

SELECTMEN'S MEETING MINUTES
August 21, 2012

Members Present: James DeVellis, Chairman
Mark Sullivan, Vice Chairman
Lorraine Brue, Clerk
Lynda Walsh
Ginny Coppola

Others Present: Town Manager Kevin Paicos
Joan Gallivan
Atty. John Michelmore
Gerard Fruggiero
James Nocera
Police Chief Ed O'Leary
Building Commissioner Bill Casbarra

The meeting was brought to order at 7:00 p.m. by James DeVellis, Chairman. Chairman DeVellis reviewed the agenda.

7:00 p.m. – Citizen's Input

Nancy Campy of Messenger Ave. inquired if the Parking Bylaw could be discussed now. Mr. Paicos stated that it is an agenda item for later this evening. Mr. DeVellis stated that he would be recusing himself from the discussion as he lives in the area.

Chairman's Update:

Mr. DeVellis read a prepared statement in regards to ethics disclosures. The statement is as follows:

"Brief topic regarding the State Ethics Commission. Over the past weeks, the town has heard from several selectmen and planning board members stating in public and filing with the town clerk, public disclosure statements. I am also required to read the following disclosure statement in conformance with the State Ethics Commission section 23(b)(3) which... 'prohibits a public employee from causing a reasonable person, knowing all the facts, to conclude that anyone can improperly influence or unduly enjoy this person's favor in the performance of their official duty.' This section's purpose is to deal with the appearances of impropriety and in particular the appearances that public officials have given people preferential treatment.

I head a local non-profit organization called TurfsUp that solicits donations in the form of money and services to build a community artificial field for the town. As this is a community outreach effort, this organization has received donations in the form of money and services from many

businesses and residents in the town. All are publically detailed for everyone to see since the very first day. The Kraft organization has made donations over the past several years in the form of grants, tickets to raffle and the use of their facility for an event. I have filled out the Disclosure Statement in the past, have done it again recently as well as publically put this topic on the BoS agenda immediately when elected for the sole purpose of disclosing to the town and board as well as ask if anyone had objections. I am doing this again today to be in conformance with the state regulations as they require me to do so.”

Upcoming meetings: A meeting with the Kraft Group on August 22nd and a joint meeting with the Planning Board and Board of Selectmen on August 23rd. The Board has also been invited to a walkthrough of the high school improvements on August 27th.

Invensys has a DEP report in regards to the contamination mediation in the Neponset Reservoir available at the Library.

Action Items:

Ron Young of the Lafayette House has a request for an increase in the commercial parking spaces at the restaurant. He would like to add 15 parking spaces; the total parking spaces would increase from 125 to 140.

A motion to approve the request for 15 additional parking spaces at 109 Washington Street was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

The minutes of July 24, 2012 were reviewed.

A motion to approve the minutes of July 24, 2012 was made by Ms. Walsh and seconded by Ms. Coppola. **The motion carried 5-0-0.**

Mass Electric is requesting a perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate an underground electric distribution system on a parcel of land on the westerly side of Cannon Forge Drive.

A motion to approve the Perpetual Right and Easement for Mass Electric on Cannon Forge Drive was made by Ms. Brue and seconded by Ms. Walsh. **The motion carried 5-0-0.**

The Canoe River Aquifer Advisory Committee will be having their 25th Anniversary Celebration on September 14, 2012.

DPW Superintendant Roger Hill has given notice of street repaving and a street cut moratorium on a section of Cocasset Street and on Green Street/Route 106.

Housing Authority Chairman John Michelmore notified the Board that the Legislature has given approval for the Department of Capital Planning to deed the property on

Walnut Street and Route 140 to the Housing Authority. Funding will be given for preliminary engineering and surveying work. The town's affordable housing numbers should increase when this project is built.

Joan Gallivan for the acceptance of the Charles James Fox Memorial Monument and Charitable Fund.

