A regular Meeting of the Board of Selectmen was held on Thursday February 2, 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 7:03 PM

**PLEDGE OF ALLEGIANCE**

Led by Mr. Guilfoyle.

**DEDHAM CITIZENS - OPEN DISCUSSION**

None.

**ACTION BY THE BOARD**

**Drainlayer Applications**

Ms. Baker informed the Board that there are two drain layer applications for their approval.

Hercules C&G Drain, Inc.

Galway Excavations & Utilities, Inc.

Ms. Baker stated that both applicants are being recommended for approval by the engineering department.

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.

**Request by Church of St. John of Damascus for a one day liquor license, 3-25-17, from 7PM – 12AM**

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.

Mr. MacDonald moved to take an item that was 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.

**Request from Madewell, Legacy Place for a 1 day liquor license, 2-9-17, from 6-8PM**

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

**Request from the group coordinating the retirement party for Roger Lazdowski for a 1 day liquor license, 2-16-17, 3-7pm at the Endicott Estate**

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

**Request by St. Luke's to hold their sixth annual pack the pantry walk/run, 6-10-17, beginning at 8:30 AM**

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

**Request by Kim Lynch on behalf of the Blue Hills Regional High School Boosters Club to place a sign in Dedham Square on the railing near the parking lot, to advertise a fundraising event on March 10, 2017**

Mr. Keogh made a motion to approve; seconded by Mr. MacDonald. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

Ms. Baker informed all that the appropriate notices were posted regarding a vacancy on the Dedham Westwood Water District Commission. Ms. Baker added that it is a three-year term to expire in 2020 and the incumbent. Mr. Ron Wiley was the only applicant for the position.

**Appointment to the Dedham Westwood Water District Commission**

Mr. Butler moved that the Board reappoint Ron Wiley the Dedham Westwood Water District Board of Commissioners; seconded by Mr. Keogh.

Mr. Wiley stated it is been a privilege to serve the Town in this manner and is looking forward to the renovation at the Bridge Street pump house.

Mr. MacDonald requested that upon reappointment, Ron bring the message to the commission that the Town of Dedham wishes that they maintain a 0% increase in water rates Instead of the automatic 2.5%. Mr. MacDonald also asked that the Dedham commissioners supports the Dedham Board of Selectmen.

Mr. Butler asked Mr. MacDonald if he was saying that he wanted an automatic 0% increase unless voted uniquely each year by the Water District.

Mr. MacDonald answered, that's a good point that the vote should come up each year where they have an open public comment session. Mr. MacDonald added that by having an automatic 2% it sort of takes away the public's input from the process.

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

Mr. Wiley stated that he may actually have some good news this year.

Mr. Butler asked Mr. Wiley, how many years he's been on the commission.

Mr. Riley answered three years and will probably only be three more.

**Minutes Approval - 12-15-16**

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

**VIOLATION HEARING W/ THE IRISH ALEHOUSE, INC. D/B/A WATERFORDS, 2 BRIDGE STREET**

Mr. MacDonald recused himself as the next agenda item could potentially go before the ABCC.

Sgt. Buckley and Tony Haggerty were present before the Board.

Ms. Baker swore in Sgt. Buckley and Mr. Haggerty.

Mr. Guilfoyle asked Mr. Haggerty if he had reviewed the police report.

Mr. Haggerty answers, yes.

Mr. Guilfoyle asked Mr. Haggerty if the police report could be entered in to record without being read.

Mr. Haggerty answered yes.

Mr. Guilfoyle asked Sgt. Buckley if you want to go over the incident with the Board.

Sgt. Buckley informed all that typically, unless there are questions from the Board, if the report as written is accepted, that would be his testimony. Sgt. Buckley stated that perhaps he could speak after Mr. Haggerty’s statement.

Mr. Guilfoyle asked Mr. Haggerty if he would like to say anything.

