A regular Meeting of the Board of Selectmen was held on Tuesday November 29, 2016, at 7pm in the lower conference room, 26 Bryant Street, Dedham, Massachusetts. Present were:

Dennis J. Guilfoyle

Dennis J. Teehan

James A. MacDonald

Michael L. Butler

Brendan G. Keogh

Mr. Guilfoyle called the Meeting to order at 6:45pm.

**PLEDGE OF ALLEGIANCE**

Led by Mr. Guilfoyle.

**OPEN/EXECUTIVE SESSION (POTENTIAL UNDER EXEMPTION 3 TO DISCUSS LITIGATING POSITION) CABLE LICENSE RENEWAL NEGOTIATIONS**

Mrs. Kehoe was present before the Board. Mrs. Kehoe Stated that the Cable Advisory Committee is here before the Board this evening, with counsel, to ask for consideration to amend Verizon’s existing license by extending it until May 30, 2017. Mrs. Kehoe informed the Board that Verizon has agreed to this change.

Peter Epstein, outside cable Counsel to the Town of Dedham, Stated that Dedham has three cable TV licenses. Comcast and RCN have been recently renewed. Mr. Epstein informed the Board that Verizon's 10 year term expires tomorrow and as you know the cable advisory committee has been in negotiations with Verizon for some time. Mr. Epstein added that the ten-year term is been extended by an additional six months, taking the expiration date to May 31, 2017. Mr. Epstein continued, saying that six months of capital funding has been negotiated based on the current payments. The full payment comes out to $8658.00, which covers the six month period and will be made in two quarterly payments of $4329.00. The first payment is due on February 28, 2017 and the second is due on May 30, 2017. Mr. Epstein informed all that this amendment is a legal amendment and is required by the State. Mr. Epstein prepared a notice that was sent to Ms. Baker and once that notice is published in the local paper and 14 days have gone by, there'll be a 21 day comment period. Mr. Epstein Stated that once that 35 day period has elapsed, both the Selectmen and Verizon can sign the amendment. Mr. Epstein does not expect a lot of comment. Mr. Epstein added that it is the Cable Advisory Committee’s recommendation for the Selectmen to go forward with this amendment. Mr. Epstein Stated that he concurs with this.

Mr. MacDonald moved that the Board concur with the recommendation of the cable advisory committee for the six month extension outlined by counsel; seconded by Dr. Teehan.

Mr. Keogh informed all that as an employee of Verizon, he will be recusing himself from the discussion and vote.

**On the Vote:** Mr. Keogh, abstained; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

**ACTION BY THE BOARD**

**REQUEST FROM THE BLUE BUNNY TO USE THE FORMER ST. MARY’S PARKING LOT FOR OVERFLOW PARKING ON DECEMBER 3, 2016**

Ms. Baker informed all that the blue bunny will be renting the performance space at the Mother Brook Arts and Community Center on Saturday, December 3, 2016 and would like permission to use the parking lot, on high Street for overflow parking.

Mr. MacDonald moved approval; seconded by Mr. Keogh. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

**REQUEST FROM DEDHAM SQUARE CIRCLE FOR EXTENSION OF FREE PARKING IN DEDHAM SQUARE FOR DECEMBER**

Ms. Baker reminded the Board that they approved the complementary parking in Dedham Square for the month of December. Dedham Square Circle has requested an extension of that free parking to include the portion of High Street between Maple Place and Ames Street.

Mr. Butler moved approval; seconded by Dr. Teehan. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

**REQUEST FOR A 1 DAY LIQUOR LICENSE FROM NEWBRIDGE ON THE CHARLES, 12-10-16, 7-11PM**

Mr. Keogh moved approval; seconded by Dr. Teehan. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

**REQUEST BY THE HILTON FOR AN EXTENSION OF SERVICE ON THEIR ALCOHOL AND ENTERTAINMENT LICENSE, 1/1/2017**

Ms. Baker informed the Board that they have in front of them an opinion from Town Counsel, Brian Riley, stating that the extension cannot go beyond 2 AM for the service of alcohol.

Mr. MacDonald moved approval to extend Hilton’s hours to 2 AM, with last call at 1:45 AM, in conformance with the Town's rules and regulations as outlined by Town Counsel and Sgt. Buckley and that the premises be vacated by 2:30 AM; seconded by Mr. Butler.

Mr. Butler Stated this is a little different than what we've done previously. Mr. Butler confirmed that the last service of alcohol is at 1:45 AM and 15 minutes later, at 2 AM, everything has to be off the tables and the bar needs to be closed. Mr. Butler added that the premises should be entirely vacated by 2:30 AM.

Ms. Baker informed all that if any employees need to stay beyond 2:30 AM, the Hilton needs to notify the Police Department.

Mr. Butler asked, for this event what time do customers have to vacate the premises.

Ms. Baker answered, for this event the customers have to vacate the premises by 2:30 AM and no later.

**On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

**APPROVAL OF MINUTES – 10/27/2016**

Mr. Butler moved approval of the October 27, 2016. Meeting minutes; seconded by Mr. Keogh. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

**DISCUSSION AND VOTE RE: GRANT OF SEWER EASEMENT FOR MANCUSO DRIVE & POND AVENUE**

Joseph Mancuso, 137 Milton St. and Lewis Mancuso, 75 Pine St. were present before the Board.

Ms. Baker informed all that this easement has been approved by the engineering Department.

Mr. Keogh moved approval of the easement; seconded by Mr. MacDonald. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

Ms. Baker informed the Board that there is a signature page she is sending around so this action can be on record.

**DEDHAM CITIZENS - OPEN DISCUSSION**

None.

**PRESENTATION, DICUSSION & VOTE RE: FY17 CLASSIFICATION HEARING**

Chris Polito, Chairman of the Board of Assessors, was present before the Board. Mr. Polito introduced the other members of the Board: Richard Schoenfeld, Vice-Chair and John Healy, Clerk. Mr. Polito also introduced the Director of the Assessor’s Office, Rick Henderson, and the Assistant Director Kevin Doyle.

Mr. Polito proceeded to show a presentation regarding the FY’ 17 classification hearing.

