

**Norwell Board of Selectmen  
Open Meeting Minutes  
9/6/17**

TOWN OF NORWELL  
2017 OCT 23 PM 1:29

RECEIVED

**Open Session**

The meeting was called to order by Chair Jason Brown.

*Motion; made by Alison Demong, seconded by Peter Smellie, to approve the agenda as written.  
Unanimously voted*

**Citizen comments** - None

**BOS Comments**

Several committees need to get their questions/answers back to the Bylaw Review Committee for the General Code deadline this week.

Mr. Brown announced that the date has been tentatively set for the Special Town Meeting as 12/4/17.

**Town Administrator**

Mr. Morin announced that the Advisory Board approved the emergency request for the central fire station roof and restroom repair at their meeting last night.

**Traffic Safety Discussion**

Present: Police Chief Ross, Fire Chief Reardon, Highway Surveyor Glenn Ferguson, and School Finance Director Warren MacCallum

Mr. Brown gave a quick background summary of the many traffic issues in the Town. There has been a rash of accidents over the summer on Grove St. Most of the speeding issues and accidents are due to personal driving behavior. The Town will be looking at the areas that have repeated problems. This session will be the beginning of these traffic discussions, including speed limit responsibility. Mr. Brown invited residents' feedback, and some members of The Traffic Study Committee are present at the meeting. The following locations were discussed:

1. Grove Street – the resident at 676 Grove St. reported that she and her neighbors are very concerned about the number of accidents recently. The road needs additional controls. Mr. Ferguson, Chiefs Ross and Reardon commented. All agreed that the solar speed units, which cost about \$2500 per unit, are effective and the Town should order more. Chief Ross updated all on police activity in problem spots throughout the Town, adding that the department works with both Fire and the Highway departments on these areas. Ms. Allen asked about lighting remediation and markers that were used on Winter Street – could the Town do the same in other problem locations? Mr. McBride reminded all that some of this is personal responsibility. More speed indicators are needed. Mr. Ferguson will order more and install the two he has in stock. Discussion ensued about lowering the speed limit on Grove and other streets. Mr. Brown added that lower speed limits mean higher fines for violations. Chief Ross asked residents to call the police station and report neighborhood traffic violations so that the department can respond in a timely manner.
2. Tiffany Road – a longtime resident stated that there has been a large amount of speeding because this is currently a cut-through due to the River Street gas main replacement work. She asked for help from the Town to reduce these issues. Another resident added that the Town of Hanover set up a speed trap at the Hanover line which reduced speeding incidents dramatically.

3. River Street – the road is currently under construction for the first phase of the gas main replacement work. The road itself is in “terminal” condition, and does not lend itself to having one lane remain open, therefore a detour is necessary. This creates traffic issues on an ongoing basis, which is partly because Hanover has restricted the number of hours that the crews can work. The amount of police details necessary is excessive currently, and more are needed. The work will cease for the winter on November 22<sup>nd</sup> and restart about April 15<sup>th</sup>. Columbia Gas is required to put “slow down” signs at regular intervals at their work sites, but these are not in evidence. Mr. Ferguson will follow up on this issue.

Mr. McBride asked if there is a way to make it more difficult to cut through Norwell, adding that the Town should explore various options. Ms. Allen stated that now is the time to talk about Articles for the Spring Town Meeting, maybe involving the Complete Streets Committee as well as the Traffic Study Committee and/or possible grants. She encouraged Mr. Ferguson to submit a warrant asking for funds to buy additional equipment that can be used to help with all these traffic issues.

Mr. Ferguson promised some remedial action on Grove St. in the next 90 days.

All discussed the issue of double utility poles, which are hazardous in the Town. National Grid has made a commitment to “do what they can, but Verizon is part of the problem and “they don’t care”, per Chief Reardon. Pressure is needed from the BOS on Verizon to move their equipment. Per Ms. Allen, the MMA has focused in prior years on the double pole issue. Ms. Allen will bring it up at the next MMA meeting. Verizon and National Grid are the pole setters.

4. Masthead Lane – a resident would like the speed limit lowered as it is very dangerous with shift workers for the group home coming and going at high speeds.

