A meeting of the Board of Selectmen was held on Thursday August 9, 2018, 7PM, in the Francis O’Brien Meeting Room, 26 Bryant Street, Dedham, Massachusetts. Present were:

Brendan G. Keogh - Vice Chair

Michael L. Butler

Dr. Dennis J. Teehan

Dennis J. Guilfoyle

Brian Riley – KPLaw (Town Council)

Mr. Keogh called the Meeting to order at 7:11pm.

**PLEDGE OF ALLEGIANCE**

Led by Mr. Keogh.

Mr. Keogh informed all that Chairman MacDonald was away on business.

**DEDHAM CITIZENS OPEN DISCUSSION**

None.

**VIOLATION HEARING W/GC FRIDAY’S BOSTON, LLC D/B/A TGI FRIDAYS, 750 PROVIDENCE HIGHWAY; INCIDENTS OUTLINED IN 3/9/18 REPORT - FAILURETO MAINTAIN APPROVED MANAGER, PERMITTING ANY DISORDER, ILLEGAITY OF ANY KIND TO TAKE PLACE IN OR ON LICENSED PREMISES, REQUIRED SERVER TRAINGING, LICENSED PREMISES INSPECTIONS & COOPERATION W/POLICE DEPARTMENT**

# Caroline O’Connell, Mark Dickison from Lawson & Weitzen, LLP, were present representing TGI Fridays. Also present were Kitchen Manager, David Ruhal, proposed Manager of Record, Thomas Wright, General Manager, Mario Rodriguez and Director of Operations, Steve Rossetti.

Brian Riley from KP Law swore in those who would be giving testimony.

Ms. O’Connell stated they were willing to waive the reading of the report.

Ms. O’Connell informed all that they were present to try and clarify some of the issues that happened the night of the incident. Ms. O’Connell added that it looks like there was some confusion as to who the Manager on duty was that evening. Ms. O’Connell stated that Mr. Ruhalwas the Manager on duty that evening but he is not the Manager of Record. Ms. O’Connell continued, saying that the Manager of Record had transferred to a separate location eight days before the incidents. Ms. O’Connell explained that they have been trying to get a new Manager of Record in place. Ms. O’Connell stated that Thomas Wright is the new proposed Manager of Record and they will be filing paperwork for that change. Ms. O’Connell informed all that this will be a temporary change and as soon as his citizenship goes through we will be filing another change of Manager Request, proposing Mr. Rodriguez for the Manager of Record.

Ms. O’Connell stated that the second point they would like to clarify is regarding the invoices. Ms. O’Connell added that if you look at the report, it appears that there are 15 drinks with some voids as opposed to seven drinks. Ms. O’Connell informed all that the way the computer system works at that location is when a server does a 9 ounce poor for wine it puts it in as a 6, then voids it, it then shows as a 9 on the receipt. Ms. O’Connell continued, saying that when you look at an invoice it looks like there are twice as many drinks then there actually are because of the voids. Ms. O’Connell stated that they are in the process of rolling over to a new system so those type of issues will not occur.

Ms. O’Connell continued, saying that the third issue they would like to clarify is how the bar tabs are delivered. Ms. O’Connell added that the policy at the location was to throw out all cash receipts because they are already in the computer. Ms. O’Connell continued, saying that clearly created a problem, so the new policy is all cash receipts will stay on site. Ms. O’Connell stated that as soon as the patron fell off her barstool the first time she was asked to leave the premises. Ms. O’Connell informed all that when she fell off the barstool to for the second time, Mr. Rahalwas brought in as the Manager and he also asked her to leave the premises. Ms. O’Connell continued, saying the patrons told Mr. Ruhal they were waiting for a ride. Ms. O’Connell added that when it was clear a ride was not coming, 911 was called. Ms. O’Connell stated that this created a 20 to 30 minute gap, which is too long a timeline in our opinion. Ms. McDonnell added that this incident was discussed with the staff and the protocol going forward is that anything like this were to happen again, 911 should be called immediately. Ms. O’Connell assured the Board that something like this will never happen again at this location. Ms. O’Connell informed all that the Saturday after the incident the entire staff was brought back in and they were all retrained.

