A regular Meeting of the Board of Selectmen was held on Thursday January 19, 2017, at 7pm in the Francis O’Brien Meeting 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 7PM

**PLEDGE OF ALLEGIANCE**

Led by Mr. Guilfoyle.

**DEDHAM CITIZENS - OPEN DISCUSSION**

**Russ Poole –** Mr. Poole stated that he would like to request an update regarding the pipeline as he hasn’t heard anything about it in a while. Mr. Poole added that as part of that he would like to know how much money the Town has spent on the litigation for that project.

**DISCUSSION & VOTE W/ TOWN ENGINEER, JASON MAMMONE RE: QUARRY ROAD CONCEPTUAL OVERLAY MAP AND DISCUSSION & VOTE RE: INTENT TO LAY OUT BIRCH STREET AS A PUBLIC WAY**

Mr. Mammone stated that before the Board this evening is the layout plan for the private way section of Birch Street. Mr. Mammone added that there are now beyond the 50% way of transforming our first private way to a public way. Mr. Mammone informed the Board that the step before them tonight is a vote of the Board’s intentions to lay out said way, and then present it before the Planning Board for its report, following Mass General Laws as such.

Mr. Guilfoyle asked if there were any questions for Mr. Mammone.

Mr. Butler moved that the Board vote to lay out Birch Street as a public way; seconded by Mr. Keogh.

Mr. Keogh withdrew his second of the motion.

Mr. Butler moved that the Board of Selectmen vote their intention to lay out a public way in accordance with the plan entitled "Roadway Acceptance plan" as prepared by Civil Design Consultants, Inc., with a revision date of January 4, 2017 and refer the layout plan to the Planning Board for its report; seconded by Mr. Keogh. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

Mr. Butler asked Mr. Mammone if this is something we want to put on the warrant for Spring Town Meeting.

Mr. Mammone answered, we do have a placeholder and if we get all the steps done in time we will do that.

Mr. Butler asked Mr. Mammone what the next step was.

Mr. Mammone informed all that the Planning Board has 45 days to review the layout plan and make any recommendations that the Board of Selectmen may or may not wish to consider. They could just let it remain stagnant for 45 days, but they do have 45 days to take action upon that. Mr. Mammone added, if they do not we could still move on to the next phase of the procedure.

**DISCUSSION & VOTE RE: DELEGATION OF APPOINTING AUTHORITY FOR MASTER PLAN STEERING COMMITTEE RE: STUDY OF DEDHAM SQUARE**

Ms. Baker informed the Board that they have in front of them a request to delegate the authority of appointing a Steering Committee to be able to work in consultation with Counsel and the Planning Board regarding the upcoming Dedham Square planning study. Ms. Baker continued, saying that the proposed committee is in front of you and there are nine members. Ms. Baker added that on the advice of Counsel the Board of Selectmen has the authority to delegate the coordination and appointing authority of that Steering Committee to the Planning Board, if it so desires.

Mr. Keogh moved that the Board delegate its appointing authority for the Master Plan Steering Committee to the Planning Board; seconded by Mr. MacDonald.

Dr. Teehan stated that he serves on this committee and acknowledged Ryan McDermott, Shaw McDermott, Jessica Porter, Fred Civian, Michelle Pearson Riley and Marty Lindemann for their very hard work on putting together the update for the Master Plan. Dr. Teehan added that they should have something for the Town to look at as soon as spring.

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

**ACTION BY THE BOARD**

**Drainlayer Renewal Applications**

Joseph DeFilippo & Company, Inc.

Earthwork Industries

Welch Corporation

C.J. Mabardy, Inc.

Dixon, Inc.

J&L Musto Construction, Inc.

A. DiMartino Construction, Inc.

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

**GIFT ACCEPRANCE**

$150 Gift from Michele and John Heffernan to the Endicott Estate for the preservation, beautification and upkeep of the estate.