Mr. Haggerty stated that he has some additional information about that particular night that he would like to share with the Board. Mr. Haggerty informed all he has been doing business at 2 Bridge St. since 1982. Mr. Haggerty continued, saying that he was the Manager on duty when this incident happened on that Saturday night/Sunday morning. Mr. Haggerty added that they do not normally have bands but this evening they had a duo playing music. Mr. Haggerty informed all that these fellows have worked for him for about 25 years and they usually start at 8:30 PM and are done by 12 AM. Mr. Haggerty stated that on that particular night, at about 9:45 PM, a bridal shower showed up with about 25 people in tow of them were intoxicated, so they obviously could not be served. They kept trying to get drinks so Mr. Haggerty took the bartenders out from behind the bar and refused service to the whole party. He also took the band off the stage. Mr. Haggerty stated that the bridal party milled around for a bit and about 10 min. later there was a loud crash and the mother of the bride had fallen onto the stage, knocking over all the keyboards and equipment and smashed a $600 concert flute. Mr. Haggerty continued, saying that at that point in time there is always someone in the party that you can reason with so we started discussions regarding them leaving. Mr. Haggerty stated that for the next 45 min. to an hour we loaded them into limousines and Uber cars and getting them out of there. Mr. Haggerty emphasized that they were not served. Mr. Haggerty added that this incident threw us off kilter and the band went back onstage and they played until 12:30 AM, which is not what they normally do but they felt like they hadn't played for an hour. Consequently, we were cleaning up later than usual. Mr. Haggerty informed the Board that they had already closed for the night, the registers were upstairs, the band was paid and the cleaner was outside sweeping. Mr. Haggerty stated that he then came inside to start cleaning while the two bartenders were cleaning down the bar. Mr. Haggerty added that he left about 1:20 AM, there were two bartenders left and the two band members were bringing their equipment out to the car. Mr. Haggerty stated that he figured everything was done for the night. Mr. Haggerty found out later that one of the bartenders served the band a beer, but couldn't remember what time he did that. Mr. Haggerty informed all that on the advice from Sgt. Buckley, he installed cameras at a cost of $6500. Mr. Haggerty stated that he went looking for the cameras and it turns out that the hard drive is compromised, so it was useless. Mr. Haggerty added that he feels really bad about having this happen after 35 years in business, Mr. Haggerty stated to deal with this he's hired a closing bartender, who is very skilled and has worked for him previously, Mr. Haggerty added that this bartender will be able to obey the laws and enforce them. Mr. Haggerty said he still disappointed but there it is.

Sgt. Buckley stated that there were no other people from the public and the establishment. No other glasses or barware on any tables except from the two band members. Sgt. Buckley informed all that he's been doing the liquor officer position for several years now, has had several classes and Mr. Haggerty comes to all of them which can't be said about any other liquor license in Town. Sgt. Buckley stated that he believes his job is not only to look out for the interests of the Town, but also the liquor license holder’s interest.

Mr. Butler stated that he asked the Town Managers office to retrieve information about the previous violation with the Irish Alehouse, which was as the result of a compliance check held on November 19, 2015. Mr. Butler added that this was reviewed at a hearing, by the Board of Selectmen, on January 7, 2016. Mr. Butler continued, saying that at that hearing, the Board voted to find that the restaurant had sold alcohol to a person on a trial one years of age. Mr. Butler asked Mr. Haggerty if the person who sold the alcohol to someone under 21 years of age was involved in this episode as well.

Mr. Haggerty answered no, it was two different people. Mr. Haggerty informed the Board that all his bartenders and servers are all tips certified. Mr. Haggerty continued, saying that the guy just made a mistake that he shouldn't have.

Mr. Guilfoyle asked Mr. Haggerty, if he feels he's had a fair hearing.

The Haggerty answered yes and stated that he is not disputing Sgt. Buckley at all.

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

Sgt. Buckley stated no.

Mr. Guilfoyle asked if there was any public comment.

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

Mr. Guilfoyle asked if the Board wishes to make a ruling now or defer to a future meeting.

Dr. Teehan moved that the Board should take the matter under advisement to give more opportunity to look at the reports and consider the appropriate course of action; seconded by Mr. Keogh. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, abstained.

**DISCUSSION & VOTE W/ TREASURER COLLECTOR JANE LEPARDO RE: REQUEST FOR INTER FUND ADVANCE BORROWING**

Mr. MacDonald rejoined the meeting.