#### **Highway Barn and Event Fees**

Mr. Ferguson would like a central hub for highway activity, at a cost range of \$1-2M for expansion. He has done homework to determine the status of the current building by the Middle School to see if it could last, with the goal to combine everything at this location. He also gave a status update for the Highway compound. He has a good idea of what is needed and will come back with a concept drawing accompanied by an engineering estimate that will be available in February. Per Mr. Morin, this will help reduce the municipal footprint and make operations more efficient. The Water Department could move, as well as the Highway Department, Cemetery, Tree and Grounds and Pathways.

#### **Event Fees**

Mr. Ferguson explained his point of view about creating an informal fund to cover maintenance and other issues created by having events in the Town. Mr. Morin said that if he has discretion over the form and fees approval he will work with the event applicants.

*Motion; made by Alison Demong, seconded by Peter Smellie, to approve the event permit application, giving the Town Administrator permission to adjust or waive event fees as he sees fit. Unanimously voted*

Mr. Ferguson would like the Town to address a permit requirement for driveway paving, as the paving can cause flooding issues for the Town’s streets.

#### **Disciplinary Hearing – Mobil Mart, Liquor License Violation**

Present: Town Counsel Bob Galvin, Police Chief Ted Ross, Police Detective Dan Dooley, Fire Chief Andy Reardon and Michael Azmey, owner of Mobil Mart, 89 Washington Street.

*Motion; made by Alison Demong, seconded by Peter Smellie, to open the public disciplinary hearing for Mobil Mart, Inc. at 8:35pm. Unanimously voted*

Mr. Brown explained the rules of the hearing procedure, stating the facts of the violation that occurred on 8/14/17. The allegation is the sale of beer to a minor with a fake ID. Town Counsel swore in all who are testifying as witnesses.

He also marked the pre-marked exhibits for the record:

the Mobil Mart liquor license, Approval of Manager, Norwell Rules and Regulations for Retail Package Stores, Gen. L. c. Sections 34,64 and 64A, Police Incident Report for August 14, 2017, Notice/Order to Attend Disciplinary License Hearing, Affirmation by Town Counsel that Parents were notified by Gen. L. c. Section 64.

Detective Dan Dooley gave his testimony, answering questions from Chief Ross. He read his incident report out loud to the board.

Mr. Brown asked Chief Ross for his recommendation for this first offense. Per Chief Ross, the Rules and Regulations for Retail Package Store Licenses state that for the first conviction the license will be suspended for up to 6 days.

Manager/owner Michael Azmey gave his testimony. He has fired the employee and purchased new ID scanner equipment. The scanner is arriving next week. Mr. Azmey defended the employee in his narrative, stating that it is very difficult to determine fake vs valid IDs. He has hired a new person and is taking serious steps to prevent this from reoccurring. Mr. Brown asked for questions from the board. Ms. Demong asked about the scanner, which is programmed to find fake IDs. Officer Dooley reminded Mr. Azmey that more vigilance is needed as well as being aware of parked cars with MA plates when a customer tries to purchase alcohol with an out of state license.

Mr. Brown asked for additional comments. Town Counsel stated that he provided notice to the two sets of parents of the minors. Mr. McBride clarified that dates of suspension will be on weekend days; Friday and Saturday.

*Motion; made by Alison Demong, seconded by Peter Smellie, to close the public portion of the hearing. Unanimously voted*

The board opined that the evidence given is straightforward, indicating a very clear violation. The penalty should be consistent, and should begin on the first weekend that falls after the 5-day appeal period.

*Motion; made by Alison Demong, seconded by Peter Smellie, that the board finds the license holder at Mobil Mart, Inc., 89 Washington Street, to have violated the Town of Norwell Rules and Regulations for Retail Package Store Licenses namely by selling and/or servicing alcoholic beverages to a minor on August 14, 2017. Unanimously voted*

*Motion; made by Alison Demong, seconded by Peter Smellie, that the Retail Package Store license for Mobil Mart at 89 Washington Street be suspended for six (6) days to occur on 9/15/17 and 9/16/17, 9/22/17 and 9/23/17, and 9/29/17 and 9/30/17. Unanimously voted*

*Motion; made by Alison Demong, seconded by Peter Smellie, to close the public hearing at 8:55pm. Unanimously voted*

### **Second Disciplinary Hearing**

*Motion; made by Alison Demong, seconded by Peter Smellie, to open the second public disciplinary hearing for Mobil Mart, Inc. at 8:55pm. Unanimously voted*

Mr. Azmey agreed to waive the reading of the rules. Town Counsel noted that all the witnesses are still under oath. Mr. Brown read into the record the pre-marked exhibits: the Mobil Mart liquor license, Approval of Manager, Norwell Rules and Regulations for Retail Package Stores, Gen. L. c. Sections 34,64 and 64A, Police Incident Report for August 24, 2017, Notice/Order to Attend Disciplinary License Hearing, Affirmation by Town Counsel that Parents were notified by Gen. L. c. Section 64.

