

A regular meeting of the Board of Selectmen was held on August 29, 2007, in the Francis O'Brien Meeting Room, Town Office Building, 26 Bryant Street, Dedham, Massachusetts. Present were:

Carmen DelloIacono
James A. MacDonald
Marie-Louise Kehoe
Dennis J. Teehan
Michael L. Butler

Mr. DelloIacono called the meeting to order at 7:00 p.m.

Mr. MacDonald made a motion to take an agenda item out of order relative to a request for permission by the Dedham Square Circle to close off a portion of Dedham Square; seconded by Mr. Butler and voted unanimously.

Representing Dedham Square Circle was Sara MacDonald, Executive Director. Ms. MacDonald informed the Board that the Dedham Square Circle's 2nd Annual Back to the Future Sidewalk Sale and Celebration is scheduled to take place on Sunday, October 7, 2007, and she is here tonight to ask the Board's permission to close the streets in the square on that day. She reminded the Board that they had a similar event last year at this time with vintage cars and some of the merchants did various old-fashion activities. Ms. MacDonald commented that this year Dedham Square Circle is hoping to have some retro-entertainment, i.e., Elvis Impersonator, Barber Shop Quartet or something along those lines. Ms. MacDonald informed the Board that she has spoken with Chief Weir and Lt. Paschal, Dedham Police Department, relative to the prospect of closing the square and having the appropriate officers on that day. Ms. MacDonald stated that both Chief Weir and Lt. Paschal did not see any problem with the request. In fact, she was told that the Police Department is going to schedule a Fall Open House at the Police Station on that same day. Therefore, they can coordinate the Open House with the Dedham Square activities.

Mr. DelloIacono asked Ms. MacDonald if she had already spoken with the Police Dept. He commented that her letter to the Board indicated that she was going to speak with the Police Department. He asked if she was all set with the Police Department and suggested a Haunted House at the Police Station—it is that time of year and people can see for themselves how bad the station is inside. Mr. DelloIacono asked the Board if they had any questions or comments for Ms. MacDonald.

Mr. MacDonald made a motion to approve the request to close a portion of the Dedham Square on Sunday, October 7, 2007, (High Street from Eastern Avenue to Washington Street) from 12:00 p.m. until 4:00 p.m.; seconded by Mr. Butler and voted unanimously.

Ms. MacDonald that the members of the Board.

DEDHAM CITIZENS OPEN DISCUSSION

Mr. DelloIacono asked if there was anyone here this evening that would like to speak. George Kimball, 274 East Street, asked to speak to the Board. Mr. Kimball informed the Board that it was his understanding that one of his neighbors gave Mr. Butler a letter concerning the project on East Street—the section from High Street to Washington Street. Mr. Butler believed that he was referring to a letter and petition handed to him by Mr. DeShiro approximately three/four weeks ago. Mr. Kimball stated that unfortunately, Mr. DeShiro could not be here this evening. Mr. Kimball stated that his neighbors are quite active on the street as far as addressing issues with the Town and this is the latest concern which has to do with speeding, trucks, parking on sidewalks, Winter parking. He stated that nothing has ever been done. Mr. Kimball commented that this latest project on the street where there was only sidewalks on one side of the street-- except for down at the end of the street in which the Town did put in concrete sidewalks on both sides of the street. He stated that the existing sidewalks going from Cocci Way to Brookdale Avenue were torn up and placed dirt. Mr. Kimball commented on some safety issues particularly in the Winter time relative to the School Bus Stops and Mail Carriers. He asked the Board, “Where are they going to walk?” snow gets plowed up and esthetically, the Town or who ever did it did a half baked job. He stated that the grating, seeding is terrible and his driveway is now about four feet above the roadway. Additionally, he now has a ski slope that was one a driveway. Mr. Kimball informed the Board that were the contractor cut his lawn the grass will not hold—almost the whole street has no grass coming in and it is going to be like a dust storm. Mr. Kimball informed the Board that some of his neighbors were told that there is no chance in the world that the Town will put in sidewalks on both sides of the street. He did not understand how the Town could pave/plan a project for a street and go three quarters of way on that street, hit the old neighborhood which might not be not the richest part of Town, and say it cannot be done. Mr. Kimball stated that the residents of the street have a safety issue. Since the street has been paved, the speeding is much worst. He lives on the top of the hill and he is terrified when cars come up the hill when he is leaving his driveway due to the fact that the cars are driving very fast and the point in which you see them coming and the point in which they are in front of his driveway makes it almost impossible to stop. He was concerned with the residents who are walking out of their driveway and the fact that they have no place to walk out—they have to walk out into the street where there once was sidewalks. Mr. Kimball did not understand it and mentioned the fact that the Town had the funds to plant trees on the street when residents complained that there were no trees on the street—the Town found money to plant trees; however for the residents to have a sidewalk on East Street, there were not enough funds available.

