

Regular meeting of the Board of Selectmen convened at 7 p.m. on Tuesday, April 4, 2017 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: Selectmen Allan D. Howard, William J. Plasko, Helen Abdallah Donohue, Allan D. Howard, and Thomas F. Maloney. Also present General Manager John J. Carroll, Clerk Frances L. Jessoe and Assistant Christina Mulvehill.

### Reorganization

Chairman Howard turned the meeting over to the Clerk, Frances Jessoe for reorganization. The Clerk called for nominations for Chairman.

Selectman Donohue nominated Selectman Plasko for the position of Chairman of the Board and Selectman Bishop seconded the nomination. The Clerk then asked if there were any other nominations. No further nominations being offered, the nominations were declared closed. The vote was unanimous to appoint Selectman Plasko Chairman.

The Chairman called for the appointment of Clerk of the Board. On motion of Selectman Howard, seconded by Selectman Donohue voted to nominate Mrs. Jessoe. The Board so voted unanimously to appoint Mrs. Jessoe.

Appointment by the Chairman of the Board of Norwood's Designee and Alternate Designees of the MBTA Advisory Board: On motion of Selectman Donohue, seconded by Selectman Howard, voted to authorize the Chairman to appoint Anthony Mastandrea as Norwood's Designee and Bernard Cooper as Alternate Designee of the MBTA Advisory Board.

### Appointments

#### 7:05 P.M. – Chief William G. Brooks III, NPD:

Chief Brooks introduced three additions to the department, Officers Fiske, Cedrone, and Quong who are now on field training. Recruit Jennifer Sullivan graduates from the Academy next week and she will bring the number of female officers on the department to five.

Chief Brooks attended various events including a ribbon cutting at the FBI office in Chelsea. The Youth Academy has really blossomed and they have enlarged both classes to take in all the people who were on the waiting list.

Several training sessions are being held this month including night firing at the indoor range at the station and drug recognition training.

The Chief and Officer Diego Silva held a second meeting with a group of Central Americans This was a lengthy well attended session and they speak to people about immigration.. We have a good relationship with our immigrant community and keep those lines of communication open.

The Department conducted an active shooter drill with Norwood Hospital at the hospital's request, in which twelve officers were involved. There are two days left to sign up for the Norwood Police Exam, which will be given at Norwood High School.

Chairman Plasko welcomed the new officers to the force and asked them about their backgrounds. Selectman Howard also welcomed the new officers to Norwood. Selectman Donohue asked the Chief about staffing and he gave an overview of the department. Selectman Bishop thanked the new officers.

Chairman Plasko read a statement by Town Counsel regarding a 40B case the City of Waltham has before the Housing Appeals Committee and how that does or does not affect the Town of Norwood's cases. Some of the information out there has been inaccurate and has been misleading, so Town Counsel was consulted and asked to prepare the following statement to explain what is going on in the Waltham case.

*The City of Waltham recently prevailed in a Superior Court Case that required the DHCD, DDS and DMH to comply with a subpoena the Waltham Zoning Board of Appeals issued in its ongoing litigation at the Housing Appeals Committee on the 1.5 issue and to identify the addresses of the subsidized housing in Waltham that are listed on the subsidized housing inventory. The addresses remain confidential information but the judge ordered the information to be released subject to a special protective order fashioned by the court. Waltham issued the subpoena to DHCD, DDS, and DMH because it had not been able to identify all the group homes units that were listed in its SHI and because the developer in that case challenged Waltham's identification of some of those units. In contrast, Norwood did not seek such a subpoena because Norwood identified all of its subsidized group home units listed on the SHI and the developer in the Davis Marcus case accepted our findings. Norwood got credit for 100 % of the locations listed on its SHI and all the land area associated with them. Prior efforts in Norwood by a private citizen to seek this information were made under Massachusetts Public Record Law. A request for confidential information made under public records law has no litigation exceptions and the confidential documents are not considered public records under the law. So that case was denied. Because the Waltham case was brought to enforce a subpoena, exceptions to privacy laws applied. Where a sufficient protective order could be fashioned, the court ordered the information released to Waltham to be used only in the context of the litigation.*

**7:45 P.M. – (cont'd) Show Cause Hearing, Limeys Norwood, Inc., dba Limeys Pub, 659 Washington Street:**

MGL C, 138, Section 69-Hearing permitting disturbance or illegality

MGL C. 138, Section 12, Hearing public need to amend hours of operation.