**Agenda**

* Required purpose of this hearing
* What is classification
* What is a tax shift
* Overall assessed property in Dedham
* How much is raised through property tax
* Estimated tax rates
* Historical rates
* Discussion

**Hearing requires two votes by Selectmen**

* Does the Board of Selectmen want to continue classification for the Town of Dedham?
* What shift, if classification continues, does the Board of Selectmen vote to use?
* Based on these votes a tax rate for fiscal year 2017 is created.

**What is classification?**

* Municipalities have the option of taxing the various classes of property differently
* Classes are: residential and commercial, industrial, personal property (CIP).
* The use of classification creates a tax shift
* In Dedham, the determination to allocate the tax burden by class is made annually by the Board of Selectmen

**What is a tax shift?**

* Massachusetts communities may shift some of the residential tax burden onto the commercial, industrial and personal properties (CIP) by adopting a residential factor which creates a split tax rate
* Dedham has historically had a split tax rate
* Split tax rates tax CIP at a higher rate than residential property. Note that personal property is business property, such as equipment, furniture, computers, etc.
* Last December, the Selectmen, in consultation with the Board of Assessors, voted to set the fiscal year of 2016 shift factor at 1.75, the maximum shift available for Dedham. This means that for FY 16, value, pay just **under** 14% of the total taxes.

**How is a tax shift calculated?**

* Each type of property is classified into categories
* Each of these categories represents a percentage of the total assessed property in Town
* CIP property percentages are then multiplied by the shift factor (19%CIP X 1.75 shift equals 33.25%)
* This percentage is then subtracted from 100%
* This difference is the total burden for residential properties (100% -33.25%CIP equals 66.75% Res)

**Overall assessed value of property**

* These values are as of January 1, 2016 and are based on sales and data analysis from activity in calendar year 2015
* Residential $3.7 billion
* Commercial $719 million
* Industrial $39 million
* Personal property $112 million
* Total of all property $4.6 billion

**Average values**

* As of 1/1/16, the average single-family home was assessed at $448,603
* The previous year was $420,216, an increase of 6.76%
* As of 1/1/16, the average commercial\industrial (CIP) property was assessed at $2,080,463, an increase of 4.81%

**How much money does the Town raise in property taxes?**

* Property taxes need to be raised to pay for a portion of the budget approved by Town Meeting.
* For FY’ 17 the share is about 67% or $82.1 million
* For FY’ 16 the share is about 75% or $81.5 million
* For FY’ 15 the share is about 75% or $80 million

**Estimated tax rates**

* Estimated tax rates for FY 17 per $1000 of value will be approximately $14.76 for residential properties and approximately $31.36 for CIP properties
* Therefore each $100,000 of value equals approximately $1476 in residential taxes and $3136 in CIP taxes

**Historical rates**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Fiscal Year | FY 17 (estimated) | FY 16 | FY 15 | FY 14 |
| Average SFH | $448,603 | $420,216 | $401,728 | $386,627 |
| Rate | $14.76 | $15.49 | $15.87 | $16.08 |
| Average tax bill | $6621.38 | $6509.14 | $6275.43 | $6216.96 |
| Average increase | $112.24 | $132.72 | $150.47 | $280 |

Mr. MacDonald moved that the Board of Selectmen continue the classification for the Town of Dedham; seconded by Mr. Keogh. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

Mr. MacDonald moved that the shift be 1.75, based on the recommendation of the Board of Assessors; seconded by Mr. Keogh. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

Mr. Butler Stated that the Board of Selectmen takes the topic of taxes very seriously. Mr. Butler added that working with the Board of Assessors, the Assessor’s Office and the Town Managers office over the last couple of years, has settled into a nice approach. Mr. Butler continued, saying that in years past, this classification hearing usually happened as the clock ticked down. Mr. Butler Stated that both last year and this year, we are holding the hearing relatively early in the season. This gives people a chance to think about the options that are available to the Town when it comes to Vetting the tax rate. Mr. Butler informed all that the Board had talked about the overlay a few weeks ago and exchanged some ideas. In the end, the Town Manager and the Director of Assessors gave us the recommendation that we received tonight, bringing the overlay to $1 million, which is in line with the State average. Mr. Butler reminded all that the tax rate is derived from the decision that Town Meeting makes in May. Mr. Butler thanked Mr. Kern, Ms. Terkelsen and the various Department heads as the budgets they have presented to Town Meeting last couple years have been carefully managed. Mr. Butler Stated that the average homeowner will see a $112 increase on their tax bill, which is the next lowest the Town has had in the last 15 years.

Dr. Teehan Stated that he hears a lot of comments about surplus. Dr. Teehan added that there is good municipal planning that says we want to have a 3 to 5% surplus every year, to help cover the uncertainty that comes with running a Town. Dr. Teehan continued, saying that Town Meeting tells us how much money that we need to run the Town and it is up to us to determine what the tax rate is going to be. Dr. Teehan Stated that we have had a surplus the last couple of years and used that money last year for a good cause and I hope we do the same this year. Dr. Teehan added we can do this by paying off the most expensive debt that we have as a Town. Dr. Teehan added that he was very supportive of that as it gave the best deal back to the taxpayers. Dr. Teehan continued, saying that moving forward, if we reach our goal of paying that expensive pension liability this year, we need to look at what our next step is as a Town and consider it in our future financial planning. Dr. Teehan Stated that this is a matter of priorities and values and how we take this time of prosperity and use it to set ourselves up for the time when things aren't going well.

**ODL/NEW BUSINESS**

Mr. MacDonald Stated that the other day he was on a particular social media site and noticed that about a half-dozen people living in the Town of Dedham talking about smelling and tasting chlorine into their water. Mr. MacDonald added that he reached out to Eileen Commane, Executive Director at the Dedham Westwood Water District. She was not aware of any complaints. Ms. Commane gave Mr. MacDonald the phone number to reach the Plant Manager if anyone had complaints. Mr. MacDonald added that the complaints he knew about were from Bonham Road, East Street and East Dedham, so it didn't seem to be any one particular location. Mr. MacDonald informed all that if anyone has issues with chlorine or anything else regarding their water, they should call the

Dedham Westwood Water District and let them know the location and when it happened. Mr. MacDonald also suggested relaying this information to the Board of Selectmen, so they can follow up as well.

