

# Town of Raynham, Massachusetts

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ph: 508.824.2707

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## Board of Selectmen Minutes 12/13/2016

Board of Selectmen

December 13, 2016

Chairman Joseph Pacheco called the meeting to order at 7:02 p.m.  
Present were Joseph Pacheco, Karen Roberts and Marie Smith.

### Acceptance of the Minutes

Mrs. Roberts motioned and Mrs. Smith seconded to accept the minutes of the December 6, 2016 meeting as printed, Mr. Pacheco made it unanimous.

### Department Heads & Committees

Chief Jim Januse was present to update the Board on the Activity Report for the month of November. Fires, fire incidents, mva investigations, and public assist were 78; Ambulance, medical emergencies mva's and public assist were 159; Miscellaneous inspections, fire alarm work and items of note were 98; Mutual aid fire and ambulance, 3 ambulance given, 4 ambulance received; 3 fire given 5 fire received for a total of 15. ~There were a total of 2,606 calls for November, 2016 which is 42 more than last year. ~Chief Januse updated the Board on several employees who have been out on extended sick leave.

### Public Hearing - 7:05 P.M. Christopher's Seafood & Steakhouse, Inc.

Mr. Pacheco opened the Public Hearing: The Board is concerned about the lack of cooperation when the police were responding to the scene. Mr. Pacheco asked Chief Donovan if he wanted to speak, and he replied no. Attorney James Rudser of 88 Black Falcon Avenue, Boston was present to represent the owner of Christopher's Restaurant. He said we are here in response to the correspondence dated November 30<sup>th</sup> 2016 and received by my client Christopher's Seafood & Steak House, Inc. As an initial matter I would ask the nature of this hearing. Is this Board sitting pursuant to the provisions of Gen. Law Chapter 138 Sec. 23 where the Board would have the right, on a purported violation, to take action against the licensee?

Because, if it is, I would suggest that due process requires the Board to give notice to my client of that notice, not only of the alleged violation, but then notice of the right to be heard. So, with that in mind, we're prepared to address some of the issues, but if the Board is intending, as a result of this hearing, to try to take action pursuant to Gen. Law Chapter 138 Section 2, I would ask that the Board suspend the Hearing, give the proper notice given by due process, and we'll reconvene. Mr. Pacheco responded: The letter from November 30, 2016 is due process and formal notification, it provides you with the fact that you will be having a hearing on the date and states clearly that you have the opportunity to be here with any representatives you wish and states that the meeting is regarding an incident at Christopher's. Attorney Rudser replied: That's correct. Mr. Pacheco replied: I'm at a loss for where there was a miscommunication. Attorney Rudser replied: The Licensing Board, and again I'll read to you the relevant provisions: Gen. Laws Chapter 138, Section 23 says in their opinion whenever (referring to the Licensing Board) any holder of a license fails to maintain compliance with this Chapter, where it appears that alcoholic beverages are being or have been sold, served or drunk therein, are in violation or any provision of this Chapter, they may after hearing in an opportunity therefore, modify, suspend, revoke, or cancel such license or may levy a fine in accordance with the regulations which have been promulgated by the Beverage Control Commission. So, the predicate for a hearing under Chapter 138, Section 23 is if the licensee fails to maintain compliance with this Chapter, or appears that alcoholic beverages have been sold, served or drunk therein are in violations of any provisions in this Chapter. Now, again the notice that we received says

that this is a hearing about lack of cooperation from you and your employees with the Raynham Police Officers responding to the scene. And I would suggest that the notice doesn't provide us with the due process notice that we have failed to maintain compliance with Gen. Laws Chapter 138 or that it appears that alcoholic beverages are being or have been served, sold or drunk therein in violations of this provision. Mr. Pacheco responded: I respectfully disagree with your reference to Gen. Laws Chapter 138 and as you know Counselor, because you have appeared before us before, we also remind you as a stipulation of your client's license, certain conformity conditions that they have to have on the premises. So it is in my opinion Counselor this Hearing can go forward, unless the Board objects. You obviously have an opportunity, if this Board makes a determination, to appeal. But respectfully, I disagree with your interpretation.

Does the Board have any issues with that? Mrs. Smith responded: With what you just said? Absolutely not. Mr. Pacheco:

So your objections been noted for the record and I appreciate that but I plan on moving forward with this Hearing thank you, if you would like to present. Attorney Rudser: I think the burden is on the Board to present evidence of a violation. Mr.

