

Regular meeting of the Board of Selectmen convened at 7 p.m. on Tuesday, June 14, 2016 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: Chairman Allan D. Howard, Selectmen William J. Plasko, Helen Abdallah Donohue, Paul A. Bishop and Thomas F. Maloney. Also present General Manager John J. Carroll, Clerk Frances L. Jessoe and Assistant Christina Mulvehill

Appointments

7:00 P.M. – Ernie Boch Jr.

Mr. Boch presented a check for the Andrew and Ernest J. Boch Memorial Fund – 2016, in the amount of \$ 30,500.00 to the Board to be donated to worthy organizations. Chairman Howard thanked Mr. Boch. Mr. Boch explained that he makes this annual donation in honor of Ernest and Andrew Boch and it is a tradition he would like to continue. He asked Selectman Donohue to remind him about this donation if he forgets in the future. Selectman Donohue thanked Mr. Boch and asked him to speak about Music Drives Us. Mr. Boch said Music Drives Us is a registered foundation which donates money to the six New England states to be used for things such as music therapy, instruments, teachers, etc. Mostly the foundation tries to keep the music in the schools because music helps people and can change lives. To date they have donated over \$ 1,000,000 to schools. Tomorrow they will be in Waltham to donate instruments to the schools in town. August 13, 2016 will mark the ten-year anniversary of Music Drives Us and there will be an event at Mr. Boch's hangar at Norwood Airport hosted by Gene Lavanchy. Chairman Howard announced that applications for Boch Fund donations are available online, in the Selectmen's Office and the Manager's Office, and must be received in the Selectmen's Office by Thursday, July 7th and awards will be announced at the Board meeting Tuesday, July 12th.

7:05 P.M. – Aetna Ridge Company, Bryan D. Blackerby, Project Manager:

Re: Repair/rehabilitation of Franklin Line over Guild Street

Mr. Ryan began by introducing the members of the team: Enrique Espinosa, Resident Engineer, Linda Haagar, Project Manager, Steve Schwartz, also from MBTA. Mr. Blackerby began by stating he has met several times on this project with a small group from town. He gave a general overview of the project. The bridge is going to be replaced in a couple of different phases. Phase I of the project will be the demolition of the abandoned two tracks, which are no longer in use. The granite abutment walls will be strengthened with tie backs and there will be a concrete facing poured over those. While this is all happening, in the parking lot adjacent to Regal Press, the bridge will be prefabricated and pre-built and we will choose a weekend most likely in the spring, and the tracks will be shut down for the weekend and the new bridge will be rolled into place; the new pre-cast bridge components will be installed, and the tracks will be live to the Monday morning traffic. He anticipates construction will start probably in the beginning or middle of July. There will be some down time in the winter and they will finish again next spring or early summer. Chairman Howard was at the meeting with the team, and from his perspective, that it would be better, even if they had to close down access going through there during the daytime to get more work accomplished and therefore not work at night if possible. The Chairman asked if it was the feeling of the rest of the Board that the work be done not at night but during the day which would cause a total closing of the street to get the work done as quickly as possible. Selectman Bishop asked Mr. Blackerby, once the project is started and as far as noise is concerned, if is this something to be done in a short period of time or will it drag on for six months. Mr. Blackerby said that based on the construction sequence and the activities, the noise levels will be sporadic. There will be some activities performed during the day, one of which being the tie backs and for safety concerns they feel that closing Guild Street would be best rather than trying to sneak traffic by. He went on to say that at that meeting their presentation was based on the closure he had proposed working on a night shift to lessen impacts to traffic and it was the general consensus of the Board of Selectmen and police that doing this work during

Aetna Ridge Company, Bryan D. Blackerby, Project Manager-(cont'd):

the day would be best. There will be work in July, August, September during the day that will be somewhat noisy. The remainder of the work will be performed in the Regal Press lot; mostly steel erection. There will be one to two nights of demolition during Phase I which will be early July. That will be the removal of the bridge and should not be too loud. The one weekend when they do the shutdown to replace the bridge will be higher noise levels. Chairman Howard mentioned drills being loud equipment. Mr. Blackerby agreed and that is part of why they are here, to discuss the preference to do this work during the day. The neighbors on Plimpton are in close proximity and as part of the specification with MBTA they have done some background noise monitoring and will monitor during the project as well. Selectman Plasko asked Mr. Blackerby if he were proposing the work be done in the daytime, because he originally proposed nighttime. Mr. Blackerby agreed. The original contract plans called for this to be done during the day in a very short window and with a single lane closure. But it can't be done with a single lane closure. Selectman Plasko said they were talking the abatement tie back installation portion. Mr. Blackerby agreed and said that this work based on the size equipment that must be used would close down Guild Street. Selectman Plasko asked if he was proposing closing down Guild Street for 170 days. Mr. Blackerby said no, that there are two scenarios to be looked at with the tie back installation. If This could be done during a daytime shutdown from eight in the morning until 4:30 or five in the afternoon, they should be able to get that done in about five weeks. Otherwise, it would take more like eight to nine weeks. Selectman Plasko said eight to nine weeks closed in the evening compared to five weeks in daytime. A lot of traffic goes through that bridge. Mr. Blackerby said they have a foreclosure for an eight hour window whether it be day or night and they should be able to get it done in five weeks. He said they are willing to work day or night, it doesn't matter to them but he thinks the general consensus of those involved in that previous meeting felt that daytime would be better for the public. Selectman Plasko said he was disappointed at the period of time as he thought this was going to be a faster project, but this probably won't be totally completed until next August and that is going to cause problems. Selectman Bishop asked if the week would be five days or seven days. Mr. Blackerby said it would be a five day week – Monday through Friday- with the road open on the weekends.