Mr. Butler informed all that Dedham Square Christmas Stroll is this Friday night, December 2, 2016. Mr. Butler added that Saturday, December 10, 2016, is Oakdale Square's "light the night" at 4 PM.

Mr. MacDonald added that Rita Mae Cushman is hosting the annual Christmas lights and Santa arrival, by Fire truck, this coming Sunday at 2:15 PM at 121 Garfield Street. Just drive down the street to see all the Christmas lights!

Mr. Keogh informed all that this Sunday at 10am, the “Girls on the Run” event will be taking place starting at the Dedham High School, for 3rd – 8th grade girls.

Mr. Guilfoyle informed all that a few important Meetings are taking place tomorrow. The Manor Neighborhood Meeting will take place at 6:30 PM. Mr. Guilfoyle added that at 7 PM there will be a Meeting in the gym at the Mother Brook Arts Center where we'll talk about the future of East Dedham Square. Mr. Guilfoyle informed all that the Board of Selectmen and the Town Manager will be holding the annual Toys for Town on Sunday, December 18, 2016, at seven o'clock at the American Legion, 155 Eastern Ave. All the toys collected go to the children in the Town of Dedham who might be a little less fortunate.

**DISCUSSION & VOTE RE: TRANSFER OF ALL ALCOHOLIC RESTAURANT LICENSE FROM OASIS PUB, INC., D/B/A OASIS PUB, 77 WASHINGTON STREET TO GENKI ENTERPRISES, INC., D/B/A GENKI, 202 LEGACY PLACE AND APPROVAL OF WAI KI CHEUNG AS MANAGER**

Mr. MacDonald recused himself from the next four agenda items as they will require a vote from the ABCC.

Mei Wei Who, Attorney, representing Genki Enterprises Inc., D/B/A Genki, 202 Legacy Place Dedham and the proposed Manager of Genki, Wei Ki Cheung, were present before the Board.

Peter Zahka, on behalf of WS Development and Legacy Place and Beth Winbourne, the Manager of Legacy Place, were also present before the Board.

Ms. Who introduced the president of Genki Enterprises, Inc., Jason Yu.

Mr. Butler asked Mr. Cheung how long he has been a Manager at Genki.

Mr. Cheung answered four years.

Mr. Butler asked how it was going.

Mr. Cheung answered that it was going very good. Mr. Cheung Stated that as Manager he makes up rules and policies for all the employees to follow, such as teaching them how to recognize an intoxicated patron. Mr. Cheung added that he asks his employees check ID for all patrons that look under 30 years old. Mr. Cheung informed the Board that in the case where three individuals have ID and one does not he will not serve to any of the individuals but he will offer them a free appetizer or something along those lines. Mr. Cheung added that he will pay for a taxi ride home for an intoxicated patron that is being taken care of by a friend. Mr. Cheung Stated that if he runs into a situation that he cannot handle, he will call on Legacy Place security or Dedham Police.

Mr. Butler asked Mr. Cheung if he has had any violations in the four years he has been Manager.

Mr. Cheung answered no, not at all.

Mr. Butler Stated to Mr. Zahka and Ms. Winbourne that he noticed in the paperwork said that if this request is approved, your existing license must be surrendered to the landlord.

Mr. Zahka Stated that technically Genki currently has a site specific special legislation beer and wine license. Mr. Zahka added that upon the actual issuance of this full license, the Beer and Wine license reverts back to the Town of Dedham and this Board has the right, if the application comes in, to reissue that license as you see fit to do so, but only to somebody in Legacy Place.

Mr. Keogh asked Mr. Cheung how many employees will be working at the restaurant.

Mr. Cheung answered 30.

Mr. Keogh asked how it broke down regarding which employees would serve the alcohol.

Mr. Cheung answered about 15 people will be working as part time servers and Stated that they do not have a full bar as of yet but will be getting one.

Mr. Keogh asked Mr. Cheung if he will be the Manager on the floor.

Mr. Cheung Stated that he will be the Manager on the floor and will be responsible for all the servers and the preparation of the food. Mr. Cheung added that there will be another person in charge of the kitchen and the sushi bar.

Mr. Keogh Stated that at times the restaurant business is hectic and mistakes are made regarding thoroughly checking the licenses. Mr. Keogh informed Mr. Cheung that he will be responsible for overseeing this process. Mr. Keogh continued, saying that this is a huge responsibility and hopes that Mr. Cheung’s staff realizes how important this is as well. Mr. Keogh pointed out that some establishments give out a bracelet to the designated driver, which is a great idea.

Mr. Guilfoyle asked Mr. Cheung if he was on the beer and wine license currently.

Mr. Cheung answered yes.

Dr. Teehan Stated that besides being able to serve mixed drinks, not much is going to change regarding your service. Dr. Teehan added that Genki has had a very good record.

Mr. Guilfoyle Stated that this is a public hearing and asked if there was anyone that would like to make a Statement.

Dana McQuaid from Riverdale, Stated that no mention was made about servers being TIPS certified and asked if all of Genki’s employees were certified.

Mr. Cheung Stated that four of his major employees were TIPS certified and he will be requiring all of his employees to be TIPS certified, even the part-time employees.

Mr. Guilfoyle asked Mr. Cheung if he has read the Town's rules and regulations.

Mr. Cheung responded, yes.

Mr. Guilfoyle informed Mr. Cheung that any of his employees that serves alcohol needs to be TIPS certified. Mr. Guilfoyle added that Mr. Cheung should meet with Sgt. Buckley to go over these rules and regulations sooner rather than later.

Mr. Guilfoyle asked if there was any further public comment.

Mr. Guilfoyle informed all that the Board did receive an e-mail asking them to not approve the transfer of license.

Dr. Teehan moved approval of the request to transfer the All Alcoholic License from Oasis Pub, Inc. to Genki Enterprises , Inc., and Wai Ki Cheung as Manager of record; seconded by Mr. Keogh. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes.

Mr. Guilfoyle informed all that the Board will be deferring the 8:40 PM agenda item, the Constituent E-mail Policy, to a future Meeting

Selectmen MacDonald rejoined the Meeting for the discussion regarding the renewal of all the 2017 licenses.

