A Meeting of the Board of Selectmen was held on Tuesday June 12, 2018, 7PM, in the Lower Conference 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 7:01PM.

Mr. MacDonald informed all that Selectman Guilfoyle was ill and would not be present for this meeting.

**PLEDGE OF ALLEGIANCE**

Led by Mr. MacDonald

**DEDHAM CITIZENS OPEN DISCUSSION**

None.

**DISCUSSION & VOTE RE: YEAR END TRANSFERS FOR FY’18 (IF NEEDED)**

Ms. Baker informed all that they have one year end transfer in front of them from the Human Resources Department. Ms. Baker stated that it is a request to move $1750 from technology support into wages, to accommodate an intern for the remainder of this fiscal year.

**DISCUSSION & VOTE RE: APPOINTMENTS TO HUMAN RIGHTS COMMISSION**

Tabled until 6-28-18.

**DISCUSSION & VOTE RE: PETITIONS FROM NEW ENGLAND CINGULAR WIRELESS PCS, LLC (“AT&T”)**

Ms. Baker informed all that hearings were held on petitions for AT&T, Cingular Wireless, at the following locations. Ms. Baker added that the Board took them under advisement and these matters come before the Board tonight, for your consideration and a vote. The addresses are as follows:

15 Willow St.

44 Emmet Ave.

754 – 792 Providence Hwy.

490 High St.

Mr. Keogh recused himself as he works for a direct competitor of AT&T.

Mr. MacDonald asked if there were any residents present who had concerns they would like to share regarding this agenda item.

Edward Pare, Outside Counsel to AT&T, pointed out that the time was 7:05pm and the agenda time for this item is 7:25 PM. Mr. Pare wondered if any of the abutters might show up closer to 7:25 PM.

Mr. MacDonald stated that they will consider other agenda items until 7:25 PM.

**ACTION BY THE BOARD**

**1 DAY LIQUOR LICENSE**

Request from MBACC for a 1 day liquor license on 6-16-18 for their Open Studios and their five year Anniversary celebration

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

Request from MBACC to use Town owned Parking Lot at Saint Mary’s.

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

**APPROVAL OF FLAG DAY PARADE VENDORS**

Sheri Richardson

Rebecca Mullen

Keegan Gaspar

Susana Fidalgo Arruda

Dwayne Davis

Lee Jubinville

Andrew Namerow

Peter Burwell, III

Rodney St. Martin

Alan St. Martin

Walter Hassell

Henry Gardner

Tracy Pierce

Keith Lambert

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

**APPROVAL OF MINUTES –** 4-23-18, 5-14-18, & 5-17-18

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

**TOWN MANAGER’S REPORT**

1. There was a walk through and a meeting with the OPM (Owner’s Project Manager), a representative of the consultant (Beacon) that the Surety Company and two representatives from the Architect. The purpose of the meeting was to identify scope for the job, to help prepare going forward. There are decisions that need to be made by the Surety Company, with respect to a completion contractor. The former general contractor has expressed interest in completing the job and it has been the Town’s feeling that that is not acceptable.

Dr. Teehan clarified that the scope of the job is the amount of work yet to be done on the project. Dr. Teehan asked Mr. Kern if he had any sense of a timeline at this point.

Mr. Kern answered we do not as of yet. Once we have identified the scope we will then turn our attention to the replacement contractor.

Dr. Teehan stated that this Board is now interested in doing things correctly. Dr. Teehan added that the ball is in the Bond Company’s court and asked Mr. Kern if he feels they’re moving at an adequate pace at this time.

Mr. Kern stated that the word adequate is open to interpretation. Mr. Kern added that

It is the Town’s hope that it moves more quickly than the pace that has been set so far.

Mr. Kern informed all that he is in constant contact with Town Counsel, asking them that

same question.

Dr. Teehan stated that he would like to know the best way to keep the public informed regarding this issue.

Mr. Kern informed all that there is a project page on the Town’s website which is updated. Mr. Kern stated that he wants to stay away from speculation.

