

BOARD OF SELECTMEN – May 22, 2017

The meeting of the Board of Selectmen was posted and held at the WCAT Studios, 24 Hemlock Road, Wakefield, MA, with Chairman Paul R. DiNocco presiding, Selectman Edward Dombroski, Jr., Selectwoman Mehreen Butt, Selectwoman Ann McGonigle Santos, Selectman Peter J. May and Selectman Anthony Longo in attendance. Town Administrator Stephen P. Maio and Clerk to the Board of Selectmen Sherri A. Dalton were also present. Selectman Brian D. Falvey and Town Counsel Thomas A. Mullen were absent.

Chairman Paul R. DiNocco called the meeting to order at 7:00 p.m.

Selectman May motioned to approve the minutes of May 8, 2017, seconded by Selectman Longo and so voted.

Selectwoman Santos motioned to accept the Wakefield/Reading Inter-Municipal Agreement for the school Nutrition Director, seconded by Selectman May and so voted.

Wendy Dennis co-manager of the Wakefield Farmer's Market appeared before the Board for renewal of their 2017 License Agreement. Selectman Dombroski inquired why a local business was denied participation in the Farmer's Market stating that he does not think any local business should be excluded. Ms. Dennis stated that she did not want to add another bakery to those already represented at the market. She feels that if she saturates the Farmers Market with a certain type of vendor it will hurt everybody. Selectman Dombroski stated that he could not support renewing the license knowing that a local business has been excluded. Selectman Dombroski asked Ms. Dennis to reconsider having the bakery participate. Ms. Dennis answered not at this point.

Selectwoman Santos motioned to approve the Wakefield Farmer's Market annual License Agreement, seconded by Selectwoman Butt. Selectman Dombroski motioned to amend the motion by conditioning the license's approval on the inclusion of The Bread Shop, seconded by Selectman Longo and so voted with Selectman Dombroski voting yes, Selectman Longo - yes, Selectman May - yes, Selectwoman Santos - no, Selectwoman Butt - no, Chairman DiNocco - no. Motion is 3-3. Motion does not carry. Vote continued on main motion Selectman Longo voting yes, Selectwoman Santos - yes, Selectwoman Butt - yes, Selectman May - yes, Chairman DiNocco - yes, Selectman Dombroski - abstained. Motion is 5-0. Motion carries.

Selectman Dombroski asked Wendy Dennis to reconsider having The Bread Shop participate in the Farmer's Market.

At 7:30 p.m. Selectwoman Santos motioned to open the Disciplinary Hearing for the possible suspension or revocation of the Liquor License for Caryn's Restaurant at 395 Main Street, seconded by Selectman Longo and so voted.

Roll Call

Selectman Dombroski – yes

Selectman Longo – yes

Selectman May – yes

Selectwoman Santos – yes

Selectwoman Butt – yes

Chairman DiNocco recused himself and left the room.

Chief Smith of the Wakefield Police Department opened the discussion with detailed accounts of the incidents that occurred on April 28, 2017, April 29, 2017 and April 30, 2017 where police officers were called to Caryn's Sports Bar & Restaurant at 395 Main Street.

On April 28, 2017 a Wakefield Police Officer was approached by two males stating there were two males in the area of Caryn's Sports Bar causing a disturbance. The officer approached the party who were sitting in the doorstep area of 385 Main Street and drinking from open Heineken beer bottles. Both parties appeared to be intoxicated by displaying slurred

speech and being unsteady on their feet. A strong odor of alcohol emanating from the breath of both parties was also witnessed. Both stated that they came from Caryn's Restaurant and Sports Bar at 397 Main Street. Both parties were taken into custody for Open Container Town Bylaw violation. Two officers of the Wakefield Police Department spoke with Leanne Wheeler the manager of Caryn's Sport Bar and Restaurant about the incident and she stated that she was aware both males left with the beer bottles but she unable to stop them.

The other incident occurred on April 29, 2017 late in the evening and going into early morning hours of April 30, 2017 whereas Wakefield Police Officers were dispatched to Caryn's Sports Bar located at 397 Main Street for a report of a fight between two female parties in the street in front of Caryn's Sports Bar and Restaurant. Upon the arrival of the officers they observed two females and one male in front of a white Jeep parked in front of Caryn's Sports Bar talking loudly and laughing. The officer asked if there were involved in a disturbance prior to the officers' arrival and they stated that they were not fighting and were only kidding around. The officers observed the parties to have glassy and blood shot eyes and they could detect a strong odor of alcohol emanating from their breath. The parties were unsteady on their feet and had to lean against the front bumper of the Jeep in order to not fall over. While officers were speaking to the party an employee from Caryn's Sport Bar, Kevin Guilherme approached the officers and stated that the two females had been drinking alcohol at Caryn's Sports Bar. The employee stated that the two appeared to be getting along all night.

Attorney Brian McGrail along with his client Leanne Wheeler appeared before the Board to speak about the April 28, 2017, April 29, 2017 and April 30, 2017 incidents. Attorney McGrail asked that the Board not include the April 30, 2017 incident due to the fact that the hearing letter did not mention parties drinking open bottles of alcohol. Ms. Wheeler did state that she was aware that parties left with opened bottles of beer but when she went looking for them she could not find them and figured they left.