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

**MINUTES APPROVAL**

11-15-16 & 11-29-16

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

**REQUEST FORM THE DEDHAM COMMUNITY HOUSE FOR A 1 DAY LIQUOR LICENSE FOR THEIR 9TH ANNUAL WINTER ESCAPE FUNDRAISER, MARCH 3, 2017 FROM 7-11PM**

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

**REQUEST FROM THE CHURCH OF ST. JOHN OF DAMASCUS FOR A 1 DAY LIQUOR LICENSE FOR AN EVENT AT THE CHURCH, 1-28-17 FROM 6PM – 12AM**

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

Ms. Baker informed all of an upcoming meeting with the MWRA on Wednesday, January 25, 2017 at 7 PM at the Endicott Estate, regarding the redundancy project, which will begin in Dedham in the spring. Ms. Baker added that as a resident along the route of the project, she did receive a letter regarding this.

**DISCUSSION & VOTE RE: PROPOSED UPDATE TO GIFT POLICY**

Ms. Baker informed all that this agenda item will be deferred to the next Board of Selectmen's Meeting.

**DISCUSSION & VOTE RE: ACCEPTANCE OF EXECUTIVE SESSSION MINUTES**

Ms. Baker informed all that the Board also received a public records request for executive session minutes. Ms. Baker added that she worked with Bill Eddy and Town Counsel to appropriately prepare those minutes for the Board's consideration so those that are eligible to be released can be released in response to the request. Ms. Baker continued, saying that the Board has had an opportunity to look at them and accept Counsel's recommendation on those that are eligible for release, with and without redaction's and those that do not yet qualify for release because the issues involved are still ongoing.

Mr. Keogh stated that some of the minutes go back to before he was on the Board and asked if he could still vote on them.

Ms. Baker informed all that she has been told before that it is not relevant.

Mr. Kern stated that he seen it done both ways. Mr. Kern added that generally counsel has answered that as a sitting member of this Board so you're qualified to vote.

Ms. Baker asked that the Board vote in regards to the three groups the Council has given them. Ms. Baker informed the Board that there are Executive Session minutes beginning in January of 2013, through and including June 30, 2016, that are eligible for release.

Mr. Butler moved approval; seconded by Mr. Keogh.

Mr. Butler asked Ms. Baker how many different meetings are represented on that list.

Ms. Baker answered 21 meetings.

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

Mr. MacDonald asked Ms. Baker if these will be posted on the website.

Ms. Baker answered yes.

Ms. Baker informed the Board that there are minutes that are eligible to be released, with redactions, from August 2013 through September 2015, which involves 11 meetings.

Mr. Butler moved approval; seconded by Dr. Teehan.

Mr. Butler asked Ms. Baker to give an example of some of the topics that were redacted.

Ms. Baker answered that they would relate to collective bargaining or litigation.

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

Ms. Baker informed the Board that minutes being recommended to be withheld, began on April 30, 2015, through and including February 11 of 2016, which includes 13 meetings.

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

**DISCUSSION & VOTE RE: DATE TO CLOSE WARRANT FOR SPRING TOWN MEETING**

Ms. Baker informed all that Spring Town Meeting is scheduled to be held on May 15, 2017. Ms. Baker respectfully recommended to the Board that the warrant be closed for said meeting on Friday, February 10, 2017.

Dr. Teehan moved to agree with the recommendation that the warrant for spring Town meeting be closed on Friday, February 10, 2017; seconded by Mr. MacDonald. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

**TOWN MANAGER’S REPORT**

Mr. Kern stated that the MUNIS implementation has occurred, including going live in payroll that is gone reasonably well. Mr. Kern added there were about six or seven files that didn't work the first time, but we are continuing to work through that.

Mr. Kern stated that the Capital Expenditure Committee meetings continue. There have been two including one last night and the next one is Monday night and that will end the meetings where we are considering projects for the first time. There were a few deliberation meetings which feed into the budget until the first Thursday in March, when we expect to present the budget.

Mr. Kern informed all that the Council on Aging Director Position solicitation closed on January 17th. Mr. Kern added that there was a good response, into the high 30s low 40s. Mr. Kern continued, saying they will most likely be a couple rounds of interviews and then we will hopefully find the next director. Mr. Kern stated that this is a critical time, opening the new facility. Mr. Kern added that the Town of Dedham, Mass. waited for a long time for this moment and there's a lot of hope for that building being the impetus for a revitalization of the COA.

Mr. Kern stated that the budget preparation continues and we start with the department heads next week.

