

**MEDWAY BOARD OF SELECTMEN**  
155 VILLAGE STREET • MEDWAY, MASSACHUSETTS 02053  
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*Glenn Trindade, Chairman  
Maryjane White, Vice Chairman  
Richard D'Innocenzo, Clerk  
John Foresto, Member  
Dennis Crowley, Member*

**Board of Selectmen's Meeting Minutes**

**January 3, 2017 at 7:00 p.m.**

**Sanford Hall, 155 Village Street**

**Present:** Chairman Trindade; Selectmen Maryjane White, Dennis Crowley, John Foresto and Rick D'Innocenzo; Town Administrator Michael Boynton; Director of Community & Economic Development Stephanie Mercandetti; Chairman of the Planning & Economic Development Board Andy Rodenhiser; Members of the PEDB Bob Tucker, Matt Hayes, and Tom Gay; Town Counsel Barbara Saint Andre.

At 7:01 p.m., Chairman Trindade called the meeting to order and led in the Pledge of Allegiance.

**Public Comments:** None

**Donation Acceptance – Estate of William A. Christopherson to Council on Aging - \$59,309.81:**

*The Board reviewed the following information: (1) Memo from Courtney Riley, Director of Council on Aging; and (2) Notice of Donation Form.*

Town Administrator Michael Boynton said Mr. Christopherson also made a donation in the same amount to the Medway Firefighters' Association. Mr. Boynton said the donation was made through Mr. Christopherson's will. The Board acknowledged Mr. Christopherson's generosity.

**Selectman Foresto moved that the Board accept the donation from the Estate of William A. Christopherson and authorize the expenditure of the funds to benefit the Council on Aging; Selectman D'Innocenzo second; No discussion; All ayes 5-0-0.**

**Vote – Open May 8, 2017 Special and Annual Town Meetings:**

**Selectman White moved that the Board open the Special and Annual Town Meeting warrants set for May 8, 2017; Selectman D'Innocenzo second; No discussion; All ayes 5-0-0.**

**Joint Meeting with Planning and Economic Development Board: Discussion with Town Counsel – New Recreational Marijuana Law:**

*The Board reviewed the following information: (1) Guide to New Law Legalizing Recreational Marijuana.*

**Planning & Economic Development Board Chairman Andy Rodenhiser called the joint meeting of the Board of Selectmen and Planning & Economic Development Board to order at 7:11 p.m.**

Town Counsel Barbara Saint Andre reported that an amendment to the new law was passed last week extending all the deadlines by six months. Also, the amendment clarified that growth and cultivation of marijuana is not to be deemed an agricultural use and therefore not subject to certain zoning exemptions. Town Counsel recommends that the Town update its bylaws to include personal use marijuana.

Selectman Trindade said Medway's current bylaws allow medicinal marijuana facilities in certain districts by Special Permit. Town Counsel explained that the Town could adopt zoning bylaws to impose reasonable safeguards on marijuana facilities, including location and hours of operation. Chairman Rodenhiser said 54% of Medway voters voted in favor of Question #4. He said the PEDB is looking for direction from the Board of Selectmen and voters. He said it is important for everyone to be on the same page so that the new bylaws are meaningful. Selectman Crowley wondered if Medway voters, who voted in favor of Question 4, would support the opening of a retail store in Medway. The group discussed whether certain types of facilities could be prohibited from opening in Medway. Town Counsel said there is a provision that addresses this issue. In addition, Town Counsel said some towns are looking at adopting a moratorium. Administrator Boynton said the legislation is flawed and there are many questions, including what the tax implications will be and who will regulate the new laws. He said the state is proposing a Cannabis Control Commission that will operate similar to the Alcoholic Beverages Control Commission (ABCC). He said there should be a local licensing process in addition to the state regulations. Administrator Boynton suggested asking the Attorney General for a position on a moratorium through November 2018. The BOS agreed to discuss adding a non-binding question on the ballot in May. The group discussed whether the Town would wait to apply for a moratorium until after the May Annual Town meeting. Chairman Rodenhiser stressed the importance of communicating the Town's plan to residents. The BOS asked Administrator Boynton, Assistant Town Administrator Potter, and Town Counsel to discuss this issue further and bring options to the BOS at the next meeting. Selectman Crowley said he read the MMA white paper and has concerns. He said other towns have written letters to the Governor highlighting their concerns. The BOS asked Administrator Boynton to draft a letter highlighting the Board's concerns for their review.

