

The Board of Selectmen met on Tuesday, July 19, 2016 beginning at 6:30pm in the Main Meeting Room of the Town Hall. The following members were present.

Eric Kraus, Chairman  
James Stanton, Vice Chairman  
Nancy Mackenzie, Clerk  
Mark Gallivan  
David Salvatore

Also present:  
James Johnson, Town Administrator  
Cindy Berube, Executive Assistant

Mr. Kraus called the meeting to order followed by the pledge of Allegiance.

## **ANNOUNCEMENTS AND PROCLAMATIONS**

### **APPOINTMENTS**

#### **Fire fighter appointments**

Chief Bailey spoke about the process. It has taken three months and he is presenting five candidates before the Board. Some of the candidates have fire experience some do not, all have to go to the academy which will be in October or November. The Board members were very impressed with the candidates. They will do a great job for the town. Looking forward to them going to the fire academy. Mr. Kraus spoke to the Chief about the Board having talked at great length at the Chief being the expert. The Board holds him accountable and they give him leeway on hiring. If these are the five you want to move forward with. The Chief stated that prior to their date to them going to the academy, I will have them in. We have the safer grant, the first round was last Friday. We are still in the running for three positions. One of them would fall at the back end of this grant. Because of the lag with the academy, as soon as I hear anything I will let you know.

MOTION moved by Mr. Salvatore to appoint Paul G. McDonough as a Firefighter/Paramedic with an effective date to be determined with a salary of Step 1. Seconded by Mr. Gallivan, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to appoint Eric McGraw Jr. as a Firefighter/Paramedic with an effective date to be determined with a salary of Step 1. Seconded by Mr. Gallivan VOTED 5-0-0

MOTION moved by Mr. Gallivan to appoint Christopher Abramaovitz as a Firefighter/Paramedic with an effective date to be determined with a salary of Step 1. Seconded by Mr. Kraus, VOTED 5-0-0

MOTION moved by Mr. Kraus to appoint Matthew Da Fonte as a Firefighter/Paramedic with an effective date to be determined with a salary of Step 1. Seconded by Mr. Gallivan VOTED 5-0-0

MOTION moved by Mr. Stanton to appoint Christopher Rogers as a Firefighter/Paramedic with an effective date to be determined with a salary of Step 1. Seconded by Mr. Gallivan, VOTED 5-0-0

### **LIQUOR LICENSE VIOLATIONS**

With the time being after 7:00pm we will enter the hearings for the alleged serving to minors.

**(7-8)** MOTION moved by Mrs. Mackenzie to open the hearings for alleged license violations of the terms of their liquor license for the following:

99 Restaurant LLC, d/b/a 99 Restaurant and Pub  
May Wah Inc., d/b/a Kihei Dynasty  
True Flavors LLC, d/b/a Sapore Vero

Seconded by Mr. Gallivan VOTED 5-0-0

Chairman Eric Kraus read the following into the record. On May 5, 2016, an employee for each of the licensees sold alcoholic beverages to a person under the age of 21 years during a liquor license compliance check by the Walpole Police Alcohol Compliance Sting Operation Team. The service of alcohol to an underage person constitutes a violation of G.L. c. 138, §34 – sale of alcohol to a minor, Code of the Massachusetts Regulations 204 section 2.05(2)- permitting illegalities or disorders on the licensed premises, and improper management.

Mr. Kraus introduced Attorney Jeff Blake, Town Counsel from K-P law. Attorney Blake noted the Board has opened the hearings for all three but I will start with the 99 Restaurant. Anyone who will testify tonight raise your right hand. Do you swear to tell the truth, the whole truth so help you god? Those testifying raised their hands. I have indicated to the attorney of the 99, the Board attitude toward sale to a minor and that the Board looks at these things as educational and is willing to work with those establishments that admit what they did. Explain what happened and what they plan on doing to prevent that from happening. I indicated if they are willing to take the responsibility, you will allow them to choose the days. This is their second offense within a five year period and that constitutes 3 days and you would work with them.