Mr. DelloIacono asked Mr. Kimball if he was able to attend the Public Meeting. Mr. Kimball stated that he did, in fact, attend and he brought up these issues at that time and was told that it could not be done. He stated that he met with the Chief of Police relative to the speeding on East Street and made some simple suggestions, i.e., stop sign at Cocci Way, a 3-Way Stop at Brookdale Avenue and Truck Zone and was told these suggestions could not be done. Mr. Kimball had an issue with the Halfway Café for a couple of years

that he took up with a previous Selectman. He commented, “Why can the Halfway Café build an office in a residential area? Additionally, “Why do their delivery trucks have to come up a residential street (18 wheelers) to unload when they can do this on Washington Street?” Mr. Kimball stated that he gets no answers. Mr. Kimball commented that he believes Mrs. Kehoe is aware of all these problems. Mrs. Kehoe stated that she spoke with a resident of East Street the other day. He visited with her when she was recently at Brookdale Cemetery and the matter is being turned over to Sgt. Buckley who handles all alcohol issues. Therefore, the Sgt. Buckley will be calling the constituent on this matter. Mrs. Kehoe commented that she witnessed the truck delivering to the Halfway Café on East Street—taking the product out and putting empties in. Mr. Kimball stated that he came up to the Town Hall at one point and brought this issue up and the people he brought it up to were surprised when he informed him that the area is residential. He stated that he got a map and from the back of the Auld Sod Pub to Washington Street, East Street is a residential neighborhood. It is not commercial. He commented that he spoke to a member of the Department of Public Works relative to the parking and the fact that Halfway customers park all over the place and throw trash around and when the Town was doing the project, he was told that accommodations were made for Halfway Café by putting cut outs on East Street adjacent to Brookdale Cemetery—nice new granite curbing and everything. He was concerned that the Town was making accommodations for a commercial enterprise in a residential area that is not located on East Street. Mr. Kimball was concerned that the property values on the street were going to tumble due to the fact that there is a waste land on one side of the street. Mr. Kimball informed the Board that he has spent approximately \$60.00 for new seed. He has raked, seeded, fertilized and watered the area. Other neighbors have taken the same action.

Mr. DelloIacono once again asked Mr. Kimball if he offered this information at the East Street Public Meeting and did he follow up. Mr. Kimball was informed that the Town did not have the money.

Mr. Butler informed the Board that the neighbors did raise several concerns during that Public Meeting. He commented that the meeting was very valuable to get the communication going between the Town and the residents. The reason why the road was designed in this manner was due to sound engineering principles for road design. Therefore, given the right of way and the width of that right of way from one end to the other, the Town ended up with this certain design with its compromises. In an effort not to diminish the concerns that the residents have expressed since construction was completed, the Board should probably take a look at it down the road. Mr. Butler informed all that the issue was not money—the money was available. The road and ownership of the property was not the right of way only permitted a sidewalk, curbing and a road of a certain width. William Keegan, Town Administrator, added that were design limitations on the ability to put sidewalks on both sides of the street. Relative to the cutout issue, Mr. Keegan informed all that the cut outs are for the residents. The cut outs were not intended for the businesses. Mr. Kimball responded that this is what he was told. Mr. DelloIacono commented that he, too, has gotten the same calls from the residents relative to the cutouts and that is why he visited the street and cutouts. He commented that it absolutely looks the way Mr. Kimball has describes it. Mr. Keegan