Dr. Teehan stated that, obviously any change of Manager has to come before the Board. Dr. Teehan added that in this case it was really not an accident, it was the result of a systemic failure of not following the rule to change a Manager in a timely manner. Dr. Teehan continued, saying that as a result of this Mr. Ruhal was put in a sticky situation. Dr. Teehan asked Ms. O’Connell if Mr. Ruhal had experience as a General Manager or running a bar.

Ms. O’Connell responded that he was relocated from another location and does have experience as a Manager at his previous location.

Dr. Teehan asked Ms. O’Connell if he was ever the Manager of Record before.

Ms. O’Connell answered no, he is the Kitchen Manager and he was not intended to be the license Manager.

Dr. Teehan stated correct, but he is the person that everything fell to because the person that was supposed to be in that position wasn’t there. Dr. Teehan asked Ms. O’Connell why they did not come before the Board to change the Manager of Record before this incident.

Ms. O’Connell stated that when the previous Manager left, there was some period of time when they were trying to find an appropriate replacement to be the Manager of Record.

Dr. Teehan stated that Fridays could’ve asked for a temporary Manager of Record. Dr. Teehan added that it is unfortunate in this particular case, that someone more experienced with the proper training probably would’ve made a different decision. Dr. Teehan continued, saying that this goes up to the top of the chain, where they don’t have experience. Dr. Teehan stated that somewhat predictably this had a bad outcome and was not an accident or a coincidence at all. Dr. Teehan continued, saying that it is the Board’s job to enforce the rules and this incident happened because the rules were not followed.

Mr. Butler stated that he is trying to understand a little more about the organization and TGIF. Mr. Butler asked Ms. O’Connell what the chain of command is from Mr. Rodriguez higher up into the TGIF organization.

Ms. O’Connell asked Mr. Wright to explain the chain of command for TGIF Dedham.

Mr. Wright stated that Mr. Ruhal is the Kitchen Manager, Mario Rodriguez is the General Manager and he is the Director of Operations.

Mr. Butler asked Mr. Wright who he reports to.

Mr. Wright stated the he reports to Ann Byron, who is the Senior Dir. of Operations.

Mr. Butler asked Ms. O’Connell if the TGI Friday’s Dedham location was owned by an individual or as is corporate owned.

Ms. O’Connell answered that store is owned by a corporation named GC Friday’s, who owns all 18 restaurants in Massachusetts.

Mr. Butler stated that it looks like the name of the Corporation that held the license changed in 2016 from the BB&B Corporation to GC Friday’s. Mr. Butler further asked if there was a substantial change in ownership. Mr. Butler continued, saying from reading the reports, it is his sense that after that change took place, things started to go off track. Mr. Butler added that TGI Friday’s has been in Dedham quite a while and its track record, although not perfect, is pretty good.

Mr. Butler stated that Philip Marlow, who was the Manager of Record at one point, was transferred to another location on February 28, 2018. Mr. Butler continued, saying that obviously this was the decision made by TGI Friday’s and they did not have someone lined up to take his place as Manager of Record. Mr. Butler added that it has been five months since the transfer of Mr. Marlow. Mr. Butler pointed out that Deputy Chief Buckley visited TGI Friday’s at the beginning of 2017 and wrote in his notes that the Manager of Record had been out injured for four months. Deputy Chief Buckley went back to TGI Friday’s in April and spoke to a different Manager and when he went back in June he spoke to yet another Manager. Deputy Chief Buckley told the Managers on at least two of his visits that they were responsible for alerting the Town when there was going to be a change of Manager. Mr. Butler continued, saying that there was certainly oversight on the part of TGI Friday’s not paying attention to what was going on at the local level. Mr. Butler stated that he would like to see someone higher up the chain at the next meeting, to explain what’s going on because it wasn’t Mr. Wright’s responsibility to notify the Town back in February. Mr. Butler asked Ms. O’Connell whose responsibility it was to notify the Town back in February that the Manager of Record was changing. Mr. Butler asked if it was Anne Byron’s responsibility.

Ms. O’Connell stated that the Manager of Record at the time and the Director of Operations was John Holden, who has since left TGI Friday’s.

Mr. Butler stated so he was responsible.

Ms. O’Connell stated that ultimately was the responsibility of all of us as an organization. Ms. O’Connell added that they are trying very hard to get a long-term Manager of Record in place.