Jane Lepardo, was present before the Board. Ms. Lepardo stated she was in front of the Board for another inter fund advanced borrowing. Ms. Lepardo added that she checked in with the department heads that had capacity in their capital article to see what their cash flow needs were to get through at least June when she will be doing another bond issue. Ms. Lepardo continued, saying that as a result of that, there's $3.2 million that she's asking for approval on this evening, the bulk of which is on the ECEC project. Ms. Lepardo informed the Board of the other projects, such as the Colburn Street dam and the roads and sidewalks programs.

Mr. MacDonald moved to approve the inter fund advanced borrowing request from Treas. Collector, Jane Lepardo; seconded by Dr. Teehan.

Mr. MacDonald asked Ms. Lepardo if the purpose of the money regarding ECC was for demolition.

Ms. Lepardo stated she did not have information on her.

Ms. Baker stated yes, it is.

Mr. MacDonald stated we've already done. $1.5 million and this is an additional two half-million dollars.

Mr. Kern informed the Board that had gone out to bid for the demolition company they're going to that phase next.

Mr. Guilfoyle stated that he was informed via e-mail that the demolition company and the blasting contractor was over there.

Ms. Baker informed the Board that she has a contract for them to sign.

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

**DISCUSSION & VOTE RE: REQUEST FOR A COMMON VICTUALLER LICENSE BY MOCHA JAVA, 577 HIGH STREET**

Peter Reynolds, owner of Blue Bunny bookstore and now Mocha Java, and Michelle Kousidis, General Manager Mocha Java, were present before the Board.

Mr. Reynolds stated that he has opened the Blue Bunny for 14 years and most people know that Mocha Java was owned by Steve Carlson for 20 years. Mr. Reynolds informed all that Mr. Carlson had to move out to the West Coast to take care of his dad and he had lost his lease. A year ago, Mr. Reynolds suggested that Mocha Java move over to Blue Bunny and it worked. Mr. Reynolds added that for a few months, Mr. Carlson ran the business from the West Coast, but it came to a point where Mr. Carlson asked Mr. Reynolds, if he would take on Mocha Java. Mr. Reynolds continued, saying that Mocha Java is now part of Blue Bunny. Mr. Reynolds stated that this has given him the opportunity to make some improvements, and he has added a bakery case and improved some of the seating. Mr. Reynolds informed the Board that it has worked out very well and he is present tonight to make the transition official.

Mr. MacDonald asked Mr. Reynolds if he was cooking on the premises.

Mr. Reynolds answered no cooking. Mr. Reynolds added that they're almost there prep wise to do cooking but haven't taken that step yet. Mr. Reynolds stated that it is something they are thinking of doing in the future.

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

Mr. Butler stated that the bakery case is been a nice addition to the store.

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

Ms. Baker informed all that at the request of the Director of Finance, we took a look at the gift policy. Ms. Baker added that the changes are minor, but they bring it up to date with the current statute, updating Comptroller to Director of Finance and eliminating the need for the Board to approve the expenditure. Ms. Baker continued, saying that the Board does except the gifts as their gifted to the Town but the expenditure is done by the department head, through the Director of Finance. If the Board is so inclined to support this Ms. Baker would request a motion to accept the amendments and the policy will be reissued.

Mr. MacDonald asked what happens when you have a case like MS Walker where as part of the TIF that was signed and once they receive their occupancy permit, will give a donation of $10,000 to the Manor Neighborhood Association, through the Town. Mr. MacDonald added that the donation from MS Walker is earmarked for the Manor Neighborhood Association, so when the gift is presented, the Board of Selectmen except the gift, as part of the TIF and the gift will be designated for the Manor Neighborhood Association. Mr. MacDonald continued, saying that when it comes time to disperse the funds, one of the proposals is that the association would take a vote and ask that one have to be dispersed to them. So, $5000 would be dispersed to the Association for their use because this is an unrestricted gift for the purposes by which they can use it. Mr. MacDonald informed all that this is the real or neighborhood association’s preferred method. The other option is that they buy a bench and they come to the Board for a disbursement for that expense. Mr. MacDonald explained that he would like to make sure that the changes we're discussing this evening do not affect donations such as the one I just mentioned.

Mr. Kern stated that he has had a conversation with the director of finance and they both agree that the best way to handle the case you described is to have MS Walker provide the gift directly to the Manor Neighborhood Association.