**DISCUSSION & VOTE RE: RENEWAL OF ALL 2017 LICENSE**

Ms. Baker informed all that as required every year the Board takes a motion to renew all licenses within its authority; all alcoholic restaurant licenses, both full licenses in beer and wine, class I, II and III licenses, Common Victualler licenses and entertainment licenses. Ms. Baker suggested taking a separate vote on the alcohol licenses.

Dr. Teehan moved to approve the renewal of all non-liquor licenses for the Town of Dedham; seconded by Mr. Keogh.

Ms. Baker informed all that her office asked the Treasurer's office to provide a list of establishments that are in arrears regarding taxes. Ms. Baker added that there are 10 establishments that owe back taxes, some being current within the 2016, 2017 tax year which have not been liened yet. Those owing for previous years will be contacted by Ms. Baker's office and encouraged to work with the Treasurer to get caught up.

Mr. Guilfoyle Stated that for clarification, these establishments are not all alcohol licenses, there are some common Victualler's involved.

Ms. Baker Stated that is correct.

**On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

Mr. Keogh moved to approve the renewal of all liquor licenses for the Town of Dedham; seconded by Mr. Butler. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, abstained.

Mr. MacDonald recused himself for the following three agenda items.

**VIOLATION HEARING – JOY VARIETY, INC. D/B/A TERRI’S MARKET, 12 LOUISE ROAD**

Attorney Edward J. Richardson, 339 Washington Street, Dedham, was present on behalf of Joy Variety, Inc. d/b/a Terri’s market.

Mr. Guilfoyle asked Mr. Richardson if he would like to have the report read.

Mr. Richardson responded no, we are not contesting any of the facts cited in the report.

Ms. Baker Stated that whomever will be providing testimony to please stand and raise your right hand. Ms. Baker proceeded to swear in Sgt. Buckley and Mr. Patel.

Mr. Richardson asked if Sgt. Buckley had a chance to examine the ID that was presented to Terri's.

Sgt. Buckley responded that he did.

Mr. Richardson asked Sgt. Buckley to comment on the quality of that ID.

Sgt. Buckley responded that it was a good quality fake ID.

Mr. Richardson asked Sgt. Buckley if it was a forgery, or in alteration.

Sgt. Buckley answered that it was a forgery.

Mr. Richardson asked him Sgt. Buckley if it had the hologram in it.

Sgt. Buckley responded that it had a hologram. Sgt. Buckley added that we don't want to go into too much detail as the hologram was fake. Sgt. Buckley Stated that they should leave it as it was a very good fake.

Mr. Richardson stated that he'd like to present some evidence for mitigation. Mr. Richardson informed all that Mr. Patel has installed a brand-new ID reader at a cost of about $4000. Mr. Richardson pointed out that in mitigation, he had copies of the ABCC's of the advisory letter on acceptance of identification, dated 2012, which is a commentary on chapter 138, section 34B stating that one has exercised due diligence in asking for that ID.

Mr. Richardson informed all that Mr. Patel does not contest the facts that a very professionally made identification was presented. Mr. Richardson asked Sgt. Buckley if he could comment on how long the ID was examined.

Sgt. Buckley Stated that Mr. Patel provided him with videotape of the transaction and the clerk examined the license for almost 30 seconds. Sgt. Buckley added that it was not a cursory look.

Mr. Richardson informed all that Mr. Patel has installed the machine to read the licenses and since that time he has picked off one Massachusetts license, two Connecticut licenses, one Maine license and one Rhode Island license.

Mr. Guilfoyle stated that for the record that Brian Riley, Dedham Town Counsel alcohol issues, was present.

Mr. Richardson Stated for the record that he would like to point out the IDs confiscated appear to be very high quality fake IDs which were detected by the machine.

Mr. Richardson added that under the circumstances you can see that this was not a knowing violation, it was not even an inadvertent violation. There was a good deal of due diligence exercised and since that time Mr. Patel has stepped up his diligence by buying the card reader and the software.

Mr. Guilfoyle asked Mr. Richardson if the card reader was in place at the time of the violation.

Mr. Richardson answered no it was not.

Dr. Teehan Stated that Mr. Patel was here a year ago for another violation hearing and it just seems as though there is a culture of laxity regarding how you handle situations like this. Dr. Teehan added that it is not an accident that Mr. Patel has been here three times in the last few years and is the result of a systemic failure. Dr. Teehan continued, saying that he appreciates the fact that he took the step to purchase a card reader but a machine is only as good as the people that use it. Dr. Teehan stated that there needs to be an attitude adjustment about how the sale of alcohol is handled at that site. Dr. Teehan commented that the culture and attitude needs to change.

Mr. Richardson Stated that we are here for this one incident and would like to target the issues that have arisen with this one incident. Mr. Richardson added that the facts in this one incident are that the clerk was handed a very high-quality ID, which he examined for approximately half a minute. The clerk relied what appeared to be a genuine ID. Mr. Richardson continued, saying that the guidance from the ABCC States if you rely on something like that, you have exercised due diligence. Mr. Richardson reminded the Board that Mr. Patel has picked off five licenses in the last two months.

Mr. Butler stated that on the receipt for the card reader is made out to Pam's market in Norwood.

Mr. Patel Stated it was sent to his store in Norwood, but it is installed at the store in Dedham.

Mr. Butler stated that Ms. Patel was before the Board for a violation of selling alcohol to an underage person in November 2013. At that time, the Board applied a sanction of three days, all held in abeyance for 12 months. Mr. Butler added that in November 2015 Mr. Patel was before the Board and received a sanction of three days, two of which were held in abeyance with one day served. Mr. Butler commented, here again lesson 12 months after the second episode.

Mr. Butler Stated, after the first episode in 2013 Mr. Patel purchased a machine to help his staff to identify counterfeit IDs.

Mr. Patel informed the Board that in 2013 the machines could only verify the age and that they did not have the software to detect fake IDs yet.

Mr. Butler asked Mr. Patel how long he owned that machine.

Mr. Patel answered almost one year.

Mr. Butler asked Mr. Patel if he purchased another machine in 2014.

Mr. Patel answered no.

Mr. Butler asked Ms. Patel how long he was without an operating reader/machine.

Mr. Patel Stated one and a half months.