Attorney Blake asked are they willing to accept the terms? Attorney Timothy Perry, representing the 99 Restaurant, here under bad circumstances for them and they are here to acknowledge what happened Thank the police for the work that they did. They have been in the community for 35 years, they see police as are a partner. It does not serve them to over serve or serve to minors, they take it seriously. They have training that is done at all of their restaurants. All staff are TIP certified. Unfortunately, no system is infallible . With me is the Jim Kiley, regional VP in charge of 54 stores. He has been with the 99 Restaurant for 35 years. Also is Lynn Marcel operations director 19 years, Nathan Stentiford the new proposed Manger. They are here as they take this seriously. They want to address your questions. I will start with Lynn. Lynn can tell you what happened. Lynn explained the 99 Restaurant has a zero tolerance policy, the server was terminated. The staff is reemphasized if you serve someone this is what happens.

Lynn Marcel I thought it was important to apologize in person and we are not here to contradict what happened. It was a long term employee, beginning of her shift, she did card them, said to them at the table she forgot her glasses in her car. She could not read the licenses and instead of getting her glasses she brought them beverages. We want to apologize we take it seriously. We do a lot of training, bad decision by one of our employees.

Mr. Stanton you stated it was the beginning of her shift; she informed the two patrons that she did not have her glasses. She looked at these under 21 licenses and could not see what she was looking at in spite of that she brought the beverages to the minors. Part of me feels bad for her because she worked there a long time. I read the police report that is not what she told Detective Songin. Lynn, that is what she told me. You say you take it seriously, I was elected June 2014 and this is the second violation in a 25 month period. This is the 2<sup>nd</sup> time you were before us. I remember the first time the 99 was here also fell on their sword back then, here we are in the same situation. I want you to know about it. She is aware of that.

Mr. Salvatore, I was struck by the story but the license is in a different direction.

Mrs. Mackenzie do have the license readers? Lynn No. Mrs. Mackenzie thinks it is a good thing for a company your size would want to have something like that. It would help protect your employees. Mr. Kraus has nothing to add, but would encourage you as serious as you take it. You ramp it up significantly. As a board we do not want to see businesses in our community in front of us, it is not good for you or us or the Town. I would really encourage you to do whatever it takes and not put this Board in a situation for the third time as it would not be fun for the 99.

Detective Timothy Songin, I do a lot of the alcohol compliance checks; we did do them with interns from college with criminal justice majors we send them in. We do have them give them the actual license. It says they are under 21. Mr. Kraus we send out letters that we are conducting this. Detective Songin Yes, it is done by a grant. We send a letter to every establishment and publish in the newspaper.

Attorney Perry does the police department in Walpole have guidelines for the operation of these type of stings. Detective Songin, Yes we do. We have our own, but they are mostly taken from the ABCC, they give you general guidelines and you can tweak them if you want. I am certified from the ABCC.

Mr. Kraus you can get those guidelines from the police dept. I find it troubling that we notify everyone of a sting, and there are violators. I look at it thank god we do these. Who knows what the outcome would have been. I am grateful we do these things. We are not here to make a business not make money. It is counterproductive to what Walpole is all about.

MOTION moved by Mr. Salvatore to close the public portion of the public hearing for the 99 Restaurant LLC d/b/a The 99 Restaurant and Pub hearing, seconded by Mrs. Mackenzie VOTED , 5-0-0

Attorney Blake explained the public hearing is now closed. Go into the penalty stage. Spoke to Counsel and they are willing to accept three day suspension the days of their choosing and waive right of appeal. The question is how late they can go out. They want to go in September.

As long as it is within the calendar year. The Board agrees with the next 90 days. Attorney Perry, He needs to speak with them about the waiving the right to appeal. Mr. Kraus work with Cindy and lets get the dates in what works for your. Let us know when those days will take place within 7 days.

#### Findings and Sanctions

MOTION moved by Mrs. Mackenzie that after hearing testimony regarding the alleged violations of 99 West LLC d/b/a 99 Restaurant and Pub, located at 55 Boston Providence Hwy and deliberation, the Board of Selectmen finds the following facts

1. The Restaurant is currently the holder of a license under G.L. c.138 §12.
2. That the licensee was notified of the Town's compliance checks.
3. That notwithstanding the notice, the licensee was found to have served an under aged person on May 5, 2016. This is a violation of G.L. c. 138, §34-sale of alcohol to a minor, Code of the Massachusetts Regulations 204 section 2.05(2) permitting illegalities or disorders on the licensed premises, and improper management.
4. As such, this is the second violation and 99 Restaurant has agreed to a three day suspension with the days chosen being provided to the Board of Selectmen within seven days and they have waived their right to appeal.