Mr. Butler asked Mr. Rodriguez and Mr. Wright if either of them has worked behind a bar before.

Mr. Wright stated he has not worked behind a bar before.

Mr. Butler asked, given the video that you saw, was the bar properly staffed that night.

Mr. Rodriguez answered no we were short of staff.

Mr. Butler stated that was his impression as well. Mr. Butler added that it was a full house that evening and he saw a couple of people behind the bar not able to keep up. Mr. Butler pointed out, that on the video, you could see a female customer put her head down at the point-of-sale terminal and there was no response from the bartender.

Mr. Butler added that then the video showed a customer put 2 feet up on the bar and again there was no response from the bartender. Mr. Butler continued, saying that we do know that over the past four months there has been no Manager of Record and the Town has received no communication regarding that.

Mr. Guilfoyle stated that most likely Corporate is to blame for this breakdown in communication. Mr. Guilfoyle added that there is also a breakdown in communication from the Managers, the operations team and the staff. Mr. Guilfoyle suggested a weekly meeting or even before every shift, to make sure that the entire restaurant is on the same page.

Mr. Butler pointed out that the bartender’s certification had expired. Mr. Butler asked Ms. O’Connell if Mr. Holden was replaced.

Ms. O’Connell answered that Mr. Holden was temporarily replaced by Mr. Rosetti, who was there for four months and now they have Mr. Wright.

Mr. Butler asked Ms. O’Connell if a year or year and a half from now, the Manager of Record changes again, who from TGI Friday’s writes the letter to the Town alerting them of the pending change.

Ms. O’Connell stated that if Mr. Rodriguez decides to leave it will get reported to Mr. Wright who then will alert her and she will handle notifying the Town.

Mr. Butler pointed out that none of the TGI personnel that are here today were here prior to February 28, 2018 that is why he would like someone from TGIF, in a senior position in the chain of command was working for TGIF prior to February 28, 2018 at our next meeting.

Mr. Keogh stated that he also thinks this issue was created by the Corporate Office. Mr. Keogh added that he would actually like to see an alcohol policy from TGIf.

Ms. O’Connell stated that there is a corporate policy at Friday’s and the Managers are supposed to remind all staff at the beginning of each shift of responsible service and what the rules are. Ms. O’Connell informed all that the policy states that anybody under 40 needs to be carded. Ms. O’Connell continued, saying that may have been changed to everyone is carded.

Mr. Butler asked Ms. O’Connell who Mr. Marlow reported to.

Ms. O’Connell answered that Mr. Marlow reported to Mr. Holden, the former Director of Operations.

Ms. O’Connell informed the Board that all staff is required to undergo the SURF training program.

Mr. Keogh asked if everyone was TIPS certified now.

Ms. O’Connell informed the Board that TGI Friday’s does not use TIPS, they use their own internal program called SURF.

Mr. Keogh asked if those records were accessible.

Ms. O’Connell stated that she would be glad to provide the paperwork.

Atty. Riley stated that Ms. O’Connell used the phrase General Manager. Atty. Riley asked if that is the person, who under the statute, would be approved by the Board and the ABCC.

Ms. O’Connell answered that the intent is to have the General Manager, who will be on premises most of the time, be the Manager of Record.

Atty. Riley stated that TGI Friday’s for the most part is not contesting the Police reports but we should ask Sgt. Clements and Deputy Chief Buckley if they have any input.

Deputy Chief Buckley stated that Sgt. Clements was provided a list of the training participants after the date they said they would but most employee’s licenses were expired, according to their spreadsheet.

Mr. Keogh stated that Sgt. Clements, Officer Holland, Deputy Chief Buckley and Sargent Quigley were present.

Sgt. Clements informed all that he agreed with Dr. Teehan’s use of the phrase systemic failure. Sgt. Clements added that as the investigating and arresting officer that evening, he witnessed firsthand the goings-on in the restaurant that evening as well as further dates that he stopped by TGI Friday’s to gather information. Sgt. Clements continued, saying that Mr. Ruhal and Mr. Rodriguez, who were very cooperative, were unfortunately put in a situation by Corporate Management, where they were destined to fail. Sgt. Clements stated that Mr. Ruhal assumed responsibility for what happened that night and added that Mr. Ruhal informed him that this was the first night he was working alone. Sgt. Clements stated that he commends Mr. Ruhal for assuming responsibility but he does not believe it is on him.

