

Regular meeting of the Board of Selectmen convened at 7 p.m. on Tuesday, April 7, 2015 in Room 34, the Harry B. Butters Chambers, Norwood Memorial Municipal Building, with the Pledge of Allegiance, and a silent moment of prayer and reflection. Meeting is Recorded.

Present: Selectmen Michael J. Lyons, Helen Abdallah Donohue, William J. Plasko, Paul A. Bishop and Allan D. Howard. Also present General Manager John J. Carroll, Clerk Frances L. Jessoe and Assistant Christina Mulvehill.

#### Reorganization

Chairman Lyons turned the meeting over to the Clerk, Frances Jessoe for reorganization. The Clerk called for nominations for Chairman.

Selectman Plasko nominated Selectman Bishop for the position of Chairman of the Board, Selectman Donohue seconded the nomination.

The Clerk then asked if there were any other nominations. No further nominations being offered, the nominations were declared closed. Voted was taken and the vote was unanimous to appoint Selectman Bishop Chairman.

The Chairman called for the appointment of Clerk of the Board. On motion of Selectman Donohue, seconded by Selectman Plasko, voted to nominate Mrs. Jessoe. On motion of Selectman Donohue, seconded by Selectman Plasko, voted to close nominations and voted unanimously to appoint Mrs. Jessoe.

Appointment by the Chairman of the Board of Norwood's Designee and Alternate Designees of the MBTA Advisory Board: On motion of Selectman Donohue, seconded by Selectman Lyons, voted to authorize the Chairman to appoint Anthony Mastandrea as Norwood's Designee and Bernard Cooper as Alternate Designee of the MBTA Advisory Board.

#### Appointments

##### 7:00 P.M. – Chief William G. Brooks III, NPD:

Reference was made to monthly report of department's activities.

Chief Brooks introduced a new officer to the Town, Officer Justin Hitchcock who graduated in February from the MBTA Police Academy, where he had earned a leadership award. Officer Hitchcock resides in Norwood with his family. He was a Navy Corpsman for six years and was deployed overseas. He is currently going through field training, which lasts three months.

Chief Brooks announced that two hundred seventy people passed the Police Exam on Saturday. The Department is no longer bound by Civil Service regulations and can therefore develop a hiring process. The Chief believes this new hiring process is a more dependable one than Civil Service. He will now look into the various skills and abilities of the people who took the exam and then will go through first phase of screening the applicants.

Selectman Donohue asked if not being in civil service hurts with getting officers trained. Chief Brooks said no, that this is a much shorter process and just three days after the exam, they are already looking at the candidates. He currently has three officers in the academy and they will graduate in August. He also has seats reserved in August. The Chief referred to the following incident: Someone standing on the roadside using a bb gun fired upon a school bus returning kindergarten students to the Prescott School. The bb hit one of the bus windows. The person who did it later turned himself in. He was arrested and charged with discharging a shot on a public way and malicious damage and assault. He will be tried at

Chief Brooks (cont'd)

Dedham District Court. It is not clear that the bb penetrated the window, it was not found in the bus. Chief Brooks explained that he is seeking to have the Department accredited, which is a very long process. Officer Chris Padden is in charge of that project for the department. They have undergone a mock certification and the true certification will be at the end of this month. If they pass, they will achieve state certification and after that, they have six months to become accredited.

Selectman Howard asked what is involved in the certification. Chief Brooks stated they have rewritten all of their policies from use of force, vehicular pursuit, using a Taser, booking prisoners, how we hire, how we promote, etc. The Chief estimated there are seventy policies and procedures in place currently. It is also to ensure that there are proper audits in place. He hired a company to come in and do evidence audit of the full evidence process. In addition, supervisors have to examine every use of force and write it up as either in or out of policy and send it to the Chief. Accreditation is really to see that the department is doing everything it should. There are very good officers working for the town.

Chairman Bishop asked about the length of time certification lasts. Chief Brooks said it lasts a year but the department will achieve accreditation within that time.

7:15 P.M. – Cont'd Cable Ascertainment Public Hearing-Verizon:

March 24, 2015 public hearing should be closed. No additional testimony has been received. Board should vote to direct Cable Commission to begin negotiations with Verizon for renewal of its current television license. Selectman Plasko stated that no one has come forward with any addition comments. On motion of Selectman Plasko, seconded by Selectman Lyons, voted to close the hearing. On motion of Selectman Plasko, seconded by Selectman Lyons, voted to direct the Cable Commission to begin negotiations with Verizon.