Pacheco replied: Counselor I believe. Attorney Rudser replied: We don't have to prove ourselves innocent. Mr. Pacheco responded: That's ok Counselor, I have no problem getting this started I was giving you the opportunity if you want to address the Police Report because in my opinion, I think the Police Report speaks for itself specifically in the first paragraph where Mr. Kesaris stated that the parties left and initially he had no idea who any of the involved parties were. If you recollect, many years ago we had an incident at this establishment where the Police responded and we had no cooperation from the establishment at that time and I believe that I was on the Board at that time Counselor, and we said at any time a Police Officer is called, we expect full cooperation from that establishment towards any type of investigation involving liquor. And that was the opinion of the Police Department and the authors of this report - that there was a lack of cooperation. And so that's what I'm trying to get to the bottom of today, is why there was a lack of cooperation, what happened at the scene that night? And what, if any plans you have in place moving forward, to insure cooperation with the Police Department in the future and that no other incidents like this occur.

This is completely unacceptable. Attorney Rudser responded: If I may, since you brought up the Police Report, I would object to the Board taking the Police Report, when the Board could easily have had the author of the report present his direct observation about what happened that night. One of the reasons why my reliance on hearsay is inappropriate is that I don't have a chance to ask questions of the recorder of that information. For example, the report in and of itself is internally inconsistent where at one point the author of the report says Theodore was again uncooperative, giving us only bits and pieces of what happened. If it's the first time he's uncooperative, why does he use the word again? And, if he's only uncooperative, giving only bits and pieces of information, if all he knows is bits and pieces and he gives you bits and pieces how can that be characterized as uncooperative? Now, what we have here is cooperative, the subjective standard, it's not objective, for example like bleeding either someone is bleeding or their not. Cooperative is subjective in minds of the holder of that opinion and I would ask that again did the officer who prepared this report be summonsed before the Board? So than you can ask the questions you need, and ask him why he writes that he was uncooperative when it was the first time he spoke with him. And, that I then have a right to cross examine that officer. Mr. Pacheco stated: Fortunately Counselor, Lt. Lieutenant LaPlante is in the audience. Attorney Rudser replied: He's not the author of the report. Mr. Pacheco replied: If I can continue Counselor, I didn't interrupt you, I'd ask for that same courtesy. Lieutenant LaPlante was on the scene and it is my understanding that he was the Shift Commander that evening Lieutenant? Lt. LaPlante replied: Yes. Mr. Pacheco stated: He did review this report and contributed to this report Lieutenant? Lt. LaPlante replied: Correct. Mr. Pacheco said: So I believe Counselor that would be appropriate that the Shift Commander, the Lieutenant who was on scene and contributed to this report would be adequately address it, if we so desire and or answer questions you might have Counselor, but you'll address them through me to the Lieutenant. Do you have questions Counselor? Attorney Rudser replied: I'd like to hear his testimony before I ask any questions. Mr. Pacheco responded: If you have any questions, I think the report speaks for itself. You can direct them to me to the Lieutenant. Attorney Rudser asked: Would you ask the Lieutenant if he took my client outside? Lt. LaPlante replied: Actually, he was outside when we got there and said that the fight was over. Attorney Rudser asked: And did he have any conversation with my client? Lt. LaPlante replied: Lengthy conversation, yes. Attorney Rudser asked: And did he ask questions of my client? Lt. LaPlante replied: Yes. Attorney Rudser asked: And did my client answer his questions? Lt. LaPlante replied: Eventually, we believe he did. Attorney Rudser asked: Ok, and what does the Officer mean by when he uses the word eventually? Lt. LaPlante replied: He was very reluctant to speak with us and tell us exactly what went on and the only way he answered my questions, was when we continued digging and asking him questions and finally he told the

truth. Attorney Rudser asked: What is the basis of the Lieutenant's opinion that my client was reluctant? Lt. LaPlante replied: Because when you ask someone and they only give you one word answers, and not answer the whole question in complete sentences, to me that's bits and pieces and is a lack of information. Attorney Rudser asked: Did the Lieutenant ever come to the conclusion that my client had more information than he provided? Lt. LaPlante asked: Then he initially provided? Attorney Rudser replied: That night. Lt. LaPlante asked: Do you want to ask that question again? Attorney Rudser asked: Did the Lieutenant ever come into any information that my client had more information than he eventually gave the Officers that night?