Incidents of November 27 and December 4, 2016

Chairman Plasko announced that this is a continued public hearing, and the Public Hearing Notice was read at the opening of the meeting, which Attorney Ravech attended. Selectman

Bishop disclosed that his son Patrick Bishop is a Norwood Police Officer and several of the reports being discussed involve him. Selectman Bishop said he would be impartial in his deliberations and listen to the evidence presented and govern himself in a proper manner and make a decision based on evidence on not on personal relationships. Chairman Plasko asked Attorney DeLuca if this type of disclosure requires the Board to determine whether Mr. Bishop can participate. Attorney DeLuca said no, this is the type of disclosure that so long as Selectman Bishop makes a public disclosure prior to the hearing it cures any appearance of impropriety or conflict. Attorney Ravech said he is satisfied with the disclosure and is ready to move forward.

Attorney DeLuca stated that notice of the hearing has been provided and there are two purposes. One is a Section 69 hearing for disciplinary action related to specific events occurring on November 26-7 and December 4, 2016. The second is Section 12 hearing where the applicant is afforded the hearing with respect to the Board altering the hours of operation.

Attorney DeLuca introduced Detective Richard Giacoppo, who did the investigation and stated that due to the nature of this hearing it is not necessary for first hand testimony. It is reasonable evidentiary standard for Detective Giacoppo to relate the testimony of others. Chief Brooks will speak regarding a reduction in hours There will be witnesses on behalf of the license holder.

Attorney DeLuca then swore in Chief Brooks and Detective Giacoppo. Detective Giacoppo spoke first, stating that he belongs to the Bureau for Criminal Investigation and has been investigating liquor incidents for seven years. He has done dozens of investigations that require him to talk to witnesses, gather information and present to the Board of Selectmen.

Selectmen's Meeting-Appointments

April 4, 2017

(cont'd) Show Cause Hearing, Limeys Norwood, Inc., dba Limeys Pub, 659 Washington Street:

Attorney DeLuca referred to November 27, 2016 and a report of difficulty related to alcohol concerning Limey's Pub and Detective Giacoppo said a liquor incident report was made for that date. Typically the reporting officer does the report, and in this case it was Officer Bishop.

According to his report, at 12:45 a.m. Officer Bishop was dispatched to Limey's for a male party out of control and throwing tables out in front of the bar. Upon arrival, Officer Bishop was directed to a group of people walking away from the bar. He approached them for information, got no cooperation and the group starting to get out of control. Officer Bishop said he was looking for information but people were yelling that they were not going to jail. He told them they were not going to jail as he was attempting speak to a large man in a scally cap. Officer Paul Zorzi arrived for backup and members of the group started to surround the officers. One female member of the group was screaming and Officer Bishop determined she was intoxicated. More officers arrived but the group remained belligerent and was pushing at Officer Bishop. Sergeant Benedetti arrived on scene and because he was concerned about losing control of the crowd, he called for mutual aid, and officers from Walpole and Westwood responded. Officer Bishop's report stated it was clear to him that people were intoxicated. The officers began to take people into custody but they were being pushed and the group got unruly. Officers tried to disperse the crowd. A female, named Jacqueline threw a shoe at Officer Bishop. Attorney DeLuca pointed out that Jacqueline's condition is referenced in the report as unsteady on her feet and glassy eyed. Officers Zorzi and Bishop placed her in protective custody due to concern that she was a danger to herself. Although the police report states that everyone in the group had been served at least one alcoholic beverage, the licensee said none of them was served.

Officer Zorzi reported seeing Officer Bishop being shoved and threatened and the group was verbally abusive to all present. Michael Wechbecker was taken into custody and his wife, Jacqueline was chasing the cruiser that he was riding in. Jacqueline was seen stumbling as she ran. Selectman Donohue inquired about the time of the arrests. The booking sheet says they came in at 1:27 a.m. Selectman Donohue said it might have been better to have the officers present at the hearing. Attorney DeLuca said this is an administrative hearing and in his judgment that was not necessary. The information provided by Detective Giacoppo is accurate and reliable.

Detective Giacoppo said he had reviewed the reports of the incident and spoken to the officers. He then went to Limey's and spoke with people, including Terry Horgan, who said the group never entered the bar and were not served any alcohol. Mark Saulnier, one of the witnesses arrived at Limey's at 12:15 p.m. He went with his uncle and aunt to the front of the bar. He said the group in question was in the bar for thirty minutes before Brian Duffy was asked to leave. He said they were all drunk before getting to Limey's and probably should not have gotten in.