Sgt. Clements informed all that Mr. Rodriguez is a well-spoken gracious individual and added that Mr. Rodriguez admitted that he was transferred to this particular store because of the failures and he was tasked with straightening things out. Sgt. Clements proceeded to describe the way the alcohol bill was printed out and said that Mr. Ruhal, who was the only Manager on the premises was confused by the listing of drinks on the receipts. Sgt. Clements continued, saying that Mr. Rodriguez clarified how one drink was entered and the other one was canceled out. Sgt. Clements stated that Mr. Rodriguez told him that he was very concerned about the food and alcohol staff working off of one POS system. Mr. Rodriguez stated to Sgt. Clements that is something he’s never seen before. Sgt. Clements added that Mr. Rodriguez couldn’t understand how a bartender had the authority to override and also serve drinks without a Manager being present. Sgt. Clements stated that Mr. Ruhal and Mr. Rodriguez, were put into positions that exceeded their abilities.

Sgt. Clements informed all that when he spoke to Jenna Clarkson, the person who is no longer with TGI Friday’s, she was almost in tears and was the staff member who was most alarmed by the incident that night. Ms. Clarkson told Sgt. Clements she was the one who called for help. Sgt. Clements stated that on a subsequent visit he did receive a spreadsheet with a list of employees and their training status as to whether they were certified or not. Sgt. Clements continued, saying that he feels the percentages are very high that all the certifications were out of date.

Sgt. Clements summed up by saying again that this is a systemic failure and Mr. Rodriguez and Mr. Ruhal were set up to fail.

Ms. O’Connell informed all that there are two stores with older POS systems and we are in the process of upgrading systems.

Mr. Butler stated that the person this Board would like to see at its next meeting, sounds like it should be Anne Byron. Mr. Butler asked Ms. O’Connell if Ms. Byron was the only person in the chain of command that gets involved with submitting names for Manager of Record.

Ms. O’Connell answered that the issue would go up to Anne she would let her know. Ms. O’Connell stated that there is a Manager from Gold Coast who would be willing to fly up to attend the meeting.

Mr. Butler asked Ms. O’Connell what that person’s title was.

Ms. O’Connell answered Vice President of Operations

Mr. Guilfoyle stated that when Fridays comes back before the Board he would like to see the family tree with names all the way up to the Board.

Sgt. Clements stated that he has one final question, are Mr. Ruhal and Mr. Rodriguez certified to oversee alcohol operations at this Fridays or elsewhere.

Ms. O’Connell answered that they are both SURF certified.

Deputy Chief Buckley stated that this is a self-made problem for Friday’s and the Manager of Record did not leave the chain, he left that store. Deputy Chief Buckley added that this problem goes all the way back to the fall of 2016 and since that point, there has been little to no management.

Mr. Keogh asked Ms. O’Connell if she feels this was a fair Hearing.

Ms. O’Connell stated yes.

Mr. Guilfoyle asked Mr. Riley if the Hearing should be closed and then reopened at the next Hearing or do we leave this one open.

Mr. Riley stated that you can continue this Hearing and leave it open.

Mr. Guilfoyle asked for a recommendation from Mr. Riley.

Mr. Riley stated why not just continue it and leave it open.

Dr. Teehan moved to continue the Hearing to August 23, 2018; seconded by Mr. Guilfoyle. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, abstained.

**VIOLATION HEARING W/KH&H LIQUORS, INC. 204 LEGACY BLVD.; COMPLIANCE CHECK FAILURE**

Mr. Riley swore in those who will be giving testimony.

Enzo Ballarano, Manager at KH&H liquors (at Costco), was present before the Board.

Mr. Keogh asked Mr. Ballarano if he had time to review the Police report.

Mr. Ballarano answered yes.

Mr. Keogh asked Mr. Ballarano if he would allow it to be entered into the Record.

Ballarano answered yes.

Mr. Keogh asked Mr. Ballarano if he had anything to say or add.

Mr. Ballarano informed all that a young man entered the store on the night of the incident and gave his ID to the Supervisor behind the counter. Mr. Ballarano added that the Supervisor entered the wrong information into the POS system. Mr. Ballarano continued, saying that this is their first violation since 1998 with his name is on the license. Mr. Ballarano apologized for the mistake and stated that he wishes they did not have to go through this Hearing.