The April 29, 2017/April 30, 2017 incident Ms. Wheeler stated that she was not working that night. Attorney McGrail read an affidavit from Kevin Guilherme an employee of Caryn's Sports Bar who was working that night. Mr. Guilherme stated in the affidavit that he is employed as a server and a bartender at Caryn's. On April 29, 2017 Mr. Guilherme was not the bartender but was serving tables at Caryn's and although he was not the server to the parties table he did walk by their table and converse with them on more than one occasion. He further stated that neither of the women were intoxicated while at Caryn's on the evening of April 29, 2017 or the morning of April 30, 2017.

Selectman Longo stated that he hasn't seen anyone else here before the Board since he has been elected but Ms. Wheeler. He stated that this behavior has to stop and it has to stop now.

Selectman Dombroski stated that he was convinced by a preponderance of the evidence that the parties were at Caryn's and they have consumed alcohol at Caryn's and then they have been outside of Caryn's. He also stated that he is satisfied with the proof that both alleged violations had occurred. And that there has been no dispute that all of the individuals had been drinking at Caryn's. He also said that the officers are trained to recognize intoxication, glassy eyes, slurred speech and being unsteady on your feet.

Selectwoman Santos stated that the officer's observations are very specific. She said that she wants the business to succeed but there has been a lot of issues.

Town Administrator Stephen Maio stated that with the preponderance of evidence in both instances you have patrons that said they were drinking at Caryn's on April 28, 2017 and April 29, 2017 into April 30, 2017 and it is of great concern to him. At the last hearing with Caryn's the Board pleaded with Ms. Wheeler for her to call the police. Town Administrator Maio's recommendation would be on both instances alcohol was sold to intoxicated individuals and that the Board treat this as two separate incidents.

Selectwoman Santos motioned that on April 28, 2017 Caryn's Sports Bar and Restaurant sold alcohol to an intoxicated resident by a preponderance of the evidence, seconded by Selectman Longo and so voted.

Selectwoman Santos motioned that on April 29, 2017 and April 30, 2017 Caryn's Sports Bar and Restaurant sold alcohol to an intoxicated resident by a preponderance of the evidence, seconded by Selectman Longo and so voted.

Town Administrator Stephen Maio recommended a warning for the April 28, 2017 incident and a three (3) day suspension of the license for the April 29, 2017 incident with the days being June 1, 2017, June 2, 2017 and June 3, 2017.

Selectwoman Santos motioned a warning for the April 28, 2017 incident, seconded by Selectman Longo and so voted.

Selectman Longo motioned a three consecutive day suspension of the Liquor License for May 31, 2017, June 1, 2017 and June 2, 2017 for the April 29, 2017 – April 30, 2017 incident, seconded by Selectwoman Santos. Selectman Dombroski motioned to amend the previous motion by adding that the doorman does not leave until the last customer leaves and the business is closed for the evening and that the Liquor License is to be brought to the Town Administrator's office no later than 10:00 a.m. on May 31, 2017, seconded by Selectman Longo and so voted.

At 8:55 p.m. Selectman Longo motioned to close the Disciplinary Hearing for Carny's Sports Bar and Restaurant, seconded by Selectwoman Santos and so voted.

Roll Call

Selectman Dombroski – yes

Selectman Longo – yes

Selectman May – yes

Selectwoman Santos – yes

Selectwoman Butt – yes

Selectwoman Butt motioned to table the purchasing of a bench from the Main Streets program, seconded by Selectwoman Santos and so voted.

Selectwoman Santos motioned to approve the request from the Lucius Beebe Memorial Library to donate library discards to the Friends of the Library, seconded by Selectman Longo and so voted.

At 8:58 p.m. Chairman DiNocco rejoined the meeting.

Selectwoman Santos motioned to approve the request from the Lucius Beebe Memorial Library to accept and expend a gift or gifts to the Library in the amount of \$1,127.00 from various donors with thanks, seconded by Selectman Longo and so voted.

Town Administrator Stephen P. Maio read the following Motion:

Voted: that the sale of the \$326,775 Sewer Bond of the Town dated June 19, 2017, to Massachusetts Water Resources Authority (the "Authority") is hereby approved and the Town Treasurer or other appropriate Town official is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on May 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>	<u>Year</u>	<u>Installment</u>
2018	\$32,677.50	2023	\$32,677.50
2019	32,677.50	2024	32,677.50
2020	32,677.50	2025	32,677.50
2021	32,677.50	2026	32,677.50
2022	32,677.50	2027	32,677.50

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing vote.

Selectwoman Santos motioned to approve the Sewer Bond to the MWRA at 0% interest, seconded by Selectman Longo and so voted.

Chairman DiNocco acknowledged the re-instituted assignments of liaisons to the following various town departments:

Down Town Planning / Building – Selectman Falvey

Fire Department – Selectwoman Santos

Police Department – Selectman Longo

Schools – Selectman May

Social Services – Selectman Dombroski

Gas & Light Department – Selectwoman Butt

Finance Committee – Selectman DiNocco

At 9:00 p.m. Selectman Dombroski motioned to open the Public Hearing for Blue Moon Grill for an All Alcohol Liquor License, seconded by Selectman Longo and so voted.