Detective Dooley was interviewed by Chief Ross for this hearing. He read his incident report out loud for the board, noting that yet again the purchaser stated that it is well known that Mobil Mart is a good place to purchase alcohol. Detective Dooley also noted that the sales clerk was not the same clerk from the first violation.

Chief Ross' recommendation for a second offense is a 12 day suspension on 6 consecutive weekends. Mr. Azmey gave his information, stating that this was a new employee "who had not been trained that well". He also noted that he himself was not present when the violation occurred. This employee was also subsequently fired.

The board asked questions about why this keeps happening. Per Mr. Azmey, it is very hard to find people to work this job. Mr. McBride stated that there were initial concerns when Mr. Azmey first applied for a license, to which Mr. Azmey replied that his lawyer urged him to apply for the license in order to earn additional revenue. Mr. McBride noted that employee training is lacking. Mr. Azmey stated that he worked hard to get this license, but was reminded by Mr. Brown that his license is both a responsibility and a liability.

*Motion; made by Alison Demong, seconded by Peter Smellie, to close the public comment portion of the hearing.*

The board opined that this incident is a clear violation of the Rules and Regulations. When asked for his input, Chief Ross recommended the standard penalty for a second conviction. The board deliberated the pros and cons of this vs. a lesser penalty, noting that based on the evidence presented, the second offense occurred right after the first.

*Motion; made by Alison Demong, seconded by Peter Smellie, that the board finds the license holder at Mobil Mart, Inc., 89 Washington Street, to have violated the Town of Norwell Rules and Regulations for Retail Package Store Licenses namely by selling and/or servicing alcoholic beverages to a minor on August 24, 2017. Unanimously voted*

The board discussed having a portion of the suspension run concurrently with the prior penalty to shorten the length of time. All agreed that the two suspensions could overlap for two weekend dates as noted in the Motion below.

*Motion; made by Alison Demong, seconded by Peter Smellie, that the Retail Package Store license for Mobil Mart at 89 Washington Street be suspended for twelve (12) day, to occur on 9/22/17 and 9/23/17, and 9/29/17 and 9/30/17, 10/6/17 and 10/7/17, 10/13/17 and 10/14/17, 10/20/17 and 10/21/17, and 10/29/17 and 10/30/17. Unanimously voted*

*Motion; made by Alison Demong, seconded by Peter Smellie, to close the public hearing at 9:20pm. Unanimously voted*

Mr. Morin reminded Mr. Azmey that he has been cited by the Building Inspector for signage that is not in compliance with the Town bylaws. Mr. Azmey was asked to correct this as soon as possible to avoid having to appear in court. Town Counsel will follow up with Mr. Azmey.

**BOS Goals approval**

Ms. Allen will review the BOS goals draft for final edits, for approval at the next meeting.

**Committee Vacancies**

Ms. Allen reviewed the list, noting several inactive committees. She will follow up with the BOS office for next steps to review the status of these committees, with an update on a future meeting agenda.

**Vote To Close Out Bond Surplus Proceeds**

*Motion; made by Alison Demong, seconded by Peter Smellie, to declare the FY 2007 town Hall Boiler renovation project and the FY 2014 Police Station Construction, Furnishing and Design project to be complete. In accordance with Massachusetts General Law chapter 44 section 20, the balances in both projects may now be appropriated for any purpose for which a loan may be incurred for an equal or longer period of time than that for which the original loan was issued. Unanimously voted*

**Adjournment**

*Motion; made by Alison Demong, seconded by Peter Smellie, to adjourn to Executive Session at 9:35pm, not returning to Open Session. To discuss these matters in Open Session could be detrimental to the Town's interests. Unanimously voted*

*Mr. Brown polled the board, McBride voting yes, Allen voting yes, Demong voting yes, Smellie voting yes, Brown voting yes.*



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Jason Brown, Chair