

**Norwell Board of Selectmen
Meeting Minutes
September 3, 2014**

Ellen Allen opened the meeting and introduced Jason Brown, Gregg McBride, David DeCoste, Tammie Garner and Town Administrator Jim Boudreau. Agenda Amended to accept a Committee Member Resignation. *MOTION: Jason Brown moved the Board approve the agenda as amended. Seconded and unanimously voted.*

CITIZEN COMMENTS – None

Declaration of Land Surplus on Barrel Lane – Parcel of 6 acres of Town owned land on corner of Circuit St. & Barrel Lane. Being asked to make this available for sale to allow the owner of an adjacent lot the ability to build a second home on the site. This would need to go to auction or the Board can have it be a sealed competitive bid. This would have to go to Town Meeting after the Selectmen declare the land as surplus. McBride thought if the additional home were built that the additional taxes would not outweigh the burden it would likely put on the Schools if home is built. The Board agreed there is no benefit to the Town to declare land surplus. *MOTION: David DeCoste moved the board not declare the Land surplus on Barrel Lane. Seconded and unanimously voted.*

CPC Resignation from Ann Buchanan – The Board has received a Letter of resignation from CPC Member Ann Buchanan who is stepping down effective immediately. *MOTION: Jason Brown moved that the Board accept with regret the resignation from Ann Buchanan from the CPC. Seconded and unanimously voted.*

7:35 Brendan Recuperero – CPC Applicant – Brendan Recuperero briefed the Board on his background; he has served as an alternate Pathways Committee Member. Gregg wanted to know Brendan's thoughts on whether the cost of the Pathways is worth the money spent. Brendan thinks they are worth the costs and usage will increase as time goes on. Question was asked whether he feels there are other important aspects of CPC such as historic preservation, local history, working towards 40B requirements. Jason inquired what his thoughts are on the sidewalks and pathways and how he would balance them. Brendan spoke about the River Street end of the Paths and how the two can work together. Tammie wanted clarification if CPC is his preference and his answer was yes, however he also indicated other committee interests. The Board will make an appointment later in this meeting after the scheduled public hearing due to the time.

7:45 Disciplinary License Hearing – Quik Pik

MOTION: Jason Brown moved that the Board Open the Disciplinary License Hearing for Quik Pik, 690 Main Street. Seconded and unanimously voted.

Present for Norwell: Board of Selectmen David DeCoste, Tammie Garner, Jason Brown, Gregg McBride, Ellen Allen, Town Administrator James Boudreau, Town Counsel Bob Galvin, Police Chief Ted Ross, Detective Dan Dooley and Sergeant Bill Lynch.

Present for Quik Pik: Attorney Walter Sullivan and Nick Patel.

This is a hearing to consider whether to impose discipline upon a license holder for violation of state law and also the rules and regulations of the Town of Norwell relating to a package store

license. The incident which gives rise to the hearing occurred on or about August 5, 2014 at Quik Pik, 690 Main Street and was referred to the Selectmen by the Norwell Police Department. Ellen Allen explained the procedure to this hearing:

- A. The Hearing will be informal. The Rules of evidence will not apply.
- B. There will be a recording made of the proceedings.
- C. Any witnesses who are expected to testify will be asked to swear that their testimony is true and accurate under oath. Witnesses who will testify please stand. Town Counsel swore in witnesses.
- D. Norwell Police Chief Ted Ross and Detective Dan Dooley, will present the case on behalf of the Norwell Police Department that there have been violations of MGL Ch. 138 and rules and regulations of the Town of Norwell.
- E. Sergeant Bill Lynch acting as Town's Prosecutor may call any witnesses he deems advisable.
- F. After Sergeant Lynch questions witnesses, then the Licensee's attorney will be afforded the opportunity to inquire on a limited basis of the witnesses offered by the Prosecutor (the extent of questioning may be limited by Chairman and/or Town Counsel).
- G. The Selectmen may then inquire of the Police Officers with any questions.
- H. The Selectmen may inquire of or about information and witnesses.
- I. The Licensee will be afforded an opportunity to respond either individually or through counsel and present properly written or oral information.
- J. Norwell Prosecutor may then inquire each witness, may be limited.
- K. Board can question licensee, representative or witnesses.
- L. Questioning on cross-examination shall be strictly limited to the facts at hand and not permitted on collateral issues.
- M. Public may speak as long as it is not duplicative on other testimony.
- N. Summation first by licensee and then by Norwell Prosecutor.
- O. Selectmen will close the public portion of hearing and the Board will deliberate and decide on violations.