Roll Call

Selectman Dombroski – yes

Selectman Longo – yes

Selectman May – yes

Selectwoman Santos – yes

Selectwoman Butt – yes

Chairman DiNocco – yes

Attorney Michael McCarthy along with his clients Nancy Chiuchiolo and Victor Vincenzo Chiuchiolo appeared before the Board for a request for an All Alcohol Liquor License for Blue Moon Grill located at 953-955 Main Street. Their main objective is to serve alcohol during breakfast and lunch and requested to serve from 8:00 a.m. until 2:00 p.m.

Attorney Michael Casoli appeared before the Board to express his concern with allowing the Blue Moon Grill to sell alcohol. Mr. Casoli is the owner of Greenwood Plaza near where the Blue Moon Grill is located. Mr. Casoli stated that parking is an issue and if the Blue Moon Grill were to extend their hours to stay open for dinner that parking would become a problem.

Tina Barresi the owner of Revere Tanning at 979 Main Street appeared before the Board and expressed the same concern as Mr. Casoli in which the parking at Greenwood Plaza would be difficult if Blue Moon Grill were to extend their hours to stay open for dinner service.

Chairman DiNocco read a statement from Atlantic Audiology located in the Greenwood Plaza at 979-983 Main Street in which they strongly object to the permitting of a liquor license for Blue Moon Grill based on the current parking situation in at the Greenwood Plaza parking lot.

Chairman DiNocco read a statement from Greenwood Wine & Spirits located in the Greenwood Plaza at 969 Main Street in they are in support of the Blue Moon Grill obtaining a Liquor License only if it used for breakfast and lunch. If it is the intention of the Blue Moon Grill to extend their hours to include dinner then they respectfully request the Board of Selectmen to table the Liquor License request indefinitely or until such time as the Town of Wakefield can address the lack of parking for customers and employees in the Greenwood section of Wakefield.

The Board discussed the issue and based on the fact that Blue Moon Grill contains no bar and did not intend to be open after 2:00 p.m. felt that the license would not greatly affect parking.

Selectman May motioned to approve the All Alcohol Liquor License for Blue Moon Grill at 953-955 Main Street with the hours of 8:00 a.m. to 11:00 p.m. Sunday through Saturday, seconded by Selectman Longo and so voted.

At 9:29 p.m. Selectman May motioned to close the Public Hearing for the Blue Moon Grill, seconded by Selectman Longo and so voted.

Roll Call

Selectman Dombroski – yes

Selectman Longo – yes

Selectman May – yes

Selectwoman Santos – yes

Selectwoman Butt – yes

Chairman DiNocco – yes

Selectwoman Santos motioned to approve the request from Sentinel Benefits & Financial Group at 100 Quannapowitt Parkway for a bench, seconded by Chairman DiNocco and so voted.

Selectman Longo motioned to approve the Traffic Advisory Committee recommendation of the Melvin Street and Bennett Street intersection in which the northbound Stop sign be removed, that the tabs on the two remaining Stop signs be changed to “2 Way” and that a yellow diamond warning sign be installed for southbound traffic that reads “Oncoming Traffic Does Not Stop”, seconded by Selectwoman Santos and so voted.

Selectwoman Santos motioned to approve the Comcast Renewal License, seconded by Selectman Longo and so voted.

Selectwoman Santos motioned for the approval to advertise for a member to the Charter Review Committee, seconded by Selectman Longo and so voted.

Comments / Matters Not Anticipated By The Chairman Within 48 Hours of Meeting -

Selectwoman Butt – congratulated all the women owned businesses that came before the Board tonight; Ramadan is Saturday, good luck with fasting

Selectwoman Santos – really happy that the Mystic Valley Charter School is listening to the Attorney General and modifying or taking away their hair restriction

Selectman Dombroski –attended a fundraiser for the 4th of July Parade and is encouraging everyone to support the Parade

Selectman Longo – this weekend is Memorial Day weekend and would like everyone to take a moment to reflect and to also thank all the service men

Selectman May – Friends of Lake Quannapowitt has their annual meeting on May 24, 2017 at 6:00 p.m. at the Bear Hill Country Club

Town Administrator – the final audit for the Galvin Middle School will be going in to the State on time and on budget; would like to invite Mark Faverman to a future meeting of the Board of Selectmen to talk about visioning. Chairman DiNocco instructed the Town Administrator to set up the meeting

Chairman DiNocco – asked the Town Administrator to put together a group for the Sign By-law Review Committee and a review committee for the Plastic Bag By-law; asked the Selectmen to form quarterly forums starting with the first one June 21, 2017; asked the Town Administrator if the tree at Moulton Playground has been replaced. Town Administrator Stephen Maio answered that he would find out; would like to entertain having a “Citizen of the Quarter”

Selectman May motioned to adjourn at 9:27 p.m., seconded by Selectman Longo and so voted.



Sherri A. Dalton, Clerk