commented that there are a number of residents who have parked in this area for years, and this allows residents to park along the street—that was the purpose of the cutouts. It was not intended for the businesses, strictly for the residents of the area. Mrs. Kehoe commented that when she was at the Public Meeting the issue of the two large accesses or driveways came up. She went to the Building Department and was told that those had been in existence for a very long time. Mr. Kimball commented that the house in question, where they built a big parking lot, was the old Crisco house and they never had a Parking Lot—it was a yard. Mrs. Kehoe stated that she is only telling him what she was told. Mr. Kimball informed all that the Crisco's eliminated the yard, paved it over and even paved over and marked up the sidewalk at the time. Relative to the issue of design, there was existing sidewalks from Cocci Way to Brookdale Avenue—existing sidewalks are now just a mass of dirt. Mr. DelloIacono commented that it is still extra wide in front of the DeShiro's home up to Brookdale Avenue. Mr. Keegan stated that the issue at this location was that there was varying widths of the road and Engineering was trying to keep everything consistent; however, when that happens, it limits the ability to put sidewalks on both sides. Mr. Keegan commented that the reason for the 30 ft. width was that there are residents who park on the street and this would allow them to continue to park on the street. Mr. Keegan stated that there were, indeed, trade offs. Mr. DelloIacono recapped and commented that what he is getting out of this conversation is the fact that some parcels come into eminent domain—meaning the Town does not have the right to take the property. Mr. DelloIacono asked Mr. Keegan if his understanding was correct. Mr. Keegan responded, yes.

Mr. Kimball continued his conversation by stating that one of the most dangerous areas on the street is Cocci Way—the width has not changed. Additionally, where the curb is now is where it was before and sidewalks that were there are now gone and it now looks like a gravel pit. Mr. DelloIacono informed Mr. Kimball that there was nothing the Board of Selectmen could say to him tonight to resolve all the concerns he has mentioned this evening. Mr. DelloIacono commented that he would like to have Mr. Kimball speak with the Engineering Department, David Field or Jason Mammone, because he would like him to be very clear on why it was designed/constructed that way and have the complete explanation given to him. Mr. DelloIacono stated that he would appreciate it if Mr. Kimball took some time to speak with Mr. Field or Mr. Mammone for clarification. Mr. Kimball stated that he would rather get a neighborhood group together and sit down with the neighborhood. Mr. DelloIacono commented that the Board could go out there and meet, look at the issues, and have the Engineers there to answer questions. Mr. Kimball responded that each time the engineers were asked to visit his home to look at the driveway, they did not show. He stated that the last time he was in communication with the engineers, he was told they would be up to visit in a week in a half—that was a month ago. Mr. DelloIacono asked if they were E-Mails or telephone calls. Mr. Kimball stated that it was direct contact—face to face. It has been a month and a half since the last time he was promised a visit.

Mr. MacDonald suggested that a site visit at the location within the next three weeks. The Board of Selectmen will notify the neighbors at a time after work, while it is still light out. By doing this, residents will get their questions answered. Mr. Kimball

thought that was a good idea. Mr. MacDonald continued—the residents might not like the answers; however, at least their questions will be answered. Mr. Kimball commented that the residents will have an input, too. Mr. MacDonald responded, absolutely. Mr. DelloIacono asked if this suggestion were fair enough. Mr. Kimball responded, yes. There are answers that he is hearing this evening that do not conform to what he has seen. Mr. DelloIacono asked if Mr. Kimball could check with his neighbors for a timeframe. Mr. Kimball stated that he would check with the neighbors—he did not mind getting the neighbors together for the meeting and commented that Mr. DeShiro could offer more to the discussion. Nancy Baker, Asst. Town Administrator, asked Mr. Kimball when he has a date and time that is convenient to his neighborhood and she will deal with the Engineering Department on his behalf. Mr. Kimball responded, OK. Mr. Kimball asked Mrs. Baker a question relative to Winter parking ban. Mr. MacDonald informed Mr. Kimball that there is no longer a ban—only in the case of an emergency in which case residents will receive a phone call when the Town has an emergency situation. Mrs. Baker informed all that the regulations have been revised to accommodate the residents.

