

Present was James M. Tomaszewski, James C. Lehan, Robert J. Garrity, Jack Hathaway, Town Administrator, and Marian Harrington, Executive Assistant.

The meeting was held in Room 124, Town Hall and was audio and video recorded.

Jim Tomaszewski opened the meeting, and Jack Hathaway read the agenda contents.

PETER CHIPMAN, CAFÉ PESTO LIQUOR LICENSE HEARING

Peter Chipman present. Peter said he has not exercised this license yet due to a slow economy. He is here as requested by the Board.

Peter said is taking a break in construction, and had a few people trying to get financing to open at this location, and the bank shot them down. Peter does believe a revocation hearing would be appropriate if people were lined up for the license, but they aren't. Peter said he knows we have 14 licenses and 3 or 4 are issued, and we have about 10 left. He doesn't understand why we need to revoke it.

Jim T. said if the economy turns, how long would it take? Peter said that the electrical inspector needs to come out and a fire system is in and working even though the building is empty. All the heavy stuff is done.

Rob said he understands the predicament. He said that his application of almost five years ago is outdated. The application information is not what you have put on the application. It is premature for you to have applied for this license as you put yourself as a manager and you will not be manager. You have no idea who the tenant will be. Rob said it is best to pull this license back. It is a without prejudice revocation.

Peter said he ran a fairly controversial restaurant in Boston for 6 years. He was always working with the ABCC. Peter said that the septic system dictates what goes in there.

Jim L. said he is sympathetic, but this license has been held for over 4 years. Jim said the fact that there are 10 licenses is irrelevant. He said there is no entitlement to this license. The ABCC has inquired about this license. Jim said he can't see continuing this. We don't know when it will open. We don't know who will manage it and we don't know what it will be. These are part of the application and we don't have that. Jim said everything has a statute of limitations and we are now going into the fifth year with this on the shelf not used. He was on the Board when this was issued, and the Board was enthusiastic when we issued it. ABCC said that this license is for the public good and we cannot hold it.

Rob said that again, on the application you say you will be there 20-30 hours per week. You won't be doing that. Peter said the build out of this building is extensive and if this won't be issued, it is huge.

Jim L. said this is absolutely without prejudice and we would love to have you back. He said this has impacted everyone, and it will impact others. The economy is a wild card. We would love to give you this opportunity. No bias. We would welcome the application back. Jim L. said we have to

consider precedent as well.

Rob Garrity moved to rescind the liquor license for Café Pesto without bias or prejudice. Jim Lehan seconded, and it was **so voted**.

ACTION ITEMS

Jim Lehan moved to appoint Neil Cross, 37 Pennacook St. to the Insurance Advisory Committee. Rob Garrity seconded, and it was **so voted**.

Jim Lehan moved to approve the request of the Garden Club to reserve the Town Hill and Gazebo for their second annual perennial plant sale on Saturday, May 19, 2012 from 9 a.m. to 12 noon. Rob Garrity seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Jack explained the new website to the Board where you can see the meetings posted online.

Jack explained RECC – working with Norfolk, Wrentham, Franklin and Plainville to consolidate the dispatch for 4 towns. They have developed a staffing profile and worked with the Chiefs to come up with a plan. There will be no layoffs. Working on a budget and will present that to the Selectmen. Don't expect it to be more costly. Wrentham is the wild card and they hired Maguire Group to do a space analysis. Wrentham is not adequate. They are going to look at some commercial space. Space needed is 6,000 sq. ft.

Jim L. asked if they have worked out the governance. Jack asked what they would like. Jack said they would like it to be the Town Administrator's. Jim L. agreed and it keeps the politics out of it. Jim T. asked about time table. Jack said they need to get a location and probably about 2 years from this July.

Jack said one hurdle is lock ups. They discussed at length the pros and cons of regional lockups.

Jim Lehan moved to enthusiastically endorse the regionalization of dispatch and other initiatives with Franklin, Wrentham, Plainville and Norfolk. Rob Garrity seconded, and it was **so voted**.

Jack mentioned the proposal for the casino resort. There is a website where you can look at the DVD sent by Mr. Wynn to all Foxboro residents.

Jack said we should reach out to Wynn and request a deal as a neighboring town. There is no formal proposal yet. They have to do that first. The Board has to agree to enter into negotiation, to town meeting, and get 2/3 majority vote, and then to ballot. The election will be a sample referendum of where they stand, because two Selectmen will be getting off the Board in Foxboro.