Seconded by Mr. Kraus, VOTED 5-0-0

## **(7-10) Kihei Dynasty**

Attorney Blake I have had a conversation with Counsel for the Kihei. He has spoken to his client and indicated the Board takes it seriously. This is first offense; typical punishment in these instances is 2 days suspension. If they are willing to step up and take responsibility they did wrong and what they are doing to remedy the situation. At this point invite the detective. Detective Songin explain what happened. Attorney Blake asked if he was in charge of the Sting. Detective Songin stated yes. Attorney Blake asked him to explain his training.

Detective Songin stated he has been Trained by the ABCC twice and certified. He is involved in a lot of training for alcohol. Over 31 years I have taken several classes. Attorney Blake asked if the town has guidelines. Detective Songin replied, yes we do. Attorney Blake it was in the newspaper and letters were sent. Detective Songin, yes the letters were sent and in the newspaper. Attorney Blake, did you send this establishment a letter? Detective Songin stated yes. Attorney Blake let board know what happened.

Detective Songin go to college to get interns in criminal justice, set up the procedures, what they can have for money. We take the serial numbers of the bills. We take them to the establishment, and tell them to get a seat. We sent two kids in and order a drink, if they are told to hand them their license, once they are served they come out. There are two teams.

John Coleman, Attorney for Kihei, she accept the responsibility the action. She retrained the bartenders and educate them as to what they are to do. That is pretty much all we can do. They look at the cards. Human error goes on, try to emphasize to wait staff. We apologize for that. Mr. Kraus the Kihei has been here for a long time and going this long without a violation. I think going 30 plus years without a violation. We appreciate you accepting the terms and making sure this does not happen again.

Lisa Chui, the manager. Mr. Stanton asked, where you on site when this happened? Ms. Chui was not there, I came in right after it happened. He is still employed. What have you done? Ms. Chui he was reprimanded, I was very angry and embarrassed and disappointed we are a family business, and our reputation is very important to us, to protect my future children. He understands he made a mistake immediately. I apologize for him and myself. We take these things very seriously. Buying a card reader is an expense. We try to watch where the money goes. We have thought about it. He did check the ID, but he made a mistake. I apologize; we are training everyone seriously over again.

MOTION moved by Mrs. Mackenzie to close the public portion of the Kihei hearing, seconded by Mr. Gallivan VOTED 5-0-0

### Finding and Penalty

MOTION moved by Mrs. Mackenzie that after hearing testimony regarding the alleged violations of May Wah Inc.d/b/a Kihei Dynasty located at 743 Main Street and deliberation, the Board of Selectmen finds the following facts

1. The Restaurant is currently the holder of a license under G.L. c.138 §12.
2. That the licensee was notified of the Town's compliance checks.
3. That notwithstanding the notice, the licensee was found to have served an under aged person on May 5, 2016. This is a violation of G.L. c. 138, §34-sale of alcohol to a minor, Code of the Massachusetts Regulations 204 section 2.05(2) permitting illegalities or disorders on the licensed premises, and improper management.
4. And further to suspend the all alcohol license for two days with the establishment picking the dates of suspension and provide those dates to the Board of Selectmen within seven days and waive the right of Appeal.

Mr. Salvatore we give them notice they have a card oriented in a different direction. How do you do this, if one of our kids get served and something happens, it troubles me that we keep giving these suspensions and we may have to start taking licenses away. Change the whole setup.

SECONDED by Mr. Gallivan, VOTED 5-0-0

Mr. Kraus wanted to know when they will reopen because of the smoke damage. Ms. Chui 3-5 weeks.