1. Yesterday Mr. Kern, Joe Flanagan, Department of Public Works Director and Town Engineer Jason Mammone, attended a hearing in front of a representative for the Atty. Gen.’s office, which is a protest of his decision not to award next year’s paving contract to the apparent low bidder. Also in attendance were the consultants from VHB as well as Dedham’s Town Counsel. The decision will not come for another few weeks.
2. The contract holder for the aggregated electricity supply program informed the group that it intended to increase the price by a half a cent per KWH.  Their justification was a change to the cost of the renewable component. The Attorney for Good Energy disagreed with the justification. All of the communities were consulted and the necessary legal documents to prevent the change have been filed. I think it would be good to have Stefano in sometime soon to review where we are.  We have beaten the standard rate now for 3 semesters, which is unusual.
3. I’ve gotten involved in trying to get the Open Space and Park and Rec study completed.  More on that as it comes.
4. The MBACC and others dedicated a pottery studio in memory of Karen O’Connell last week.  Karen was the first ever Economic Development Director. It is a very nice space and gesture as well.

**DISCUSSION & VOTE RE: CALL FOR HEARINGS FOR FAILED COMPLIANCE CHECKS FOR JOE’S AMERICAN BAR & GRILL, SHOWCASE CINEMA, PF CHANG’S, VICTORY GRILLE, KH&H LIQUORS (COSTCO), MET BAR, ANTHONY’S BEER & WINE, PONCHO’S, DELI AFTER DARK, HALFWAY CAFÉ’ AND TAHITI**

Mr. Keogh moved to proceed to schedule violation hearings for the following establishments as a result of compliance check failures on May 29, 2018; Joe’s American Bar and Grill, Showcase Cinema, PF Chang’s, Victory Grille, KH and H liquors (Costco), Met Bar, Anthony’s Beer and Wine, Pancho’s Taqueria, Deli After Dark, Halfway Café and Tahiti; dates and times to be provided to the licensees with further written notice; seconded by Mr. Butler. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, MacDonald, yes.

Mr. MacDonald informed all that he cannot participate in liquor hearings, due to his office having oversight of the ABCC. Mr. MacDonald added that having 11 liquor establishments failed compliance check for underage drinking is unacceptable and an embarrassment. Mr. MacDonald added that these compliance checks were done in accordance to the ABCC’s regulations, they were advertised and yet 11 failed. Mr. MacDonald continued, saying that in his time on the Board this is the most he remembers seeing. Mr. MacDonald stated that the Selectmen will work with those establishments to get the proper training. Mr. MacDonald added that compliance checks are not meant to be punitive but educational.

Dr. Teehan stated that the Board needs to take a long look at every step in the process.

Mr. MacDonald stated that there were 70 plus establishments that passed the compliance check.

**CONTINUED DISCUSSION & VOTE RE: PETITIONS FROM NEW ENGLAND CINGULAR WIRELESS PCS, LLC (“AT&T”)**

Ms. Baker reminded all of the addresses under consideration.

15 Willow St.

44 Emmet Ave.

754 – 792 Providence Hwy.

490 High St.

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

Mr. Butler stated that he would like to ask the applicant’s representative the same question he asked last time, which was if the metering and control panel would be raised higher than was shown on the diagram.

Mr. Pare informed all that they are raising the meter up to 8 feet, the plans have been revised to reflect that.

Mr. Butler asked Mr. Pare if the panel would be raised to 11 feet.

Mr. Pare answered that it is actually 11 ½ feet.

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

**OLD/NEW BUSINESS**

Mr. Butler stated that, as Mr. Kern had stated, the Livable Dedham event on June 5 was very well attended and it was great to see close to 100 people turn out to help that group move its efforts along. Mr. Butler reminded all that on June 18 the women in Dedham Democracy group will be holding a meeting and the topic is Local Government overcoming the barriers to getting involved. This event will take place at the Mother Brook Arts and Community Center from 7 to 9 PM.

Mr. MacDonald reminded all that Thursday is Flag Day and the parade starts at 6 PM at the corner of High and East Streets and ending at Memorial Field. Mr. MacDonald added that there are no fireworks this year.