7:30 P.M. – Show Cause Hearing, Limey's Norwood Inc., dba Limey's Pub, 659 Washington Street:

Allegedly selling alcoholic beverages to an intoxicated person-violation of Section 69, Chapter 138 Mass. General Laws.

Submitting investigative packet from Det. Richard Giacoppo, ABCC Officer Norwood Police Department. Notice was read and show cause hearing was declared open as follows: As Owner and Manager of Limeys Norwood Inc., dba Limeys Pub, you are hereby given formal notice that the Board of Selectmen, as the local licensing authority of the Town of Norwood will hold a public hearing at 7:30 p.m. on Tuesday, April 7, 2015, in Room 34, the Harry B. Butters Chambers, Norwood Town Hall, to consider whether your All Alcoholic Beverages License should be modified, suspended or revoked on violation of Section 69, Chapter 138, Mass. General Laws, as amended, as reported by the Norwood Police Department, alleged selling alcoholic beverages to an intoxicated person. The basis upon which such action will be considered occurred on February 20, 2015. Enclosed is copy of the police report.

Present was David DeLuca, Esquire, Town Counsel and Detective Richard Giacoppo, ABCC Officer Norwood Police Department for the Town. Also present owners of Limey's Norwood, Brian and Mary Winstanley.

Chairman Bishop requested that anyone wishing to testify state his/her name to Town Counsel, Attorney David DeLuca. The Chairman then turned the hearing over to Atty. DeLuca. Attorney DeLuca stated he worked with Detective Giacoppo regarding this investigation and he will testify to his investigation, some of which information you have already. Limey's Pub is represented by the owners, Mary and Brian Winstanley. They are not represented by counsel. They will present evidence on their own behalf and the Board must decide if there is an offense, and if so, what to do about it.

Chairman Bishop clarified with the Winstanleys that they were aware they are entitled to be represented by counsel and they have waived that right.

Detective Giacoppo identified himself as a detective in criminal investigations with Norwood Police Department. This is his fifth year investigating alleged alcohol offenses and he has done dozens of

Limey's Pub (cont'd)

investigations. Attorney DeLuca asked if the investigation was ordered as a result of an investigation of an automobile accident. Detective Giacoppo agreed that it had and he gave summary of Officer Michael Richer's report of the incident that occurred February 20, 2015 at approximately 11:27 p.m. Officer Richer, along with Officers Farioli and Jurewich and Detective Sgt. Fundora responded to 618 Nahatan Street on report of a motor vehicle that had rolled over onto a snow bank and landed in someone's front yard. Upon arrival, the officers identified five individuals: Christopher J. Milone (operator), Sean Clarke (front passenger), Justin Paolino (rear passenger side), Luke Vigue (rear middle), and Gregory Donnellan (rear driver's side). There were no witnesses to the accident. Norwood Fire Department EMTs also responded and all parties denied medical attention at that point. Officer Richer had questioned the operator and the occupants as to where they were before the crash and all parties stated that they had just come from Limey's and they were going to Mr. Milone's house. Mr. Milone was the driver operating the vehicle. All parties reported that Mr. Milone was going thirty miles per hour, hit a patch of ice and slid into a snow bank and flipped over it into the front yard. Officer Richer smelled alcohol on Mr. Milone, and he noticed blood shot glassy eyes. He asked Mr. Milone what he had to drink and Mr. Milone stated he had two beers. Officer Richer asked Mr. Milone to perform standard field sobriety test, which Mr. Milone was unable to complete because he fell. Mr. Milone was placed under arrest for OUI alcohol and Mr. Vigue was placed in protective custody. Mr. Vigue was found to have alcohol on his person. Mr. Milone took a breathalyzer approximately one hour after the accident and recorded 0.14%. The parties cashed out of Limey's at 11:19 p.m. and the police responded to the accident at 11:27 p.m.

Attorney DeLuca asked if Mr. Milone had made a statement relative to what he had consumed that night. Det. Giacoppo stated he was questioned at the booking desk and asked if he had consumed alcohol and if he was intoxicated. Mr. Milone responded yes to using alcohol and said he had four drinks, but did not consider himself intoxicated. He then said that he had four hard liquor drinks at Limey's in Norwood Center.

Attorney DeLuca asked if Det. Giacoppo was notified of a violation of the liquor by-law. Det. Giacoppo said he was and he contacted the owners of Limey's and met with them in person. They gave him receipts from the parties involved. Det. Giacoppo stated his first involvement was on February 23<sup>rd</sup>. He assisted Officer Richer with the report. Officer Richer did obtain receipts from three parties but they were generic receipts without itemized breakdowns. The total bill for the party of five was \$129.00. The parties reportedly ordered some appetizers so the cost of the alcohol could not be determined. Selectman Donohue pointed out that \$129 is not a lot of money for five people.