Mr. Butler asked Mr. Ballarano if the store opened in 1998.

Mr. Ballarano answered that his name is on the license since 1998 Cosco came in 2007.

Mr. Ballarano stated that each employee that is hired at KH&H has three days to become TIPS certified and if they don’t get certified, they lose their job.

Detective Quigley stated that it was a Rhode Island license and like Massachusetts the under 21 licenses are vertical. Detective Quigley informed all that there are two places where there is a date listed; under 18 until and under 21 until. Detective Quigley continued, saying that it looks like the Supervisor made an honest mistake by just looking at the wrong date.

Mr. Keogh asked Mr. Ballarano if he feels he had a fair Hearing.

Mr. Ballarano answered yes.

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

Mr. Keogh stated that the Board will take this under advisement and the next meeting is tentatively scheduled for August 23, 2018.

**VIOLATION HEARING W/PANCHO’S TAQUERIA, INC. D/B/A PANCHO’S TAQUERIA, 551 HIGH STREET; COMPLIANCE CHECK FAILURE**

Mr. Keogh asked those who will be giving testimony to please stand and be sworn in Atty. Riley.

John Gibbons was present on behalf of Pancho’s. Also present were the two owners Carlos Chavira and Nohely Williams.

Mr. Gibbons stated that they agreed to waive the reading of the report.

Mr. Gibbons informed all that since the incident the owners have cooperated and also provided documents that Sgt. Clements needed for his report and investigation. Mr. Givens added that in addition they held some meetings and have spoken with the person that overlooked the license in question. Mr. Gibbons stated that they have established a protocol where the date is posted – 8-9-1997 and if someone comes in to the restaurant with a license that has a date before than that date they can be served and if a license has a date after that date they cannot be served. Mr. Gibbons continued, saying that they also have a book where they can check on suspicious licenses.

Mr. Gibbons stated that the owners are embarrassed they are working hard so this will never happen again.

Dr. Teehan asked Mr. Gibbons if everyone that serves alcohol in the restaurant is TIPS certified

Mr. Gibbons answered yes and provided copies of their certifications.

Mr. Butler thanked the owners for being cooperative with Sgt. Clements. Mr. Butler added that he admires the work the owners have put in to the restaurant. Mr. Butler reminded everybody that the number one reason the compliance checks are run is Public Safety. Mr. Butler continued, saying that it is also another way to help the Board help the Town and Police keep people on their toes because the downside of making a mistake with alcohol can be pretty significant.

Sgt. Clements stated that the night of the incident he was assisted by Officer Holland. Sgt. Clements added that when the undercover operative indicated that he had been served he went and made contact with Nohely Williams. Sgt. Clements indicated that Ms. Williams was very pleasant very helpful and very informative. Ms. Williams provided Sgt. Clements with the name and date of birth of the gentleman who was working the front counter. Ms. Williams confirmed that he was TIPS certified. Sgt. Clements spoke with the employee and he seemed a little flustered. Sgt. Clements continued, saying that the employee was by himself preparing all the food and there were about 8 or 9 people in line. Sgt. Clements stated that when the operative went in, this employee did not have the time or the wherewithal to look at the license properly. Sgt. Clements suggested having a couple of people out front to lighten the load a bit. Sgt. Clements again stated that the owners were very responsive and supplied all documents requested.

Mr. Keogh asked Mr. Gibbons if he feels this was a fair Hearing.

Mr. Gibbons stated yes.

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.

**VIOLATION HEARING W/TAHITI RESTAURANT, INC. D/B/A TAHITI. 22 MAH WAY; COMPLIANCE CHECK FAILURE**

Mr. Keogh asked that people giving testimony to stand and be sworn in by Atty. Riley.

Atty. Gene Richard, representing Tahiti Restaurant and Harry Mah, owner, were present before the Board.

Mr. Keogh asked Atty. Richard if he agreed to waive the reading of the report.

Atty. Richard answered yes and stated that this is a case of employee negligence. Atty. Richard stated that the waiter, Mr. Chin, messed up. Atty. Richard added that this was a vertical license case. Mr. Chin was reprimanded and re-trained. Atty. Richard continued, saying that they do not question any of the accuracy of the Police report.