Detective Giacoppo said the bartender reported hearing the big guy yelling obscenities. She went over to try to stop him and called a bouncer over. She didn't know if they had been served but she knew she didn't serve them and she could not tell if they were drunk. Shannon Fallon was there that night with her brother and saw the group enter the bar at 12 a.m. Brian and Jacquelyn went to the pool tables but after Shannon's brother left the bar, they began to harass her. According to Ms. Fallon they showed signs of intoxication and she was sure they were drunk by the way they acted. Abby Brown was with Ms. Fallon.

Joseph McPhee, who was arrested that night spoke with Detective Giacoppo. He said they were inside for 30-40 minutes and had been drinking at other places. He said they had 2-3 rounds and paid cash for all the drinks.

Detective Giacoppo referenced a video from the police station which show some of the parties involved. He stated that the video shows one woman stumbling and holding the wall for support. Attorney said he had a three minute segment of that video which is cued up. Attorney Ravech stated he has not been given a copy of that. Chairman asked for clarification of who was in the video. On motion of Selectman Donohue, seconded by Selectman Bishop, voted to pass on the video.

Selectmen's Meeting-Appointments

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(cont'd) Show Cause Hearing, Limeys Norwood, Inc., dba Limeys Pub, 659 Washington Street:

Detective Giacoppo continued his report, stating he spoke with Wayne Saulnier who said they paid cash for one round of drinks and were inside the bar for about 30 minutes and no one in his group was showing signs of intoxication. Detective Giacoppo said his summary based on statements from parties involved that they had been served inside Limey's and were not observed exhibiting signs of intoxication by the Limey's staff. Bartender Robert Hogan said they were only inside the bar for 3-5 minutes which is in direct conflict with witness statements and statements made by Shannon Fallon and Abby Brown who stated they were inside the bar for a much longer period of time and estimated their time of arrival was approximately 12:15 a.m. Bartender Stacey Belavance as well as Mr. Hogan both denied serving Brian Duffy, Jacqueline Weckbacher and Joseph McPhee. Other witnesses say they were all inside for over thirty minutes and were served alcoholic beverages prior to the incident. Brian Duffy and Jacqueline Weckbacher were asked to leave by the staff. It is reasonable to believe that the parties were served alcoholic beverages leading to their intoxication at Limey's Pub. Based on this, Detective Giacoppo recommended the matter be referred to the Board of Selectmen.

Detective Giacoppo reported on a second incident that occurred December 4, 2016 at Limey's Pub. Officer MacEachern reported that on December 4, 2016 at approximately 12:40 a.m. he was dispatched for a fight at Limey's. He responded along with Officers Bishop, Zorzi, Connolly and Sgt. Lydon and were told that a fight had broken out inside and the subjects had fled the scene. Officer MacEachern spoke with Mr. Horgan, the bartender at Limey's who stated Limey's was having a Christmas party and temporary bartenders were working. He went on to say that shortly before the pub closed two women started arguing and a short time later a male got involved. A fight erupted and they knocked over the Christmas tree. Several other patrons got involved and the fight spilled out to Washington Street. Officer Giacoppo noted the incident was called in by a bystander and not staff. Detective Giacoppo said he spoke with Mr. Horgan who gave him the names of the temporary bartenders. Detective Giacoppo contacted witness Allan Salmon who had spoken with Sgt. Lydon. Mr. Salmon explained that one fight started and stopped, another fight started and was broken up, and a third fight started. He estimated the time from the first fight to the third fight as being five to ten minutes. All of the fights were physical and the bartenders attempted to break them up. Mr. Salmon said he thought the fighters were intoxicated based on their behavior but he did not observe any signs of intoxication. Sergeant Lydon reported speaking with a female witness who had called the police. She saw two women and a man fighting and the fight moved outside.

Upon cross-examination, Attorney Ravech asked Detective Giacoppo about his training with regard to alcohol, and the Detective listed his credentials. When asked who he spoke with in person, Det. Giacoppo state Terry Horgan, Robert Horgan and Mark Saulnier. Attorney Ravech pointed out that there is no report that Detective Giacoppo took notes during these interviews. He also said a licensee cannot serve to someone who is visibly intoxicated but nobody corroborates that anyone was visibly intoxicated. Three people were arrested and one was put into protective custody. Jacqueline Weckbacher threw a shoe at the officer and then stumbled on the street but it is possible she fell because she only had one shoe on. Shannon Fallon was being threatened but people act in bad ways even when not drunk. And she did not say she saw obvious signs of intoxication. Reportedly, neither of the two bartenders on that night knew what time the group in question came in. The incident requiring police action took place outside the bar after Mr. Duffy and Ms. Weckbacher were escorted out of the bar. They were escorted out based on Ms. Brown reporting an incident inside the bar with them. The actions of staff at limeys in escorting them out was proper. The police were called by someone outside the bar. The action inside the bar was not illegal. When the situation moved outside and down the street it was because Mr. Duffy did not want to talk to the Police. The standard in Massachusetts is whether or not a person shows visible signs of intoxication. As far as the incident in the street, sometimes people who are not intoxicated harass the police, and there is also drug related bad behavior. Attorney Ravech went on to point out that Pursuant to Section 69, it would have to be a visibly intoxicated person being served. No one can say Jackie Weckbacher was served alcohol in the bar and Michael Weckbacher was not said to be served while visibly intoxicated. Joseph McPhee was also arrested and there is no evidence that when he was inside the bar he was served alcohol while visibly intoxicated.