Det. Giacoppo spoke with the Manager, Teresa Horgan who was present when he met with the Winstanleys. He also spoke with the servers who worked that night, Anthony Jeannetti and Stacey Bellavance. Ms. Bellavance recalled Mr. Vigue and Mr. Milone. She had shut off Mr. Vigue and had him cash out. She asked him if he needed a ride but he chose to stay at the bar with his friends. Ms. Bellavance did not see him consume any more alcohol. Det. Giacoppo conceded that was the proper way to handle the situation. Attorney DeLuca stated that was a recognition that at least one person in the party was intoxicated.

Det. Giacoppo said there was some question as to whether or not some of the employees were TIPS certified. Ms. Bellavance was certified and Mr. Jeannetti had a certification from a previous job but he was not sure if it was TIPS.

Attorney DeLuca asked for a timeline of the events of the evening. Det. Giacoppo stated the parties arrived at Limey's at 9 p.m. Mr. Vigue cashed out at 9:19 p.m. and again at 9:58p.m. when he was cut off. Mr. Clarke cashed out at 11:16 p.m. and Mr. Milone cashed out at 11:19 p.m. At 11:27 p.m., NPD responded to the motor vehicle accident. There was no indication these men were anywhere else during this time. Det. Giacoppo said in his opinion there had to have been service of an intoxicated person.

Selectman Lyons clarified there was a tab of \$129, and no indication of what types of drinks were bought and whether or not food was purchased. Det. Giacoppo stated the individual who was arrested said he was

Limey's Pub (cont'd)

drinking rum and coke and the individual who was put in protective custody said he was drinking Rolling Rock. They ordered appetizers. Mr. Vigue then stayed an hour with his friends after he was shut off. There was no alcohol in the car but he was carrying a beer with him. Selectman Lyons said there tends to be a standard that somebody needs to witness the intoxicated person on the licensed premises and he asked if that were the case here. Det. Giacoppo said that in this case he has had no witnesses come forward and say he was intoxicated. Selectman Lyons asked if the conclusion drawn from the short time line was that Mr. Milone must have been drunk at the bar. Selectman Howard asked if there was any evidence that they had consumed alcohol before they went to Limey's. Det. Giacoppo said he had no evidence to that effect but he could not talk to the arrested individual once he was arraigned. Selectman Howard said the bill did not seem like a lot of alcohol for five people so they could have been drinking before Limey's.

Chairman Bishop asked what brand of beer Mr. Vigue had in his pocket. Det. Giacoppo said it was a Fire Rock in his pocket but he had been drinking Rolling Rock at the bar. Limey's does not serve Fire Rock. The Chairman then asked about the road conditions that night. Det. Giacoppo reported that the roads were slippery, it was cold and there were snowbanks.

Mr. and Mrs. Winstanley spoke about the incident. Mrs. Winstanley explained that Mr. Jeannetti has corrected his statement about other people buying the party drinks. Instead, the party in question was buying other people drinks. Mrs. Winstanley stated she is glad there were no major injuries. She is sure the staff did what experience and training has taught them and that they did not serve anyone who was intoxicated. She said they held a meeting to discuss more stringent policies as they pride themselves on a safe establishment. She does not believe staff would let an intoxicated person drive home. They were told Mr. Vigue was waiting for a ride from a friend. He refused the cab ride offered to him by staff. Mrs. Winstanley has letters from Gil Oulette and Matthew Harrington who both spend time in the bar. Mr. Winstanley explained that they offer cabs to patrons all the time.

Selectman Donohue spoke about correcting the report. Mrs. Winstanley said they went over the report as a staff – Mr. Jeannetti said he stated that Mr. Vigue's party were buying drinks for other people but the report says other people were buying drinks for Mr. Vigue's party, which is incorrect.

Selectman Howard pointed out that management was not aware that bartenders were not certified and a person could have missed something because he was not certified.

Selectman Lyons asked if Anthony was TIPS certified in Florida but just could not get proof. Mr. Jeannetti was then recertified in Norwood. He asked if the staff thought the whole group was waiting to be picked up. Mrs. Winstanley stated that staff was told the whole group was waiting to be picked up.

Selectman Donohue suggested changing the system to include detailed itemization on the sales slips. Mrs. Winstanley agreed that was a good idea. There is no back-up system and she will look into a new system.