Selectman Plasko asked Mr. Ryan if he had an opinion on whether the work should be done during the day or the night. Mr. Ryan said they talked at the meeting about nighttime being too invasive to the neighborhood and felt the day closure would be ok but five days a week from 8 a.m. to 5 p.m. the traffic would be detoured and the entire street would be opened at the end of the weekday and for the duration of the weekends. He said doing a total shut down would be best to expedite this project and not be intrusive to the neighbors. Selectman Plasko asked what the detour route would be for the traffic coming down Lenox Street towards Guild. Cross Street to Pleasant will be the detour route. Selectman Bishop added that the Police Department can enforce any speeding issues in the area.

Selectman Donohue asked Mr. Blackerby if he had thought of talking to the owners of the Plimpton press property and ask them if they would be kind enough to remove the barriers at the entrance to their property. Mr. Blackerby said he would do that.

Selectman Maloney asked what the Board is being asked to decide. Chairman Howard said on the floor right now should be a motion about nighttime work versus all day. On motion of Selectman Bishop, seconded by Selectman Maloney, voted 4-1 in favor to eliminate all nighttime work and go with 8 am. to 5 p.m. schedule five days per week. Selectman Plasko opposed.

Mr. Blackerby, for clarification, stated that there would be some work which will have to be performed at night. The demolition work, because of the schedule with the trains and also the weekend shut down for placing the new bridge. And for clarification Selectman Bishop amended his motion, seconded by Selectman Maloney, to eliminate nighttime work except when required.

Mr. Blackerby encouraged people with questions to contact one of the members of the team. There will be an office trailer on Sansone's and the MBTA will be at 49 Walpole Street.

Aetna Ridge Company, Bryan D. Blackerby, Project Manager-(cont'd):

Selectman Plasko asked if any staging work would be going on at Sansone's but Mr. Blackerby said all of the work will be done adjacent to the Regal property.

The Chairman asked the public for comments. Madeline Eysie asked when the project would start and finish. Mr. Blackerby said the tentative plan is to start in early July with a final completion date in May 2017. There would be roughly ten months of construction. Mr. Blackerby said aside from the one weekend shut down, the commuter rail will run as usual. During the closure, MBTA will provide bussing. Chairman Howard requested direct advanced notice of the closing and Mr. Blackerby agreed, stating he would give one month's notice.

7:30 P.M.—P.H. Minas Café Inc. 1241-1243 Washington Street:

Application of Manoel Isaac da Silva Neto for a Wine & Malt Beverage License in the South Norwood Business District. They currently hold a CV License.

- a. Paul Halkiotis, Director of Community Planning & Economic Director
 - (1) Submitting comment
- b. Supt. Sigalle Reiss, Board of Health
 - (1) Submitting comment
- c. Building Inspector Mark Chubet:
 - (1) Submitting (2) letters regarding Mina's.

Notice was read and public hearing was declared open on application which has been made to the Licensing Board of the Town of Norwood for a Restaurant Wine and Malt Beverage License for Minas Café Inc., Manoel Isaac da Silva Neto, Manager of the license under Section 12, Chap. 138 and Chap. 140 of the Massachusetts General Laws, as amended, for the sale of Wine and Malt Beverages to be drunk on the premises having an address of 1241-1243 Washington Street being a portion of the premises listed on the Norwood Assessor's records as 1237 Washington Street, Norwood, Massachusetts which is in the South Norwood Business District. Description of the premises is as follows: One story building-no outside area-first floor to be licensed, 1 public entrance/exit, 3 emergency exits; 2 dining rooms (1656 s.f.) 1 office(144 s.f.); kitchen(1000 s.f.), hallways (250 s.f.); 1 locked storage area (56 s.f.); 4 restrooms (2 male, 2 female) (132 s.f.); counter/cashier/shelving space (107 s.f.); walk in refrigerator and freezer (80 s.f.)-total first floor square footage-3425 s.f. License pursuant to C44, Acts of 2016.