**Tom Gay moved that the Planning & Economic Development Board adjourn the joint meeting with the Board of Selectman; Matt Hayes second; No discussion; All ayes 4-0-0.**

**Approval – Change of DBA Request – Derek's Steak and Seafood:**

*The Board reviewed the following information: (1) Request for DBA change.*

Administrator Boynton said the Town has no objections. It will be under the same management but have a different menu.

Selectman Foresto moved that the Board approve the change of DBA name from Derek's Steak and Seafood to Zio Paulo's Trattoria as requested; Selectman D'Innocenzo second; Selectman Crowley said he is voting against the change. He said there have been at least 3 name changes in a short period of time and he feels the applicant should come in front of the Board and explain why there have been so many changes; Vote: 4-1-0 (Crowley nay).

**Designation – Selectman Representative on DPS Director Screening Committee:**

DPS Director Tom Holder took a job in Wayland. Administrator Boynton has created an advisory committee to help find a replacement and asked a selectman to join. Applications are due by the end of the week. He said they may need to revisit how the job was posted after looking at the initial submissions. Selectman Foresto volunteered to join the advisory committee.

**Approval – One-Day Liquor License Requests:**

**a. Ken McDonald – Thayer Homestead – January 7, 2017**

**b. Samantha Wills – Thayer Homestead - February 12, 2017**

*The Board reviewed the following information: (1) Applications; and (2) Police Chief's recommendations.*

Selectman Foresto moved that the Board approve one day liquor licenses for Ken McDonald and Samantha Wills for their events to be held at the Thayer Homestead on January 7 and February 12, 2017 subject to Police Chief's recommendations and proof of appropriate insurance coverage.; Selectman White second; No discussion; All ayes 5-0-0.

**Town Administrator's Report**

- Departments have submitted their budgets to MUNIS. Not sure about health insurance rate increases yet. Will have initial plan by beginning of February. Proposing \$100,000 of free cash to stabilization fund, which will impact the capital plan. Thinks Verizon ATB case will be settled and proposing to apply those funds to the stabilization account. It is a tight budget year. Will take a careful look at capital budget. Creating list of capital needs that may be addressed if building permit is pulled on Exelon project.
- Clear govs system kick off meeting on Tuesday, January 10, 2017
- EPFRAC public session Thursday night at Thayer House at 7:00 p.m.

**Approval of Warrant:**

Warrant# 17-38

**TOTAL        \$1,372,365.20**

**Selectman Foresto moved that the Board approve the warrant as read; Selectman White second; No discussion; All ayes 5-0-0.**

**Approval of Minutes:**

**Selectman Foresto moved to approve the meeting minutes from September 6, 2016 as written; Selectman White second; No discussion; All ayes 5-0-0.**

**Selectman Foresto moved to approve the meeting minutes from September 19, 2016 as written; Selectman White second; No discussion; All ayes 4-0-1 (D’Innocenzo abstained).**

**Continued Public Hearing – TC Scoops – Retail Liquor License Request:**

*The Board reviewed the following information: (1) Coverage Page of Application; (2) Proposed Conditions; and (3) Libations Menu.*

**Selectman Foresto moved to continue the public hearing for the application for an all liquor license for T.C. Scoops; Selectman White second; No discussion; All ayes 5-0-0.**

Tina Chemini, owner of T.C. Scoops and Attorney Andrea McCarthy joined the meeting. Administrator Boynton provided a brief summary based on the last public hearing and subsequent discussions with the applicant. Attorney McCarthy said the applicant is concerned about a possible restriction of all alcohol and no one under the age of 21 being able to pour or serve. The applicant also wants to make sure beer and wine are included as part of the license.

Attorney McCarthy explained that the applicant is applying for an all alcohol liquor license. She said her client is not trying to make her business into a bar room but would like to offer additional items. She reiterated that 250 signatures were submitted in support of the application. Attorney McCarthy confirmed with the ABCC that children having access to a facility is not grounds for denial. She added that the landlord is ok with the addition of libations. There are currently 9 liquor licenses available in Medway.