Jack mentioned a petition from the Fire, Police and DPW Unions asking that payroll not be bi-weekly.

Jack said the two DPW Superintendents have considered being a bargaining unit within the Union.

Jim Lehan moved to close the warrant. Rob Garrity seconded, and it was **so voted**.

Jack discussed notifying residents either online, postcard, or whatever works that the warrant is

available for town meeting.

Jim L. asked if Municipal Housing Trust should have a revolving fund. Sue, Julie and Jack will talk about it. Jim was looking for an easier way.

Jack said they will reformat the Revolving article per Joyce's recommendation.

The Board discussed having a discussion around the old Town Hall.

The Board discussed capital. Board would like the Capital Outlay Committee activated. Since there is only \$80,000, they suggested Jack make a recommendation to the Board for capital.

The Board would like to have a good conversation with Bob Bullock regarding the two old town hall articles.

Jim Lehan moved to reopen the warrant. Rob Garrity seconded, and it was **so voted**.

Jim Lehan moved to add the hunting article to the warrant. Rob Garrity seconded, and it was **so voted**.

Rob Garrity moved to close the warrant. Jim Lehan seconded, and it was **so voted**.

NORFOLK FINE WINE & SPIRITS – LICENSE VIOLATION

Chief Charles Stone and Detective Nate Fletcher present.

Also present was Saikiran Swamy representing Norfolk Fine Wine & Spirits.

Chief Stone told the Board that they did their holiday Alcohol Compliance Check. In December, Norfolk Fine Wine & Spirits did not pass. Detective Nathan Fletcher will read the report.

Det. Fletcher told the Board that on Dec. 19th, he used a 20 yr old undercover operative. She went into the store and bought a 6 pack of Bud Light. The Clerk did not ask for an id and sold her the beer.

Saikiran Swamy was representing his father. Answering the Board's question to him, he said his Clerk had full in-store training, but not TIPS training. He was not there when the violation occurred. The Clerk is no longer working there.

The Board discussed the 3 day suspension that was stayed by the Alcoholic Beverages Control Commission (ABCC). They were notified by us in our annual report that a violation occurred. This makes 3 violations within 3 years. This is very concerning to the Board.

Jim L. said that this is the second offense for us. We cannot consider a violation by the ABCC. The Board talked at length about different penalty options, and would like to set a certain amount as opposed to store sales. Jim T. threw out \$1,000. Rob is comfortable with that, as was Jim L.

Jim Lehan moved to set a fine assessed at \$1000 payable to Norfolk DARE and payable within seven (7) business days. Rob Garrity seconded, and it was **so voted**.

Jim T. reviewed the letter about the Fisher House and what Jen DeLuca explained at the Lions Club meeting. Jim T. then recused himself as he is a member of the Lions.

Jim L. said this is a wonderful program for soldiers and their families, and moved to approve. Rob Garrity seconded, and it was **so voted** with the exception of Jim T.

Jack discussed the Solar. Scenario 2 is the most advantageous. There is Constellation Energy and NStar. He said we have to buy energy. The energy goes to the grid and we get a credit that will generate \$378,000. We pay \$114,000 to purchase solar energy, and there will be a \$264,000 benefit to the town. Jack explained the savings to the Board. It is all theoretical at this point. The \$114,000 has to be included in the budget.

GUMPS PRESENTATION

Cyndi Andrade, chair of Community Preservation Commission and some members present.

Kyle Zick of KZ Landscape Architects was present. He reviewed a power point with the Board, explaining all they planned to do. It was then opened for questions, and there was much discussion.

Paul Terrio was concerned about a buffer to his property.

Rob questioned groups donating food or money to the food pantry.

Andrea Langhauser questioned if the play space would be similar to Kids Place or can older kids have an informal soccer game. Kyle said similar to Kids Place.

Paul questioned screening. Kyle said the budget called for 6' trees.

The Board reviewed all materials with the Board and they thanked him for coming. Cyndi will get figures for their warrant article.

Jack told the Board he hoped to meet with GATRA next week, which would include Jim T. and Harriet Fisher.

At 10:05 p.m., being no further business, Rob Garrity moved to adjourn the meeting. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of March 6, 2012.

Robert J. Garrity, Clerk