Selectmen's Meeting-Appointments

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(cont'd) Show Cause Hearing, Limeys Norwood, Inc., dba Limeys Pub, 659 Washington Street:

Attorney Ravech then addressed the second incident, which occurred in the late evening of December 4<sup>th</sup> into the early morning of December 5<sup>th</sup>. The police arrived within minutes after being called by a bystander who was inside the bar at the time. As far as illegality, the Attorney stated, and Detective Giacoppo concurred that there is no indication that anyone intoxicated was served. Attorney Ravech asked if Det. Giacoppo agreed that it was staff's duty to try to alleviate staff should have tried to alleviate the situation that takes place in the bar and if there were a fight that took place in the bar, , wouldn't it be in the best interest of the community, the Police Department, and the patrons, if bar personnel dealt with the situation as quickly as they could and alleviate the situation and got people outside – and that was all done by the time police arrived. Once everyone removed themselves from the bar, the alleged illegality that occurred inside the bar had already occurred. There was no need for the police to get further involved that night and no allegations that the situation was not handled in the proper manner.

At this time, the Chairman noted the late hour, asking whether the hearing should continue tonight or at another time with an earlier start. Attorney DeLuca still has the Chief of Police to testify and Attorney Ravech had several more witnesses. He did not think it could be concluded in two hours. Chairman Plasko called a five-minute recess. Upon returning from recess, on motion of Selectmen Bishop, seconded by Selectman Maloney, voted to continue the hearing to Monday, May 1, 2017 at 6 p.m.

### New Business

#### Thomas J. McQuaid, Town Clerk:

On motion of Selectman , seconded by Selectman , voted to appoint:

Mark P. Ryan, Graves Custodian (Veterans)  
Matthew Walsh, Sealer of Weights and Measures  
Edmund W. Mulvehill, Jr. Soldiers Relief Agent  
Henry Cerqueira, Animal Control Officer

On motion of Selectman Bishop, seconded by Selectman Donohue, voted to reappoint:

John R. Perry, – Board of Appeal-Zoning  
Scott P. Murphy, Associate Member, Board of Appeal  
Edmund W. Mulvehill, Jr., Fence Viewer  
Michael Sheehan, Airport Commission  
Sheryl I. Miller, Constable  
Donald S. Runnalls, Constable

#### Norwood Council on Aging:

On motion of Selectman Donohue, seconded by Selectman Howard, voted to reappoint for two year term Thomas F. Tobin, Frances M. Kenney and Edmund W. Mulvehill.

#### Economic Development Committee:

On motion of Selectman Donohue, seconded by Selectman Bishop voted to reappoint William Plasko for one year term, term to expire 4/30/18.

#### Annual Town Meeting Warrant:

On motion of Selectman Donohue, seconded by Selectman Bishop, voted to sign Annual Town Meeting Warrant for May 8, 2017.

#### Selectmen's Meetings:

There are 5 Tuesdays in May, 2, 9, 16, 23, 30. Does the Board wish to cancel a meeting in May? The Board has voted to meet on the 30th<sup>1</sup> as this is the first week of Summer Schedule. May 9 is the week of the Annual/Special Town Meeting. On motion of Selectman Howard, seconded by Selectman Donohue, voted to eliminate the meeting May 9.

#### Selectmen's Meeting-New Business-(cont'd):

April 4, 2017

#### Jill M. Reddish, Franchise Operations Management/Verizon Video:

On motion of Selectman Donohue, seconded by Selectman Bishop, voted to file statistical information concerning Verizon New England's telephone availability and on time performance for the prior quarter, as per Section 7 of the Final Cable TV License.