Chairman Howard explained this is a restaurant that currently has a CV license, and they are have an application in for one of the special legislation license wine and malt beverage licenses to be issued to South Norwood. Attorney Hern introduced himself, stating that he represents Minas Café. He introduced Manoel da Silva, who is the proposed manager, and Gustavo da Silva, who also has a role in running the restaurant. There are various other members of the family present in support of the application. Attorney Hern reminded the Board that in November of 2014, Town Meeting voted overwhelmingly to petition the legislature for up to four additional licenses for service of beer and wine in South Norwood. This was approved by the legislature and signed by Governor Baker earlier this year thus creating additional licenses in the South Norwood Business District. The da Silva family has operated Minas Café at 1241 Washington Street for twelve or more years and during this past year they expanded into the space referred to as 1243 Washington Street. There has been a restaurant at that location for close to forty years. This family has operated their restaurant there successfully for years. It is a local restaurant that attracts local people for lunch and supper as well as people who come from other towns. They have found that they would do better and it would be better for the economy of the neighborhood if they could have the same advantages as restaurants in the Central Business District that is to have a license to serve beer and wine to customers. Attorney Hern said the applicants are asking for one of those beer and wine licenses to be able to operate in their restaurant. They would like to be able to be open until 10 p.m. in the evening. Right now their business is about seventy percent eat in and about

7:30 P.M.—P.H. Minas Café Inc. (cont'd)

thirty percent take out. They are aware that the regulations would not allow take out of alcoholic beverages. The majority of the business is people who come and stay to eat. The regulations do require that anyone being served must have ordered a meal, so this is not a bar, it is a restaurant. Attorney Hern and his clients have reviewed the recently adopted regulations that are really an extension of the regulations in the central business district, and they understand the requirements and restrictions. This is a family run operation and both gentlemen, here, along with their father, have long experience in the restaurant business. Attorney Hern referred to a memo submitted by Town Planner Paul Halkiotis commenting on the application and why he believes this would be helpful to the restaurant and the general economy of South Norwood. His clients have gone through TIPS training recently and been certified and have experience working in establishments serving alcohol. Attorney Hern spoke about the proposed redevelopment of 83 Morse Street, and one of the goals of the people developing that is to be able to bring in businesses that will then fertilize the businesses along Washington Street., and a restaurant that can offer beer and wine to patrons is one of the things that attract businesses to the site being redeveloped.

Selectman Donohue said her question is the plan of record. She asked Attorney Hern if he agreed that the parking lot is located in a business zone. He agreed that the property is partly in a business zone and partly in a residential zone. The zone line runs through this property; the business zone is back from Washington Street. Selectman Donohue asked Atty. Hern if he agreed the building is located in a general residence zone. Attorney Hern said he thinks it is and that was authorized by the Zoning Board of 1970. Selectman Donohue said there were other Board of Appeals decisions and that original decision in 1970 describes the premises as a 3,000 square foot structure with a 30x60 convenient mart, 20x60 drug store, 22 x 60 cleaning establishment and another store 20 x 60 and the whole building is 60 feet by 124 feet. She said there was another decision in 2003 that she would like to look at and in that decision of 2003 it allowed for the restaurant. She said she looked at Norwood Zoning By-law under the use table and it talks about the restaurant use but does not specifically address alcohol use. Selectman Donohue went on to say The town of Norwood does not allow use variances anymore. She said her question is a legal one. There is no doubt that these are wonderful people and hard workers. She is a customer of the restaurant and their food is as good as the Brazilian steak house on Cambridge Street in Boston. She said her questions is whether there is some kind of case laws that allows alcohol to be served in a general residence zone.

Attorney Hern said he understands her concern on this. He explained that in 1979 there was correspondence between the Selectmen and the Zoning Board on the question of a restaurant being located in that building and it went forward and this Board granted a common victualler license back at that time and has repeatedly granted CV licenses to restaurants as recently as last year when his clients expanded their premises. On the question of whether the zoning by law speaks to alcohol use or any other type of restaurant use, the answer is “ no it does not”. He has looked at the zoning by law and the word alcohol or alcoholic appears four times and every mention of that is within the marijuana dispensary section of the by law. The use of property as a restaurant is use as a restaurant whether it is a restaurant that serves alcohol or a restaurant that does not. That is not within the purview of the zoning board. It is within the purview of this board whether to grant the license but the fact that the words restaurant service alcohol is not mentioned in the zoning by law is really immaterial. The zoning by law also does not mention package stores, it only mentions retail stores, and then it is up to the licensing authorities to decide whether a package store may be allowed in a retail district. Whether or not alcohol is sold for consumption of the premises or sold otherwise is not affected by the zoning by law. There is nothing in the case law and nothing in zoning by law of this town that refers to the use of a restaurant being different if it serves alcohol or does not. It is up to this Board to determine whether his clients will be licensed. The use exists, and he grants that it is an unusual situation that part of this property is located in a residential zone but that decision was made forty plus years ago and reaffirmed in January of 2003 when the Zoning Board allowed that. If someone objected to that they could have appealed but they did not so the decision stands and this particular use as a restaurant is completely appropriate; it is a legal, non-conforming use, or in lay terms we would say it is grandfathered. Mr. Chubet takes the position also that