Mr. Kern mentioned that the Massachusetts Municipal Association annual meeting is tomorrow at the Hynes Convention Center. Mr. Kern added that this is a meeting where all manner of municipal officials, from elected to appointed, convene together with a number of national speakers and hold conferences and business meetings.

Mr. MacDonald stated he received an e-mail from a resident concerning the fiber ring, mentioned during the Superintendent’s state of the schools address. MacDonald asked Mr. Kern to take a few minutes to talk about what it actually is and why it is necessary.

Mr. Kern stated that there are a few different topologies that one can use to connect buildings and they are generally referred to often times as rings, sometimes they are more of a spoke. Mr. Kern added that he spent some time learning what the Town's network topology is but he can't do it off the top of his head. Mr. Kern continued, saying that this is been evaluated by the firm that we hired and it is been concluded that it does not have enough redundancy for a modern large area network. Mr. Kern informed all that one of the things we want to accomplish with the New Town Hall and Public Safety Building is duplicate across the network. Mr. Kern continued, saying that we see some opportunity here to update that connection, given that we are building two new buildings and addressing network reliability on our side too. Mr. Kern informed all that the thing that makes fiber attractive is that it's really state-of-the-art. Mr. Kern stated that he will update the Board as the project moves to the capital program.

Dr. Teehan asked Mr. Kern to give a quick update on where the New Town Hall Senior Center stands.

Mr. Kern informed all that he was actually in the building today and it seemed like not as much had changed as he would've expected over 2 to 4 months. Mr. Kern added, what we have now is all the framing for the rooms and you can kind of picture where offices will be and such. Mr. Kern continued, saying that the floors are almost finished. One of the project managers said come back in a month and you will see a huge difference. Mr. Kern stated that in terms of being on schedule he believes they are a little behind but nothing that cannot be made up and this weather season has been pretty cooperative so far. Mr. Kern added that it is starting to feel more real.

Mr. MacDonald asked Mr. Kern what the anticipated finish date is.

Mr. Kern answered end of June. Mr. Kern informed all that the end of June is not a time when we want to pull the plug in our current location because our fiscal year ends that week. Mr. Kern added that will most likely take place after Fourth of July.

**DISCUSSION & VOTE ON DISPODITION OF NOVEMBER 29, 2016 HEARING WITH COW ISLAND, INC. D/B/A MOSELEY’S ON THE CHARLES, 50 BRIDGE STREET**

Mr. MacDonald recused himself for the next two agenda items as they could possibly go before the ABCC.

Mr. Guilfoyle stated that the hearing has been closed so we will just have the decision of the Board.

Mr. Butler moved that the Board find that the licensee, Cow Island, Inc. D/B/A Moseley's on the Charles, committed the following violations of its alcoholic beverage license:

1. On March 25, 2016, violations of G. L. c. 138, section 69 [sale or delivery of alcohol to intoxicated person], 204 CMR 2.05 (2) [permitting any disorder, disturbance, or in illegality of any kind on licensed premises], and the Board of Selectmen’s Rules and Regulations for Holders of alcoholic beverage Licenses, Rule 11 [required server training], Rule 19. [Permitting a disturbance on licensed premises and failure to notify police] and Rule 22 [sale of alcoholic beverage to intoxicated person].
2. On October 1, 2016, violations of 204 CMR 2.05 (two) [permitting any disorder, disturbance or illegality of any kind on licensed premises.] And of the Board of Selectmen's Rules and Regulations for Holders of Alcoholic Beverage Licenses, Rule 11 [required server training] and Rule 19. [Permitting a disturbance on licensed premises and failure to notify the police].

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

Mr. Butler moved that the Board vote to adopt the following findings in sanctions:

1. That the licensee committed the license violations as detailed in the Dedham Police incident reports of March 25 and October 1, 2016;
2. That the licensee acknowledged failure to maintain current training of employees;
3. That the licensee’s alcoholic beverage license be suspended for four (4) days for the serious incident occurring on October 1, 2016, with two (2) days to be served and two (2) to be held in abeyance for twenty-four (24) months from the date of this order;
4. That the licensee’s alcoholic beverage license be further suspended for three (3) days for the other violations found by the Board, with one (1) day to be served and two (2) days to be held in abeyance for twenty-four (24) months from the date of this order; and
5. That the licensee serve the suspension from February 17 through February 19, 2017. The licensee may resume sales on February 20, 2017.

