



TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
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**BOARD OF SELECTMEN
MEETING**

December 15, 2015
Municipal Center, Conference Room A
7:00 p.m.

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A regular Board of Selectmen meeting was called to order at 7:00 PM. Present was, Craig Dauphinais, Jennifer Thomas, Bruce Spinney, Dennis Flynn, Brook Padgett, Tim McInerney, Doug Willardson and Laura St.John-Dupuis

Grafton Flea Market – Liquor License Hearing

Mr. Spinney read the public hearing notice. Mr. Spinney made a motion to open the public hearing. Ms. Thomas seconded. All were in favor.

Mr. Henry Lane, attorney for the owner of the Grafton Flea Market and Owner Mr. Peters addressed the Board. Mr. Lane stated that he would like to amend the original liquor license application submitted and change the type of license from “general on premises” to a “restaurant” liquor license. Mr. Lane stated that the Grafton Flea Market operates summer and fall 1 day per week, on Sundays and that people today are looking for more amenities such as beverage service. The Grafton Flea Market would like to make their beverage service similar to that of the Mendon Drive-in located in Mendon, MA.

Ms. Thomas asked about when the Board grants a license and if it is to an individual. Mr. McInerney stated a manager has to be established and that was done.

Mr. Padgett asked if the area would be fenced in. Mr. Peters stated yes. Ms. Thomas asked about kids being able to go inside the fenced in area. Mr. Peters stated he had hoped that staff can walk around to keep kids from going inside.

Mr. Spinney asked how many people Mr. Peters would have working in this area. Mr. Peters stated that he thinks 3 or 4 people. Ms. Thomas responded by asking if anyone would be monitoring this area. Mr. Peters stated that hopefully he will have someone out there monitoring.

Mr. Dauphinais stated to Mr. Peters that this has to be managed so that someone is not walking around with open containers.

Ms. Thomas stated that she does not understand why the request is for a restaurant license if you are not serving food in there bar area. Mr. Lane responded saying that as inside the establishment food is served. Mr. Dauphinais stated that the area where alcohol will be served is in a different building and it is not inside where the food is being served. This really makes this an outdoor bar and not a restaurant and the area is for alcohol consumption. Mr. Lane responded by saying that the restaurant service is take out as well as eat in and that people can bring their food to the fenced in area where alcohol is served.

Mr. Lane stated that he and his client had to go to the Zoning Board, the ZBA made many conditions, particularly that the alcohol service only be operational when the flea market is open. Mr. Dauphinais asked if the hours of operations were part of the ZBA's decision. Mr. Peters replied by saying he was not sure. The restriction was to have alcohol service only when there was a flea market. Mr. Lane read to the Board the restrictions," that the sale of alcohol may only be conducted as an accessory use and only during the hours of the flea market operation" The flea market is only operational Sundays and Monday holidays April thru December.

Mr. Dauphinais asked if It would be an area that a family could get some food and bring it to the area serving alcohol and if minor could go inside. Mr. Peters replied yes, that there would be soda served too.

Mr. Flynn asked if the Grafton Inn has a patio and do they have restrictions. Mr. McInerney stated that there is a law and that he does not know what the criteria are for the Grafton Inn. Mr. Flynn responded by asking if the town allowing alcohol to be served on the patio of the Grafton Inn. Mr. McInerney stated yes. Mr. Flynn asked if this is an integral part of the restaurant. Mr. McInerney stated yes. Mr. Flynn stated this does not seem to be the same thing as a restaurant. Mr. Lane stated they are not trying to become a restaurant but are trying to offer alcohol. Mr. Flynn stated if we licensed this, what's to prevent a hot dog stand to apply for a liquor license. Mr. Lane said that is fairly common.

Mr. Dauphinais asked where this new area will be in relation to the big building. Mr. Peters stated it will be behind the shed behind the big building

Ms. Thomas asked if there was a plan for security. Mr. Peters stated that there are alarms and the property is gated and the buildings are alarmed. And the new building will be as well.

Mr. Dauphinais asked if Chief Crepeau had any questions.

Chief Crepeau addressed the board stating that the Police Department is opposed to the Grafton Flea Market having a liquor license. Chief Crepeau had thought that the area that would serve liquor would be closed off to kids and minors and knowing this now makes things even more difficult. Chief Crepeau stated that the area for alcohol service proposed is a shed, not a room for service that will be stocked with beer and wine and it is an unsecure open venue that will be hard to control with the amount of

people (Approximately 1,000 people that visit the flea market). Further, the chief stated that it would be very difficult to control off premises consumption and to monitor patrons. People under the age 21 could wander in and out. The applicants no way address how to prevent under age consumption. Chief Crepeau was concerned as to what could stop the flea market from opening 7 days per week? The flea market hires two police officers most days due to the amount of traffic. The Chief checks the flea market a two times per year and sends undercover officers in. Recently detective Kuck found illegal knives being sold and confiscated them.