Detective Quigley stated that in the end, he is glad that this was taken seriously by the owners as on the evening of the violation, there was an air of nonchalance and was not being taken seriously.

Mr. Keogh asked Atty. Richard if he feels this was a fair Hearing.

Atty. Richard stated yes.

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.

**VIOLATION HEARING W/THE METROPOLITAN CLUB, INC. D/B/A MET BAR & GRIL, 400 LEGACY PLACE; COMPLIANCE CHECK FAILURE**

Ms. Baker informed all that the Town Manager’s Office received a letter on August 2, that as of August 5, 2018 the Met Bar & Grill, at 400 Legacy Pl. would be permanently closed for business, therefore there will be no Hearing proceeding this evening. Ms. Baker continued, saying that the license has been retrieved.

**VIOLATION HEARING W/PF CHANG’S CHINA BISTRO, INC. D/B/A PF CHANG’S 410 LEGACY PLACE COMPLIANCE CHECK FAILURE**

Mr. Keogh asked those who would be testifying to stand and be sworn in.

Andrew Upton, Atty. for the licensee and John McGonigle, Manager of Record at P.F. Chang’s were present before the Board.

Mr. Keogh asked Atty. Upton if he had time to review the Police report.

Atty. Upton answered yes.

Mr. Keogh asked Atty. Upton if he was going to waive the reading of the report.

Atty. Upton answered yes.

Atty. Upton stated that he and Mr. McGonigle would like to apologize and take full responsibility. Atty. Upton added that this was a lapse as PF Chang’s has a great record. Atty. Upton informed all that Mr. McGonigle has been the Manager of Record for about five years and has worked for PF Chang’s for a total of eight years. Atty. Upton continued, saying that during Mr. McGonigle’s time at the restaurant there been no other violations. Atty. Upton informed the Board at PF Chang’s has a written responsible alcohol service policy. Atty. Upton stated that every employee gets a Distilled Responsible Alcohol card. Atty. Upton continued, saying that every single server is either TIPS or Serve Safe certified. Atty. Upton pointed out that the Police report shows some lapses in certifications and those have been corrected. Atty. Upton informed all that the employee was terminated.

Mr. McGonigle stated that P.F. Chang’s policy is that any alcohol violation, such as underage service of alcohol, is an automatic termination. Mr. McGonigle added that he was a very good employee and this was just an unfortunate circumstance. Mr. McGonigle continued, saying that we take this sort of situation very seriously and we have learned from this experience. Mr. McGonigle informed all that before any employee is allowed to work their shift they were required to review the paper work they received during the orientation and those whose certification was expired were given two weeks to become TIPS certified.

Atty. Upton asked Mr. McGonigle how many of the employees did he speak to regarding this issue.

Mr. McGonigle answered every so one of them.

Dr. Teehan asked Mr. McGonigle if the employee was TIPS certified before the incident.

Mr. McGonigle answered that the employee had an expired certification.

Dr. Teehan asked Mr. McGonigle why it had to get to the point of an alcohol violation to be the impetus for the server to renew his TIPS certification.

Atty. Upton stated that is a good question and it is a wake-up call for them.

Mr. Butler asked Mr. McGonigle how long after being hired does an employee have to get their TIPS certification.

Mr. McGonigle stated, since the incident, seven days.

Mr. Butler asked Mr. McGonigle how PF Chang’s determines who to card.

Mr. McGonigle informed the Board that it is PF Chang’s policy to card anyone 40 and under.

Mr. Keogh asked Atty. Upton and Mr. McGonigle if they feel they had a fair Hearing.

They both answered yes.

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.

**VIOLATION HEARING W/BBRG DEDHAM TR, LLC D/B/A JOE’S AMERICAN BAR & GRILL, 985 PROVIDENCE HIGHWAY; COMLIANCE CHECK FAILURE**

Mr. Keogh asked that those who were going to give testimony to please stand and be sworn in.

Atty. Stephen Miller, of McDermott Quilty & Miller LLP, General Manager Michael Batello and Ryan Taylor, Manager of Record were present before the Board.

Mr. Keogh asked Atty. Miller if he was willing to have the report entered into the record.