**DISCUSSION & VOTE RE: SANCTIONS FOR DEDHAM LQ HOLDINGS, LLC D/B/A VICTORY GRILLE, 233 ELM STREET**

Tabled until 6-28-18.

**DISCUSSION RE: DEDHAM TRANSFER STATION**

Mr. McDonald informed all that no votes would be taken this evening, this is just a discussion to talk about some items that were brought to the Board’s attention in Executive Session and then the floor will be open to comments.

The Board entered into recess to return at 7:45 PM.

Mr. MacDonald thanked the people that stayed through the break. Mr. McDonald stated that a few weeks ago in executive session there were a few items that the Board felt needed to be discussed publicly. Mr. McDonald added that public input was important. Mr. MacDonald continued, saying that Town Counsel was present along with Joe Flanagan, Director DPW. Mr. McDonald stated that this is not a question-and-answer forum either.

Mr. Kern stated that he is going to attempt to give a little bit of history and fill in some of the basic characteristics of the operation including the numbers that he thinks will be part of the questions that people may already have. Mr. Kern informed all that the property has been acting as a Transfer Station for a number of decades. Mr. Kern continued, saying that there was an Incinerator and it was functional at one point. The Incinerator at the Transfer Station has a smokestack. Mr. Kern stated that about five years ago on behalf of the Town, Joe Flanagan investigated the possibility of re-engineering or renovating or replacing the current Transfer Station with a more modern one. Mr. Kern informed all that that property is site assigned as a Transfer Station, by the Board of Health. Mr. Kern stated that it would be difficult to get another property site assigned as a Transfer Station in the Town of Dedham. Mr. Kern stated that when Mr. Flanagan was doing the investigation, he was looking into the possibility of renovating it into a better facility. Mr. Kern added that the smokestack has always been somewhat in questionable condition and there is some question as to whether we should still be putting some expensive cell tower equipment on the smokestack. Mr. Kern informed all that the Town makes about $220,000 a year in leases from the cell carriers. Mr. Kern stated that another thing that came up when we were looking at changing that Transfer Station was that access from the Route 1 side that the Town has been using for all these decades really isn’t owned by the Town. Mr. Kern added that the access from the Washington Street side is. Mr. Kern continued, saying that there is a question regarding the long-term as to whether we have access to use that property from that side and that is important because if you use the Transfer Station you have to be able to have access that way. Mr. Kern stated that short-term the smokestack will need to be addressed as well as long-term access to the property. Mr. Kern continued, saying that there are the ongoing issues with abutters. Mr. Kern informed all that the lease on the land is $130,000 per year.

Jon Eichmann, Town Counsel, stated that when the Town was investigating redoing the site it was made aware of two issues with respect to the title of this property. Mr. Eichmann stated that the first of the issues was that a portion of the property that is currently being used as part of the Transfer Station operation, closest to Incinerator Road is actually within the layout of Incinerator Road, which was laid out in the 60s but ultimately was built below the layout in that location. Mr. Eichmann continued, saying that when the design plans were put together, people were not aware of that fact. Mr. Eichmann added that the design showed use of that area. Mr. Eichmann informed all that they looked at the title that property and the Town holds rights within the layout but other people own rights within that layout as well. Mr. Eichmann stated that it is at best questionable whether the Town could actually locate a Transfer Station within that part of the property and shut off access to other people. Mr. Eichmann continued, saying that issue number 2, is the access issue that the Town Manager referred to. Mr. Eichmann stated that it was brought to the Town’s attention that the access from the Transfer Station parcel to Route 1 was not demonstrated as a right in the records at the Registry of Deeds. Mr. Eichmann added that there are two ways to access the property, one is from Washington St. to the Transfer Station parcel and trucks exiting the parcel then turn left out of the parcel and then go to Route 1.

Mr. McDonald informed Mr. Eichmann that it is a right-hand turn out of the parcel to get to Route 1.