Lt. LaPlante replied: At the conclusion of our investigation, Teddy that night at the scene, it was determined that he had a lot more information, after 25 minutes of speaking with him, than he did when we initially arrived. Attorney Rudser asked: Who spoke to Teddy first? Lt. LaPlante replied: I can't give you an exact answer on that, when we got there it was a bit of chaos because we were called to a fight of 40 – 50 people in a parking lot. Attorney Rudser asked: And when the Officer arrived my client was outside attempting to break up the fight. Lt. LaPlante replied: No. Attorney Rudser asked: What was my client doing outside when the Officers arrived? Lt. LaPlante replied: He was standing in the middle of the parking lot and he told us, it's all over everybody's gone. Attorney Rudser asked: So that by the time the Officers arrived there was no fight for my client to break up? Lt. LaPlante replied: At the time we arrived, correct. Attorney Rudser asked: Who broke up the fight? Lt. LaPlante replied: According to your client, he told us that he tried breaking it up and eventually he got everybody to leave. Attorney Rudser asked: Did the Officer come to develop any other information that my client said that wasn't true? Lt. LaPlante asked: At the beginning of our investigation or at the end? Attorney Rudser replied: What my client said to him about the breaking up the fight and getting them to leave was not true. Lt. LaPlante replied: All that information came out in the course of the investigation. Attorney Rudser asked: During the course of the Officers investigation my client told the Officers that the person who was injured, he knew only by the name Mike. Is that correct? Lt. LaPlante replied: Correct. Attorney Rudser asked: Does the Officer know if my client knows what Mike's last name is? Lt. LaPlante replied: I have no idea. Attorney Rudser asked: So, if he gives a name and he gives the extent of his knowledge is that being uncooperative? Mr. Pacheco asked: Is that rhetorical Counselor or are you looking for an answer? Attorney Rudser stated: You said that he's adopted his report and two times here is says uncooperative. If the Officers ask my client, who was injured, and the guy says all I know is his name is Mike and that's all he knows, is that being uncooperative? Lt. LaPlante replied: That's not the only question that your client was asked. Attorney Rudser asked: What other question did you ask my client Lieutenant? Lt. LaPlante replied: He was asked what happened and who did it? Attorney Rudser asked: And did my client respond who did it? Lt. LaPlante replied: Not at first he didn't. Attorney Rudser asked: What did my client say? Who did my client say did it? Lt. LaPlante replied: He didn't know. Attorney Rudser asked: And did the Officer do any subsequent investigation that revealed that my client in fact knew who did it? Lt. LaPlante replied: Our investigation shows that at the end of our conversation, that your client knew the group of people involved in this incident. Attorney Rudser asked: The question was who did it? Lt. LaPlante replied: We don't know who was involved in the physical fight, we know that it was a group of people from a motorcycle gang. Mr. Pacheco stated: Just for the public's benefit I was consulted by Town Counsel, Counselor you can continue. Attorney Rudser asked: Did the Lieutenant ever interview the alleged victim? Lt. LaPlante replied: No. Attorney Rudser asked: Does the Lieutenant now if any members of the Raynham Police Department ever interviewed the alleged victim? Lt. LaPlante replied: Two members of the Police Department attempted to interview the victim. Attorney Rudser asked: And what was the result of the attempt? Lt. LaPlante replied: He didn't want to tell us who did it. Attorney Rudser asked: Would you characterize his conduct as being uncooperative? Lt. LaPlante replied: I would say it was. Attorney Rudser stated: I don't have any further questions for this Officer. Mr. Pacheco said: Thank you Counselor. At this point does the Board have any questions? Mrs. Smith stated: I don't know so much if I have a question, but I have some comments to make. Your client runs a business in the Town of Raynham. Is that correct? Attorney Rudser replied: Yes. Mrs. Smith stated: He had a situation in his establishment, and he called for the Police Department. The Police Department responded to his call for help. I expect that he, as a business owner in the Town of Raynham, would give full cooperation to the Officers at hand. They risk their lives to go up and protect him then ask him a question and he refuses to answer it? I'm sorry, sir but that's unacceptable. And if that means if we have to do something to the license or the establishment then we would consider it. I do not believe that our Police or Fire Department or any public safety department should risk their lives for people who have the privilege having their business in the Town of Raynham and are uncooperative when asked questions