### Sapore Vero

Attorney Blake the allegations are on May 5<sup>th</sup> a minor was served alcohol. On May 27, 2016 a letter was sent regarding this hearing out along with the Police Report. Which outline the events of May 5<sup>th</sup>. Called in the Detective. It is my understanding that they are not willing to take responsibility. Attorney Bruce Lehman yes, I represent Sapore Vero, Counsel told me what the penalties were. The town attorney told me what the suspension was and I feel that we find 2 days is extensive. Progressive discipline and we want to reserve our rights to Appeal. We feel a warning is more appropriate.

Mr. Kraus I will take the time to let you know we take this seriously, we have elected to go that high end. We do not want to hinder business. We want ensure that the establishments take this seriously. We will not waffle on the penalties.

Detective. Tim Songin, Walpole Police Department approached the podium.

Attorney Blake asked are you responsible for the underage stings. Detective Songin, yes I am. The Attorney asked him to explain his training. He explained he is trained by the ABCC, certified. I am also trained in several classes through Mass juvenile police association. And 31 years and done this most of my career.

Attorney Blake the town has guidelines and you published this in the newspaper and mail to every establishment. Detective Songin, yes we did that and the secretary does this and confirmed she did this. Attorney Blake you found a minor was served, did you issue a report? Detective Songin replied, yes I did.

Attorney Blake showed him the police report; Detective Songin recognizes it and stated it was his accurate report. Gave him the police report, do you recognize that, true and accurate, truthfully, what happened. Detective Songin, yes it is.

Explain what happened. Detective Songin he had several operatives, went to the establishments. Prior to that we advise the operatives of the guideline, sign they understand them, explained what we are doing. Take them to every establishment with a 20 dollar bill issued by us, photocopied and serial numbers and carry their own license, showing under 21, sent in a young female and she ordered a margarita. Attorney Blake was this an out of state license? Detective Songin, yes it is a RI license. Attorney Blake are they the same as Mass, vertical for under age 21. Detective Songin, yes they are.

Detective Songin explained she ordered a margarita, and was served and told us and she identified the person who served the drink. I informed the management and I spoke to the person and she admitted she served a minor.

Mr. Stanton asked, do you have any knowledge of how long this business has been in Walpole. Detective Songin replied not very long. I do not know specifically.

Prepared statement by the Attorney for Sapore Vero. Provide some background information about the owners.(The Attorney did not provide a copy of his statement so the following may not be complete)

Kenny and Yvonne DiFazio are the owners and proprietors of Sapore Vero of Walpole and Travoria in Mansfield. It is a family business, Kenny is the Chef and Yvonne runs the front of the house and business operation for both restaurants. Because this is a small restaurant, they develop a close relationship with the staff and are very concerned with their reputation in the service industry and business operations. Their Mansfield establishment has been in operation for 17 years, and had never been cited for any violation. Enjoying a strong relationship with the town and most particularly the Selectmen. Yvonne and Kenny take the service to anyone seriously and especially to minors. This has upset Yvonne and Kenny significantly because they do not subscribe to serving to minors. They Discourage minors from coming into their restaurant by carding them when there is any hint of their age not being in compliance. Sapore Vero opened in Walpole on March 9, 2016. The sting took place on May 5<sup>th</sup>, 2016 which happened to be Cinco De Mayo about eight weeks after they opened. They were still in training mode with new bartenders and working out the kinks in their new location with their other staff members. We have learned that the police and the town sends out letters to establishments that a sting operation will take place during certain months in advance. Yvonne informed me that the police said letters were sent out to the licensees prior to them opening for business and she did not receive a letter. Sapore Vero is not a bar room,