Mr. MacDonald stated that that would be the preferable way, however that is not what the TIF says. Mr. MacDonald added that the TIF says that it will be gifted to the Town of Dedham.

Mr. Kern informed the Board that he needs to have that conversation because he needs to clarify the advice from different people.

Mr. MacDonald informed all that he is just trying to prevent any confusion or problems.

Mr. Kern stated that the goal is to make sure people are accepting gifts correctly and expending them correctly, but at the same time we do not want a situation where the Board is not aware of these gifts in some general

sense.

Mr. MacDonald moved to defer a decision regarding updates to the gift policy; 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: BOS DESIGNEE TO DEDHAM SQUARE MASTER PLAN STUDY COMMITTEE**

Ms. Baker informed all that the Board needs to designate a representative for the committee.

Mr. Butler informed all that he is interested in being the Board's designee to this committee.

Mr. MacDonald moved appointment of Mr. Butler to the Dedham Square master plan study committee; seconded by Dr. Teehan. **On the Vote:** Mr. Keogh, yes; Dr. Teehan, yes; Mr. Butler, yes; Mr. Guilfoyle, yes; Mr. MacDonald, yes.

Mr. MacDonald, informed all of the language in the TIF regarding gifts from MS Walker:

The TIF is a Tax Increment Financing agreement among the Town of Dedham and MS Walker. Mr. MacDonald pointed out, item number nine, which reads, prior to the issuance of any occupancy permits for the project the company should make a contribution of $10,000 in the form of a gift to the Town of Dedham for the support of the Manor Neighborhood Association, which gifts shall provide that interest thereon shall remain within the fund.

**DISCUSSION & VOTE RE: NOTICE TO PUBLIC TO IDENTIFY PROPONENT/OPPONENT FOR INFORMATION TO THE VOTERS WITH RESPECT TO BALLOT QUESTION RE: COMMUNITY PRESERVATION ACT**

Dr. Teehan stated that a group has been created called Preserve Dedham to serve as the proponent to help educate people regarding the community preservation act (CPA). Dr. Teehan added that when people learn about the CPA, they will learn why it is such a great idea and move for the Town. Dr. Teehan continued, saying that this is a critical juncture for the Town as Dedham is facing a lot of challenges and added that he feels strongly that the Town needs these resources from the state to meet the challenges of the next generation.

Mr. MacDonald moved that the Board designate Preserve Dedham to write the arguments as a proponent of the question to be placed on the ballot;

Ms. Baker informed all that they will be working on the election calendar and an appropriate letter will go out to Preserve Dedham, which will give them the necessary deadlines and requirements of the 250-word limit. Ms. Baker asked that if there is an opponent that wishes to be identified, they make themselves known to the Town Manager’s office or the BOS to be officially designated within the appropriate time period, otherwise, the statute requires, and allows for Town Counsel to write the opponent statement.

Mr. MacDonald's motion was 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 Ms. Baker if the Board needed to take another vote to give notice to the public to identify the opponent.

Ms. Baker answered no and that she would give something to the newspaper to publish. Ms. Baker added that if there is an opponent to be identified, they would be presented to the Board at the next meeting to designate such an opponent, and if no one comes forward, Town Council, will write a statement that will be part of the information that gets mailed. Ms. Baker informed all that this requires an informational piece go to every household with a registered voter and it includes the proponent statement, the opponent statement, the ballot question and what a yes/no vote of the ballot question means.

Mr. Butler asked if the appointed Boards, District Chairs and Town Meeting members could be notified.

Ms. Baker answered yes.

**TOWN MANAGER’S REPORT**

Mr. Kern stated that the last meeting, Russ Poole had asked for an update regarding the status and expenditures to date of the Town's opposition to the Federal Energy Regulatory Commission’s (FERC) decision to permit the pipeline. Mr. Kern added that the appeal has been filed and there's been some legal maneuvering, regarding emergency injunctions, all of which have been decided and put aside and the appeal will go forward. Mr. Kern continued, saying that he was informed by the special counsel in early January, that she expects the oral arguments to not start for another 6-8 months, which is normal schedule for proceedings of this type in the US District Court of Appeals. Mr. Kern informed all that this is being argued in the Washington DC district. Mr. Kern stated that our arguments were combined with the two other primary opponents of this decision to permit and that was the city of Boston and the River Keeper Coalition. Mr. Kern added that our primary argument is something called segmentation. Mr. Kern informed all that the total amount expended for the special counsel to date is $126,800 and is split into two fiscal years. Mr. Kern added that previous to that, our normal General Counsel, KP Law expended just over $60,000 in 2015, for a total of just under $187,000.

