trash. We added that they should remove the trash. The other issue came up in last few months, sign up and removing the sign, put in the middle of the trail. Stake sticking up out of the ground and they had to be asked to remove it. We added the paragraph. Signs to be removed.

MOTION moved by Mr. Salvatore to approve of the Adams Farm Application as amended, seconded by Mr. Gallivan, VOTED 5-0-0

Talked about Mass Audubon grant Nature in your neighborhood. I wanted to bring it to your attention . Mr. Gallivan thinks it will be great. Anything we can do to draw people out. That

will be great. Mr. Snuffer spoke of the Jarvis Farm Committee, where high in praise of your help. At some point, we know we want to look at rate and fee structures. Your friends of A. Farm have been active for decades. They are the fundraising arm. The Committee are the Directors. We are getting close to celebrating the anniversary. Mr. Wiley noted they have had discussion on a plan for the anniversary..

MOTION moved by Mr. Salvatore to encourage the AF Committee to have Mass Audubon to present at the farm for educational purposes, seconded by Mr. Gallivan, VOTED 5-0-0

Mr. Wiley explained the Committee wanted to keep it simple. No charge for those that are using it for a fundraiser for non profit use. Distinguish between residents and non residents. Comparison to other sites, nothing equivalent. These are town owned facilities that do charge and have various charges. Mr. Kraus questioned if they want to put an annual time on these fees so they are looked at these annually. These fees are subject to revision by the Board of Selectmen. Some take time to do in the future if costs escalate. Want to look at a new category or revision. Mr. Snuffer have the Lions Club going to continue. Mr. Wiley does not believe so. The last one the attendance dwindled. Mr. Salvatore wants to be sure the fundraising is not for themselves but for others.

MOTION moved by Mr. Kraus to approve of the Fee schedule for use of Adams Farm with the opportunity for revisions on an as needed basis, seconded by Mr. Gallivan, VOTED 5-0-0

#### 11-20 Council on Aging membership

Mr. Snuffer noted we have seen this before. Ms. Riley agreed, this is the 2<sup>nd</sup> time, I took it back as I did not post for thirty days. I posted if for over 30 days, and the Board voted. We currently only have 9 members on the Board and difficult for us to meet our quorum. Between 6-7 members attend, everyone has to show up. She thinks interest will increase once we move closer to a senior center. It is difficult for all members to show up.

Mr. Kraus noted in 2012 we created those bylaws. Mr. Gallivan agreed and believes they made the Board bigger and hope that it would spur interest. Discussion as to what the right number of members took place and it was explained that there are currently fifteen and would like to have nine. There are nine active members. (Mr. Stanton arrived at 7:15pm)

Mr. Salvatore questioned if there was an agenda that gave notice this vote was going to take place. You have the minutes. Did you vote the provision of the size? Ms. Riley stated yes they did. Mr. Gallivan attends a lot of the meetings and believes nine is a good number. They have a good Board and thinks it is a great opportunity to fund raise.

MOTION moved by Mr. Salvatore to endorse the change of membership that has been voted on by the COA from 11 to 9 and to endorse the change the bylaws amend the quorum to 5 ,seconded by Mr. Kraus, VOTED 5-0-0

#### 7:40pm **OPEN FORUM**

Ricardo Donnosoro, owner of Jalapeno's Grill spoke of the law which says that when someone serves a minor he is responsible for serving. He does whatever he can to prevent. We should try to amend the law, a person who serves a minor may get fired but they can get a job somewhere else. Once you start holding the person responsible that served. In Harvard CT they changed the law. Talked about the actions that would be taken. Asking for help. Called the state representatives. He is trying to fight this fight. He is asking for the Board's help or tell him they will not. Mr. Snuffer noted they are state laws and go to the state reps, present your information, whatever was successful in CT, you may want to gather that information, I can tell you that some of the most strict laws, are relative to liquor, not an easy battle. Start with an attorney, a representative and go from there. When the request comes provide the names of the aides. They are second in command are the ones that bring it to their attention.

11-21            **Transfer of Ownership of Signals/WalMart**

The Board discussed the easements. Attorney Macchi appeared before the Board at 8:10pm. Mr. Salvatore questioned this easement was interest in land whether an interest needs to be approved by more than this Board. Attorney Macchi explained this happened 5 years ago, the Walpole Mall had to put a light on Coney Street, multiple process seek approval of the Town and went to T. Meeting. In this case this happened for STM #31. This is the Town Meeting vote. The article authorized you to do this. The next was the grant of easement, corresponds to the article for the traffic signals, as that is required, Wal-Mart is giving the easement because the signal is on Wal-Mart property. The town to have the right to go on it. We worked with your engineering dept. and done in accordance with Walpole Rules and Regs. She had to be satisfied with timing of the lights.

Mr. Johnson read the comments from Counsel. To acquire the easement and signal and Wal-Mart make the final adjustments so we to not incur any costs. Attorney Macchi would rather defer it until we get the right language for motions.

11-22            **Grant of Signal Maintenance Easement**

No Action Taken

11-23            **WCTV Agreement**

Mr. Kraus explained the contract between the Town and WCTV , the contract reflects all revisions that were made in the workshop as well as the comments between the town and the Board. There were several meetings and the former Board of Directors of WCTV. Everything is in order. Mr. Gallivan noted on November 5<sup>th</sup> they had the new elections, they all signed the contract. It is the contract we all agreed to.

MOTION moved by Mr. Salvatore to sign the Agreement between the town and Walpole Community Television Incorporated dated November 5, 2015, seconded Mr. Kraus VOTED 5-0-0

Mr. Gallivan reported a lot of good things are happening. People have approached him about the new meetings that are being televised.

11-24            **One Day, Knights of Columbus**

MOTION moved by Mr. Kraus to approve the one day all alcohol liquor license for Knights of Columbus for November 21, 2015, seconded by Mr. Salvatore, VOTED 5-0-0

11-25            **One Day Entertainment, Fancy That**

MOTION moved by Mr. Kraus to approve the one day entertainment license for Fancy That on November 29, 2015, seconded by Mr. Salvatore, VOTED 5-0-0

11-26            **League School, Road Race**

MOTION moved by Mr. Kraus to approve the 5K road race and 1 Mile Walk for Autism on April 9, 2016, seconded by Mr. Salvatore, VOTED 5-0-0

11-27            **Use of A. Farm . Easter Morning**

MOTION moved by Mr. Kraus to approve the use of A. Farm for worship and breakfast on Easter Morning March 27, 2015, seconded by Mr. Salvatore, VOTED 5-0-0

11-28            **Chapter 90 Reimbursement**

MOTION moved by Mr. Gallivan to sign the Chapter 90 reimbursement request for \$190,934.00, seconded by Mr. Kraus VOTED 5-0-0

11-29            **Welcome letter**

MOTION moved by Mr. Kraus to sign the welcome letter and extend our greetings to Michael Romanul, seconded by Mr. Gallivan VOTED 5-0-0

11-30            **Amended Meeting Schedule**

MOTION moved by Mr. Salvatore to approve the amended Board of Selectmen 2016 meeting schedule, seconded by Mr. Snuffer, VOTED 5-0-0

MOTION moved by Mr. Kraus to adjourn at 8:30pm seconded by Mr. Snuffer, VOTED 5-0-0