Mr. Butler Stated that the machine Mr. Patel bought in 2013 worked through 2014, and into 2015.

Mr. Patel Stated that he did not have a machine to check IDs for about 1 1/2 months.

Mr. Butler commented that the previous violation was in October of 2015, and asked if the machine broke in August.

Mr. Patel Stated that the machine broke, September 2, 2015.

Mr. Butler Stated that Mr. Patel did not buy a new machine until last week.

Mr. Butler asked Mr. Patel how many clerks work at his store.

Mr. Patel responderd two.

Mr. Butler asked Mr. Patel how many of his clerks attended training on how to identify identification cards.

Mr. Patel responded none yet.

Mr. Butler asked Mr. Patel have you been to training.

Mr. Patel responded, yes.

Mr. Butler asked Mr. Patel when he went to training.

Mr. Patel responded three years ago.

Mr. Butler Stated that the clerk did take a long time to look at the ID, but he has had no formal training, which is regularly offered by a number of agencies around the State.

Mr. Richardson Stated for the record Mr. Patel is arranging for the clerks to be TIPS certified.

Mr. Butler Stated that he would've expected after the first episode for something like this to become part of the standard operating procedures. Mr. Butler added that he noticed there was no maintenance contract for the machine. Mr. Butler asked Mr. Patel how he will know if the machine is functioning properly.

Mr. Richardson Stated that if the machine is not working it won't go on.

Mr. Butler asked if Mr. Patel was up-to-date with his liquor liability insurance coverage.

Ms. Baker Stated that she would have to go through the file but in previous years they have provided it with their renewal package.

Mr. Butler Stated that if Mr. Patel required his staff to go through training on how to identify fakes and forgeries, we possibly could have avoided this situation, particularly since this is the third occasion in three years. Mr. Butler added that in his 10 years on the Board this has only happened with one other establishment. We have dozens of establishments and only one other over that 10 years has been before the Board this often.

Mr. Keogh Stated that once the machine broke back in September there should've been some immediate action. Mr. Keogh added that your store has gotten a reputation that it is easier to buy at your establishment than others.

Mr. Guilfoyle Stated that he is glad Mr. Patel has purchased the machine. It is probably the best line of defense against fake IDs. Mr. Guilfoyle added that every single ID must be run through the new machine for it to have its proper effect. Mr. Guilfoyle continued, saying that Sgt. Buckley, along with the DAs office runs multiple programs for TIPS certification and all liquor licensees are notified.

Sgt. Buckley informed all that he hand delivers invitations and has to Mr. Patel's store on many occasions.

Mr. Guilfoyle stated that this is a public hearing and asked if anyone had a Statement they would like to make.

Dr. Teehan moved to close the public hearing; seconded by Mr. Keogh.

Mr. Guilfoyle asked Sgt. Buckley if he had any comments.

Sgt. Buckley Stated that he applauds Mr. Patel regarding the purchase of the ID machine. Tedeschi’s and Mr. Patel’s store, are the only places in Dedham that have them. Sgt. Buckley also suggested as part of whatever sanctions are handed down, that it is a requirement that the clerks attend TIPS certification training. Sgt. Buckley added that he is concerned that of the five IDs confiscated by Mr. Patel, four were from out of State which are not defendable under the chapter 138 law. Sgt. Buckley continued, saying that the training is probably three hours and would be a good thing for both of his clerks.

Mr. Guilfoyle asked Mr. Richardson if he feels he has had a fair hearing this evening.

Mr. Richardson answered, yes.

Mr. Guilfoyle informed all that there will be no decision rendered today that will be done at a future Meeting.

**On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes.

**VIOLATION HEARING – COW ISLAND, INC. D/B/A MOSELEY’S ON THE CHARLES, 50 BRIDGE STREET**

Peter Zahka, Attorney, 12 School Street, was present on behalf of Cow Island, Inc., d/b/a Moseley’s on the Charles. Mr. Zahka introduced Edward DeVincenzo, owner and Manager of record at Moseley's.

Mr. Guilfoyle asked Mr. Zahka if he’d like to have the Police report read.

Mr. Zahka answered no.

Mr. Guilfoyle asked whomever will be testifying to stand to be sworn in.

Ms. Baker then swore in Sgt. Buckley Mr. DeVincenzo.

Mr. Zahka Stated that as you know, we've waived the reading and have no dispute with the facts as cited in the Police reports.

There was an objection from the audience by Dana McQuaid regarding hearing the reading of the Police report

Ms. Baker then asked Attorney Riley if he could speak to the fact that Mr. Zahka is within his rights as the Attorney representing the license holder that if he waives his right to the report being read, there is no obligation of the Board to do that

Attorney Riley answered that is correct.

Mr. McQuaid asked if there was any public obligation.

Mr. Guilfoyle answered no.

Based on the hearing notice we are here regarding two separate dates, one in March, and one in October. Mr. Zahka, then give some background on Mr. DeVincenzo and Moseley’s, stating that Mr. DeVincenzo has owned Moseley’s since 1998 has been associated with Moseley’s for around 40 years. Mr. Zahka added that Mr. DeVincenzo fully understands the rules and regulations set forth by the Town. In addition to that Mr. DeVincenzo understands where he's located what his surroundings are including the close proximity of residential abutters. Mr. DeVincenzo has always strived to operate Moseley’s in a manner that is both respectful to his neighborhood surroundings as well as within your rules and regulations. Mr. Zahka Stated that one of the violations that was cited had to do with TIPS certification of his employees. Mr. Zahka added that on the March date. The two bartenders were TIPS certified and on the evening of the December incident, one was. Mr. Zahka Stated for the record, all employees had gone through TIPS certification but as you know the TIPS certification is renewable every 3 years and clearly they had lapsed. Mr. Zahka informed the Board that as of tonight, every Moseley’s employee that deals with liquor is currently certified. Another point that was raised in the report was the fact that discussions have taken place regarding crowd Management. Mr. Zahka informed the Board that crowd Managers need to be certified and they are certified based on a State program. Moseley’s requires that there be six crowd Managers.