Mr. Eichmann continued, saying that they had a Title Examiner review the title access rights to the Town property and the Town has retained access rights in Incinerator Road, so the Town does have access rights to the Transfer Station parcel from Washington Street. Mr. Eichmann continued, saying that the Title Examiner did not find any record evidence of the Town’s right to pass from the Transfer Station parcel to Route 1. Mr. Eichmann stated that the Town has no record rights there that makes it again at best questionable whether we have any rights to access that at all. Mr. Eichmann added that the Town Manager mentioned the possibility of adverse use over many decades. Mr. Eichmann continued, saying that as people know, the Transfer Station has been here quite a while and presumably under that type of use, turning left and going to Route 1 has been going on. Mr. Eichmann stated that we do not know that. Mr. Eichmann added that he has not investigated the facts and to prove adverse possession is difficult to do. Mr. Eichmann continued, saying that in summary we do not have any record rights to pass from the Transfer Station parcel to Route 1 and there has not been any further investigation of what rights we might be able to demonstrate, but at best those are questionable.

Mr. MacDonald recognized John Bethany, Chair of the Planning Board.

Dr. Teehan asked Mr. MacDonald if they could hear from the Director of Public Works, Joe Flanagan, regarding the structural integrity of the smokestack.

Mr. Flanagan stated that when meetings with the DEP, regarding designing a new Transfer Station started the Town received more requests to put cell equipment on the stack. Mr. Flanagan continued, saying that they had an independent Engineering Company look at the smokestack in 2016. Mr. Flanagan informed all that the report showed that the smokestack was in tough condition and needed a lot of work. Mr. Flanagan stated that at that point they were still working to go with a new Transfer Station. Mr. Flanagan added that they found out about the issue with the land in 2017 and that that point we started talking to some demolition companies to look at the possibility of demolishing the smokestack and received two or three quotes from demolition companies. Mr. Flanagan informed all that they spoke to the cellular companies regarding putting up a temporary tower and then transferring their equipment. Mr. Flanagan stated that they are on Board to take down the smokestack or at least move it. Mr. Flanagan informed all that taking a left out of the Transfer Station is not an option. Mr. Flanagan added that it would jam up the whole Washington Street intersection, so traffic out of the Transfer Station has to take a right.

**Statements**:

**Lloyd Gainsborough**, part owner of the Dedham Health and Athletic Complex. Mr. Gainsborough gave some background regarding his business and family ties to Dedham. Mr. Gainsborough informed the Board that he is present to request immediate closure of the Transfer Station. Mr. Gainsborough then went on to describe the issues he has with the current Transfer Station.

**Lars Lambrose,** Membership Director and Director of Medical Programs at the Dedham Health and Athletic Complex. Mr. Lambrose added that he has worked there for 26 years. Mr. Lambrose described how the Dedham Health and Athletic Complex has tried to work with the Transfer Station and the Town. Mr. Lambrose stated that since 2016 they have received over 100 employee and customer complaints regarding the smell.

**Michael Mowbray** – Co-Owner of Recycling Solutions.

Mr. Mowbray stated that Recycling Solutions has a protocol for odor complaints. Mr. Mowbray informed all that they’ve received a handful of complaints at best. Mr. Mowbray continued, saying that Recycling Solutions takes odor complaints very seriously. Mr. Mowbray went on to explain how Recycling Solutions has tried to mitigate the odor issue and the challenges that came along with that.

Agostino Larrobino - Physician with a sublease at the Dedham Health and Athletic Complex.

Mr. Larrobino informed all that about six of his patients with breathing issues have actually gotten worse since coming to see him. Mr. Larrobino added that there’s something in air. Mr. Larrobino also mentioned that the smokestack is very close to where his patients park. Mr. Larrobino continued, saying that in the summertime when it is hot and humid some of his patients will call to cancel appointments rather than come in and be exposed to the air.

Shawn Brian - Cranberry Lane - future Chiropractor

Mr. Brian stated that he shares the same concerns as the residents who have spoken before him. Mr. Brian shared his concerns regarding the Transfer Station’s effects on the community.

**Chris Hirsch**,Environmental Scientist – Neponset River Watershed Association

Mr. Hirsch went on to express the concerns that the Watershed Association has with the contaminated water originating at the Transfer Station.

Dr. Teehan stated that he would like to ask Mr. Hirsch a few more questions.