it is not a pub, or predominately alcohol sale business. It is a fine dining, wine and liquor is considered an accompanist to their food. The staff does not push alcohol on customers to generate revenue it is not the type of operation they have. The clientele is typically much older than the legal drinking age of 21 and the policy of Sapore Vero are to ask for ID when server has any question with the legal drinking age of a customer and that is what happened in the night in question. On the night in question the underage operative, a female entered Sapore Vero and was noticed immediately by Yvonne the manager that night and owner as well. Yvonne noticing she was quite young and unaccompanied thought she came in to the wrong place. Thought she wanted to go the Mexican restaurant up the street a more age appropriate establishment considering also it was Cinco De Mayo. There was a quick conversation with the bar server, both noticing her obvious age and she told Yvonne I have got it. Went over and asked for identification, the bar server is a 42 year old woman who has been in the restaurant business for many years. The underage operative provided a RI license which the bar server reviewed and she determined was 21 and served her a margarita. The underage operative walked out without paying or saying anything. Shortly thereafter a police officer in plain clothes and informed Yvonne they served an underage person with a Rhode Island license. Yvonne asked to see the license and was refused. , the bar server stated that she thought the year of birth was 1995 and that would make her 21. The officer stated you are off on the date. The bar server asked on the year or the month. The officer said both. The bar server was very upset and told Yvonne she could fire her or I can resign. I made the mistake and I am sorry. Yvonne did not fire her because that is not the style of how they treat their employees who make an honest mistake. Yvonne did have the bartender retake the TIP training and all the staff members who haven't taken it for a while. In addition Yvonne called a staff meeting and advised the staff that if there is any question of an underage customers to call a manager to make a determination.

It is an understatement to say the Defazio's are embarrassed, and upset about the incident and this is not how they run their restaurants. They take pride in running a compliant and respectable establishment for the residents of Walpole to come and enjoy a meal, with some wine in a relaxing environment not one where underage kids come in to get drunk. It is not what they want its not what the town wants and unfortunately the incident occurred. I can assure you that this was an aberration and not what the statute was designed to address or to penalize people with no intention to violate the law. They respect the law. Have complied with the law for 17 years in Mansfield. With not a blemish on their record. Given their proven track record in Mansfield and the bar server making a wrong calculation of the date of birth We submit the appropriate punishment in this case should be a warning. That would conclude.

Compliance check guidelines, the town has their own guidelines. Do you follow the ABCC?

Do you follow the ABCC guidelines? Police Chief Carmichael- Ours mirror the ABCC guidelines, the way they require us to do. We broke it down a little bit more. We do it the way the ABCC requires us to do.



We accept responsibility. Since this issue is up I do have the compliance check guidelines. The underage operative was carrying identification which is contrary to Section 4 of the guidelines.

Contrary to section 10, she did provide identification. Third she did not leave the establishment when asked for the license contrary to the guidelines. When asked to see the license, a license can be damaged, put through the laundry. We did not have the opportunity to review the license. Maybe it was not clear. We told you what the server thought the date of birth was. If it was faded or discrepancy she made a mistake, she couldn't see it. I did some research, and read a May 2009 ABCC appeal decision for Generations in Avon. The ABCC said, if the Town does not follow the guidelines, the ABCC and court, have held the compliance check is not fair and undermines the legitimacy and integrity of the compliance check. Further the ABCC and Courts have held the enforcers of these stings to a level of fairness and without this operations risk entrapment, fatal error in the compliance check. In saying I don't by any means want to disparage the police dept. I spent 30 years in the state police, so the last thing I would do in this situation, I am reading from the ABCC says how it should be done and it is contrary to what the published guidelines are. Please don't accept anything I said in disrespect. We would just upset about this situation for only being there for a few months. This is not the type of restaurant. It was a mistake. The mistake that was made. I understand this, I have been in the business for a long time on the alcohol side, two days seems to be overreaching to me. I expect the ABCC would see it as well. We would ask for a warning.

Mr. Kraus thank you. I have been to the restaurant in Mansfield, I could not agree how you have depicted the family and their type of establishment they are running what they want to do. New to Walpole, I can't speak for my colleges but I was shocked that this was on the list. It is not a high volume restaurant, high capacity type of establishment. One thing I am struggling is, underage person was served a alcohol beverage, I would encourage you do not look in loopholes in the guidelines, that the sting followed you should look at how this happened and should not happen again. Whether you got a letter or not is irrelevant an underage person was served. That is what we are trying to avoid.

Mr. Gallivan was a letter sent and received. Detective Songin checked with the Secretary and she had the list and one was sent back from Red Wing and she resent it. They were on the list. If they did not get it, it would have been sent back.

Mr. Stanton asked the detective if the letter was mailed certified? Detective Songin, said no.