Chairman Bishop asked if there were other questions from the Board. Seeing none, on motion of Selectman Plasko, seconded by Selectman Lyons, voted to close the hearing.

On motion of Selectman Lyons, seconded by Selectman Donohue, voted 4-1 to issue a written warning and require that all staff members be TIPS certified. Selectman Plasko opposed.

New Business

Thomas J. McQuaid, Town Clerk:

On motion of Selectman Lyons, seconded by Selectman Donohue, voted to approve the following list of appointments.

Mark P. Ryan, Graves Custodian (Veterans)  
Matthew Walsh, Sealer of Weights and Measures  
Edmund W. Mulvehill, Jr. Soldiers Relief Agent

Thomas J. McQuaid (cont'd)

Henry Cerqueira, Animal Control Officer  
Patrick J. Mulvehill, Board of Appeal – Zoning  
Philip W. Riley, Esq, Board of Appeal- Board of Appeal – Zoning  
Paul Eysie, Associate Member, Board of Appeal  
James M. D'Espinosa, Building Code Board of Appeals  
Martha Pellowe, Board of Registrars  
Edmund W. Mulvehill, Jr., Fence Viewer  
Jeanne Babel, Industrial Development Financing Authority  
Mark P. Ryan, Airport Commission  
Leslie W. LeBlanc, Airport Commission  
James Malia, Constable  
Greg A. Pearce, Constable  
Julia Farah, Constable  
Pravin Chhanabhai Patel, Constable

Norwood Council on Aging:

On motion of Selectman Donohue, seconded by Selectman Lyons, voted to reappoint for two-year term (2) Thomas Tobin and Edmund W. Mulvehill. There is one opening and Frances Kenney, 269 Vernon Street is requesting appointment. On motion of Selectman Donohue, seconded by Selectman Lyons, voted to appoint Frances Kenney. Selectman Howard said she is very active at the Center and sees no reason to interview.

Economic Development Committee:

On motion of Selectman Donohue, seconded by Selectman Howard voted to reappoint for one-year term: William J. Plasko, Stephen P. Costello, Alan Slater, Scott Murphy, Thomas J. Wynne and Denis M. Drummey.

Annual Town Meeting Warrant:

On motion of Selectman Donohue, seconded by Selectman Howard, voted sign the Annual Town Meeting Warrant for May 11, 2015.

Robert Marsh, Treasurer & Collector:

On motion of Selectman Donohue, seconded by Selectman Howard, voted to sign MWRA I/I Local Finance Assistance. Total financial assistance is \$130,000 with \$58,000 being a grant and \$71,500 an interest free loan.

Nancy Costa, Norwood Evening Garden Club:

On motion of Selectman Donohue, seconded by Selectman Lyons, voted to approve request to place two sandwich board signs in Norwood to advertise annual Art in Bloom event at the Morse House on April 11<sup>th</sup> and 12<sup>th</sup>. The signs will be removed April 13<sup>th</sup> after the event. Selectman Donohue explained the event.

Jill M. Reddish, Verizon:

On motion of Selectman Donohue, seconded by Selectman Lyons, voted to file notice of upcoming change to FIOS TV Channel Lineup-subscribers will be notified by mail.

George S. Siegel, MD, 76 Beech Street:

On motion of Selectman Donohue second by Selectman Howard, voted to approve request to have annual neighborhood block party Memorial Day, May 25 and request that Beech Street from Bond to Winter be blocked off from 1 p.m. to 5 p.m.

John P. Flynn, Esquire, Murphy, Hesse, Toomey & Lehane, LLP:

Submitting Fiscal Year 2016 Town Counsel Services. If Board wishes to reappoint for fiscal year beginning July 1, 2015, services provided will be under same terms and conditions as apply in current fiscal year, expiring June 30, 2015. Contract attached.

On motion of Selectman Donohue, seconded by Selectman Plasko, voted to reappoint.

Boston Region MPO:

On motion of Selectman Lyons, seconded by Selectman Plasko, voted to file TRANS Report for April/May.

Norwood Personnel Board:

On motion of Selectman Plasko, seconded by Selectman Lyons, voted to file staffing study requested by the Norwood Airport Commission.

