

State of Rhode Island

County of Washington

In Hopkinton on the thirtieth day of September 2019 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Frank Landolfi, Scott Bill Hirst, Barbara Capalbo, Sylvia Thompson, Sharon Davis; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin. Also present: Special Counsel Michael Lynch, Esq.; Hopkinton Police Captain Mark Carrier; Christopher Maselli, Esq. representing ABK, LLC and John Grasso, Esq. representing Patrick Kane.

The meeting was called to order with a moment of silent meditation and a salute to the Flag.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO SIT AS A LICENSING BOARD.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

**SHOW CAUSE HEARING - ABK, LLC d/b/a Boneyard BBQ and Saloon**

Council President Landolfi introduced Town Solicitor Kevin McAllister who made opening remarks regarding the nature of the proceeding being brought before the Town Council sitting as a Licensing Board, and the quasi-adjudicative role of the Licensing Board presiding over the show cause evidentiary hearing that has been initiated at the request of the Hopkinton Police Department (HPD). His remarks will be reflected in the transcript. At the conclusion of the Solicitor's remarks, Council President Landolfi read from the agenda: the Licensing Board will open a show cause evidentiary hearing regarding the possible suspension and/or revocation for cause of the following Class BV Liquor License pursuant to RIGL sections 3-5-21(a) and 3-5-23(b): **ABK , LLC, d/b/a Boneyard BBQ and Saloon, 15 Frontier Road, Ashaway, RI 02804** (hereinafter referred to as

“Licensee”), and/or will take up and address any other related issues that may be brought by the parties or their attorneys. The Licensee was notified in writing of the date, time and place of this hearing, as well as the nature of the hearing and of its rights to attend, participate and to present evidence. The evidentiary hearing is expected to address numerous HPD contacts, responses, and/or investigations involving this Licensee and its operation of its business for the period between April 18, 2018 through August 23, 2019, including but not limited to events surrounding the fatal accident that occurred on the Licensee’s premises on or about August 16, 2019. Witnesses are expected to be called to testify under oath and will be subject to cross-examination, and other evidence is expected to be offered into evidence. Due to the quasi-judicial nature of this proceeding, there will be no opportunity for members of the public to comment or otherwise participate in this proceeding. Respondent and/or representative should be present and the hearing will commence before the Town Council sitting as a Licensing Board and thereafter hear evidence from HPD and the Licensee and legal argument from the parties or their respective attorneys regarding disposition of the matter, including but not limited to any recommendation(s) for disposition made on behalf of HPD. Following completion of the presentation and argument by the parties, or at any other time it may deem appropriate, the Town Council sitting as a Licensing Board may, at its option through a motion duly made, seconded, and approved, retire into Executive Session for deliberations as allowed by RIGL secs. 42-46-5(a)(2) and (4). Thereafter, the Town Council sitting as a Licensing Board will begin deliberations, and as applicable thereafter resume the hearing in public session after considering motion and vote to seal the minutes of the Executive Session deliberations.

**REQUEST FOR CONTINUANCE – CHRISTOPHER MASELLI, ESQ.  
REPRESENTING ABK, LLC D/B/A BONEYARD BARBEQUE & SALOON**

Attorney Maselli’s statements and position regarding his request for a continuance are contained in the transcript, as are Special Counsel Attorney Michael Lynch’s statement and position regarding the request for a continuance. Upon conclusion of both, the Town Council considered the following motion and any discussion on the motion is referenced in the transcript.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR THOMPSON TO NOT CONTINUE THE HEARING AND THE HEARING BE HELD TONIGHT.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

At the conclusion of the evidentiary hearing, the Town Council would enter into executive session.

**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO ENTER INTO EXECUTIVE SESSION UNDER RIGL SECS. 42-46-5(A)(2) AND (4).

POLL VOTE:

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO RECONVENE IN OPEN SESSION AND SEAL THE MINUTES OF THE EXECUTIVE SESSION.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

Council President Landolfi reported no votes were taken during the executive session.

**LICENSING BOARD FINDINGS:**

At this point, the Council as Licensing Board would have an opportunity to discuss and consider voting whether or not there has been sufficient evidence shown at the hearing to establish probable cause to find that the Licensee has violated the terms and conditions of its Class BV Liquor License under RIGL sec. 3-5-21(a)(1)-(5) and 3-5-23(b) during the time frame specified. Should such good cause be found by the Hopkinton Town Council sitting as a Licensing

Board supporting such violation(s) based upon the evidence adduced at the hearing, then it will make its decision by motion and vote and as applicable, possibly discuss and consider voting to impose sanctions, including but not limited to a possible suspension and/or revocation of the Class BV Liquor License held by the Licensee. The Town Council as Licensing Board would consider the following motion; no discussion on the motion was held.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR THOMPSON THAT THE TOWN COUNCIL FINDS BY CLEAR AND CONVINCING EVIDENCE TONIGHT THAT THE OWNERS AND OPERATORS OF ABK, LLC D/B/A BONEYARD BARBEQUE AND SALOON VIOLATED THE PROVISIONS OF RIGL SEC. 3-5-21 (a) AND RIGL SEC. 3-5-23 (b) IN SEVERAL INSTANCES INCLUDING DISORDERLY AND DISTURBING BEHAVIORS THAT CAUSED ANNOYANCE IN THE AREA AND CREATED CONDITIONS THAT ENDANGERED THE PUBLIC SAFETY BY ALLOWING AND PARTICIPATING IN OPERATING IN A MANNER INCONSISTENT WITH THE LIQUOR LICENSE LAWS; INCONSISTENT WITH THE LAWS GOVERNING HOLDERS OF LIQUOR LICENSES SUCH AS OVER-SERVING ALCOHOLIC BEVERAGES TO CUSTOMERS, SERVING AFTER CLOSING TIME, ALLOWING PATRONS TO STAY AFTER 1:20 AM AND OTHERWISE DISTURBING THE PEACE TO AN EXTREME.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

**DECISION:**

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO REVOKE THE LICENSE BECAUSE DISTURBING BEHAVIOR BY THE OWNER WAS NOT ONLY ALLOWED, HE PARTICIPATED AND ENDANGERED THE PUBLIC; MULTIPLE INCIDENTS WERE NOTED BY THE POLICE DEPARTMENT; PRINCIPLES WERE WARNED BY THE HOPKINTON POLICE DEPARTMENT ABOUT

WHAT COULD HAPPEN; THEY BRIEFLY STOPPED BUT THEN STARTED THESE INCIDENTS AGAIN.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO ADJOURN AS LICENSING BOARD AND RECONVENE AS COUNCIL.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADJOURN.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk