

A meeting of the Board of Selectmen was held on Thursday August 23, 2018, 7PM, in the Francis O'Brien Meeting Room, 26 Bryant Street, Dedham, Massachusetts. Present were:

James A. MacDonald – Chair
Brendan G. Keogh - Vice Chair
Michael L. Butler
Dr. Dennis J. Teehan
Dennis J. Guilfoyle

Mr. MacDonald called the Meeting to order at 7:02 pm.

PLEDGE OF ALLEGIANCE

Led by Mr. MacDonald.

DEDHAM CITIZENS OPEN DISCUSSION

None.

Candidate Statements for Conservation Commission

Nick Garlick gave a brief statement informing the Board of his interest in joining the Conservation Commission.

Dr. Teehan asked Mr. Garlick of all the Boards and Commissions was there something about this Commission that interested you.

Mr. Garlick stated that he cares about the environment and the Town.

Mr. Butler stated that there are three vacancies on ConCom and the Board has heard from two of the three applicants.

Mr. Guilfoyle suggested that since there are three openings and three applicants, they should make the appointment now.

Mr. Guilfoyle moved to appoint Nick Garlick to the Conservation Commission; seconded by Mr. Keogh. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, yes.

DISCUSSION & VOTE – CHANGE TO ELECTRICITY SERVICE AGREEMENT WITH PUBLIC POWER

Mr. Kern informed all that this item relates to the Electricity Aggregation that the Town entered into roughly 3 years ago, through which we contract the supply element of the electricity bills, through a bid process. Mr. Kern added that there are 26 communities that participate and went through the bid process last fall. Mr. Kern continued, saying that the successful low bidder was Public Power LLC and their contract started January 1, 2018. Mr. Kern stated that subsequent to that there was a regulatory change regarding some of the renewable energy supply, solar and others, whereas the cost was increased. Mr. Kern added that Public Power considered that regulatory action to be sufficient for them to unilaterally increase the cost charge to the 26 communities, most of which have participation greater than 90% of the residents participating; small business and residential. Mr. Kern stated that "Good Energy", the broker/consultant, interpreted the statute differently. Mr. Kern continued, saying that each of the 26 communities has a Town Counsel and they formed an Attorney Steering Committee that participated in negotiations with Public Power, LLC. Mr. Kern added that their original bid was for 10.12 cents per KW/HR and they intended to raise it to over 10.8 cents per KW/HR. Mr. Kern informed all that a compromise was reached, for a price of 10.43 cents per KW/HR plus a number of things that were beneficial to the group.

1. This issue is not precedent setting
2. Get clarification as to when and how the price can be unilaterally raised
3. If any group gets a better deal, we automatically get that deal
4. Agreement is not retroactive

Mr. Kern stated that the motion he is looking for from the Board is to designate him to sign on behalf of the Town of Dedham, to accept the negotiated settlement with Public Power, LLC.

Dr. Teehan asked Mr. Kern if he still thinks that this deal is more favorable.

Mr. Kern stated that the price we have now (10.43) is still better than the rate offered by the 2nd lowest bidder. Mr. Kern added that this aggregation has been very favorable to the Town of Dedham.

Dr. Teehan asked Mr. Kern if the deal could possibly change before he gets to sign it.

Mr. Kern answered no, this is the deal.

Mr. Butler informed all that he did ask Mr. Kern to ask Good Energy for a written report, as the Town has not received one since the program started.

Mr. MacDonald asked Mr. Kern who will be monitoring the deals that the other groups receive to see if their deal is better than ours.

Mr. Kern answered, Good Energy.

Dr. Teehan moved to authorize Mr. Kern to sign the Electricity Service Agreement with Public Power on behalf of the Town of Dedham; seconded by Mr. Guilfoyle. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, yes.

DISCUSSION & VOTE RE: ORDER OF TAKING FOR QUARRY ROAD

Ms. Baker informed all that there was one outstanding waiver of appraisal and damages from a property not actuality on Quarry but it fronts Indian Path, however that waiver of appraisal and damages has been received by the residents there and as a result of the Town Meeting vote there is a motion in front of the Board this evening for the order of taking.

Mr. Butler moved that the Board approve and adopt the order of taking in the form presented to acquire by Eminent Domain permanent easement for public way purposes within the layout of Quarry Road as voted and authorized under Article 27 of the May 21, 2018 Spring Annual Town Meeting; seconded by Mr. Guilfoyle. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, yes.

Mr. MacDonald thanked Jason Mammone for his work on this issue.

DISCUSSION & VOTE RE: REASSIGNMENT OF MONITORING AGENT FOR WESTBROOK CROSSING

Ms. Baker informed the Board that the Southwest Affordable Housing Partnership, which was the monitoring agent for the 15 affordable units at Westbrook Crossing has been dissolved as of July 1, 2017. Ms. Baker added that the Dedham Housing Authority is being recommended as the monitoring agent, which does require a vote of the Board of Selectmen, who are part of the original designation.

Mr. Guilfoyle moved that the Dedham Housing Authority be appointed as the Monitoring Agent for the 15 affordable units at Westbrook Crossing; seconded by Mr. Butler.

Dr. Teehan asked if the procedure will be the same.

Ms. Baker stated that she does not have the specifics but she understands that when they were originally sold, there were restrictions on the first number of years of the people who bought the first unit.

- Units must remain affordable
- Number of units, 15, does not change

Ms. Baker informed the Board that she does not know the specifics. Ms. Baker added that this item can be postponed to a future meeting and someone can come in and answer any questions the Board may have.

Dr. Teehan stated that he would like to get more information before voting.

Mr. Butler stated that he would like to see a copy of the monitoring agreement and any filings with the State.

Mr. Butler withdrew his second.

DISCUSSION & VOTE – PUBLIC HEARING RE: CHANGE OF BENEFICIAL INTEREST HOLDERS, NEW LLC MANAGERS FOR BBRG DEDHAM TR, LLC, D/B/A JOE’S BAR & GRILL 985 PROVIDENCE HIGHWAY

Mr. MacDonald recused himself from upcoming items that need approval from the ABCC.

Mr. Keogh will be acting Chairman.

Meaghen E. Kenney – McDermott, Quilty & Miller, LLC, was present before the Board. Ms. Kenney informed the Board that she is seeking a change of beneficial interest holders for BBRG Dedham TR, LLC. Ms. Kenney added that they are adding 2 LLC managers (Nicholas Beucher, III & Gregory Walker) and removing 1 LLC manager (Jefferson Voss). Ms. Kenney continued, saying that this reflects some internal corporate changes that she wanted to make the Board aware of.

Mr. Butler asked Ms. Kenney to define beneficial interest.

Ms. Kenney answered that the ultimate Beneficial Interest holder, BBRG TR, LLC, is not changing. Ms. Kenney added that BBRG TR, LLC, is the %100 Shareholder. They have %0 interest but eventually do have some control over the LLC.

Mr. Guilfoyle moved approval of the change of Beneficial Interest holders for BBRG TR, LLC; seconded by Dr. Teehan. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

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

DISCUSSION & VOTE RE: SANCTION DUE TO COMPLIANCE CHECK FAILURE(S) (HEARINGS HELD AUGUST 9, 2018) FOR KH&H LIQUORS, INC. 204 LEGACY

BOLVD; PANCHO'S TAQUERIA, INC., D/B/A PANCHO'S TAQUERIA, 551 HIGH STREET; TAHITI RESTAURANT, INC. D/B/A TAHITI, 22 MAH WAY; PF CHANG S CHINA BISTRO, INC. D/B/A PF CHANG'S, 410 LEGACY PLACE; BBRG DEDHAM TR, LLC, D/B/A JOE'S AMERICAN BAR & GRILL, 985 PROVIDENCE HIGHWAY; NATIONAL AMUSEMENTS, INC. D/B/A SHOWCASE CINEMA DELUX, 670 LEGACY PLACE; DEDHAM LQ HOLDING, LLC, D/B/A VICTORY BAR & GRILLE, 223 ELM STREET

KH&H Liquors

As the result of a hearing held on August 9, 2018, Mr. Butler moved to find that on May 29, 2018 the licensee, KH&H Liquors, Inc., 204 Legacy Boulevard did violate Massachusetts General Laws Chapter 138, §34 [sale or delivery of alcohol to a person under 21 years of age], 204 CMR 2.05(2) [permitting any disorder, disturbance or illegality of any kind to take place in or on the licensed premises], and/or the Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Dedham ("Rules"), #23 [sale or delivery to person under 21 years of age]; seconded by Mr. Guilfoyle. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

As the result of these findings, Mr. Butler moved that the All Alcohol Package Store License issued to KH&H, Inc., 204 Legacy Boulevard, be suspended for a period of one (1) day; said one (1) day suspension to be held in abeyance for a period of twelve (12) months, said twelve months to expire on August 23, 2019; seconded by Mr. Guilfoyle. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

Joe's American Bar & Grill

As the result of a hearing held on August 9, 2018, Dr. Teehan moved to find that on May 29, 2018 the licensee, BBRG Dedham TR, LLC d/b/a Joe's American Bar & Grill, 985 Providence Highway, did violate Massachusetts General Laws Chapter 138, §34 [sale or delivery of alcohol to a person under 21 years of age], 204 CMR 2.05(2) [permitting any disorder, disturbance or illegality of any kind to take place in or on the licensed premises], and/or the Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Dedham ("Rules"), #23 [sale or delivery to person under 21 years of age]; seconded by Mr. Guilfoyle. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

As the result of these findings, Dr. Teehan moved that the All Alcohol Restaurant license issued to BBRG Dedham TR, LLC d/b/a Joe's American Bar & Grill, 985 Providence Highway, be suspended for a period of one (1) day; said one (1) day suspension to be held in abeyance for a period of twelve (12) months, said twelve months to expire on August 23, 2019; seconded by Mr. Guilfoyle. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

Pancho's Taqueria

As the result of a hearing held on August 9, 2018, Dr. Teehan moved to find that on May 29, 2018 the licensee, Pancho's Taqueria, Inc. d/b/a Pancho's Taqueria, 551 High Street did violate Massachusetts General Laws Chapter 138, §34 [sale or delivery of alcohol to a person under 21 years of age], 204 CMR 2.05(2) [permitting any disorder, disturbance or illegality of any kind to take place in or on the licensed premises], and/or the Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Dedham ("Rules"), #23 [sale or delivery to person under 21 years of age]; seconded by Mr. Guilfoyle. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

As the result of these findings, Dr. Teehan moved that the All Alcohol Restaurant license issued to Pancho's Taqueria, Inc. d/b/a Pancho's Taqueria, 551 High Street, be suspended for a period of one (1) day; said one (1) day suspension to be held in abeyance for a period of twelve (12) months, said twelve months to expire on August 23, 2019; seconded by Mr. Guilfoyle. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

Tahiti

As the result of a hearing held on August 9, 2018, Mr. Guilfoyle moved to find that on May 29, 2018 the licensee, Tahiti Restaurant, Inc. d/b/a Tahiti, 22 Mah Way did violate Massachusetts General Laws Chapter 138, §34 [sale or delivery of alcohol to a person under 21 years of age], 204 CMR 2.05(2) [permitting any disorder, disturbance or illegality of any kind to take place in or on the licensed premises], and/or the Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Dedham ("Rules"), #23 [sale or delivery to person under 21 years of age]; seconded by Mr. Butler. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

As the result of these findings, Mr. Guilfoyle moved that the All Alcohol Restaurant license issued to Tahiti Restaurant, Inc. d/b/a Tahiti, 22 Mah Way, be suspended for a period of one (1) day; said one (1) day suspension to be held in abeyance for a period of twelve (12) months, said twelve months to expire on August 23, 2019; Mr. Butler. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

PF Chang's

As the result of a hearing held on August 9, 2018, Mr. Butler moved to find that on May 29, 2018 the licensee, PF Chang's China Bistro, Inc. d/b/a PF Chang's, 410 Legacy Place did violate Massachusetts General Laws Chapter 138, §34 [sale or delivery of alcohol to a person under 21 years of age], 204 CMR 2.05(2) [permitting any disorder, disturbance or illegality of any kind to

take place in or on the licensed premises], and/or the Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Dedham ("Rules"), #23 [sale or delivery to person under 21 years of age]; Mr. Guilfoyle. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

As the result of these findings, Mr. Butler moved that the All Alcohol Restaurant license issued to PF Chang's China Bistro, Inc. d/b/a PF Chang's, 410 Legacy Place, be suspended for a period of one (1) day; said one (1) day suspension to be held in abeyance for a period of twelve (12) months, said twelve months to expire on August 23, 2019; seconded by Mr. Guilfoyle. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

Showcase Cinema

As the result of a hearing held on August 9, 2018, Dr. Teehan moved to find that on May 29, 2018 the licensee, National Amusements, Inc. d/b/a Showcase Cinema DeLux, 670 Legacy Place did violate Massachusetts General Laws Chapter 138, §34 [sale or delivery of alcohol to a person under 21 years of age], 204 CMR 2.05(2) [permitting any disorder, disturbance or illegality of any kind to take place in or on the licensed premises], and/or the Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Dedham ("Rules"), #23 [sale or delivery to person under 21 years of age]; seconded by Mr. Butler. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

As the result of these findings, Dr. Teehan moved that the All Alcohol Restaurant license issued to National Amusements, Inc. d/b/a Showcase Cinema DeLux, 670 Legacy Place be suspended for a period of three (3) days; said three (3) days to be held in abeyance for a period of twelve (12) months, said twelve (12) months to expire August 29, 2019,

and further, as the result of a hearing held on September 14, 2017 at which the licensee was found to have violated, on June 26, 2017, Massachusetts General Laws Chapter 138, §34 [sale or delivery of alcohol to a person under 21 years of age], 204 CMR 2.05(2) [permitting any disorder, disturbance or illegality of any kind to take place in or on the licensed premises], and/or the Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Dedham ("Rules"), #23 [sale or delivery to person under 21 years of age], the three (3) day suspension that was held in abeyance as a result of said violation, be imposed and is to be served on **September 10, 11 & 12, 2018**; seconded by Mr. Butler. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

Victory Bar & Grill

As the result of a hearing held on August 9, 2018, Mr. Guilfoyle move to find that on May 29, 2018 the licensee, Dedham LQ Holding, LLC d/b/a Victory Bar & Grill, 233 Elm Street, did violate Massachusetts General Laws Chapter 138, §34 [sale or delivery of alcohol to a person under 21 years of age], 204 CMR 2.05(2) [permitting any disorder, disturbance or illegality of any kind to take place in or on the licensed premises], and/or the Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Dedham ("Rules"), #23 [sale or delivery to person under 21 years of age]; seconded by Mr. Butler. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

As the result of these findings, Mr. Guilfoyle moved that the All Alcohol Restaurant license issued to Dedham LQ Holding, LLC d/b/a Victory Bar & Grill, 233 Elm Street, be suspended for a period of three (3) days; said three (3) days suspension to be held in abeyance for a period of twelve (12) months, said twelve months to expire on August 23, 2019; seconded by Mr. Butler. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

Mr. MacDonald stated that the Board has started the process of updating the Town's Rules and Regulations regarding alcohol. Mr. Macdonald added that the Board, along with the Police Department and Town Counsel will be working to update the Rules and Regulations.

TOWN MANAGER'S REPORT

- 1) We are in the process of posting a link on our web site to the Financial Transparency module from Tyler. This is another in the series of modules that have been part of the "MUNIS" implementation. It will allow anyone who's interested to go on and look at how money is received and expended in Dedham.
- 2) I am in the process of contracting for an appraisal of 10 Bryant St. for the possible purpose of purchasing for parking or some other use.
- 3) The Master Plan Implementation Committee (MPIC) met last Monday with a facilitator to explore the interests of those in attendance in preparation of the next Master Plan update, which is scheduled for next year.
- 4) The Public Safety Building was scheduled to go before the Planning Board tonight but will be continued awaiting an agreement and then a review by the outside reviewer. Design meetings continue with staff from the two departments.
- 5) We are continuing the discussions with the Bus vendor, the Senior Center Director and the Town Planner with an eye towards designing a system that addresses demand at a reasonable cost. The present system does not do that.

6) Ken Cimeno is heading up a series of demos from software vendors for permit processing.

ACTION BY THE BOARD

Minutes – 8/2/18

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

Request for 1 Day Liquor License

Ursuline Academy – Parent Social – September 5 and 6, 6-8pm
Reunion - September 22, 6-8pm

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

28th Annual Dedham Day, Sunday September 30, 12-6pm at Memorial Park

Mr. Guilfoyle 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 Outdoor Service

Dedham Moose Lodge – Horseshoe Leagues - 9/5, 12, 19 & 26, 5-9pm

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

Mr. Guilfoyle moved to take an item not on the agenda; seconded by Dr. Teehan. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, yes.

American Legion, August 25, September 15 & September 22, 2018, 1-9pm

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

Mr. Guilfoyle moved to take an item not on the agenda; seconded by Mr. Keogh. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, yes.

Block Party

Colwell Drive – Saturday September 22, 2018, 3-6pm

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

OLD/NEW BUSINESS

Mr. Guilfoyle stated that for 43 years the VFW has been holding the Feeding the Seniors Chicken Dinner. This year's dinner will be held on Sunday August 26, 2018, Mr. Guilfoyle added that the dinner is now dedicated to Carmen E. Dellolaco Sr., who started this tradition. Mr. Guilfoyle added that the Mass Run for the Fallen will be held on September 8, 2018 to honor the Gold Star Families and to remember the heroes we have lost.

Mr. Kehoe congratulated the Dedham Library for hosting a successful Bookit! Race.

Mr. MacDonald reminded all that schools will be open in a few weeks, so drivers need to be more cautious as there will be more foot traffic and busses out and about. Mr. MacDonald informed all that Election Day is this upcoming Tuesday. Mr. MacDonald stated that many residents are concerned about the number of abandoned houses in Dedham. Mr. MacDonald continued, saying that the Attorney General's office has gotten involved and some action has been taken by the AG's office and the Town. Mr. MacDonald stated that he hopes to have more information to share at the next Board meeting. Mr. MacDonald wished everyone a safe and happy Labor Day weekend.

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

The Meeting was adjourned at 7:58pm.

The next Meeting is scheduled for Thursday September 20, 2018 at 7 PM. This is to certify that the above is a true and accurate Record of the minutes of the Selectmen's Meeting held on August 23, 2018, which minutes were approved on September 20, 2018.

James A. MacDonald. – Chairman