Atty. Miller answered yes.

Atty. Miller stated that Joe’s American Bar and Grill uses the BARS program. Atty. Miller added that this company does random stings as practice. Atty. Miller continued, saying that the particular employee in question has been with the company for over 30 years. Atty. Miller stated that this is a wake-up call and an educational exercise. Atty. Miller added that after the incident they reviewed the process with every employee. Atty. Miller stated that Joe’s rules and policies are reviewed before every shift.

Mr. Botello informed the Board that every new hire is required to read and sign a responsible alcohol service form. Mr. Botello added that the new employee then receives the employee handbook and on page 20 there is more training information. Mr. Botello continued, saying that the last step is that every employee must be TIPS certified.

Detective Quigley stated that he is happy to hear that the bartender retained her job. Detective Quigley added that she was actually shocked that she served someone underage, so we brought the ID back in and went over it with her.

Deputy Chief Buckley informed Atty. Miller, Mr. Botello, and Mr. Taylor that there is a free TIPS certification training class coming up this November 5, and to reach out to his office for more information.

Mr. Keogh asked Atty. Miller if he feels this was a fair Hearing.

Atty. Miller answered yes.

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.

**VIOLATION HEARING W/NATIONAL AMUSEMENTS, INC. D/B/A SHOWCASE CINEMA DELUX, 670 LEGACY PLACE; COMPLIANCE CHECK FAILURE**

Mr. Keogh asked those who will be giving testimony to please stand to be sworn in.

Julie Heinzelman, Associate General Counsel at National Amusements, Alicia Cataldo, Managing Director of the Theater as well as the Manager of Record and Paul Valerio Asst. VP, Operations, were present before the Board.

Ms. Heinzelman stated that they are embarrassed being here tonight as we take

responsibility of our liquor license very seriously. Ms. Heinzelman informed the Board that this was a case where there was a failure to ID a patron. Ms. Heinzelman added that this bartender had been with National Amusements since they opened in 2009. Ms. Heinzelman informed the Board that National Amusements has a zero tolerance policy, so the bartender was terminated. In direct response to this incident, National Amusements had someone come in and do a re-training on identification. Ms. Heinzelman informed the Board that they have pre-shift huddles that Management organizes every day.

Mr. Butler stated that looking at the record, he noticed that there was a compliance failure in 2017 as well. Mr. Butler asked what their thoughts were on having compliance failures in back to back years.

Mr. Valerio responded, saying that he believes that they have a strict policy and a rigorous training method. Mr. Valerio added that it’s obvious we do not have our ducks in a row. Mr. Valerio continued, saying that having compliance failures two years in a row is obviously embarrassing. Mr. Valerio stated that the policy is to ID anyone under 40.

Mr. Butler asked Ms. Cataldo if the Managers ever observe the bartenders while they are working.

Ms. Cataldo answered yes, we all observe.

Mr. Butler asked who the Manager of Record was at the time of the compliance failure in 2017.

Ms. Heinzelman answered at that point in time, Kim Howland.

Mr. Butler stated that from last year’s situation, the Board voted for a 3 day suspension, 0 days to be served and 3 days to be held in abeyance until October 4, 2018. Mr. Butler added that is something we’ll talk about at the next meeting.

Mr. Guilfoyle stated that he believes National Amusements should card every person ordering alcohol.

Sgt. Clements went to National Amusements in order to get a copy of the bartenders TIPS certification card. Sgt. Clements added that he spoke to the Manager on duty, Mr. Murphy, and he was very helpful in the sense that he shared concern but at the same time he had no access to any of the TIPS certification cards. Sgt. Clements stated that the Police are looking for quick access, compliance and cooperation when we ask for a document. Sgt. Clements continued, saying would like to see these documents on site and have someone in charge be able to hand them over to the Police.

Dr. Teehan asked if there is a common element that can be identified pertaining to both compliance failures.

Mr. Valerio stated that he doesn’t believe that there is something in common. Mr. Valerio added that the first violation was a mistake by an experienced but newer employee who didn’t always work and that work center. Mr. Valerio continued, saying that the second incident involved in employee that had been with National Amusements since 2009 and they had a lapse in judgment.

Mr. Keogh asked Ms. Heinzelman and Ms. Cataldo feel they had a fair Hearing.