7:30 P.M.—P.H. Minas Café Inc. (cont'd):

this is a pre-existing non-conforming use. So the question of the alcohol use is not a zoning question, it is a question for the Board of Selectmen. Selectman Donohue said that in her comments she stated the same thing that he just said; that she has no question that the restaurant use became legal when it was approved in 2003. In the beginning they weren't even allowed to sell food to go. She is talking about the use table in the zoning by law it says no about restaurants in a residential zone. If you take that a step further, this alcohol use is an additional extensive use. She quoted Mr. Chubet's letter stated that the use was approved. She then read from the June 14th letter in which Mr. Chubet states the by-laws are silent with respect to the serving of beer and wine and it may be appropriate to seek opinion from Town Counsel. She said Counsel could look at the case law and maybe find answers to the questions. Attorney Hern referred to the other letter from Mr. Chubet which she was quoting where he says that with respect to the application for a beer and wine license, to the best of his knowledge, the serving of alcohol on the premises would have no bearing with respect to the zoning by laws of the town of Norwood. Attorney Hern went on to explain that although he feels it is unnecessary to do so, if the question were to be put to town counsel it would be whether the zoning by law makes a distinction between a restaurant that serves alcohol and restaurant that does not serve alcohol. The question of whether anything can be served in a residential zone, that ship sailed in the 1970s when a CV license was issued and in 2003 when the zoning Board confirmed that a restaurant could be there. So the only question now is whether this board believes that the licensed restaurant owner can have a beer and wine license, which is something that Town Meeting voted for. Selectman Donohue asked how many square feet were in the original Minas and how many it is now. Attorney Hern said originally it was 1800 square feet and now it is about 3400 and pointed out that the CV was subsequently granted to that entire space by the Board of Selectmen last year.

Selectman Bishop agreed with Attorney Hern, stating that the issue of the liquor license and the issue of the zoning are two separate issues and at no point in time do they go hand in hand. Chapter 138 has nothing to do with zoning regulations. It has already been stipulated by the Building Inspector that this is a legal preexisting non-conforming situation and as such that is what this Board has to look at. They have every right to step forward and request a liquor license.

Selectman Plasko said on the points that were raised so far, he agrees with Attorney Hern. This is a pre-existing use that is allowed by the Zoning Board of Appeals. The issuance of the liquor license is the responsibility of this Board and in reviewing Chapter 138 he found no reference to zoning or anything of that nature, it is simply the rules and regulations around the use of this licenses and it is up to the town and its zoning where is the appropriate place to allow these licenses. When we issue an on premise license, it is always to a restaurant because part of the requirements of the law is that food will be served.

Selectmen Bishop added that as Selectmen they are in the business of economic development as much as the town planner and we should try to encourage business and keep it going. This has been approved 2-1 at Town Meeting so the town wants this to happen and we have an obligation to make this happen.

Selectman Maloney said that thanks to the dialogue of Attorney Hern and Selectman Donohue, he is satisfied that this board has the authority to make a decision in terms of the zoning matter and the advisability of the application.

Chairman Howard opened the hearing for public comments.

Madelyn Eysie is a neighbor and she pointed out that this is a wine and malt beverage license. This is an owner operated family business. This is a business and a family to emulate. This is a family that is to be respected and looked up to. She handed out a list of licenses that are alcohol showing the difference. She had dinner there the other night and it warms her heart. These people have created a wonderful economic opportunity. She is in support of the license. Nancy Kaufman who has been a resident of Norwood for twenty years, spoke in favor of the license. There are quite a few empty storefronts in Norwood. She has been going to Minas for years and has brought friends and family there. Having a beer and wine license would enable them to grow. She is in support of the license.

7:30 P.M.—P.H. Minas Café Inc. (cont'd)

Michael Saad is a direct abutter. He said they had a meeting at the Morse House six months ago with this group and he asked now what the proposed hours of operation are. He went on about Olympic Pizza opening in 1970. He owns a building directly abutting the property and feels it would affect the quality of life of his tenants.