Mr. Dauphinais asked if there were any other questions. Mr. Padgett stated that for him he doesn't see how this is any different than the Legion; stating it is the exact set up. It is up to the people who have the license to ensure there is no underage drinking. The license is for 1 year. If there is underage drinking the Board will not renew the license. This shouldn't be any different than any other establishment.

Mr. Dauphinais stated that he is in agreement with Mr. Padgett to certain degree, however he feels this is a totally different animal and the responsibility that goes with is enormous. Where Mr. Peters has not done this before, it is a huge responsibility and has to go over the top at the entrance to monitor people coming in and out. Mr. Peters responded by stating that he is willing to do whatever is necessary.

Mr. Lane addressed the Board and stated that he feels Mr. Peters is not opposed to any reasonable conditions especially if the Board feels there should be one person at the entrance monitoring as the Flea Market is only open 6 hours per week and police are there every minute that is open. Mr. Lane further stated that the Peters family has owned/managed the flea market for over 50 years without any real problems, this is an incremental small step and suggest if this doesn't work out we can revisit this. Mr. Dauphinais suggested, if we granted a One Day Beer and Wine License for certain number of days as a trial. This way there could be an end to it and we can see how it goes. Mr. Peters asks if there is a cost difference for the license. Mr. Padgett states it is better for him by the day. Mr. Dauphinais is not sure how much it is per day. Mr. Padgett stated this may be a better compromise. Mr. Peters stated he is willing to work with the Chief. Mr. Spinney stated that he would like to see how many people the flea market will hire and see where they will be and suggests Mr. Peters construct his business plan and then come back to the Board. Mr. Spinney wants to see what Mr. Peters can do to alleviate the concerns before the Board grants the license.

Mr. Flynn stated that he has a lot of concerns and feels it is good to continue this however, as a Town we have a legal department, and Town Council has rendered an opinion on this liquor license application and feels this application does not meet the criteria. Mr. Flynn stated that he believes the judgement of the police force and seriously takes the recommendations of the Police Department. Mr. Flynn is not interested in trying to make this work for someone by bending the law and would not want to be part of that and would not like to mislead anyone. Mr. Lane proposed to continue this hearing for a month and to put together a plan. Mr. Lane would like to see the written comments from Town Counsel. Mr. McInerney asked how many tables and chairs in the fenced in area. Mr. Lane stated 60 people total, 10 picnic tables. Mr. Lane would like to

come back in a month with a plan. Mr. Dauphinais would like to include TIPS training as a requirement.

Ms. Thomas feels her concerns are from a lack of experience and training, that training component is very important as the Board takes this very seriously. Ms. Thomas does have reservations about this and would like to see a plan.

Mr. Spinney moved to continue the public hearing for a date to be determined. Ms. Thomas seconded. All were in favor.

Pole Petition- National Grid Continuance of Sibley Street Petition

Mr. Spinney made a motion to reconvene the November 17th National Grid pole petition for Sibley Street. Ms. Thomas seconded. All were in favor.

Mr. Anthony Marcello and Iris Price of National Grid addressed the Board stating that the pole on Sibley Street will be moved 25' up from where it is now.

Mr. McInerney stated Mrs. Bridges had concerns of the pole's location.

Mrs. Bridges of 1 Sibley Street addressed the Board and asked if the overhead lines will be in the same direction and what pole are the wires coming from. Mr. Marcello responded stating they come from pole 9 on the corner. Ms. Bridges asked if the lines will go over the road. Mr. Marcello stated the pole will be in public way and not on private property. Ms. Bridges was satisfied with that.

Mr. Spinney made a motion to close the public hearing. Ms. Thomas seconded. All were in favor.

Mr. Flynn made a motion to approve the relocation of the pole on Sibley Street and Old Upton Road as presented. Ms. Thomas seconded. All were in favor.

Appointment of Derek Grandinetti – Part Time Custodian

Mr. Spinney made a motion to affirm the appointment of Derek Grandinetti, part-time custodian. Ms. Thomas seconded. All were in favor.

Resignation of Dawn E. Legassey (Retirement) - Grafton Police Department Dispatcher

Mr. Spinney made a motion to accept the retirement of Dawn E. Legassey, Grafton Police Department Dispatcher. Mr. Padgett seconded. All were in favor.