Dr. Teehan asked Mr. Hirsch what organization he worked for.

Mr. Hirsch stated Neponset River Watershed Association.

Dr. Teehan asked what the purpose of that organization was.

Mr. Hirsch responded that they are a Non-Profit Organization focused on restoring the Neponset River.

Dr. Teehan asked Mr. Hirsch who pays for the testing that they do.

Mr. Hirsch stated that it comes from donations as well as grants.

**Matthew Watsky** - Environmental Lawyer, owns a condo in Eastbrook Executive Park, which directly abuts the Transfer Station. Mr. Watsky went on to describe the issues he has regarding the Transfer Station, mostly noise and odor.

**Dafna Krouk-Gordon** – President & Founder of Toward Independent Living & Learning

One of three trustees of 20 Eastbrook Road. Ms. Krouk-Gordon spoke of the dramatic changes in smell and noise since the Transfer Station became operational again.

**William Herman** - trustee of the Eastbrook condominiums. Mr. Herman stated that it is difficult to operate his business as he cannot open the windows and it’s very noisy. Mr. Herman read a letter from James Dowe, a disabled Veteran who owns a unit within Eastbrook.

**Tom Wilder** – Wilder Companies, representing the Dedham Mall. Mr. Wilder spoke about the changing landscape in retail. Mr. Wilder then spoke about the hurdles in front of him regarding redeveloping the Mall while having this Transfer Station still operational.

**Jonathan Westin** – Carpenter - spoke in favor of the Transfer Station.

**Elizabeth Doris-Gustin** - agrees with Mr. Gainsborough. Ms. Doris-Gustin spoke about the limited hours that the Transfer Station is open to the public and the fact that Dedham trash does not go through the Transfer Station.

**Lloyd Gainsborough** - made a few more points and quoted a report that described the poor condition of the smokestack.

**Michael Mowbray** – Co-Owner of Recycling Solutions, stated that Recycling Solutions takes every complaint seriously response thoroughly.

Dr. Teehan stated he would like to clarify where he stands on this issue. Dr. Teehan added that no urban planner in their right mind would try to cram the Transfer Station into the current parcel. Dr. Teehan continued, saying that he believes we need to move on from this facility but the question is how it is done in the right way. Dr. Teehan asked how we deal with the situation in the short-term as there seems to be a huge issue with the structural integrity of the smokestack. Dr. Teehan added that he believes no one should be let onto the property until this issue is addressed. Dr. Teehan asked how do we transition away from this and what is the right way to do it. Dr. Teehan stated that the Town has to figure out how to mitigate the effects. Dr. Teehan added that after looking at all possible solutions there does not seem to be a way that we can keep this smokestack in the short-term.

Mr. Butler stated that Dr. Teehan laid out in broad terms, the course of action that he would like to undertake as well. Mr. Butler added that he has not come to the conclusion as to what the next best step should be. Mr. Butler continued, saying that he would like to hear more, in depth, from Engineers and more from the State.

Mr. Keogh stated that his number one priority is safety. Mr. Keogh added that he would like to make sure that the employees, the people using the facility and patrons of establishments close by our safe.

Mr. MacDonald stated that he appreciates all the opinions that were presented this evening and also that he appreciates the decorum that the speakers have shown. Mr. MacDonald continued, saying that they need to move quickly on decisions regarding these issues. Mr. McDonald added that when he first heard about the condition of the smokestack, his first concern was the collapse zone radius. Mr. MacDonald stated that it is evident is that we cannot continue operating the way it is currently. Mr. MacDonald puts the blame on the Town for waiting so long to publicly address this problem. Mr. McDonald stated that the Town needs to have a plan to protect the residents and workers at the Transfer Station. Mr. McDonald continued, saying that people should feel free to email the Board members if any questions or comments should arise. Mr. McDonald stated that if anyone would like copies of the statements and the studies that have been taken to contact the Town Manager’s office.

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

The Meeting was adjourned at 9:12pm.

The next Meeting is scheduled for Thursday June 28, 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 June 12, 2018, which minutes were approved on August 2, 2018.

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James A. MacDonald. – Chairman