Attorney for Sapore Vero, Yvonne has told the Selectmen's office to send the letter to another address. When you put your address on the application. My mailing address is in Mansfield after the sting I told Cindy that she does not get mail there. The postman was nice enough to deliver the mail to me. The certified mail and another letter. I don't have a mailbox there. So I don't know where mail goes.

Mrs. Mackenzie at the beginning when you saw what was happening, you said everyone noticed her walk in and she is young. She was served. Yvonne- I told my bartender I don't know if she belongs here or not you need to card her to check her ID. Mrs. Mackenzie so you maybe you should have checked. Thank you for coming to Walpole, maybe we are different than Mansfield we take it serious serving to minors, you had a red flag go up you should have gone over and taken care of it yourself. You served someone under 21 with a license going the other way than an adult. Yvonne as far as I know legally she has never done this. It did happen. Mrs. Mackenzie this is our past practice and we want to protect our kids.

Mr. Stanton asked the detective copy of the license. Chief Carmichael- all officers have been trained by the ABCC and the guidelines can be modified to a certain degree. The reason why we do it the way we do it. We give the business owners the license of the person that is before them. You can see this RI license it is clear they are under 21. We give them that better out, you can verify or don't. Consistently, People will take the id and look at it but not look at the information. The other issue, I have had conversations with Yvonne about the timing of her restaurant. We did post the letter in March and sent the letter out on march 16<sup>th</sup> to all establishments. She told me she did not receive it, I told her we put in the newspaper. When I did check, the letter was sent. As far as guidelines, we want to be fair and give them the out, by giving them the actual ID.

Attorney Blake questioned what are the hours of operation? Yvonne replied Tues-Sat 5-10pm. You can close the public hearing.

MOTION moved by Mrs. Mackenzie to close the Sapore Vero hearing, seconded by Mr. Gallivan VOTED 5-0-0

Mr. Kraus if they appeal and the appeal supports their position, how long does the appeal process take? Attorney Blake explained this could be months it could be remanded back. Mr. Stanton wanted to know what is the standard that the ABCC? Attorney Blake explained they look at evidence and prior decisions. There is a graduated penalty there is a preference. Typically the ABCC guidelines, warning to two for first, from violation and from there warning from 3-4. Graduated penalties, there is no requirement it is a warning.

Findings:

MOTION moved by Mr. Salvatore that after hearing testimony regarding the alleged violations of True Flavors LLC d/b/a Sapore Vero, 944-946 Main Street and deliberation, the Board of Selectmen finds the following facts

1. The Restaurant is currently the holder of a license under G.L. c.138 §12.
2. That the licensee was notified of the Town's compliance checks at the address given to us by the licensee.

3. That notwithstanding the notice, the licensee was found to have served an under aged person on May 5, 2016. That the licensee provided no evidence to the contrary. That this is a violation of G.L. c. 138, §34-sale of alcohol to a minor, Code of the Massachusetts Regulations 204 section 2.05(2) permitting illegalities or disorders on the licensed premises, and improper management.

Seconded by Mrs. Mackenzie VOTED 5-0-0

MOTION moved by Mr. Salvatore As a result of the findings of facts and previously violations the following penalty be issued to Sapore Vero, 944-946 Main Street, Walpole, MA is a two day suspension both of which days shall occur on a Friday evening on

(Motion not seconded)

Attorney Blake It would have to five days from today. Mr. Salvatore I will withdraw the Friday and make it two days to be determined within the next seven days. Attorney Blake recommended they choose the dates tonight.

Mrs. Mackenzie recommended August 30 and August 31. There was discussion among the members as to whether the Town Counsel should meet with their counsel regarding the dates. Attorney Blake explained if there is an appeal than there will be a Stay. I am suggesting because they have not taken responsibility as the other folks did. Attorney for Sapore Vero that is not true don't characterize something like that. You are treating us differently because we are going to appeal. That is violation of the constitution. We should be treated the same as anyone else because we so choose to appeal you are going to treat us differently. Mr. Kraus we are trying to figure this out so you are treated fairly. Attorney Blake I would suggest that part of taking responsibility is ending it right here right now. You are not going to appeal. To say it is unconstitutional violation, do process the notice and the opportunity to be heard and today is your opportunity to be heard. It is up to the Board to determine the penalties if they feel you have not taken enough responsibility they can craft a penalty as they see fit. Within a warning to two days.