regarding an incident that they called for help. Do you think that's ok? Attorney Rudser replied: No, no, no I would agree almost whole heartedly with what you said. Nowhere in the Police Report does it say my client refused to answer a question. Your whole argument is premised on the detail that you said he refused to answer the question. And that's not the case at all. This report is filled with questions. Mrs. Smith stated: Being uncooperative. Attorney Rudser replied: That's an opinion Ma'am. If he knew more and concealed it maybe that's uncooperative, but there has been no evidence that my client know's more. Mrs. Smith said: These patrons have visited that establishment more than one time. Attorney Rudser replied: But Ma'am if you read the Police Report, you would see that my client gave a detailed description of different people coming into the bar, and he reports that there's a motorcycle gang. He tells the Officer at the scene that they have been coming in more of late, or less or late. He actually gives the name of someone who was there and says he's been coming there more frequently. He had dinner there with his wife, he was here tonight. But his wife wasn't there, so again I agree that on almost everything you said. Except the characterization of my client, that he refused to answer their question. He never did, he may have given bad answers but if that's all he knew, he's giving them what he's got. Mrs. Smith replied: They felt as though he knew more. Attorney Rudser replied: And I've heard no evidence to suggest any basis in fact for that. Town Counsel Pietnik responded: Your change the evidence now, he clearly said he learned a lot more at the end of the conversation than he did at the beginning. You can't argue with the evidence, when the evidence is clearly different. The Officer clearly indicated when he came out he got a certain amount of information but didn't get other information. At the end, 20-25 minutes later, I think the quote is, he got significantly more. So the issue isn't that he lied or withheld, the issue is what he got at the beginning is significantly different than what he got 20 minutes later. That's what the evidence suggests. Attorney Rudser replied: Than I would suggest that the Officer could provide the Board with a basis for that, often times people describe a chaotic scene, was my client anxious, nervous, excited, and then when he gets calmed down, he can provide more detailed information. This Officer is an experienced Officer who has responded to any number of chaotic scenes and I'm sure he would tell you that once a witness calms down, he generally gets more information out of him. Counselor, you just said it 25 minutes after the response when my client is answering questions, in that 25 minutes his blood pressure goes down there's less flashing lights, less threatening people around. Town Counsel Pietnik stated: You're asking the Officer to make an assessment which is what the Officer did. What we're saying goes to what you're saying. The Officer made an assessment at the time, that he didn't get information, he got information later and the assessment was that he was withholding information. Not that he was nervous, not that his blood pressure was racing, it was that he withheld information and he wasn't cooperative, that was his assessment, the experienced Officer's assessment. Attorney Rudser replied: That was why it was important to have the author of the report here. Mr. Pacheco replied: He collaborated on the report. Your objections are noted on the record. Mrs. Smith, any other comments? Mrs. Smith replied: No. Mr. Pacheco asked: Counselor on your report on Page 2, it states that regarding the colors, that signage says you won't serve anyone with colors and Mr. Casaras later notes that he does serve people wearing colors, and asks what is he supposed to do ask them to leave? Can you elaborate on that? If your establishment goes to the length of posting signage acknowledging that colors do show up there, and you won't serve them, then why are you then acknowledging that you are in fact serving them? Doesn't that run counter? Attorney Rudser replied: I don't have any information to answer your question. Years ago I was at the establishment, and saw the sign No Colors, but I haven't been to Christopher's in a long time, I don't know if the sign is still there. Mr. Pacheco asked: Counselor do you remember the incident a few years back there, and the conversation we had about our expectation for the establishment and how they are going to handle themselves moving forward as a guest in our Town? Attorney Rudser replied: I'll be honest with you, I don't. Not that I do so much of this work but, if you could refresh my recollection, I'll be happy to. Mr. Pacheco replied: We had a massive police response to a fight, Raynham, Taunton, Bridgewater and the State Police responded and we had a hearing as a result. Attorney Rudser asked: Do you have the date of the hearing? Mr. Pacheco replied: 08 is my guess, I don't have the exact date. Unfortunately, Counselor we don't factor in eight years difference when things like this are happening. Attorney Rudser replied: Eight years is a long time for me, so I apologize for not recalling it. Mr. Pacheco replied: What I recall from eight years ago was that we said that behavior was unacceptable, that's also why previous Boards have stipulated Police detail during live entertainment because your client, in my opinion has established a track record of not being able to control crowds. And I have always said for the 10 years I have been on this Board, if you do business in Raynham you are a guest in our Town and it's a privilege to do that business. It's a privilege to have a liquor license in the Town of Raynham and this behavior towards the Town of Raynham and the Police Department, is unacceptable and will not be tolerated there is no place for that. And as Mrs. Smith said if any member of Town Government goes to that establishment we expect nothing but the utmost