Attorney Galvin and Chairman Allen marked the following Exhibits for the record:

Exhibit 1 – 2014 Retail Package Store License

Exhibit 2 – Town of Norwell Rules and Regulations for Retail Package Store Licenses

Exhibit 3 – Police Report

Exhibit 4 – Letter to Mr. Patel dated August 11, 2014: Order to Attend Disciplinary License Hearing.

The Hearing will begin with Chief Ted Ross and Detective Dan Dooley explaining why they believe there were violations and this was put into a memo to the Town Administrator. Dan Dooley, Norwell Police Department, was employed approx. 4 years. Incident occurred on or about August 5, 2014 at 1:30 PM. Information is detailed in a memo dated August 7, 2014 sent to the Town Administrator and shared with the Board by Chief Ross and Detective Dooley. Attorney Walter Sullivan has no questions for Detective Dooley.

Questions - Selectmen to Detective Dooley:

Q. How had the males been identified as 18 yrs.?

A. Asked for identification, initially claimed they did not have, but stated they were all 21 yrs.; their drivers licenses were then provided and confirmed all were minors.

Q. How did you gather information on them obtaining alcohol?

A. The males said identification was not requested, they did not use fake IDs, and they had heard from other people that Quik Pik rarely asks for identification.

Q. Did you speak to store manager?

A. Detective Dooley spoke with Quik Pik Clerk Nick Patel advising he must request identification from everyone purchasing alcohol and he said he understood.

Q. Were you in uniform?

A. No, and was in an unmarked car.

Attorney Walter Sullivan representing Keyur Corp. d/b/a Quik Pik, Sulochanaben Patel, Manager and employee Nick Patel. Mr. Sullivan said when this occurred, video tape was pulled indicating Nick Patel did not card the 4 individuals. Actions Quik Pik has taken to ensure this will not happen again: explained the policy to Nick Patel, the need to ask for identification, Nick Patel has become TIPS Certified, a new scanner has been purchased that provides copy of PO that all purchasing alcohol will confirm age via scanning identification and place a sign that states they Card everyone.

Questions for Walter Sullivan:

Q. Concern was expressed by the Board that the individuals that purchased the alcohol illegally had stated that Quik Pik was known as the place to go.

A. Mr. Sullivan explained Mr. Patel was horrified after reviewing surveillance tape, but disagrees with statement. He will have the manager TIPS Certified & already purchased new software to correct problem.

Q. How many hours is the Manager on site?

A. Walter Sullivan stated owner is on site 40 hours per week, present every day, and manager 60 hours per week.

Opened up for Public Comments: None

Licensee representative Walter Sullivan stated that Mr. Patel and family are horrified that this happened and had the reputation that the store is a place to go purchase alcohol as a minor and it is not the reputation they want for their business, they take this very seriously and are committed to make sure this does not happen again. This is the first offense and they hope the Board takes this into consideration, they are not challenging what happened and they acknowledge it.

Chief Ross pointed out key items in Detective Dooley's report.

MOTION: Jason Brown moved that the Board close the public portion of the Disciplinary License Hearing for Quik Pik, 690 Main Street. Seconded and unanimously voted.

Attorney Galvin cited the 2 violations:

1. State - Violation of MGL Chapter 138, Section 34 and 2.04 CMR 2.05 by providing sale to person under 21 years of age.
2. Local - Violation of Norwell Retail Package Store Regulations #1 "No alcoholic beverages are to be sold to or for persons under the age of 21.

Ellen Allen inquired from Town Counsel if Rules & Reg. Item #25.a. would apply and Town Counsel said it does.

Attorney Galvin provided the following wording for a motion: "I move that the Board of Selectmen find that the Business Quik Pik and its manager have violated MGL Chapter 138 Section 34, Section 2.04, CMR 2.05 (2) by providing for sale to a person under 21 years of age alcoholic beverages and violating Norwell Retail Package Store Regulations #1 "No alcoholic

beverages are to be sold to or for persons under the age of 21". Jason Brown moved the motion as stated. Seconded by David DeCoste and unanimously voted.

Ellen Allen read into the Record from the Town's Regulations: Licenses shall be suspended or revoked when a license holder is convicted for the sale and/or service of alcoholic beverages to a minor as follows: a) for the first conviction – license will be suspended up to six days on dates to occur on three weekend periods. Each two day period shall be a Friday and Saturday. Dates to be established by the Licensing Authority which is the Board of Selectmen. b) For the second conviction within 24 months – license will be suspended up to 12 days on six weekends in the same manner as outlined in preceding paragraph (a) and c) for the third conviction the license will be revoked. Each minor involved in a single incident shall be considered a separate violation; i.e. the suspension period doubles when two minors are involved, triples when there are three involved, etc. Attorney Galvin stated this is a guideline, not binding. The Selectmen deliberated suspension, noting that there had been four minors involved.