Mr. Kern informed all that the internal budget meetings are over and CEC is nearing completion of its process.

Mr. Kern stated that there is an East Dedham Design Guidelines Community meeting scheduled for Feb 13th at 7:00PM at the MBACC, which is unfortunately the same time as the CPA meeting. Mr. Kern added that the East Dedham Design Guidelines Community meeting is tentatively rescheduled for March 1, 2017

Mr. Kern informed all that there is a similar community meeting next week for the ECEC now that the demolition contractor is on Board.

Mr. Kern stated that the MWRA pipeline meeting was held last Wednesday at the Endicott Estate and was attended by about 20-30 people.  Mr. Kern added that this is the pipeline that begins late spring and goes into the summer of this year and will provide redundancy for the MWRA. The meeting was attended by representatives of the firm handling pipeline. Mr. Kern continued, saying there were some pretty good questions with a good exchange of information. Mr. Kern informed all that there will be a number of other processes through which people will be informed. Mr. Kern added that conversations were had regarding residents that are within 500 feet of the intended pipeline route 11 opportunity to have experts come into your home into a pre-construction survey, which is in the residents and the Town's interest.

Mr. Kern stated that the Governor announced his Budget Proposal at the MMA meeting a few weeks ago, which included pretty significant support for local government.

Mr. Kern informed all that he and Ms. Baker attended an informational meeting at blue Hills regional regarding their proposed project, which includes Windows, HVAC systems, etc. and is about an $80 million project potentially. Mr. Kern added that they were selected by MSPA and the good news is that the reimbursement is 53%, which leaves a $40 million expense to the member communities. Mr. Kern continued, saying that he will update the Board as the project moves along.

**OLD/NEW BUSINESS**

Mr. Keogh informed all that the SBRC held a meeting this past Monday and C.J. Mabardy (the firm awarded the demolition contract) was present and spoke about the work that will take place over the next several months. Mr. Keogh added that there will be a community meeting on February 7, 2017 in the lower conference room of Town Hall. Mr. Keogh continued, saying that C.J. Mabardy to touch on not only the demolition but the earth work and blasting that will be going on. Mr. Keogh stated that Mabardy will make three attempts to contact the neighbors within 500 feet of the blasting. Mr. Keogh added that Mabardy has even offered to send a text, and e-mail or make a phone call one half-hour before each of the “shots”, so the people nearby can prepare.

Dr. Teehan stated that Preserve Dedham, is having a kickoff party for the CPA campaign on February 13, 2007, which will be at the Deli after Dark at 7 PM. Dr. Teehan added that this is a great way for people to gather information regarding this campaign.

Mr. MacDonald stated that the Board has not had their senator or representative in for a while. Mr. MacDonald asked Mr. Guilfoyle if he could work with the Town Manager’s office to get them to come in as this is a new legislative session. Mr. MacDonald added that it will be an opportunity for them to hear from the Board regarding the proposed amendments to the cannabis control act. Mr. MacDonald continued, saying that the first amendments to the legislation are due in April, so he thinks it's important to have their opinions heard.

Mr. MacDonald asked Ms. Baker how often the Town posts for Town Council.

Ms. Baker answered, after the dissolution of Town Meeting.

Mr. MacDonald stated that every year we post for Town Counsel. Mr. MacDonald added that he thinks it's about time we did an RFP for Labor Counsel. Mr. MacDonald continued, saying this is nothing negative against our current Town counsel, but he thinks it's time to see what's out there then have an evaluation process.

Mr. Guilfoyle stated that he thinks it's a great idea.

Mr. Keogh informed all that this Saturday is the Dedham Square Crawl. Mr. Keogh added that all the proceeds go to the Dedham food pantry.

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

The meeting was adjourned at 8:07 PM.

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

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Dennis Guilfoyle – Chairman