Mr. Zahka added that it is difficult for an establishment to address, what he deems, a spontaneous disturbance. Mr. Zahka suggested the one in March was that. Mr. Zahka continued, saying that one of the items in the hearing notice was the responsibility of Management to address the situation and contact the Dedham Police Department in the event of a disturbance causing physical harm or in illegality. Mr. Zahka Stated that in the March hearing it is clear that that was not done by Management. This was not done due to the fact that they were informed that the Police had been called by another patron. Mr. Zahka provided the Board with a copy of a written alcohol Management/crowd control and security policies and procedures document. This has been adopted by and will be implemented by Moseley’s. This manual will be distributed and signed by anybody that works at Moseley’s. Mr. Zahka added that it will also be distributed to all potential renters, so there's no confusion regarding acceptable conduct. Mr. Zahka proceeded to go over a few points in the document.

Mr. Zahka informed all that currently Moseley’s has a one o'clock license, which States that liquor may be served until 1 AM and last call is 15 min. prior. Mr. Zahka continued, saying that everyone must be off premises by 1:30 or 1:45 AM. Mr. Zahka informed the Board that with the exception of weddings or similar events, Mr. DeVincenzo will institute a policy where no alcoholic beverages will be sold after 12:30 AM, which requires the last call of 12:15 AM and the premises shall be vacated by 1 AM. Mr. Zahka Stated that for those events where there is the secession of liquor at 12:30 AM all music and other entertainment shall likewise cease at that time. Mr. Zahka Stated that the heart of this policy deals with security personnel and/or monitors. Mr. Zahka added that the security personnel are trained security staff that come in from an outside company. Mr. Zahka informed all that monitors are hired by Mr. DeVincenzo to be extra eyes and ears. Mr. Zahka continued, saying that it is proposed that security personnel and monitors will be required for any function or event with an anticipated attendance in excess of 250 or more. Mr. Zahka Stated that in the past, when security has been required, it is been brought in by the renter but going forward Management moseys assuming full responsibility for the hiring of security personnel and monitors and also takes the responsibility of contacting the Police and the case of any disturbance.

Mr. Zahka Stated that to his knowledge, the last time Moseley’s was before the Board, for any type of hearing, was in 2003. Mr. Zahka added that he believes the issues that were raised in the hearing notice have been addressed by the policy.

Mr. Keogh asked if the servers were TIPS certified on the evening of the October incident.

Mr. DeVincenzo answered that one of the servers TIPS certification was current and the other two servers’ certifications had expired.

Mr. Guilfoyle asked Sgt. Buckley the concurred with that.

Sgt. Buckley Stated that according to our rules and regulations, Mr. DeVincenzo, as the Manager should have been tips certified. As should have Carol, who was handling bottle service. Sgt. Buckley added that his suggestion is that four people were not TIPS certified that evening.

Mr. Keogh asked Mr. DeVincenzo how many patrons were there that evening.

Mr. DeVincenzo answered about 350 people.

Mr. Keogh Stated that one of the complaints that he heard was regarding the crowd spilling out of Moseley’s parking lot and staying there for an extended period of time. Mr. Keogh asked if going forward, there will be some kind of supervision in the parking lot and security urging people to leave the area.

Mr. Zahka Stated that security personnel and monitors will be stationed in the parking lot, coordinating patrons leaving.

Mr. Keogh asked if Mr. DeVincenzo has gone over this new policy with the staff.

Mr. DeVincenzo Stated that this policy is new but he has his instructed his employees on what to do at the end of the events how to handle any potential problems.

Mr. Keogh asked Mr. DeVincenzo how neighbors would reach out in case of a problem. Is there a contact person such as yourself?

Mr. DeVincenzo Stated that there are neighbors who have his number and can call him.

Dr. Teehan Stated that this seems like a great plan and the questions he has are regarding the implementation of it. Dr. Teehan asked Mr. DeVincenzo how many security/monitoring personnel he will have at a given event.

Mr. Zahka Stated that the coordination on items like this, will clearly have to be done in tandem with the Dedham Police Department. Mr. Zahka added that for a large event, 4-500 people, the Police may require that Mr. DeVincenzo have 10 security personnel there. In that case, he would lose money but is willing to do that if that's necessary.

Dr. Teehan Stated that the policy should have a section dedicated to the coordination with the Police Department. Dr. Teehan asked Mr. DeVincenzo what he is going to do going forward to vet renters and promoters and was there any vetting of the client involved in the October incident.

Mr. DeVincenzo Stated that there was no vetting of this particular client.

Dr. Teehan Stated that if vetting is done on a particular renter or promoter that shows liquor violations, history of incidents, etc., that is someone you probably do not want to bring into your establishment or the neighborhood.

Dr. Teehan Stated that an important lesson from this incident is such that you have to be on top of the background of these groups coming in. Dr. Teehan added that he thanks Mr. DeVincenzo for taking responsibility and that vetting process needs to be part of his new business practices policy.

Mr. DeVincenzo informed the Board that he has had opportunities from various nightclub promoters to rent his hall every Saturday night but he is turned it down, even though it would mean very good money for him, because it would not be good for Moseley’s or the neighborhood.

Mr. Guilfoyle Stated that there's been a lot of discussion regarding the policy that will be implemented by Mr. DeVincenzo, but he would like to bring it back to the facts of the incidents. Mr. Guilfoyle added that there are residents of the neighborhood waiting for the chance to speak at the end of the hearing.

Mr. Zahka Stated that they appreciate the comments regarding the plan but the plan is clearly to address avoiding any incidents going forward. Mr. Zahka added that he wants the record to be clear that the two bartenders at the March incident were TIPS certified.

Mr. Guilfoyle asked Sgt. Buckley if Mr. DeVincenzo was aware of the training that you offered.

Sgt. Buckley Stated that every establishment is hand-delivered an invitation to the training offered.

Mr. Guilfoyle asked Mr. DeVincenzo if any of his employees have attended these training classes.

Mr. DeVincenzo informed the Board that the trainings take place during the day and his employees work during the day, so it's hard for them to commit to any of the classes. Mr. DeVincenzo added that he has gone and his function Manager has gone as well.

Mr. Butler asked Mr. DeVincenzo when he attended Sgt. Buckley’s training.

Mr. DeVincenzo Stated that he attended one about three years ago.

Mr. Buckley asked Mr. DeVincenzo attended any before that.

Mr. DeVincenzo Stated no, none before that.