Ms. Heinzelman responded yes.

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

**VIOLATION HEARING W/DEDHAM LQ HOLDING, LLC D/B/A VICTORY BAR AND GRILL, 223 ELM STREET; COMPLIANCE CHECK FAILURE**

Mr. Keogh asked that anyone who will be giving testimony to please stand and be sworn in.

Atty. Kevin Hampe, Spiro Deamantopoulos, Owner and the Bar Manager, Chris Ellis were present before the Board.

Mr. Hampe waived the reading of the report.

Mr. Hampe stated that he would like to briefly go over a number of upgrades that have been added to the property in the last month and a half.

* Purchased 2 top line ID scanners
* Re-trained all staff, all TIPS certified
* Ordered new camera equipment, to be installed by the end of summer
* ID checks at front door – Thurs., Fri. and Saturday evenings - 9pm to close as well as at the bars
* Closing a little earlier, doors locked at 12pm – Thurs., Fri., and Sat. nights
* Installed 2 neon signs placed at the bar, service area to help remind staff of the over 21 date

Mr. Hampe stated that they are embarrassed to be in front of the Board this evening.

Mr. Butler asked how the ID scanner has worked for them

Mr. Ellis responded that the scanners help extensively in tracking expired and fake IDs.

Mr. Butler asked how checking IDs at the front door has helped.

Mr. Ellis stated that it is going well and they still check IDs at the bar as well. Mr. Ellis added that they have turned some people away.

Mr. Butler stated that the bartenders served each operative a beer and both of them presented vertical licenses to the bartender. Mr. Butler asked what she said when the situation was discussed.

Mr. Ellis stated that she got the dates mixed up and added that she has been terminated. Mr. Ellis pointed out that she was TIPS certified at the time.

Mr. Butler asked how many days do new hires have to become TIPS certified.

Mr. Ellis stated that they do not hire if they are not TIPS certified and if they are not already TIPS certified they have until their start date.

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

Ofc. Holland stated that the double checking of the IDs is a very good thing. Ofc. Holland added that the restaurant was very quiet that evening and the bar wasn’t packed. Ofc. Holland continued, saying that in this case there were two minors served, both presenting a vertical license. Officer Holland informed all that to her a vertical license automatically means underage. Ofc. Holland stated that missing that is cause for some retraining. Ofc. Holland added that the night not being a busy night and the fact that two minors were served is a big deal.

Mr. Keogh asked if the Police were to go into the restaurant now, would they have access to the TIPS certifications.

Mr. Ellis absolutely, and they have also been updated here at Town hall.

Mr. Keogh asked Atty. Hampe if he feels this was a fair Hearing.

Mr. Hampe responded yes

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: DATE TO CLOSE WARRANT FOR 2018 ANNUAL TOWN MEETING**

Ms. Baker asked the Board to close the Warrant for the Fall Town Meeting, scheduled for November 26, 2018 on September 14, 2018.

Mr. Guilfoyle moved to close the Warrant on September 14, 2018; seconded by Dr. Teehan. **On the Vote:** Mr. Keogh, yes, Dr. Teehan, yes, Mr. Butler, yes, Mr. Guilfoyle, yes, Mr. MacDonald, absent.

**ACTION BY THE BOARD**

**Request for Block Party**

**Circuit Road** - Saturday, September 8, 2018, 3PM – 11PM

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, absent.

**Manor Halloween Block Party** – Saturday October 20, 2018 – (Rain Date Sunday October 21), 3PM – 6PM

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, absent.

**Marlboro Street** – Saturday September 8, 2018, 4PM – 12AM

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, absent.

**Barrows Street** – Saturday September 8, (rain date Sept. 9) 2018, 12PM – 6PM

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, absent.

**Request for Friends of the Poor Walk**

Saturday September 29, 2018, beginning at 9:30AM at Saint Susanna’s Church

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, absent.

**OLD/NEW BUSINESS**

Mr. Butler thanked Ms. Baker and Mr. Eddy for putting together all the information used by the Board this evening.

Mr. Guilfoyle 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, absent.

The Meeting was adjourned at 9:04pm.

The next Meeting is scheduled for Thursday August 23, 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 9, 2018, which minutes were approved on September 20, 2018.

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James A. MacDonald. – Chairman