Mr. Teehan asked Mr. Kimball how long he has lived on East Street. Mr. Kimball responded that he moved to Dedham in 1948 when he was ten years old and his family has been in the house since the late 1800's. He moved back to Dedham in 1993 and has lived in his home since then. His family has lived in the home for approximately 60 years. Mr. Teehan asked Mr. Kimball a question relative to a substantial change that he saw and he wondered how he felt, and it has worked out. Mr. Teehan mentioned that East Street was once a two-way street and it was changed at the request of the residents to one way. Mr. Kimball and Mrs. Baker corrected Mr. Teehan stating that it has always been a two-way street. Mr. Kimball informed Mr. Teehan that the entrance has been blocked from Washington Street. Mrs. Baker added that where Mr. Kimball lives is still a two-way street. Mr. Teehan commented--but there is traffic to Washington Street. Mr. Kimball replied that what it has become up on the top of the street is a cut through for trucks, 18 wheelers. Mr. Kimball informed the Board that when Police Officer Crump has set up Speed Traps on Demetra Terrace, he has commented that East Street is a race track and everyone is from out of Town. Mr. Kimball commented that it was too bad the Town cannot make the street a one way or close it off—there is no need to have a cut through to Washington Street—it is a thickly settled neighborhood.

Michael Palumbo, High Street, asked permission to speak. Mr. DelloIacono granted permission. Mr. Palumbo stated, for the record, that based on his last letter to the Board on June 15, 2007, Kikuyama Steakhouse and Centre Deli After Dark are still being a nuisance with the loud noises, alcohol and their patrons drinking outside of their premises. He was hoping that the Board of Selectmen will please initiate an investigation to help fix this problem because he believes that it is getting out of hand. It is really getting bad. There are broken bottles in his yard—he does not see why he has to deal with this problem. Mr. Palumbo informed the Board that the Kikuyama Parking Lot abuts directly to his property. After a big entertainment evening, the next morning he will see vodka/gin bottles, beer bottles/cans, what not that is in the back where patrons drink in the evening either before or after going into the establishment and disposing them in the area. Mr. Palumbo stated problem is not just at his home but everywhere

around—along Harris Street, Washington Street, anywhere patrons park. Mr. Palumbo suggested that the clientele has changed since the Board issued them their licenses. Mr. DelloIacono reiterated his concerns—bottles from Kikuyama and loud noises from Centre Deli After Dark. Mr. Palumbo informed the Board that he has tried to speak to the owners; however, they have shown no interest or have tried to contact him to discuss these matters. He stated that he cannot do anything any longer and has no choice but to come before the Board of Selectmen. Mr. Teehan asked Mr. Palumbo if he has called the Police Department when there has been noise. Mr. Palumbo stated that he stopped calling when the Police stopped reacting to his concerns. He informed Mr. Teehan he will continue to call the Police again; however, they just do not seem to do anything. Mr. Teehan stated that if nothing else, it provides a record of a level of activity. Mr. Palumbo stated that he will resume the calling. Mr. Teehan commented that one thing he would like to see is the Police Logs to see the level of complaints that have been documented—it is very important. Mr. DelloIacono asked Mrs. Baker to inform Sgt. Buckley, Dedham Police, Alcohol Officer look into this matter—visit Centre Deli After Dark and Kikuyama to discuss their side of these issues.

On another matter, Mr. Palumbo asked if the Board of Selectmen was aware of the fact that Brookdale Cemetery was robbed. He is trying to get information because his lot was robbed of three bronze markers. He commented that the Police Department have not give him any information. Mr. Maloney, Cemetery Superintendent, does not have much information other than there were things stolen and they are trying to retrieve them. Mrs. Kehoe stated that she is chairman of the Cemetery Committee, and they are well aware of what has happened. The Police Detectives are working on it; and once they have information, then the Committee will receive the information. Mrs. Kehoe informed all that there were approximately 75 to 100 bronze markers taken. Mr. Palumbo stated that these markers are irreplaceable because they do not make the markers any longer—they are now plastic. Mrs. Kehoe stated that this incident was shameful and a desecration. Mr. Palumbo commented that it would be great if the markers could be retrieved. Mrs. Kehoe informed him that efforts are being made. Mr. Palumbo thanked the Board of Selectmen. Due to the fact the meeting was behind schedule, he thanked everyone for their patience.