Chairman Howard pointed out that there are very specific requirements with this license. You cannot have a bar in the restaurant, a person cannot come in and just drink beer or wine, they must have a meal. There are a dozen requirements that come with this special license.

Jim Rossetsky said his property at 15 Allandale Parkway abuts this location. He has had the pleasure to know them and they are fine people, and as an abutter he supports the license. Donna Montgomery ate there last week for first time was impressed with how clean it was and how good the food was and she also supports the license.

Paul Eysie, member of the South Norwood Committee, is the owner and landlord and he explained that when the building was built in the seventies it was good for the neighborhood. He said he is hands on in South Norwood with properties all over. If Mr. Saad or anyone else has any concerns with the Eysie properties they can call his cell phone; he is at the properties every day. Mr. Eysie mentioned the granting of a license in a residential zone and pointed out that the Old Colonial on Savin Avenue sits completely in a residential zone. This property being discussed is in a mixed use zone. He asked the Board to support this application and give the family the tools they need to run a successful family restaurant and make Norwood a better place to live.

Bruna Pacheco, a friend of the family spoke on behalf of the da Silva family. They went to Catholic school together and she spoke about their character, their great food. Their restaurant is a great place for the Brazilian community. She lives on St. Paul Avenue and is fully in support of the license.

A gentlemen that runs the laundromat with his wife next to the restaurant stated that he has been doing this for 12 years. He said Mr. da Silva senior came in and rescued the place and turned it into a class operation. He watched them grow up and individually they are great people. They have a brother who served in the Army and protected us and we should give a lot of credit for that. This would be something for us to give back to the family and look at them as role models in South Norwood. He said he has been there for a long time.

Patrick Mulvehill, member of ZBA said he sat on that Board in 2003. He echoed Selectman Bishop's statement that this action was enacted in 2014 by a 2 to 1 vote of Town Meeting and is exactly what the Town wanted to happen. He spoke about the Mr. Eysie, stating that he is putting almost \$250,000 into that building in renovations to make it a showpiece for the community and this will be a beautiful setting.

Selectman Donohue asked if the two brothers both work in the restaurant and how many hours per week. Mr. da Silva said both brothers work there six or seven days a week and do ten to twelve hour shifts.

Selectman Donohue made a motion to refer this question to Town Counsel for a determination as to whether or not granting them a beer and wine license is allowed in a General Residence zone. There was no second to the motion and the motion failed.

Selectman Plasko referred to the plan of the premises, which shows a counter with eight seats and this license allows table service only. Attorney Hern explained that plan was prepared before those regulations were adopted. His clients had explained that sometimes people come in and eat alone and they would rather sit at a counter than take up a table that seats four people. Selectman Plasko said he appreciates that, he eats alone often in public restaurants and he likes to sit at the counter, but in keeping with these laws, and our regulations for these licenses you would have to eliminate that counter and replace it with tables. Attorney Hern said they could remove the seats but not the counter as they

7:30 P.M.—P.H. Minas Café Inc. (cont'd):

use it for other things. Selectman Plasko said as long as people are not seated at the table and you are not exceeding the seating capacity that is ok.

Selectman Plasko asked if they would change the suggested hours of operation and close at 9 p.m. instead of 10 p.m. Gustavo Silva said on the weekend they could close at 10 and if it becomes an issue that they need more time. Selectman Plasko said it could be last call closing at a later hour but service stops at 9 Sunday through Thursday and 10 on Friday and Saturday. That would be last call for alcohol service.

Selectman Donohue asked if they are going to continue to serve the food the way that they do. Gustavo said the idea is to keep it the way it is now, and depending on an increase in volume, they would add a menu. Selectman Donohue said in the regulations it says table service. Selectman Plasko and Attorney Hern both clarified that that applies to service of the alcohol and that is how it would be. The regulations don't require service of food at the table. Attorney Hern explained the system they would employ with a beer and wine license. Alcohol would be ordered by a seated patron and delivered by a waitperson in conformance of the regulations.

Selectman Bishop said for those who are thinking the Ponderosa is coming back, that is not the case. What is before this Board is the American dream. These people have worked day in and day out with the goal of making it the best restaurant it could possibly be.

Selectman Donohue said the reasons that she raised these concerns that she has is because there are other people who live in houses close to this site. Everyone has great respect for the Eysie family, but if this were another section of town, and another circumstance and a business entity was going to put an alcohol use in a residential zone, this hearing would have gone differently but this is America and we consider cases according to facts. It is her job as a representative of all the people of Norwood to make sure that the Town of Norwood laws are in place and enforced.

On motion of Selectman Plasko, seconded by Selectman Bishop, voted to close the hearing.