cooperation and we can sit here for another 4 or 5 hours and go back and forth on what people's perception of cooperation is but at the end of the day, we have Police Officers that this Board hired stating on the Police Report, which is a legal documentation, that your client was uncooperative. And that's all I need to make a determination that in fact your client was uncooperative and to me that's not acceptable. And the fact that there was a fight with 40 people there, where there is a residential neighborhood right behind there, with kids sleeping at night, completely unacceptable. I have heard nothing tonight Counselor, about how you and your establishment moving forward how you are in any way make sure that this doesn't happen in the future. All I have heard is finger pointing and trying to rip apart a Police Report a legal document and not accept any responsibility for the incidents that happened that night, not present any type of plan to prevent this from happening again, not any apology to the residents for this type of behavior and it's appalling.

Attorney Rudser replied: If I may. One of the reasons I wanted the author of the report here is I think would have been so critical because again you characterize it as a fight involving 40 people. Lt. LaPlante replied: That's what was reported.

Attorney Rudser said: In the original 911 call placed by the bartender at Christopher's that night, almost immediately they were informed that there were 4 or 5 people involved in the fight. That there may have been 40 or 50 people around it, there was a much smaller group of people actually involved in it. So again, this was not a fight involving 40 or 50 people but it was a fight perhaps involving 4 or 5 witnessed by 40 or 50 people. Now in terms of moving forward, the Chairman made a comment on that and I would say if there was an incident eight years ago, a fight, and there was a stipulation that there was a Police detail at every live music performance, you've heard no evidence that my client has violated that. Mr. Pacheco responded: I'm not alleging that Counselor. Attorney Rudser responded: Because he does. Mr. Pacheco replied: I'm not alleging that and you're taking my comments and lumping them together and taking out certain key words. What I said was we placed on them certain conditions including requiring a Police detail for live entertainment. I also said that we stipulated at that hearing professional conduct and cooperation, so what you just did Counselor was take a couple sentences and merged them altogether. And while that may sound good, it's not what I said. Attorney Rudser replied: Again I point to the objective and that every live performance he has the detail this was not a night where there was a live performance therefore there was no detail. My client for eight years has run the club without incident. Now there has been an unfortunate incident, and I would agree with you that it's unacceptable at a licensed establishment, any licensed establishment shouldn't have a fight that breaks out. But the question really is was my client responsible for it? Was he appropriate in his response? And then again what the Board wants to hear, was he cooperative with the Police Officers? And so the important things are, is that you heard the was this initial report of this chaotic scene, 40 or 50 people involved in a fight and the Officer said when we arrived the scene was chaotic. But, what was my client doing when he was first observed? He was outside the establishment that's where the fight was occurring. So then why, when he's getting interviewed by the Police Officers, he's answering the questions they have, there has been no evidence that he had more information than he was somehow withholding information, maybe 25 minutes after they arrived he provided more information because maybe, just as my memory had to be jarred about the hearing we had here 8 years ago maybe something came to him. But, what's important is, that he doesn't know the person's last name. My client doesn't know the people who caused this and even the person who was the victim of the crime doesn't know that. And then the Officer says he's not cooperating. So, I would ask you to, and again the Board has shown the appropriate amount of concern about this incident. And I think that you feel that Christopher's has shown an equally amount of concern about this incident. Now, going forward, what can we do? I don't know. But do you know what? We're certainly willing to listen to suggestions of the Board. Mr. Pacheco replied: So Counselor, first of all, I do not believe that Christopher's has shown an equal amount of concern, that's your characterization and I believe it's incorrect. That's number 1 and number 2, I don't care if it was 4 or 40, the fact is a fight happened and we have establishments in Town that have never had these types of incidents.