PUBLIC HEARING -REQUEST FOR AN ALTERATION OF LICENSED PREMISES – RED HOT INC., d/b/a ISABELLA’S, 566 HIGH STREET

Mr. DelloIacono stated that this is a Public Hearing. He briefly explained Public Hearing for the general audience. Relative to a Public Hearing, an applicant will come before this Board, identify themselves and then explain to this Board the purpose they are in front them. The Board will have the questions asked to the applicant. At that point, the Board will go out to the audience because it is a Public Hearing. This is chance for the audience/public to ask if they have any questions about this particular application. The Board of Selectmen will close the Public Hearing after questions have been answered and will move on a vote of the Board relative to this particular applicant and the following applicants after this item has been heard. Mr. DelloIacono stated that there will be no voices heard from the audience in between until this Board acts.

With that said, the Board of Selectmen has received a petition for an Alteration of the Licensed Premises from Red Hot, Inc., d/b/a Isabella's, 566 High Street, Dedham, Massachusetts, Frank A. Santos, Jr., Manager.

Mr. DelloIacono asked the owner/manager to identify himself. He stated that his name was Frank A. Santos, Jr., the owner of Isabella's in Dedham Square. He informed the Board that he is basically here this evening to petition the Board for an alteration of his establishment's bar area just to accommodate the increase of inventory relative to the liquor and patrons now able to sit at the bar and have their dinner.

Mr. DelloIacono asked how many seats were previously there before the twelve requested for the bar. Mr. Santos stated, six. Mr. Santos informed the Board that the six seats that are now--there are six less seats that are in the Dining Room that are now replaced by Bar Stools. He informed the Board that the number of seats are the same.

Mr. Teehan asked if he had an existing license. Mr. Santos responded, yes. Mr. Teehan was curious, and asked Mr. Palumbo, High Street, if he had any problems with Isabella's. He did not hear much about anything happening at this establishment. Mr. Palumbo stated that this establishment is more upscale and is a good restaurant. Mr. Palumbo asked if the Town is adding another Bar at this establishment where people can hang out and drink. He asked if Mr. Santos would ask for an Entertainment License next and stated that he does not this to happen. Mr. Santos stated that he did not add seating, just rearranged what was there. Mr. Teehan commented that Mr. Palumbo has not mentioned Isabella's in any of his correspondence. Mr. Palumbo stated that he never specifically had an issue with any of their patrons. Mr. Teehan commented that this fact leads him to believe that Isabella's is running a very efficient and good operation. Mr. Palumbo commented that he believed the same—it is upscale.

Mr. DelloIacono asked Board members if they had any more questions. The Board did not have any more questions and Mr. DelloIacono opened the hearing to the public for comments. He asked that participants state their name for the record, then ask their question(s).

George Kimball, 274 East Street, had a comment. He stated that his wife has been in the restaurant business for thirty years and generally people in who frequent an establishment such as Isabella's will go in, sit at the bar, eat and leave. He commented that patrons do not sit there as if they were in a club.

Mr. Palumbo asked consideration for the prevention of Entertainment License on top of the Liquor License. He commented that he knows the Board of Selectmen do not have to do it and it is not required by law; however, with the issues he has been having, he is just bringing it up in the event that this establishment submits an application.

There were no further questions from the public. Mr. DelloIacono called for a motion to close the Public Hearing.

Mr. DelloIacono asked if Mr. Santos had anything else to offer. Mr. Santos relied, “all set”.

Mrs. Kehoe made a motion to close the Public Hearing; seconded by Mr. MacDonald. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Mrs. Kehoe made a motion to support the application for a Petition for an Alteration of the Licensed Premises; seconded by Mr. Butler. **On the Vote:** Mr. Butler, yes, Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

PUBLIC HEARING - REQUEST FOR AN ALTERATION OF LICENSED PREMISES – MIT ENDICOTT HOUSE, 80 HAVEN STREET

Mr. DelloIacono stated that this is another Public Hearing, and the same rules will apply as he pointed out earlier.

Michael Fitzgerald, General Manager, represented the MIT Endicott House. He stated that in reviewing his Liquor License over the Winter months, that two areas serving alcohol were not covered under the license as it was defined when they were attending the last Alcohol Awareness Hearing given by the ABCC. Therefore, they have applied to the Board to include their terrace/patio area, seating approximately 110 people and used for dining between the April 1st thru November 15th for functions and, also, their Sunken Garden area which is adjacent to the main house—used for cocktail receptions prior to dinner through the daylight hours. Mr. Fitzgerald informed the Board that they do not have illumination; therefore, they cannot serve beyond dusk each night. He stated that this is their request to the Board of Selectmen.