MOTION: David DeCoste moved that the Board suspend Quik Pik's License for 8 Fridays, 8 Saturdays consecutively for a total of 16 days beginning September 12, 2014. Seconded and unanimously voted.

Ellen Allen asked Attorney Galvin to provide the Board with a written decision that captures the vote and he agreed.

MOTION: Jason Brown moved that the Board of Selectmen close the Disciplinary Hearing for Quik Pik, 690 Main Street Norwell. Seconded and unanimously voted.

OLD BUSINESS

Town Administrator Goals – Goals and focus areas for FY14 discussions included: Leadership & Support, Budget Development and Finance, Professional Development & Municipal Services, Personnel Relations & Management, General Management & Facilities and Community Relations & Communications.

FY15 Board of Selectmen Focus Areas – Topics discussed: promote Economic Development to increase Commercial Tax Revenues, promote cooperation and coordination amongst Committees/Boards Commissions, provide leadership to manage Town building and capital items, develop strategies for 40B's and Community Housing, develop long range plans for employee contracts overseen by the Selectmen, improve communications with residents and increase Civic Engagement.

NEW BUSINESS

Approve Norwell Farms Block Party – Jacobs Lane – October 19, 2014 – On May 14, 2014 the Board approved the block party request with a road closure with a date TBD. Board Members agreed that not allowing the road to be closed after the Board previously approved the event could create problems. Closure of Jacobs Lane in the future should be looked at more closely. *Jason Brown moved to approve the Block Party being held on October 19th from 1:00-4:00 subject to the organizers arranging road closures & parking with the Chiefs. Seconded by David DeCoste and unanimously voted.*

Bartending Service of New England One Day License Request – October 19, 2014 -

MOTION: Jason Brown moved that the Board approve a request from Bartending Service of New England, LLC for a one day license to sell Wines & Malt only for the Norwell Day event

*held at Norwell Farms on October 19, 2014 between the hours of 1:00 PM to 4:00 PM.
Seconded and unanimously voted.*

Signage/Cones at Farmers Market – The Board has received a letter from a resident regarding concerns that the South Shore Natural Science Center has placed cones down the center of Jacobs Lane during the Farmers Market held on Friday afternoons for safety purposes. They also use A Frame signs on town owned property. Pam Musk, Executive Director of the SSNSC apologized and was not aware that permission was needed from the Board of Selectmen to do this.

MOTION: Jason Brown moved that the Board approve the use of A Frame Sandwich Board signs for the South Shore Natural Science Center to advertise the Farmers Market both on Islands on Town Property located at Prospect Street & Jacobs Land and Jacobs Lane & Rt. 123. Seconded and unanimously voted.

MOTION: Jason Brown moved that the Board approve the use of Cones on the Public Way Jacobs Lane on the center lane through October 10, 2014. Jason Brown withdrew the motion. Tammie moved that the Board approve the placement of orange cones on Jacobs Lane beginning at the walkway between Jacobs Pond parking lot and the Science Center field and extending to the opening of the stone wall at the Science Center field. Seconded and unanimously voted.

Jason Brown moved to allow the South Shore Natural Science Center to place signs now until September 14, 2014 in the islands at both ends of Jacobs Lane advertising the Annual Corn Festival. David DeCoste seconded and unanimously voted.

Selectmen began discussions on strength of the 3 CPC applicants for 2 open seats: Bob Molla, Peter Kulka and Brendan Recupero.

MOTION: David DeCoste moved to appoint Brendan Recupero to the Community Preservation Committee for a Term expiring June 30, 2017. Seconded and unanimously voted.

MOTION: David DeCoste moved to appoint Peter Kulka to the Community Preservation Committee for a Term expiring June 30, 2015. Seconded and passed 4-0-1 with Gregg McBride abstaining.

ANNOUNCEMENTS:

- Grand Opening of the Clipper Community Complex, Friday September 5, 2014 beginning at 7:00 with various High School and Youth Groups
- Election Tuesday, September 9th with David DeCoste on the Ballot
- Condolences offered to the family of former Police Chief Nichols on the death of his son.
- Condolences offered to the family of Francis Nelson who had served 15 years on the Commission on Disabilities.
- David DeCoste attended the Eagle Scouts Ceremony on behalf of the Board and congratulated Donavan Uhlman, Alexander Sheppard and Camron Labadie.

ADJOURNMENT – *Motion was made to adjourn. Seconded and unanimously voted.*



Board of Selectmen