On motion of Selectman Bishop, seconded by Selectman Plasko, voted to approve this liquor license with the elimination of the counter seats and with the adjustment of hours, but leaving the option to come back at another time to request an increase of hours. The hours would be Sunday through Thursday service of alcohol until 9 p.m. and Friday and Saturday service of alcohol until 10 p.m. Selectman Plasko added those times would be last call. Selectman Donohue moved to amend the motion to add there would be no entertainment licenses granted to the premises. Selectman Plasko stated there was no such application in front of the Board. That would be a separate application process. There was no second and the motion failed. The Board voted 4-1 in favor of the original motion, granting the license with adjustment of hours and removal of stools. Selectman Donohue opposed.

\

8:00 P.M. – Water & Sewer Rate Committee:

Mr. Carroll began by saying that the Water and Sewer Rate Committee is obliged to recommend to the Board rates which will be self-sustaining, meaning the revenue collected would be entirely enough to offset the expenses incurred in our operation of water and sewer. One of the major factors is the charges imposed upon the town by the MWRA, which is about to adopt water and sewer charges for all sixty of its communities. The Water & Sewer Rate Committee is recommending an increase of 1.2% as the MWRA increase in Norwood will be 1.5%. The committee is also recommending adoption of a special rate recovery schedule for a particular company in town, Home Foods, because they have a particularly high BOD from their waste.

Selectman Donohue asked why Home Foods was being given a special rate. The Manager said they produce a special kind of waste which eats up the oxygen in the water and the MWRA has a special rate for companies that do that. Their rate would be higher. Mr. Cooper added that the Town is surcharged

8:00 P.M. – Water & Sewer Rate Committee-(cont'd):

because of one specific user. In the past when this was the case, the town passed those costs on to the company generating that surcharge.

Selectman Donohue thanked all who were involved with the process and expressed pleasure that the increase is only 1.2 %.

Selectman Bishop asked Mr. Woodcock if the average family in Norwood would be using 224 gallons per day. Mr. Woodcock said that is probably high. The cost is approximately \$.04 per day.

On motion of Selectman Plasko, seconded by Selectman Donohue, voted to adopt revised water and sewer rates in accordance with the 2016 report of Woodcock and Associates and adopt water and sewer rates effective June 1, 2016. On motion of Selectman Plasko, seconded by Selectman Bishop, voted to adopt a cost recovery schedule for high-strength wastewater users, as determined and assessed to the Town by the Mass. Water Resources Authority, by dividing and billing the total amount attributable to each individual user into twelve equal monthly payments.

New Business

William P. O'Donnell, Norfolk County Registry of Deeds:

On motion of Selectman Bishop seconded by Selectman Donohue, voted to file notification that he will be holding office hours at Norwood Town Hall in the Robert M. Thornton Conference Room (Fin Com Room) on Thursday, June 16, 2016 from 10 a.m. to 12 noon. Registry staff will be there and he will answer questions and discuss benefits of the Mass. Homestead Act, etc. They will also have internet ready computers to print recorded deeds, etc. Donohue thanked the register for bringing this service local.

Marie A. McHugh, Norwood Arts Council, Vice President:

On motion of Selectman Plasko, seconded by Selectman Bishop, voted to file notice that this will be the 37th year they have sponsored SUMMERFEST concerts which will start on Wednesday, July 6, 2016 at 7 p.m. and continue over the next seven Wednesday evenings in July and into August. Selectman Donohue thanked Ms. McHugh for the service the Council provides.

Greg Franks, Sr. Manager, Government & Regulatory Affairs, X Finity:

On motion of Selectman Donohue, seconded by Selectman Bishop, voted to file notice of channel changes occurring on July 28th.

Cemetery Deed:

On motion of Selectman Donohue, seconded by Selectman Bishop, voted to sign:
Aurore Martins, 149 Pleasant Street to C-1882.

Norwood Portuguese Club:

On motion of Selectman Bishop, seconded by Selectman Donohue, voted to approve request for one day Wine and Malt Beverage license for Sunday, June 26 from noon to midnight at the Portuguese Club and rear parking lot.

Murphy, Hesse Toomey & Lehane, LLP:

- a. On motion of Selectman Plasko, seconded by Selectman Donohue, voted to file notice of changes to the Public Records Laws.
- b. On motion of Selectman Plasko, seconded by Selectman Donohue, voted to file overview of amendments to public records law-each municipality must designate at least one Records Access Officer. Attached is list of responsibilities, etc. and forward to Manager to suggest designee.

New Business-(cont'd):

Lilly & Beau, 61 Endicott Street, Erica Young:

On motion of Selectman Donohue, seconded by Selectman Bishop, voted to reinstate Junk Dealers License for Lilly & Beau and to ask Town Counsel if we can charge a fee if licensees do not respond to renewal before the expiration of the license.