Cemetery Deeds:

On motion of Selectman Donohue, seconded by Selectman Plasko, voted to sign cemetery deeds:

Mary Puopolo, 223 Rock Street, Unit E8 to Lot C-816

Beverly A. DiFlaminies, 35 Elm Street to Lot C-1817

Hunain Karwashan, 112 Cedar Street to Lot C-1758

Marilyn Jones, 22 Evergreen Circle to Lot U-31

Janice Sloan Riolo, 45 Driftwood Circle to Lot C-1850

Theresa M. Doherty, 215B Olde Derby Road to Lot C-1804

Robert A. Wakely, Boch T. Inc.:

On motion of Selectman Donohue, seconded by Selectman Plasko, voted to approve request to change Class I License to include - dba Boch Toyota.

MassDevelopment, 99 High Street, Boston:

On motion of Selectman Donohue, seconded by Selectman Howard, voted to file notice of Public Hearing concerning the financing of a project for Riverside Community Care on April 8, 2015 at 2 p.m. at 99 High Street.

Student Government Day

On motion of Selectman Donohue, seconded by Selectman Plasko, voted to file notice that next week is Student Government Day – April 14.

Unfinished Business

Peter Lawhorne, MassDOT/RMV Division:

On motion of Selectman Lyons, seconded by Selectman Plasko, voted to file notice from Registry regarding notification of revocation of cab licenses. We have sent them the notification regarding 777, Inc. American Executive Taxi that this was revoked on February 3, 2015.

Memoranda

Selectmen's Meeting:

On motion of Selectman Lyons, seconded by Selectman Plasko, voted to approve as submitted Board minutes of March 24, 2015.

Field Users Committee:

On motion of Selectman Lyons, seconded by Selectman Howard, voted to file copy of correspondence to Capital Outlay Committee regarding request to light the upper field at the Coakley and address the artificial field at a future date.

Selectmen's Addenda

Selectman Lyons

Election

Congratulations to Selectman Plasko, Paul Donohue and Patrick McDonough. They ran good campaigns. It was three months of people doing work to get the vote out. Nineteen percent of registered voters turned out. That is too low. We need to try to figure out how to make it better, easier more enticing for people to show up to vote.

Friends of Norwood Center

They will be holding a meeting April 8<sup>th</sup> from 6:30 – 8:30 p.m. at the Civic Center. There are a lot of good things happening down town.

Selectman Plasko

Election

Congratulations to the victors and I agree with Selectman Lyons about getting people out to vote. We need participation throughout the town and throughout the year. Thank you for all efforts on my behalf. I am proud of my years of service to the town and will take this opportunity to work as hard as in the past or harder. I hope for a fruitful three years.

Selectman Donohue

Property Taxes

An article in the Boston Globe in February rated towns' property taxes – highest and lowest from fiscal 2015. Norwood is in the bottom five for tax rates.

Art in bloom

This weekend- April 11 and 12 at the Morse House featuring artwork by Norwood and Walpole students. There will be cookies, cakes, coffee, etc.

Beverly Deflamini

Happy birthday

Election

Thank you to the voters and those who worked at the polls. Thank you for electing her husband Paul – he loves the job.

Selectman Howard

Pilgrim Drive

Residents are asking about their sidewalk. The Manager will check it out.

Vernon Street property

The Manager has informed me it will be on his agenda next week so I will wait for that.

Snow farm on Dean St

Would like to propose a bylaw saying snow cannot be brought into Norwood and piled up in Norwood from outside the town.

Election

It was nice to see three races this year. Congratulations to Selectman Plasko and the others.

Chairman Bishop

Election

Congratulations to all parties that won. Thank you to Tom McQuaid and the Clerk's department.

Manager's Agenda

DPW summer job lottery

Mr. Carroll outlined the summer job lottery program and the eligibility requirements. The application deadline is April 23 and the names will be drawn April 28.

Student Government Day

The Manager provided the Board with the profiles of the students who will be acting as Selectmen on Student Government Day.

Snow and Ice Update

Mr. Ryan is trying to keep the Board and the public up to date. Total expenditures this year over \$2,057,000. The Manager mentioned the railing around Chapel Street Park. It has been damaged and needs repair. The Town is applying to MEMA and FEMA for reimbursement.

National Grid will be installing a gas line this weekend

The Manager gave a brief outline of the project stating they are trying to do this work when there is not a lot of traffic.

Manager's Executive session

The following item was presented for Executive Session, but was handled in open session.

GIC.

Selectman Plasko and Selectman Donohue will continue on the insurance committee.

Adjournment

No other business being presented for discussion, on motion of Selectman Donohue, seconded by Selectman Plasko, voted to adjourn and the meeting was adjourned accordingly at 8:28 p.m.

A True Record.

ATTEST: \_\_\_\_\_  
Assistant