So regardless of how many people were involved, it's not important to me, I couldn't care less the fact is it happened again at your client's establishment is inappropriate. And Counselor, we have the ability to put conditions on licenses because it's a privilege to have a license in the Town of Raynham. We could, and I'm not saying we're going to, but we could require a Police detail every night you're open, we could fine, we could suspend the license we could revoke the license. And what I'm trying to find out and you still haven't answered it, is what you're going to do to prevent this in the future. Now to me, putting a sign up, and you are telling me you don't know if it's still up, saying No Colors we won't serve you is a sign that you are trying to be preventative in terms of these incidents. Now you're telling me if the sign's up and you're not disputing that your client serves people while that sign was up No Colors I'm trying to figure out Counselor, what exactly is going on at that

establishment and again, for the fourth or fifth time I'll ask you do you plan moving forward to prevent this from happening in the future and I'm just not hearing it? What I'm hearing is a plan it seems you did put in place, you're not even following and I don't know where it is in place. To me that's unacceptable, that's not how you run a smart business. Attorney Rudser replied: Again, I would concede that the Police Report says. Mr. Pacheco replied: That's what I'm going on Counselor. I swore them and I hired them and I have confidence in their abilities that's why they are on my Police Department. Attorney Rudser replied: But in terms of additional remedial work that my clients my need, I guess we would rely on your expertise as a Licensing Board to make suggestions to us. Mr. Pacheco replied: We wouldn't make suggestions, we would make directives and conditions. Let me make this clear, this Board will not make suggestions we will issue an order and you will follow it.

Attorney Rudser replied: His plan is has been working, two fights in eight years, it two to many I agree but still it's a pretty enviable record. Mr. Pacheco replied: I don't think so I don't think any other bar in this Town would want that record because no other bar has that record. So it's not enviable to me if I owned the bar, I would not want that record. And Counselor, again I've sat on this Board for 10 years and now, and any time we've had a liquor violation of any kind related to the liquor license, the applicant has come in and accepted responsibility and presented the plans to this Board to move forward in a way to prevent the same incident from happening again and this has been going on for half an hour now and not at one point have you offered any type of productive solution to prevent this moving forward, not one. And yes, the onus is on you. You do business in this Town, it's your privilege you're given that license and assume the responsibilities that beholding to you, as the license holder. And I want to say if you can't do it Counselor, then you can't do it but it is your responsibility to present to this Board, what you're going to do to prevent this from happening in the future. What would happen if a kid was outside in the summertime playing and something like this happened and the kid got involved? We have houses right behind your establishment. Attorney Rudser replied: And again, I think that there are certain levels of liquor violations for which the licensee is culpable for example, serving a minor or serving someone who's intoxicated. First of all I would renew my objection about the notice, it doesn't allege my client violated any provisions of the liquor licensing laws, he was simply just uncooperative to the Police. But in this instance, that my client was an unforeseeable victim to a criminal act in the bar, that his staff promptly called the Police. And that somehow his failure or inability to cooperate with the Police, raises to the level of a liquor violation for one of the more typical ones where you see culpability, I mean he can't accept responsibility what he hasn't done. The only thing that he has done is in in the opinion of the Officers, not cooperated. Now are you asking that we have everybody sign a book so we have their first and last name when they come in the bar? So that when he says who did it, all I know is his name is Mike. So, again if you're looking for contrition, I would suggest, that again the only contrition that my client could had would be somehow the Police Officers in this Town feel like he's being uncooperative. Because he hasn't engaged in any of the sort of objective standard license violations, he's always had a good relationship with the Public Safety Officers in the Town. I've had a number of hearings in this Town regarding alterations of licenses and been able to get Officers to testify that they worked that detail. So again I'm sort of stuck between a rock and a hard place I think you want something that unfortunately I'm not in a position to deliver. Mr. Pacheco replied: Well, I think that's unfortunate Counselor because your characterization I think is inaccurate. You had a fight of this magnitude in the past, you have according to this Police Report have had stipulated conditions for the operation of the establishment that your client acknowledges at least from this Police Report is not following. To me those are not unforeseeable. Does the Board have any other questions? Mrs. Smith replied: I do not have any other questions. Mrs. Roberts replied: No, I have none. Mr. Pacheco asked if anyone else in the public that wished to speak? Mrs. Smith suggested the matter be taken under advisement for at least a week then make a determination, Mrs. Roberts seconded and Mr. Pacheco made it unanimous. Mr. Pacheco suggested the meeting take place on December 20<sup>th</sup>. Attorney Rudser asked: I'm taking my son to a Bruins game, could it be the next week? If the Board could keep it under advisement, I would appreciate it. Mr. Buckner said the next meeting it could be would be January 3<sup>rd</sup>. Mr. Pacheco wanted to bring to the Boards attention that at next week's meeting will be the renewal of Liquor Licenses and he does not feel comfortable on acting on a renewal of this establishment while there is a hearing pending, can we delay acting on that license next week until this hearing is resolved? Town Counsel Pietnik asked: When does the new license take effect?