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

For signature of the Board if approved (2) copies of Town Counsel Services, Workers' Compensation services, and Labor Counsel services for the Town of Norwood for Fiscal Year 2017, July 1, 2016 through June 30, 2017. On motion of Selectman Plasko, seconded by Selectman Bishop, voted to table until June 28.

Michael Gearty:

Submitting e-mail with photographs regarding outdoor damage to basketball courts at the Savage Center due to weather and misuse. The Manager said these courts are school courts but Mr. Riccardi, Mr. Cooper, and he are trying to get wrap around padding for the poles. Selectman Plasko suggested tabling until Gerry Miller is in again and mentioned the letter states the Town has not kept the courts up but there is an agreement between the Town and Norwood Basketball Association on the maintenance of this court. On motion of Selectman Plasko, seconded by Selectman Bishop, voted to table.

Susan Clare, 396 Washington Street:

On motion of Selectman Donohue, seconded by Selectman Maloney, voted to approve notice that they will be having their second annual cookout on Saturday, June 25 from 4 to 8 p.m. with a rain date of Sunday, June 26 from 4-8 p.m. and request to partially block Warren Street extending from Philbrick Street to Granite Street.

Roxy Hepburn, President, BSA Venture Crew 420, First Congregational Church:

On motion of Selectman Donohue, seconded by Selectman Bishop, voted to approve request for car wash on Saturday, July 16, 2016 from 10-3 at the parking lot across from the Civic.

Unfinished Business

Selectman William J. Plasko:

- a. Submitting information and changes regarding Host Agreement for Middlesex Integrative Medicine
- b. Submitting Agreement with MIM for the signature of the Board.
- c. Submitting letter of non-opposition to MIM to be signed by the Chairman. Chairman Howard asked to pass the gavel to Selectman Bishop, in order to make a motion to oppose the marijuana dispensary coming to Norwood. Selectman Plasko said with all due respect that that is not at all necessary, that what the Board is doing now is proposing new regulation as it has been finalized by the Board's vote. Selectman Plasko said his intention was to make a motion to accept and sign the host agreement, in which case the other members can make their arguments for or against it.

Selectman Donohue asked if the Board were to sign the agreement and letter of non-opposition, what their status would be. Selectman Plasko said they would go to the next level which is a site review and approval by the Department of Public Health, which will now review the rest of the application as well. The proposed location is 76 Astor Drive which is in the old Norwood Arena property.

Selectman Donohue asked what the Board has done to ensure this is the company they want to come to Norwood. Selectman Plasko explained that this Board met with them and asked him to speak with them further, which he did. The more technical background checks and financial checks were done by the

Selectman William J. Plasko-(cont'd):

DPH. He added that this Board has approved two in theory. Right now there is one other organization that we have given preliminary non-opposition to and they are without a site at the moment.

On motion of Selectman Plasko, seconded by Selectman Maloney voted 3-2 to approve the host agreement as presented to the Board this evening and authorize and direct the Chair to sign the non-opposition letter that has been drafted. Chairman Howard and Selectman Donohue opposed. Selectman Howard said many things have come to light and many police officers say marijuana is the gateway drug and he feels he made a mistake voting for it. He spoke about some of the problems that have occurred lately. He feels people could be helped by this but they could go to other towns to get it.

Selectman Plasko stated he also has concerns about abuse but that is a matter of enforcement that is not to deny the people who can benefit by this which has already been voted by the public and is law in Massachusetts. If these problems are going to occur, they are going to occur whether there is a dispensary in Norwood or not. Sharon has a host agreement right down the street on Route 1. Selectman Plasko submits that the regulation of the state, our by-law, and general regulations will control the operations of the dispensaries. Norwood Record did an article about host agreements in May. They contacted the city of Salem if there had been any problems around the medical marijuana dispensary there and the answer was no. This is an opportunity that is going to happen anyway because the law exists.

Selectman Maloney said one of the criticisms of the Board of Selectmen has been that the Board has not been preemptive or proactive enough on some of the tougher issues, particularly the 40 B legislation. He is not sure if that criticism is fair but it is out there. He thinks this agreement and the Board taking a proactive approach is a wise move. There is nothing that says we would not be getting a medical marijuana dispensary if we simply said we don't want one. There is nothing that guarantees that we won't get one and the state can do what it wants. By approving this agreement several things are being accomplished. One is we are choosing our business partner and one of their principals lives in Norwood. We are comfortable with them and they us and they cooperated with us in formulation of this agreement. Some of the changes Mr. Plasko has negotiated in the months since we approved it have strengthened it to the Town's advantage.