NEW BUSINESS

PATH Grant Application-Transit Oriented Development Feasibility Project at Route 30/ Pine Street.

This item was passed over, will be move to the January 5, 2016 Board of Selectmen meeting.

Vote to Sign Bargmann & Archtype Inc. Contract for Feasibility Study to Renovate 26 Providence Road (Old Police Station)

Mr. McInerney stated that 2 RFP's were received, one from Dixon Salo and the other from Bargmann Hendrie & Archtype Inc. The funding will come from cable funds from the franchise fee from charter and Verizon.

Mr. Flynn made a motion to sign the Bargmann & Archtype for a feasibly study to renovate 26 providence Road (Old Police Station) contract. Mr. Padgett seconded. All were in favor.

Vote to Sign Cell Tower Lease – Creeper Hill Road.

Mr. Willardson stated that at Town Meeting in October the Board of Selectmen was approved to enter into lease on this sight, we have been working on developing the front of parcel and at the back. We had put out an RFP for a cell tower lease. US Wireless Inc. had the most advantageous proposal and added that the neighborhood has been contacted about this. Mr. Willardson further commented that the lease would allow US Wireless Inc. to lease a 100'x 100' foot parcel with rights of way. This would be a 5 year lease with 4, 5 year terms at a rate of \$2,050 per month with a 3% annual escalator over the course of the years. This will bring in revenue just under \$900,000. Additionally, Mr. Willardson stated that this will still need to be permitted through the Planning Board/Conservation there may be slight changes as to where the compound will be. Mr. Spinney asked if there has been an initial review by Con Mom and Planning. Mr. Willardson stated yes and will go through the normal public hearing process.

Mr. Flynn asked if the abutters will be having a hearing. Mr. Willardson stated yes through the planning process. Mr. Flynn asked if the Town is obligated to honor the lease unless permitted. Mr. Willardson stated no, it has to be approved first and this is in the lease agreement. Mr. Flynn asked where is the right of way is located. Mr. Willardson stated that the right of way is the driveway and a new road will be constructed.

Mr. Spinney made a motion to sign the cell tower lease with US Wireless. Ms. Thomas seconded. All were in favor.

Vote to Sign Dixon Salo Change Order – One Grafton Common

Mr. McInerney stated this is a summary of all change orders included one from a few weeks ago. We are still within our contingency. Mr. Spinney made a motion to sign the Dixon Salo Change Order for One Grafton Common. Mr. Padgett seconded. All were in favor.

2016 Annual License Renewal

Mr. McNerney stated that every year in December the Board renews licenses. There was a memo the Town Administrator received today from the Grafton Fire Department, stating that of the 11 businesses that were inspected there were two that did not pass, the Grafton Inn and Cancun Restaurant. If the Board approves the list totally, the licenses for the Grafton Inn and Cancun will not be released by the Town Administrator's office until all of those public safety requirements have been met.

Mr. Flynn made a motion to approve the 2016 Annual License with the exception of Central Square Gifts. Renewal as Per List, Mr. Padgett seconded. All were in favor.

Mr. Spinney made a motion to re-affirm Central Square Gifts LLC annual license. Mr. Padgett seconded. All were in favor, Mr. Dauphinais recused himself. Motion carried.

Electricity Aggregation – Draft Special Town Meeting Article

Mr. McNerney stated that Good Energy was at the last Board meeting. Mr. McNerney would like to adopt the aggregation of electricity. This needs a town meeting to move forward. There is a long process involved and the first step is to hold a Town Meeting to adopt this section of Mass General Laws. Mr. McNerney stated he would like the Board to set a date for Town Meeting as there has to be a lot of work to be done for June 2016. Good Energy is going to 100,000 plus households and we would like to get into that bid. This would drop the rates, if the Town does not like the rate that the company comes back with, the Board of Selectmen does not have to sign the agreement.

Mr. Spinney made a motion to designate February 8, 2016 @ 7:30 PM for a Special Town Meeting at the High School Auditorium. Mr. Padgett seconded. All were in favor.

Town Administrator Evaluation

Mr. Dauphinais requested clean copies of a blank evaluation form for this year. Mr. McNerney handed out and suggested using the one from last year as a guide. Mr. McNerney has provided an update of his goals. Mr. McNerney will be evaluated on the evaluation criteria from last year and his goals. Timeframe wise, Mr. Dauphinais asked for the Board's evaluation to be given back to Mr. Dauphinais by January 4th. Mr. Dauphinais will compile and report on it at a later meeting date.