Mr. DelloIacono commented that Mr. Fitzgerald came to the Board because of the ABCC Seminar. Mr. Fitzgerald stated, yes—the first seminar given 4/5 months ago. Mr. Fitzgerald stated that after the seminar, he went back to his establishment and reviewed their license and his assumption was that when the license was applied for approximately twenty-five years ago, it not only stated the two buildings on the property but it also defined the specific rooms. When he reviewed the license and realized that these two spaces were not included, he came forward to the Town to make sure they amended their license. Mr. DelloIacono thanked him for coming before them this evening.

Mr. DelloIacono asked the Board if they had any questions. Mr. Teehan stated that his question was answered relative to the fact that the establishment has had an existing license for the past twenty-five years. Mr. Butler did not have any questions. Mr. DelloIacono reminded all that this is a Public Hearing and asked if there were any questions/input from the public.

Sally Curran, resident Haven Street 32 years and home is adjacent to the MIT Endicott House. Ms. Curran had concerns relative to 18 wheelers driving fast and making

deliveries at the establishment, i.e., Budweiser, Cisco, and other vendors. Additionally she complained about a Range Rover event that took place over the weekend. Ms Curran stated that she objects to any increase in alcohol serving at the MIT Endicott House. She stated that she was totally unaware of what takes place at the Endicott House and is witnessing more and more activity—this type of establishment should not be in a residential area continuing on and on. Ms. Curran informed the Board that this past weekend, as she came home, there was an unregistered, new Range Rover parked strategically on the corner of Common Street and Haven Street, as if it were on parade. She proceed up Haven Street, and there was another unregistered car parked at the entrance of the MIT Endicott House. Additionally, there was a large vehicle trailer on Haven Street and twenty brand new cars in the Endicott House Parking Lot. She commented that this was beyond belief to have an operation of this type. Ms. Curran asked that the license stay at its present status and no alcohol should not be increased or be served anywhere else on the property. Ms. Curran believes that presently the operation of the business at the MIT Endicott House is too large for a residential area. Ms. Curran commented that she believed Mr. Endicott had no intentions of having the residence become a bar during as well as the night and also a car dealership.

Mr. DelloIacono informed Ms. Curran that the car issue could be addressed through the Building Department. Mr. DelloIacono commented that Ms. Curran does have concerns about drinking at the outside areas; however, he believed this situation has been going on outside for many years and now that Mr. Fitzgerald has become aware of the omission of these areas, he is here tonight to correct the locations on the license. Ms. Curran stated that just because it has taken place all these years does mean it should continue. Ms. Curran was interested in finding out the extent of the MIT Endicott House's operation. She informed the Board that when they first opened the establishment, it was only for MIT people—renting it out occasionally. She commented that this establishment is not a large Holiday Inn, which she believes might happen.

Mr. DelloIacono asked Mrs. Baker for clarification relative to the MIT Endicott House's License. Mrs. Baker informed the Board that the MIT Endicott House has an All Alcoholic Club License. Mr. Fitzgerald informed the Board that they do not serve to the general public. For the record, Mr. Fitzgerald stated that he has been the General Manager of the establishment for over ten years; and since that time, he has not had one complaint with the Police Department relative to noise or any infractions. Mr. Teehan commented that the issue before them tonight is strictly for the alteration of the premises; however, in terms of the issues that have been raised, he requested, through the Town Administrator's Office, records for the Police Department indicated that amount of complaints/calls relative to the MIT Endicott House in order to find out if there has been a level of calls or disturbances at the establishment. Mr. Teehan would be very interested to see if residents have been calling to complain and would like a report on this matter.

Ms. Curran stated that she had not attended a Selectmen's Meeting in thirty-two years. However, it just seems that the way the Town is going with the Selectmen issuing more Liquor Licenses, increasing sizes of establishments, the fact that developments are being

built all over Town and as a result of the car lot this past weekend, she felt compelled to attend. She stated that to her knowledge, there have been no drunken brawls at the establishment. She would never say anything like that; however, she stated why fight with the establishment's success.