Mr. Buckner replied: January 1<sup>st</sup>. Attorney Pietnik said: So that means that they won't have a license from January 1<sup>st</sup> until January 3<sup>rd</sup>. Mr. Pacheco said: I'm thinking out loud here because we've never dealt with this before. Can we issue a provisional license? Town Counsel Pietnik replied: I'll have to check on that. Mr. Pacheco asked: Counselor, do you have a suggestion? Attorney Rudser replied: I'll make myself available for the special meeting for the purpose of concluding this.

Town Counsel Pietnik said: Maybe we could pick another date for this. Attorney Rudser replied: I appreciate your accommodation of my schedule. Town Counsel Pietnik said: As long as we provide proper notice to everybody. Mr. Pacheco asked: How's Wednesday the 21<sup>st</sup> look? Do you want a special meeting at 6:00? Mrs. Smith and Mrs. Roberts both said yes we can do that. Mr. Pacheco asked: Mr. Buckner would that work? Mr. Buckner replied: Yes, I think so. Mr. Pacheco asked: Ted will you be here. Town Counsel Pietnik replied: I'll be here. Mr. Pacheco asked: Counselor will that work for you? Attorney Rudser replied: I'll make it work. Mr. Pacheco asked: So December 21<sup>st</sup> at 6:00 p.m.? OK. Mrs. Smith made a revised motion to continue the Hearing until Wednesday, December 21<sup>st</sup> at 6:00 p.m., Mrs. Roberts seconded and Mr. Pacheco made it unanimous.

#### **Town Administrator's Report**

Mr. Buckner reviewed the Town Administrator's Report. The Raynham Housing Authority still has a vacancy on their Board. If anyone is interested they can send a letter or email of interest to the office.

The tax rate has been approved by the Department of Revenue's Division of Local Services. The Town hopes to have the bills out the week after Christmas.

The Board of Appeals will hold a hearing on the Forge River Place, 40B Project on Wednesday, December 14<sup>th</sup> at 7:00 p.m. at Town Hall.

The next Selectmen's Meeting will be held on December 20<sup>th</sup>, Department Heads Bob Iafrate and/or Dave Flaherty will be present.

There will be a Department Head Meeting on Thursday at 10:00 a.m. followed by a Safety Committee meeting.

SMHG will meet on Tuesday, December 20<sup>th</sup> at 2:00 p.m. Changes to plan offerings will be up for discussion. The preliminary rates will be expected by the end of January.

#### **Selectmen's Report**

Mrs. Smith attended the TACC Breakfast Meeting with the Attorney General this morning which was very informative.

#### **Correspondence**

Jessica Garcia from the Assessor's Office wanted to bring to the Boards attention a change in the debt exclusion, which in turn reduced the excess levy that was signed off on during the classification hearing, so that was fixed and now all tax rates have been approved. She brought the correct sheet to sign.

Correspondence was received from the Southeastern Regional Services Group for the contract award for DPW services for 2/1/17 – 1/31/18. Mrs. Roberts made a motion to accept, Mrs. Smith seconded and Mr. Pacheco made it unanimous.

Correspondence was received from the Mass. Historical Commission regarding the Mass. Preservation Grant Program.

Correspondence was received from Murphy, Toomey & Hess regarding recreational marijuana.

#### **Adjournment**

7:47 p.m. Mrs. Roberts motioned and Mrs. Smith seconded to adjourn for the performance of administrative duties, signing of Bills and Warrants, with no business to be conducted afterwards. Mr. Pacheco made it unanimous.

Respectively submitted,

Janet Murphy  
Recording Secretary