Ms. Gallivan came before the Board to ask that they accept a gift of the Charles James Fox Monument and a charitable fund set up to maintain the monument and landscape surrounding it when it is placed permanently. Ms. Gallivan's husband Vincent passed away fourteen years ago and the monument and fund were raised in his honor. This project was originally suggested by Mr. Gallivan shortly before he passed away.

The monument was originally placed near the Library, but was moved to the front of Town Hall recently due to Library construction. A permanent home is needed for the monument. The maintenance fund has approximately \$24,000 in it.

Mr. Paicos stated that the Board can accept this conveyance of the gift of the monument and fund with conditions that Ms. Gallivan or members of her family approve the final location of the monument. Town Counsel can draw up the paperwork for the transfer.

A motion to accept the Charles James Fox Memorial monument and charitable fund from Joan Gallivan and family with conditions to be established after review of the paperwork was made by Ms. Brue and seconded by Ms. Coppola. **The motion carried 5-0-0.**

7:15 p.m. Public Hearing for Transfer of All Alcohol Restaurant License from Piccadilly Disposition LLC to Grand Slam Restaurant Concepts Foxborough LLC DBA Jake N' Joe's at 25 Foxborough Boulevard with Manager being Gerard Fruggiero.

Chairman DeVellis recused himself as he has done work for the property owner. Vice Chairman Sullivan will preside.

Ms. Brue read the Public Hearing notice

Atty. John Michelmore represented the applicant James Nocera who was present as well as the proposed Manager Gerald Fruggiero.

They would like to have the existing license transferred from Piccadilly Pub and have the court's authority to do so.

The location is at 25 Foxborough Boulevard which is a 6,800 sq. ft. building with occupancy of 260 and seating for 200. This will be an annual all-alcohol license. The building will be leased from the current owners, JHK Enterprises. The license will be pledged to Citizen's Bank.

The proposed manager has experience with restaurant management going back to 1999. He is Serve Safe Certified.

Jake N' Joe's have another restaurant located in Norwood at the old Ground Round. That building was torn down and rebuilt in 2010. It is a sport's grille with a family and kid friendly menu. The owners are also affiliated with The Chateau in Norwood.

There will be no changes to the exterior of this building, but the interior walls will be opened up more than the Piccadilly Pub was.

Mr. Nocera submitted a menu to the Board and stated that their operation will be approximately 60% food and 40% alcohol. They plan on hiring local workers about a month before they would open. They may come back to request patio seating in the future.

Mr. Paicos stated that he has been at various Nocera family restaurants and holds them in high regard. Inquiries were made to Norwood and there have been no incidents at any of their locations.

Mr. Nocera stated that he would be very interested in being a good corporate partner with the town.

There were no public comments.

A motion to close the Public Hearing was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 4-0-0.**

A motion to approve the transfer of the all alcohol license from the Piccadilly Pub to Grand Slam Restaurant Concepts Foxborough LLC at 25 Foxborough Boulevard with the Manager to be Gerard Fruggiero and to pledge the Liquor License to Citizen's Bank was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 4-0-0.**

A motion to approve the Common Victuallers License application for Jake N' Joe's was made by Mr. Brue and seconded by Ms. Walsh. **The motion carried 4-0-0.**

Mr. Paicos noted that the town has been notified of a hearing by the Alcoholic Beverages Control Commission in regards to monies that were owed by the Piccadilly Pub to the state lottery. The meeting will be on August 30th. Atty. Michelmore will let the Board know the outcome of the meeting.

Parking Bylaw Discussion

Mr. DeVellis recused himself from this discussion as he lives in the area.

Police Chief Ed O'Leary and Building Commissioner Bill Casbarra joined the Board for this discussion.

Mr. Sullivan stated that the Attorney General has approved the Bylaw that was passed at the Spring Town Meeting.

