

**SELECTMEN'S MEETING MINUTES**  
**November 20, 2012**

Members Present: James DeVellis, Chairman  
Mark Sullivan, Vice Chairman  
Lorraine Brue, Clerk  
Lynda Walsh  
Ginny Coppola

Others Present: Town Manager Kevin Paicos  
School Superintendant Deborah Spinelli  
Business Manager Bill Yukna  
Karen Slaby of Foxboro Turfs Up  
Finance Officer Randy Scollins  
Special Town Counsel Louis Cassis  
Sergeant Richard Noonan - Foxboro Police Department  
Attorney John Michelmore  
Robert Christensen Manager CBS Scene  
Atty. John Skurchak  
Foxboro Mandarin Owner and Manager Wei Chao Guan  
Atty. Mark Stopa  
Blue Fin Lounge Manager James Cammarata and  
Operations Manager Walter Gramer

The meeting was brought to order at 7:00 p.m. by James DeVellis, Chairman. Chairman DeVellis reviewed the agenda.

**Liquor Violation – Waxy O’Connors, 121 Main Street, Romina Dragone-Hyde, Manager**

Ms. Brue read the Public Hearing notice.

They have asked for a continuance until January 8<sup>th</sup>, the request was received at a previous meeting.

A motion to continue the Public Hearing to January 8, 2013 at 7:30 p.m. was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

**School Department – Turf Field**

Chairman DeVellis recused himself from this discussion as the Board of Selectmen Chair but will participate in the discussion as a member of the Turfs Up organization.

Mr. Sullivan took over as Vice-Chairman.

School Superintendant Deborah Spinelle and Business Manager Bill Yukna as well as Karen Slaby and Jim DeVellis of Foxboro Turfs Up came before the Board to discuss Article 6 on the Town Meeting Warrant.

Ms. Spinelli explained that this article is being sponsored by the School Committee as a town and school article. The School Committee was approached by the Turf's Up community group who have been raising money for a turf field in town to bring the article forward to the town as there is currently no on site athletic facility at the high school for the football team.

Mr. DeVellis explained that the Turfs Up group started four years ago as a 501C3 organization to raise funds for a turf field in Foxboro. Many youth sports are now multiseason with many teams in town. They were able to raise \$60,000 and also received a \$200,000 grant from the NFL. They have also been promised in kind (labor) donations for design work, land clearing etc. They have been meeting on where the best location would be for the field and it was decided that the front of the high school where the baseball fields are now would be the best central location. The baseball fields would be moved to the back. This is a multi-phase project that would include the field, lighting, a track around the field, bleachers and plantings. There would also be enough room to include an additional field for use by both high school and youth sports. The turf field would be used for football, soccer, lacrosse and field hockey.

Bill Yukna reviewed the funding. Phase 1 of the project will cost approximately \$1.6 million. Phase 2 of the project (bleachers, track, concessions, press box, etc) will be an additional \$1.8 million. The requirement of the NFL grant is that work be started by Spring of 2013. The School Committee agreed to take \$75,000 from their revolving fund at last night's meeting. \$1 million that is left in the high school renovation fund will be used and an additional \$125,000 will be needed from the town Overlay Surplus fund; this is the vote that is needed at Town Meeting.

Finance Officer Randy Scollins explained the Overlay Surplus Fund and how the funds can be appropriated at Town Meeting for capital items. There is \$440,000 in the fund right now. If the \$125,000 is taken from the account there will still be approximately \$150,000 left in the fund.

Ms. Walsh noted that the community was in support of the project, but the economic crash affected their fundraising.

Superintendent Spinelli explained that the School Committee and the School Department are both in support of this project as a Community project. The NFL grant has placed a time limit on the project which makes this request necessary at the upcoming December Town Meeting. Usually requests such as this would be at the Spring Town Meeting.

Ms. Coppola asked if the field at the Ahern could just be replaced.

The ability to have an onsite facility at the high school is the goal. The high school renovation money cannot be used at any other location.

Mr. Scollins explained that the renovation funding was voted on at Town Meeting as having a 20 year statue life, which means it needs to be used for projects that have a 20 year life and cannot be used for projects which have a lesser life. Renovating the field at the Ahern would only have a 15 year life.

George Leonard of the Advisory Committee wanted to know the balance of the high school renovation money. There is \$1.5 million left in the fund, but the other \$500,000 will be used for items at the high school such as ceilings, lighting, etc.