Mr. Butler asked Sgt. Buckley how long he has been offering these classes.

Sgt. Buckley answered, probably for the last 10 years.

Mr. Butler Stated he went one about nine months ago and it was very valuable. Mr. Butler added that the most important question is how a Manager of record would allow his TIPS certification to lapse for more than 10 years.

Mr. DeVincenzo Stated that certification he had originally was called Barcode, which was through the Massachusetts Restaurant Association and did not have an expiration date.

Mr. Butler asked Mr. DeVincenzo if it was good for life.

Mr. DeVincenzo Stated that at the time it was good for life but it is no longer allowed. Mr. DeVincenzo added that he was not aware of that and takes full responsibility for not being on top of that.

Mr. Butler Stated that the staff also allowed their certifications to lapse and yet for years there was no apparent effort on the part of Management to verify that they were still current.

Mr. DeVincenzo Stated that he takes full responsibility for dropping the ball on that.

Mr. Butler informed all that he was looking at the contract for the group that was in the Hall on Friday, November 30, and it was signed the day before. Mr. Butler added the estimated number of guests was 5-700 and a Police detail was not applicable. Mr. Butler asked if it was standard to not have a Police detail.

Mr. DeVincenzo Stated that no that is not standard. Mr. DeVincenzo added that they will call for a Police detail and they don't show up for whatever reason.

Mr. Guilfoyle Stated that when a Police detail is called with less than 48 hours’ notice, it's hard to arrange schedules to fit the need.

Mr. Butler Stated that the follow-up question is, in the event that a requested Police detail cannot be filled, do you adjust your security plan in such instances.

Mr. DeVincenzo Stated that he already planned on having five security there that night.

Mr. Butler asked Mr. DeVincenzo if that was sufficient in his mind.

Mr. DeVincenzo Stated yes.

Mr. Butler informed all that the contract also Stated parking lot attendants not applicable. Mr. Butler added that the contract also said under type of function, birthday party. Mr. Butler Stated that when he looked further into the type of function, it was advertised as a birthday for Libras.

Mr. DeVincenzo Stated that this was a theme party.

Mr. Butler Stated that one thing he did notice from reading the various Police reports was the number of phone calls from residents from 2014, 2015 and 2016. Mr. Butler added that there also seems to be a pattern of last-minute requests to the Police for assistance.

Mr. DeVincenzo Stated that he had been told in the past that if the detail was unable to be filled, we should at least make the shift commander aware if we needed someone at 1 AM when the event is over, if they are available to come down and help with traffic control. Sometimes they have someone available and sometimes they don't.

Mr. Butler Stated that his concern is that the Manager of record is responsible for following the rules, both from the State and the Town. Mr. Butler added that based on the reports he saw tonight there were some pretty gaping holes in Meeting those requirements.

Mr. Guilfoyle asked Mr. DeVincenzo how many crowd Managers were on that night.

Mr. DeVincenzo answered that it was just Carolyn and himself that night.

Mr. Guilfoyle asked Mr. DeVincenzo if any of the 6 new crowd Managers were also bartenders.

Mr. DeVincenzo answered that one of them was a bartender, the others are Carol, the Manager, the Function Hall Manager, two of his kitchen workers, one floor worker and himself.

Mr. Guilfoyle asked Mr. DeVincenzo if a bartender would be doing both jobs in one night.

Mr. DeVincenzo answered that a bartender serves as a backup crowd Manager and other positions as well.

Mr. Guilfoyle asked Sgt. Buckley if that's how the policy reads.

Mr. Buckley responded, the way he reads a yes, they could do both jobs.

Mr. Guilfoyle, opened the hearing to public comments.

**Dana McQuaid, 28 Lindale Ave.**

Mr. McQuaid Stated he lives 500 meters from Moseley’s. Mr. McQuaid added that no mention was made of Firearms being discharged. Mr. McQuaid continued, saying that his house is well within the range of being penetrated by a slug. Mr. McQuaid asked if any forensics have been done on finding slugs that were Fired from those Firearms.

Mr. Guilfoyle Stated that counsel has advised him to say there is an ongoing criminal investigation and it was not on the licensees property, so that is not up for discussion this evening. Mr. Guilfoyle added that when that investigation is finished, those details can be discussed.

Mr. McQuaid asked if the Police report has been published.

Mr. Guilfoyle answered no, it is still an open hearing for the Board.

Mr. McQuaid asked if the report would be published at some point.

Attorney Riley answered that there is no requirement to do that.

Ms. Baker added that is correct.

Mr. McQuaid asked if Riverdale residents, through the freedom of information act, could get that Police report.

Mr. Guilfoyle asked Chief D'Entremont to comment.

Chief D'Entremont Stated, not at this point in time. It is exempt while an investigation is ongoing.

Mr. McQuaid asked again if the report would be available to the public when the investigation is finished.

Chief D'Entremont Stated that it can be requested.

Mr. McQuaid Stated that one of the Selectmen mentioned vetting. Mr. McQuaid asked how vetting can be done without discriminatory or profiling behavior.

Dr. Teehan answered that people should be checked for criminal activity and previous liquor violations. Dr. Teehan added that he believes he was pretty clear about that.

Mr. McQuaid asked Dr. Teehan if he recommends that we asked perspective renters of a hall to have a CORI check.

Mr. Guilfoyle asked Attorney Riley, if that was between the business owners in their Attorneys to figure out.

Mr. Riley answered, that is the way it was presented. Attorney Riley added that Mr. DeVincenzo has in the past and will continue to vet on who he wants to make this hall available to. Attorney Riley continued, saying that Vetting someone wants to come in and present entertainment is not something the Town has authority over.

Sgt. Buckley Stated that he thinks Dr. Teehan suggested that if it's a promoter that more due diligence can be done. Sgt. Buckley added that it was not suggested that somebody could vet a private party or wedding or anything along those lines.

**Carl Bonvini – 20 Breede Terrace**

Mr. Bonvini Stated that he lives probably 100 yards for Moseley's, and has lived in the neighborhood his entire life. Mr. Bonvini added that on a large event, should be handled in tandem between Moseley’s, the Police and the Town, because events can easily spill over as we've seen.