Selectman White asked when food is served. Ms. Chemini said it is served Tuesdays and Thursdays from 11:00 a.m. to 2:00 p.m., Wednesdays and Fridays from 11:00 a.m. to 7:00 p.m., and Saturdays from 11:00 a.m. to 5:00 p.m. Selectman Crowley stated he has concerns. He asked Attorney McCarthy to confirm that she specifically mentioned the establishment is an ice cream parlor when she spoke with the ABCC. Attorney McCarthy said she did. Selectman Crowley said he also spoke with the ABCC and was told they would not comment on serving alcohol at an ice cream parlor. Selectman Crowley said he does not consider T.C. Scoops a restaurant. The group discussed the definition of a common victualler. Ms. Chemini confirmed that T.C. Scoops has a common victualler license. Selectman Crowley said he thinks there are too many businesses with this type of license in a small area. He said he is wrestling as to whether this is in the best interest of the community. Selectman White said she respects the residents who came forward to support the applicant. She said she is having a hard time

with the idea of introducing alcohol to an ice cream shop. Attorney McCarthy said it is no different than children walking to the hibachi restaurant for lunch on a half day while there are people at the bar. Attorney McCarthy said if the applicant got the all liquor license she may expand her hours. Selectman Trindade asked if it is an acceptable condition to only serve alcohol when food is available. Ms. Chemini said that is not a financially viable option. Selectman D’Innocenzo asked why the alcohol could not be limited to a certain area inside the location. Ms. Chemini said she does not want to limit alcohol to a specific area because it is possible that children could then be left unattended. Selectman Crowley said there are residents who are opposed to T.C. Scoops serving alcohol but they are unwilling to go on the record. Selectman Crowley said he did take an informal poll. He said many residents said they would be ok if the beer and wine were limited to a specific area. Selectman Crowley said he is trying to come to a compromise. Attorney McCarthy confirmed that all parties agreed that it would be beer, wine and cordials.

Matt Hayes speaking as resident said he supports the all liquor license. He said any patrons who do not approve of it have the option to go somewhere else.

Andy Rodenhiser speaking as a resident said it is not the type of atmosphere where people will go to get a beer and watch a football game.

Liam McDermott asked the Board to approve the license and said it is a good decision.

Roberta Sherriff said she supports the all alcohol liquor license. She said she thinks it is a great idea.

Ms. Chemini said this is not going to change her attitude towards her business.

**Selectman Foresto moved to close the public hearing for the application for an all liquor license for T.C. Scoops; Selectman D’Innocenzo second; No discussion; All ayes 5-0-0.**

Administrator Boynton said the Board can approve, approve with conditions, or deny the application. If the Board denies or approves with conditions that are unacceptable to the applicant, the applicant can appeal to ABCC. Administrator Boynton said the applicant is willing to accept conditions. Administrator Boynton reviewed the proposed conditions.

Selectman White said based on everything she has heard she would vote in support.

Selectman Crowley said he is still struggling with the decision. He said he could consider approving it if food was served when alcohol was being served. Selectman Crowley said he would approve the motion as read by Administrator Boynton if an additional condition was added that food is served when alcohol is served.

**Crowley moved to approve the license with an additional condition, Selectman White second**

**Crowley withdrew his motion**

**Selectman Foresto moved that the Board of Selectmen APPROVE the all-alcohol license application for TC Scoops as presented and to be further subject to the following conditions:**

**1) Notwithstanding the serving of beer and wine which may be served subject to licensing conditions outlined below in sections 2 through 7, only those alcoholic beverages commonly known as and referred to as “cordials” as defined in MGL Chapter 138 Section 1 may be sold and consumed on the premises, and may only be in and as part of so-called Ice Cream drinks, as offered by the Applicant during the public hearing, and as shown in the “Ice Cream Libations” menu presented by the Applicant at the time of and as part of the license application and attached here. 2) All alcoholic beverages must be secured in a locked cabinet and/or storage area at any time that an approved license manager is not on the premises. 3) No employee under the age of eighteen (18) may pour, serve and/or sell alcoholic beverages on the premises. 4) Any and all persons selling, pouring and/or serving alcoholic beverages of any kind must be TIPS (or equivalent) certified with all certifications current at all times. 5) The applicant (licensee) hereby agrees that each of these conditions shall remain in full force and effect at all times, and further agrees that they shall renew annually if the license is renewed as well as shall be part of any possible or proposed license sale and/or transfer. 6) No alcoholic beverage may poured and/or served later than thirty (30) minutes prior to the stated closing times in the license. 7) No employee or business owner in any type of management capacity shall consume alcohol on the premises prior to going on duty or during their respective on duty hours. No alcohol can be served or consumed by anyone on the premise before official opening hours or after official closing hours. Patrons are not permitted to bring alcoholic beverages on the premises for their own consumption.**

**D’Innocenzo second; No discussion; Vote: 4-1-0 (Crowley nay).**

**At 8:53 p.m., Selectman Crowley moved to adjourn; Selectman White second; No discussion; All ayes 5-0-0.**

**Respectfully submitted,**

**Michelle Reed**