SELECTMEN REPORTS / TA REPORTS

Mr. Dauphinais would like an item for discussion on the 1/5/16 Agenda. This will be property suitable for affordable housing, not Perrault property.

Ms. Thomas would like to have a workshop for Superpark 1/12/16 to show what the committee has been working on with grants and fund raising drafts.

Mr. Flynn stated that the DPW Building Committee's John Bechard did an overview of the DPW building project that will run on Grafton Cable TV for the next several weeks. If anyone had any comments Mr. Flynn would like to hear them.

Ms. Thomas asked if the Board received a letter from Conservation. Mr. McInerney stated that Conservation would like to come in to share their concerns and does not know what the particulars are. Mr. Flynn thinks it would be nice if Conservation has an issue that they bring it to the DPW Building Committee so that they know what's happening before they come to the Board. Mr. Flynn has been advised by private citizens and feels there is certain land that has been donated to the Town and that at one time there was an issue of water areas and how they feed into the streams below and concerns about the aquifers in the area, there was a possibility of a reservoir that may be created. Mr. Flynn was unable to find anything out about that with records from the Town Clerk. Mr. Flynn stated that if Conservation has concerns, if they could provide a memo to the DPW Building Committee with them, the DPW Building Committee could address these concerns prior to a Board of Selectmen meeting.

Mr. Flynn stated he received a letter from an individual trying to increase voter participation. He would like to consider making this an agenda item for the next meeting. This person is looking to encourage greater participation in voting. Mr. Dauphinais asked to make this a discussion item on 1/15/16 agenda.

Mr. Dauphinais stated that he spoke with Representative David Muradian, about Village Dairy's Liquor License and asked if the Board wanted him to do some follow up. Representative Muradian would like a letter to be written about the concerns Grafton has and the list of violations and the list of progressive discipline given to Village Dairy and how the Town was upset about the decision that the ABCC made. Representative Muradian stated that he take the letter and see if he can make a difference. Mr. Flynn feels that Town Council has some information that can be incorporated with the Board of Selectmen's letter.

Mr. Willardson asked if the Board wanted to invite anyone in for a workshop. Mr. Spinney suggested the Planning Board. Mr. Flynn suggested the What If Committee may want to come in. Ms. Thomas stated that the What if Committee is waiting on the Fire Safety analysis. Ms. Thomas feels that in January there will be a report from Jensen Hughes to discuss. Mr. McInerney stated that he has received a draft report and that the Chief and Town Council will provide comments at the reports is grossly deficient. Mr. Flynn asked if the document is a public report and asked for it to be posted on the internet. Mr. McInerney stated he would post it to the webpage under Administrator's Updates page.

Ms. Thomas stated that the Committee has concerns of what they are supposed to do. A lot of plans will depend upon the final fire safety analysis is as we don't know because there isn't a plan for the facility for a fire safety analysis because there are so many unanswered questions.

Mr. Flynn stated that the public will want to see a copy of the report. Mr. McInerney stated the analysis the Town is putting together will show that what the GURR is doing is wrong and should not be approved by the state and that we are going to give information to the state so that they do not approve the GURR's Fire Safety Analysis.

Mr. Flynn stated that the general public would like to know what kind of information we have and feels the Town should have a meeting to tell the town people what is happening with the court case and what the next steps are that need to be taken and that Town Council should share with the Town the status and why we are not able to get information. Mr. McInerney stated that sometime in January there will be information aired.

CORRESPONDENCE

Mr. Spinney read the vacancy list of Boards and Committees.

MEETING MINUTES

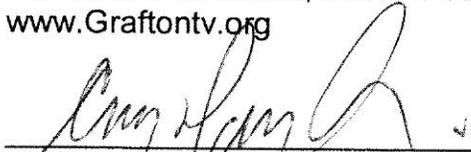
Mr. Spinney made a motion to approve the meeting minutes from 11/17/15 as presented. Ms. Thomas seconded. All were in favor.

Mr. Spinney made a motion to approve the meeting minutes from 12/1/15 as presented. Ms. Thomas seconded. All were in favor.

ADJOURN

Mr. Spinney made a motion to adjourn at 8:51 PM. Mr. Padgett seconded. All were in favor.

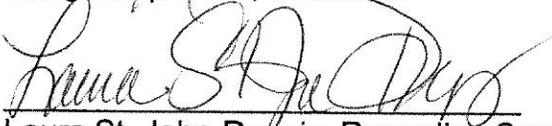
For more information, this and other meetings can be viewed on Grafton Television.
www.Graftontv.org



Craig Dauphinais, Chairman



Date



Laura St. John-Dupuis, Recording Secretary