Mr. Salvatore suggested the attorneys meet and discuss a couple of days.

Mr. Kraus why don't we retract the motion

Mr. Salvatore withdraws the motion. Table the motion.

After Attorney Blake and Lehman met they came up with August 9 and August 16. JS wants to be sure they are open on Tuesdays.

MOTION moved by Mrs. Mackenzie As a result of the previously detailed violations the following penalty be issued to Sapore Vero, 944-946 Main Street, Walpole, MA a two day suspension on August 9 and August 16, 2016. These dates were negotiated between Town Counsel and Counsel for the applicant not chosen by the Board, seconded by Mr.

Gallivan, VOTED 5-0-0

MOTION moved by Mr. Kraus to close the hearing seconded by Mr. Gallivan, VOTED 5-0-0

**(7-12) Change in Manager, Applebee's Neighborhood Grill**

Henry Hatcher has been managing restaurants for 20 years or so. He was in Cranston RI. He worked for Bugaboo. He was asked if he was present for the liquor violation hearings and he stated he was and had a good education.

MOTION moved by Mrs. Mackenzie to approve the change in manager from Michael Szabo to Henry Hatcher for the Applebee's Neighborhood Grill & Bar , 990 Providence Highway seconded by Mr. Gallivan, VOTED 5-0-0

**NEW BUSINESS**

**(7-13) Agreement between AES Energy and Town**

Mr. Johnson explained T. Meeting approved two articles this is one off Renmar Ave. That was further behind the other land. This is the approved agreement from the fall. I received an additional \$10,000 changed the payment structure. The first payment is \$126,500. T. Counsel has reviewed and approved it. Will not take affect until July 1, 2017 of next year.

MOTION moved by Mrs. Mackenzie that the Board of Selectmen vote to take favorable action on the PILOT agreement with AES Energy Solutions LLC and by signing the attached PILOT agreement as presented , seconded by Mr. Gallivan 5-0-0

**(7-14) Bid Contract 2016-24 Electrical Services**

Mr. Johnson stated a few years ago we had problems, so we split the bids this is the S&W aspect of it. I would recommend awarding the Bid to Anderson Electrical of Walpole, MA. Note the low bidder, Evermore Light and Power, we were waiting for clarification from them and they did not respond.

MOTION to award contract 2016-24 for electrical service and Maintenance of Sewer and Water Facilities to Anderson Electrical contractors, Inc. of Walpole MA, seconded by Mr. Kraus VOTED 5-0-0

**CONSENT AGENDA**

MOTION moved by Mrs. Mackenzie to approve the request to hold the annual road race on September 5, 2016, seconded by Mr. Kraus, VOTED 5-0-0

Mr. Stanton read the letter into the record.

### **MINUTES**

MOTION moved by Mrs. Mackenzie to approve the minutes of June 21, 2016 , seconded by Mr. Salvatore, VOTED 5-0-0

MOTION moved by Mrs. Mackenzie to approve the minutes of July 5, 2016 4-0-1 (Mr. Gallivan abstained)

### **Town Administrators Update**

Facilities Budget- Mr. Johnson requesting the Board hold a work session sometime in mid to late August so that he could go over the buildings and the budget. Once he has free cash numbers he will let the Board now.

Community Services-The Board tentatively scheduled to meet with Patrick Shield and I on August 2 to discuss our proposal for a Department of Community Services.

FTM the warrant is open have not received any, but the planning board is going to vote some Thursday night.

Parking lot-the work is going to begin on that project. Mr. Kraus we are with keeping the local business on the project. Mr. Johnson stated he has been receiving positive comments.

Discussion on the town's water supply took place. Mr. Johnson stated the Sewer and Water has raised the level of the water tanks. Rick is managing it well.

Jarvis Farm hopes to have swimming by the end of the week.

MOTION moved and seconded to adjourn non debatable at 8:20PM VOTED 5-0-0

Respectfully submitted;