Seconded by Mr. Keogh.

Mr. Guilfoyle asked Mr. DeVincenzo to come back before the Board in three months to give an update as to how the improvements regarding rolling back off hours and parking lot issues are proceeding.

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

**OLD/NEW BUSINESS**

Dr. Teehan informed all that he did attend a few recent Capital Expenditure Committee Meetings. Dr. Teehan added that he, Mr. Kern, the Conservation Commission and the Wetland Bylaw Review Committee asked for a little bit of money to take a really good look at the Town's Wetland Bylaw. Dr. Teehan continued, saying that one thing, it has become apparent to him now is that the Wetland Bylaw is complicated, there is a state law and a local law and how they interact is not always apparent. Dr. Teehan stated that it seems obvious to him that all 360 Towns in the Commonwealth seem to be mitigating these situations differently and we need to have professional consultation so that we can make sure what we are doing is legal with the state law and that it meets the primary objective of protecting the wetlands, while not putting the tax payers In a vulnerable position. Dr. Teehan added that there are huge areas of Dedham in these areas. Dr. Teehan informed all that it is time to review it and he hopes that he will get that request. Dr. Teehan stated that he also asked for the Capital Expenditure Committee to reconsider their previous position to Finance Committee on Tasers for the Police Department as he thinks it is absolutely critical in 2017 that we give our police officers the best possible equipment to do the job, given the climate they are working in now. Dr. Teehan stated that the proponents of the Community Preservation Act met last Saturday and there will be a kickoff party and fundraiser at some point towards the middle of February to try and keep the campaign moving. Dr. Teehan added that he did pull his papers for reelection today.

Mr. Butler stated that he would like to recognize two members of the School Committee who have announced they will not be running for reelection; Susan Butler Walko, who served for 6 years and the senior member of the School Committee, Tom Ryan, who has served for 15 years. Mr. Butler added that he wanted to recognize the contributions.

Mr. Guilfoyle stated that we should keep Norfolk County Commissioner, Francis O'Brien in our thoughts as he is in the hospital.

**DISCUSSION & VOTE ON DISPOSITION OF NOVEMBER 29 2016 VIOLATION HEARING W/ JOY VARIETY, INC., D/B/A TERRI’S MARKET, 12 LOUISE ROAD**

Mr. MacDonald recused himself as this next agenda item will potentially go before the ABCC,

Mr. Butler moved that the Board find that the licensee, Joy Variety, Inc., d/b/a Terri’s Market, committed the following violations of its alcoholic beverage license on October 6, 2016;

1. Violation of G.L. c.138, section 34 - sale or delivery of alcohol to a minor;
2. Violation of 204 CMR 2.05(2) - permitting any disorder, disturbance or illegality of any kind on licensed premises;
3. Violation of the Board of Selectmen’s Rules and Regulations for Holders of Alcoholic Beverage Licenses, Rule 23 [sale or delivery of alcohol to a minor] and Rule 11 [failure to maintain current training of employees].

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

Mr. Butler moved that the Board vote to adopt the following findings in sanctions:

1. That the licensee was previously determined to have sold alcoholic beverages to persons under 21 years of age on October 3, 2013; November 19, 2015; and now on October 6, 2016.
2. That the licensee's alcoholic beverage license be suspended for five (5) days, with three (3) days being held in regard to the October 6, 2016 violations and two (2) additional days being the two days of suspension approved but held in abeyance by the Board by order dated January 7, 2016.
3. That the Board impose an additional seven (7) days of suspension for the October 6, 2016 violations, said seven days to be held in abeyance for a period of twenty-four (24) months from the date of this order.
4. The five-day suspension shall be served from Wednesday, March 8 through Sunday, March 12, 2017. The licensee may resume selling on March 13, 2017.

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

The meeting was adjourned at 7:46 PM.

The next Meeting is scheduled for Thursday, February 2, 2017 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 January 19, 2017, which minutes were approved on February 16, 2017.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dennis Guilfoyle – Chairman