Matthew Liptak, 6<sup>th</sup> District Freemasons:

On motion of Selectman Donohue, seconded by Selectman Howard, voted to approve request to use Town Common and Gazebo Saturday, June 24, 2017 to hold a small fair for families to display Freemasonry to the community. They expect 50-100 attendees and will need electricity. On motion of Selectman Donohue, seconded by Selectman Bishop, voted to waive fee.

Ecumenical Food Pantry of Norwood, Nicholas A. Campagna, Jr.:

On motion of Selectman Donohue, seconded by Selectman Bishop, voted to approve request to place a display in the lobby of Town Hall from April 18<sup>th</sup> through May 8<sup>th</sup> to promote the Walk for Hunger .

Cemetery Deed:

On motion of Selectman Donohue, seconded by Selectman Howard, voted to sign:  
Helen M. Thornton, 44 Nichols Street, to lot C-1899.

Mass. DOT:

On motion of Selectman Bishop, seconded by Selectman Howard, voted to file information regarding South Coast Rail project change regarding extending service from the Middleborough line. Comment period March 22 to April 21.

Personnel Board:

On motion of Selectman Howard , seconded by Selectman Bishop, voted to file updated policies: Workplace Smoke-free Policy, Personnel Records Policy, and Drug and Alcohol Policy.

Coach Kevin Igoe, Jr. , Norwood High School Baseball:

On motion of Selectman Howard, seconded by Selectman Donohue, voted to approve request to reschedule car wash from Saturday, April 1<sup>st</sup> to Saturday, May 20<sup>th</sup>.

David Spiegel, President, CMI Property Management:

On motion of Selectman Bishop, seconded by Selectman Donohue, voted to approve change request to correct records on their property at 128 Carnegie Row from Car Market, to CMI Property Management, Inc.. All other information remains the same.

Memoranda

Personnel Board:

- On motion of Selectman Howard, seconded by Selectman Bishop, vote to file:
- a. Copy of correspondence to Planning Board Chair Deborah Holmwood, and Director of Planning, Paul Halkiotis, regarding classification request for proposed Asst. Planner position.
  - b. Submitting copy of correspondence to General Manager John Carroll regarding Computer Department Director reclassification request and proposed classification request for a new Assistant Department Head for the IT/Computer group.

Selectmen's Meetings:

On motion of Selectman Howard, seconded by Selectman Bishop, voted to approve as submitted minutes of February 7, 14, 21.

Selectmen's Meeting

April 4, 2017

Selectmen's Addenda

Selectman Bishop

Berm damage around town

Specifically 4-10 Meadow Street and one on Ash Road. The Manager will handle.

Election

Thank you to all who did vote. There was low turnout but a lot came out for the marijuana question. And thank you to the people involved at the polls. It was a long day but it came out fantastic.

Selectman Howard

Election

Thank you to the voters and for voting down marijuana. Thank you all those who worked on his behalf. The opponent worked hard but did not prevail.

Selectman Maloney

Student Government Day

Thank you to the five students who were Selectmen today. They are very competent and articulate.

Gerry Miller retirement party

Friday, May 5 at 6 p.m. tickets are \$45 at Civic Center.

Allan Howard

Thank you for the extent to which you welcomed me and it was a pleasure serving with you.

Election

Congratulations to Paul and Allan. Looking forward to serving with them in coming year.

Selectman Donohue

Election

Congratulations to Allan and Paul and thank you to those who came out and voted.

Pasquale Palie

Pasquale passed away this week. Veteran of the Norwood Fire Department. He will be sorely missed.

Art in Bloom

At the Morse House with Norwood and Walpole students. The garden club makes a flower arrangement to go along with pictures the students paint.

Fine Arts Festival

With Catherine Connor Moen.

Spring Field Playground Requests

This is how the departments work together to provide services to the town. It is a lot of fields to maintain and thank you to those who do that.

Chairman Plasko

Student Government Day

The students were very impressive and this was one of the finer groups. If they are representative of the future, we are in good shape.

Selectmen's Meeting

April 4, 2017

Manager's Agenda

Spring Field/Playground Requests

The Manager thought the Board would be interested in this list.

Filming in Norwood on April 4<sup>th</sup>

A production company will be filming in Norwood on private property.

Letter from Governor regarding Chapter 90.

Norwood's Chapter 90 funds will be \$862,984 which is lower than expected.

Manager's Executive Session

1. Avalon Bay and Forbes Hill
2. Norwood Airport

Adjournment

No other business being presented for consideration, on motion of Selectman Howard, seconded by Selectman Maloney, voted to adjourn and the meeting was adjourned accordingly at 9:50 p.m.

A True Record.

ATTEST: \_\_\_\_\_  
Assistant