Chief O'Leary explained that the purpose of the bylaw is to reduce traffic during stadium events in the interest of Public Safety. There are numerous paid parking areas at residences on North Street and adjacent areas. The Attorney General stated that this is an enforceable bylaw and that the parking of cars for pay would be a violation of the bylaw. Chief O'Leary stated that the police department would be monitoring and citations would be issued when pay for parking is observed. The citations would be to the homeowners, not the individual cars.

Nancy Company of Messenger Avenue stated that the bylaw was passed at Town Meeting late in the evening and there was no discussion of an enforcement policy. There was a committee formed by the Police Chief and the Building Commissioner, of which Ms. Company was a member, to establish criteria for residential parking during stadium events. She has met with Mr. Paicos who stated that the Board of Selectmen has no power to enforce the bylaw. She handed out copies of the Committees suggestions.

Ms. Company stated that her interpretation of the Attorney General's decision stated that a policy shall be adopted by the Board of Selectmen. She also concluded that if the resident is not charging to pay, they could then have as many cars as they want.

Evidence of having a pay for parking area would be needed to enforce this policy, things such as cars being waived in or signs on the property.

It was suggested that residents in the area register the cars of people if they will be having an event at their homes, Ms. Company stated that this is not fair as other parts of town are not required to do this and she would not feel comfortable doing this.

Mr. Casbarra stated that he drove his personal car down the street during a recent event and was waved at by 11 homeowners offering parking.

John Sloan of 4 McCasland Way stated that there are no signs prohibiting parking on the side streets. Chief O'Leary stated that he has spoken with the DPW and signs will be installed.

Margaret Chaisson of North Street questioned the ticketing process and appeal process. Any citations issued would be a civil offense and could be appealed to district court in Wrentham. Ms. Chaisson also stated that she thought there was too much room for abuse of enforcement.

Mr. Paicos stated that he has spoken to Town Counsel and the Board is not compelled to adopt anything. The town has commercial parking regulations; this bylaw prohibits non commercial parking areas.

Mr. Sullivan would like Town Counsel to come to a meeting to explain the bylaw to the Board.

The previous policy allowed the paid parking of up to 10 cars with no license needed, if you paid to park more than ten cars; you needed a license from the Board of Selectmen. The new bylaw now prohibits this.

Mr. Paicos stated that Town Counsel has been asked for an opinion on the issue of citations being issued on private property but he can add any additional information the Board needs clarification on.

The bylaw will remain in effect until the future discussion.

Discussion on License Conditions for Christina's Fireside Grille at 2 Washington Street

Mr. DeVellis rejoined the Board.

This was placed on the agenda after inquiries were made in regards to the new owners of Christina's honoring deposits made for events.

Mr. Paicos stated that there was some confusion on the condition that was voted by the Board. The Board voted to have the new owner's honor all deposits for functions and Mr. Panagolopoulos will comply. If, however, an event is cancelled, the matter of a refund is a private matter that does not concern the Board of Selectmen.

The board cannot order a business owner to give refunds under statute.

Town Manager Goals and Objectives

The only issue is on item #21 which has to do with applications for events at the stadium. Ms. Coppola stated that this item was added to have a policy to deal with applications that arrive late and are rushed through.

Mr. Paicos stated that this is a Board matter and not something that he can be held responsible for. The Board agreed to remove this item.

Mr. Paicos now has 20 Goals and Objectives that will be summarized on a monthly report that will be submitted to the Board. These objectives will also be placed in Mr. Paicos permanent file.

A motion to approve the Goals and Objectives for FY 2013 for the Town Manager was made by Ms. Brue and seconded by Ms. Coppola. **The motion carried 5-0-0.**

Executive Session for Negotiations with Union/Non-Union Personnel

Mr. Sullivan stated that he is not comfortable going into Executive Session without a secretary being present to take minutes.

The Board agreed to meet on Tuesday, August 28th for the purpose of Executive Session.

The Board is looking for someone to take the minutes of the Board of Selectmen meetings.

A motion to adjourn the meeting at 9:00 p.m. was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

Respectfully Submitted,

Diana Gray

Lorraine Brue, Clerk