Memoranda

Building Inspector Mark Chubet:

On motion of Selectman Plasko, seconded by Selectman Bishop, voted to file building reports.

Chief William G. Brooks, III, NPD:

On motion of Selectman Bishop, seconded by Selectman Plasko, voted to accept monthly report.

Allison Palmgren, President, Morrill Memorial Library Staff Association:

On motion of Selectman Bishop, seconded by Selectman Maloney, voted to file correspondence to HR Director Michelle Pizzi that Library Staff Association voted to affiliate with AFSCME Council 93 and will now become members of AFSCME Local 1451.

Selectmen's Addenda

Selectman Plasko

Zoning Legislation

There is pending legislation that would allow for by right zoning for multifamily and accessory buildings that would override all existing by-laws and most of the bill is not favorable to communities. On motion of Selectman Plasko, seconded by Selectman Bishop, voted to formally contact Senator Michael Rush and Representative John Rogers to state the Town's opposition.

Selectman Maloney

Bunker Hill Day

Reminder that this coming Friday, June 17th is Bunker Hill Day

Selectman Donohue

MWRA

Inquiring about MWRA cost to send out the mailing. Manager said they are required by law to do it.

Norwood Diamond Club

The club is not just for high school baseball, it helps Little League, Babe Ruth, High School Baseball, Senior Babe Ruth, Junior Legion and Legion programs. Membership is \$25.

Paul Wanecek

The Dedication of the Assessor Suite to Paul Wanecek today was beautiful run by Tim McDonough. Family and friends came to honor a friend who worked here for thirty five years.

Orlando

So sorry about what happened in Orlando, and in the United States of America

Flag Day

Norwood Elks went to the Senior Center and Dedham held a parade.

Chairman Howard

Boch Fund

Applications are due in this office by Thursday, July 7th. The Board will make the awards Tuesday, July 12th. Applications can be found online, in Managers Office or at Library.

PBCC Vacancy

For term ending May 1, 2018 and the appointee will be eligible for reappointment at that time.

Manager's Agenda

Yearly memo regarding the Town's "Buy Recycled" policy.

The Manager sent this to department heads last week.

Request for Municipal Relief transfer – Building Department.

This is for a discrepancy in the contract language. On motion of Selectman Plasko, seconded by Selectman Bishop, voted to approve transfer of three thousand dollars.

Request for Municipal Relief transfer – DPW.

The Manager said according to Cathy Carney there will be much fewer municipal relief transfers this year. On motion of Selectman Plasko, seconded by Selectman Maloney, voted to approve transfer of \$14,000 for shortage in salaries. Selectman Plasko said P accounts are tracked and are meaningful.

Request for Municipal Relief transfer – Town Hall.

The Manager explained this \$19,500 has to do with work in the municipal building. A motion was made by Selectman Donohue, and seconded by Selectman Bishop. Selectman Bishop referred to two of the items; electrical repairs to Town Clerk's office and a repair to the second floor bathroom. Both of these situations were cosmetic one started off to replace lighting in Clerk's Office and there were problems and an electrician had to be called in to fix it. Selectman Bishop feels the deals should not have been entered into unless funding was secure. The Board voted 5-0 in favor of the transfer.

Water and Sewer rate increase of 1.2% as recommended by Water and Sewer Rate Committee

Update on the Guild Street Bridge construction

These items were discussed earlier in the meeting.

Chief Greeley's report on increasing Ambulance Fees

The Manager explained they are looking at how to reduce the deficit of ambulance services. Our charges are much lower than other departments, whose charges are based on the Medicare and Medicaid rates, but which range from 75% to 200 % above those rates. The Manager recommends charging 200% above the Medicare and Medicaid rates. On motion of Selectman Plasko, seconded by Selectman Maloney, voted to increase rates to 200% over the rates of Medicaid and Medicare, effective July 1, 2016 and to ask the Chief and Manager to develop a full formal collection and write off policy for approval of the Board.

Municipal Relief Transfer for DPW

The Manager said over the weekend there was large water break which increases the request from \$14,000 to \$16,500. On motion of Selectman Maloney, seconded by Selectman Bishop, voted to increase the transfer amount from \$14,000 to \$16,500.

8:30 P.M. – Executive Session-Town Counsel:

Re: Strategy with respect to threatened litigation.

On motion of Selectman Plasko, seconded by Selectman Bishop, and on roll call vote of Selectmen Donohue and Maloney and Chairman Howard, voted to enter into Executive Session with Town Counsel regarding litigation and return to Open Session for adjournment only.

Adjournment

Returning to open session and no other business being presented for consideration, on motion of Selectman Plasko, seconded by Selectman Bishop, voted to adjourn and the meeting was adjourned accordingly at 9:50 p.m.

A True Record.

ATTEST: _____
Assistant