Mr. Sullivan stated that this is comparable to the library addition; it was a volunteer group that started the effort and ended up getting support of the town as well as a grant. He feels it will be an asset to the community. It will also be an additional field that can be used instead of just replacing an existing one. He hopes the townspeople will come out and support it.

A motion to support Article 6 to fund the Turfs Up Community Field sponsored by the School Committee was made by Ms. Walsh and seconded by Ms. Brue. **The motion failed 2-2-0 with Ms. Brue and Ms. Coppola against. A second vote was not taken.**

Mr. DeVellis rejoined the Board.

### **Hurricane Sandy Relief Effort**

Ms. Walsh thanked everyone that came out this past weekend and donated items that are being brought to New York and New Jersey to help those affected by Hurricane Sandy. They received \$3,000 in cash and gift cards as received donations that filled a 26-foot truck and 2/3 of a 24-foot truck. There was also a donation of gas to drive the trucks down.

### **Liquor Violation – CBS Scene Restaurant, 200 Patriot Place, Robert Christensen Manager**

Ms. Brue read the Public Hearing notice.

Special Town Counsel Louis Cassis was present as well as Sergeant Richard Noonan of the Foxboro Police Department.

Sgt. Noonan summarized the events of the incident on September 27, 2012. He noted that a written notice that the department would be conducting compliance checks was given to the establishment in early August and a notice was also published in the Foxboro Reporter on August 30<sup>th</sup> as well as the Sun Chronicle on April 23<sup>rd</sup>.

A nineteen year old female from out of town as well as a police officer from her town assisted Sgt. Noonan in conducting the compliance checks. They entered the

establishment at 9:30 p.m. and sat at the bar. She noted that the bartenders were watching the football game on the tv and did not notice her. She walked up to one of the bartenders and asked for a beer. The bartender poured her a draft and then went back to watching the game. He did not ask for any identification.

Attorney John Micheltmore was present representing CBS Scene. Manager Robert Christensen was also present. Atty. Micheltmore stated that CBS Scene took this violation very seriously and were angry and upset that this happened.

He noted that all servers are trained under the TEAM program and that the notice provided by the police department was reviewed at staff meetings. The employee in question was obviously not paying attention that night, he has been fired. The staff will all be retrained and will be required to sign an Alcohol Policies and Procedures form, a copy of which was provided to the Board.

Atty. Micheltmore and Atty. Cassis have met and agreed upon the penalty for their violation. They will receive a letter of reprimand, will not appeal the decision to the ABCC and will cover any costs the town incurred. They will stop serving alcohol two hours early on Sunday, December 2, Monday, December 3 and Tuesday, December 4. They will close the bars at 10:30 p.m. on those nights; there are football games on both Sunday and Monday nights that week. The attorney's both feel that this is a fair disposition and sanction for the violation. The Police Chief and Town Manager are both in agreement with the plan and recommend acceptance.

Ms. Walsh noted that there was a violation in 2008. Mr. Sullivan asked about the use of scanners. They do currently own one and will update the technology as it's from 2008. They use it on busy nights. They also use private security at the door.

Mr. Paicos noted that this is considered a first offense as it's been more than two years since the last violation.

David Brown of 17 Merrigan Way stated that closing two hours early on a slow night isn't much of a penalty.

A motion to close the Public Hearing was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

Mr. Paicos wanted to remind the Board that CBS Scene is serious about enforcement and that it was agreed that this is a realistic punishment as they incurred the cost of counsel, will cover the costs to the town and will lose revenue on the three nights. The closing two hours early on three nights was felt to be equal to a one day closure. The most important aspect is to get the violation established and uncontested on the record.

The Board discussed whether the days should be Saturday, Sunday and Monday instead of Sunday, Monday and Tuesday. The restaurant has private functions

scheduled on Saturday nights for the month of December that would be affected by a Saturday night closing.

A motion to suspend alcohol sales at CBS Scene on December 2, 2012, December 3, 2012 and December 4, 2012 at 10:30 p.m. to closing with a letter of reprimand, no appeal to the ABCC, payment of town costs as an agreed determination of their violation was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

**Continued Public Hearing – Foxboro Mandarin, 369 Central Street, Wei Chao Guan, Manager**

This hearing is continued from November 13, 2012 so that the owner could seek legal counsel.