Mr. Guilfoyle Stated that the Board tells everybody that has a liquor license in their name to reach out to Sgt. Buckley to get his suggestions and work with him.

**Carole Moore – 12 Breede Terrace**

Ms. Moore Stated that she's lived in Dedham for a long, long time and on Breede Terrace since 1984. Ms. Moore added that Moseley’s used to be placed for Friday night dancing, Saturday night, older people dances and political events. Ms. Moore continued, saying that she does not remember any incidents from before but this is different. There is a new crowd there and people in parking lots with guns are not people I want in my neighborhood. Ms. Moore believes it's up to the Town of Dedham to make sure this does not happen anymore.

Sgt. Buckley Stated that Chief D'Entremont, through an e-mail, had contacted Mr. DeVincenzo regarding some of his security concerns and suggested maybe putting up some cameras. Sgt. Buckley added that he thinks the Police can help, but as far as security monitoring and details, he's not sure that they have the expertise and he does not think the Town of Dedham or the Dedham Police Department want to take on that burden. Sgt. Buckley pointed out that a Police detail was requested for that event but it was within hours of the event and it was too late to get it filled. Sgt. Buckley Stated that the Police are here to help and if Moseley’s thinks there's going to be a situation that Moseley’s not call at 12 AM, 12:30 AM or 1 AM as the midnight shift is thin and they just not have the bodies to provide security for Moseley's and for the rest of the Town. If 4 cruisers are sent to Moseley’s to assist with emptying the parking lot, pretty much takes up all of the resources. Sgt. Buckley continued, saying that if there is an anticipation of a problem that was unforeseen, that the call be made around 11:30 PM so the shift commander can holdover units. Sgt. Buckley informed all that this is an ongoing Police investigation and if something needs to come forward when the investigation is over, it will be brought to the Selectmen. Sgt. Buckley added the violations that we have here are clear-cut violations with two back in March at that same event and also the obvious lack of TIPS certifications back in October are what is at issue here.

Mr. Guilfoyle asked Chief D'Entremont, if he would like to make a Statement.

Chief D'Entremont Stated that Sgt. Buckley hit the nail on the head with this comments. Chief D'Entremont added that they are resourced to assist and are a complement to a security plan they are not the security plan. It is the responsibility of any business owner or liquor licensee in Town to have their own plan, to be able to manage it and run their operation, so the Police can be used as back.

Mr. Guilfoyle informed all that there will not be a decision made this evening. Mr. Guilfoyle asked for a motion to close the public hearing.

Mr. Guilfoyle asked Mr. Zahka he feels he had a fair hearing this evening.

Mr. Zahka answered yes.

Mr. Butler moved to close the public hearing; seconded by Mr. Keogh. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, abstained..

**DISCUSSION & VOTE RE: THE ALCOHOLIC BEVERAGES CONTROL COMMISSONS’S DECISSION REE: DEDHAM WINGS, LLC D/B/A HOOTERS, 850 PROVIDENCE HIGHWAY**

Mr. Guilfoyle informed all that there will be no public comment on the next agenda item as the public hearing was closed.

Attorney Riley Stated that back in March and April of this year, is when the Board held a hearing to transfer the liquor license from Summer Shack to Dedham Wings, d/b/a Hooters. Attorney Riley added that the Board voted to deny the transfer and gave the reasons why. Hooters exercised their right to appeal to the ABCC and the hearing was held back in September. Selectmen Teehan testified at the hearing on behalf of the Board and Dedham residents. About a week and a half ago, the ABCC issued its decision, disapproving of the Board's action, finding that the Board could not rely on the views of the neighborhood. The ABCC also Stated that if the Board felt there should've been a denial it should have been based on the fitness of the applicants themselves. Mr. Riley informed all that the ABCC did disapprove the Board’s decision and remanded it with the recommendation that the application be granted. Attorney Riley Stated that by right the Board would have the ability to appeal that decision to the superior Court. Attorney Riley recommended against that as the Board would either have to show that the ABCC’s decision contained an error of law, which Attorney Riley does not think it does, or that it leans too heavily on one set of facts and ignore the others. Attorney Riley informed the Board that he does not see any realistic chance of it being overturned. Attorney Riley added that the Board did its due diligence and tried to respect position of the residents of the Town. Attorney Riley Stated that the Board has been directed by the State agency to reconsider your other vote and to approve the transfer of license, unless there some other reason out there to do otherwise. Attorney Riley added that he does not think there is.

Mr. Guilfoyle Stated that there's no case we have that would work and there's no case study behind that that would work. So, the Board's legal obligation is to vote this license.

Attorney Riley Stated that if he felt there was a basis with even a 50-50 chance of winning on appeal, he would tell you that but he just does not see it in this case.

Mr. Butler moved that, in accordance with the November 17, 2016 decision of the Alcoholic Beverage Control Commission, the Board vote to approve the application to transfer the on premises alcoholic beverages license at 850 Providence Hwy. from Shack Foods of America, LLC, to Dedham Wings, LLC and to approve David Rodriguez as Manager for Dedham, Wings, LLC, subject to approval of the ABCC; seconded by Mr. Keogh.

Dr. Teehan Stated that everything this Board does is in the interest of trying to serve the community. Dr. Teehan added that his opposition to this project was a concern for the impact on the neighborhood, the community and the Town. That's it. Dr. Teehan continued, saying that he still has those concerns. Now, this Board has learned they have a legal obligation to grant the license and the ABCC has overturned our decision. Dr. Teehan Stated that what this Board did was out of genuine concern about the project and nothing else.

Attorney Riley Stated that he has been before the ABCC quite a bit and he didn't get any sense that the commissioners that sat on the hearing felt there was any improper motive or improper intent here. Attorney Riley added that they understood where the Board was coming from but they just felt as a legal matter, we did not have the case.

**On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, abstained.

Dr. Teehan moved to adjourn the Meeting; seconded by Mr. Butler. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

The Meeting was adjourned at 9:20 pm.

The next Meeting is scheduled for Thursday, December 15, 2016 at 7p.m. This is to certify that the above is a true and accurate record of the Minutes of the Board of Selectmen’s Meeting held on November 29, 2016, which minutes were approved on January 19, 2017.

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Dennis Guilfoyle – Chairman