Atty. John Skurchak was present as well as owner/manager Wei Chao Guan. Atty. Skurchak stated that the establishment admits the violation and any findings against them. This is a small establishment with Mr. Guan and one other bartender. They have been to TIPS training but a mistake was made. There has been no action or reprimand against the bartender. He has been with the establishment for ten years with no previous incidents.

Sgt. Noonan summarized the events of the evening of September 27, 2012. He noted that a written notice that the department would be conducting compliance checks was given to the establishment in early August and a notice was also published in the Foxboro Reporter on August 30<sup>th</sup> as well as the Sun Chronicle on April 23<sup>rd</sup>.

A nineteen year old female from out of town as well as a police officer from her town assisted Sgt. Noonan in conducting the compliance checks. They entered the establishment at 4:51 p.m. and the nineteen year old asked for a beer. The bartender asked for her ID and then the phone rang, which he answered. He then served her and walked away, one minute later he came back, questioned her age, told her he could not serve her and took the beer back.

Mr. Paicos noted that the Police Chief and Atty. Cassis have met with Atty. Skurchak. Atty. Skurchak acknowledges that a mistake was made, but it was rectified fairly quickly and the situation was remedied. The Chief feels that a harsh punishment is not warranted, one night would be appropriate as this is a lunch and dinner business with a ten year clean record. The Chief also encourages compliance moving forward and they will have something on their record for the future.

Ms. Brue wanted to know if they could stay open for food service. The suspension would be for alcohol only from 6:00 to close on one night, perhaps a Tuesday.

A motion that a letter of reprimand be placed in the file of the Foxboro Mandarin, the costs to the town be covered, no appeal to the ABCC and alcohol service be

suspended on Tuesday, December 4, 2012 from 6:00 p.m. to close was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

**Liquor Violation – Blue Fin Lounge, 1 Bass Pro Drive, James Cammarata Manager**  
Atty. Cassis has a conflict with the Blue Fin Lounge; Town Manager Kevin Paicos will manage this hearing.

Ms. Brue read the Public Hearing notice.

Atty. Mark Stopa represented the Blue Fin Lounge. Also present was Manager James Cammarata and Operations Manager Walter Gramer.

Sgt. Richard Noonan summarized the events of September 27, 2012. He noted that a written notice that the department would be conducting compliance checks was given to the establishment in early August and a notice was also published in the Foxboro Reporter on August 30<sup>th</sup> as well as the Sun Chronicle on April 23<sup>rd</sup>.

At 8:10 p.m. the underage operative entered the Blue Fin Lounge and sat at the bar. She asked for a beer, the bartender gave it to her and walked away. The operative then asked if she could pay for the beer, the bartender printed out a receipt, came back to her and asked for identification. After looking at the ID, he asked her if she was 21, when she said she was not, he took the beer away from her.

Mr. Paicos stated that a mistake was made, but due to the quick recognition of the mistake, a short duration suspension is warranted.

Atty. Stopa explained that the bartender was serving another patron in the same seat earlier and thought the operative was still the previous patron. When she asked for a receipt, he realized the mistake and asked for ID. The bartender was fired for this offense as there is a zero tolerance policy in effect. Additional steps have also been taken. Mr. Cammarata has forty years experience as a manager and this is his first violation. The standards have been reviewed with all personnel and ID will be required of all who look under 35. The staff will be attending a Safe ID seminar and are TIPS certified. They accept the violation and will waive the right to appeal, will cover the costs of the town and agree to a letter of reprimand. The disposition will be for Tuesday, December 4, 2012 from 6:00 p.m. to close (approximately 8:30 p.m.)

Dave Brown of Merrigan Way stated that a two and a half hour suspension would be minimum revenue to the establishment.

Atty. Stopa stated that they are not a high volume operation and any loss of revenue would be significant to them. They are a separate entity than the Bass Pro Shop.

A motion to close the Public Hearing was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

A motion to suspend alcohol service at the Blue Fin Lounge from 6:00 p.m. to close on December 4, 2012 with a letter of reprimand, no appeal to the ABCC, coverage of town costs and they agree to the violation was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 4-1-0 with Ms. Brue in opposition.**

Ms. Brue feels that there should be an additional hour included in the suspension.

The meeting was adjourned at 9:15 p.m.

Respectfully Submitted,

Diana Gray

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Lorraine Brue