Mr. DelloIacono informed Ms. Curran that the Board will follow through relative to the issue of the vehicles and will send a letter to the Building Commissioner. He asked Ms. Curran if she would leave her name and address so that the Building Commissioner could follow up with her relative to the vehicles. Mr. Fitzgerald stated that he spoke with the Building Commissioner and that he visited him this week. Mr. Fitzgerald informed the Board that the event over the weekend was hosted by Land Rover of California and all the vehicles were licensed as a fleet by Land Rover and they all had California plates. He commented that this was an event was reserved by Land Rover and they hosted approximately 100-150 people each day. Due to the fact that the guests were sampling the vehicles, the establishment restricted them to no alcohol service for that event over four days. There was no alcohol served to any of the guests coming in because of the nature of touching the vehicles.

Mr. MacDonald commented that this hearing is relative to alterations; however, he thought the issue was a lack of respect for the neighbors and it was very disrespectful to have a twenty-car carrier go on a neighborhood street to drop cars off. He reminded Mr. Fitzgerald that his establishment is in a residential neighborhood and what took place was very disrespectful to the neighbors. Mr. MacDonald stated that granted there have been no prior complaints at the establishment, possibly now the neighbors are awoken and to bring attention to the establishment and disturb a neighborhood is completely inappropriate. Mr. MacDonald's hope and suggestion would be that the neighbors get together with Mr. Fitzgerald for a meeting at the MIT Endicott House to discuss neighborhood complaints. Mr. MacDonald stated that the Board has not had issues with the MIT Endicott House, but, clearly, if there are neighborhood issues with trucks and deliveries, the Endicott House will be receptive to their needs.

Mr. Fitzgerald asked to speak relative to the delivery vehicles and comments made by Ms. Curran. Mr. Fitzgerald stated that unfortunately, vendors they purchase products from, whether alcohol or food supplies, are moving to eighteen wheelers to make all their deliveries as a matter of cost efficiency. He informed the Board that they do not have any control over the size of the vehicle that delivers the product to their establishment—all the vendors are doing this. Mr. MacDonald interrupted and commented that Mr. Fitzgerald is in control of the time of day of the deliveries. Mr. Fitzgerald stated that they have followed the time very rigorously to be very careful of their neighbors. Mr. Fitzgerald stated that they do not do any unloading. The vehicles in question were not unloaded on the street but on their property.

Audrey Cecil, Haven Street resident, Ms. Cecil informed the Board that she was notified of tonight's meeting. She stated that she has no issue with the alteration to the licensed premises requested by MIT Endicott House. Mr. DelloIacono thanked Ms. Cecil for her comments.

Mr. DelloIacono asked Mr. Fitzgerald if he had anything else to offer tonight. Mr. Fitzgerald responded not at this point. Mr. DelloIacono asked Mr. Fitzgerald if he felt he had a fair hearing. Mr. Fitzgerald responded, yes.

Mr. DelloIacono asked if there were any other questions from the public. Mr. DelloIacono asked for a motion to close the Public Hearing. Mrs. Kehoe made a motion to close the Public Hearing; seconded by Mr. MacDonald. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Mr. MacDonald made a motion that since the MIT Endicott House has been using these areas and have come before the Board on their on as a result of an ABCC Alcohol Training Session, that the Board approve the extension of the operating license as outlined in the MIT Endicott Letter. However, Mr. MacDonald expects a report on when the MIT Endicott House will have a meeting with the neighbors; seconded by Mr. Teehan. **On theVote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

PUBLIC HEARING - REQUEST FOR AN ISSUANCE OF A WINE & MALT COMMON VICTUALLAR'S LICENSE AND APPROVAL OF SEVASTI TOULA SFOUGARISTOS AS MANAGER, "IT'S ALL GREEK TO ME", 557 HIGH STREET

Representing "It's all Greek to Me" was Sevasti Toula Sfougaristos, Owner. Ms. Sfougaristos stated that her attorney has a big trial tomorrow and he could not attend this evening. Additionally, she will try to go through each item as well as she can on her own. She stated that if she see things that are difficult for her to understand, her attorney advised her to reschedule the hearing for next month's agenda when he can attend; however, she will try to work it out tonight.

Mr. DelloIacono informed all that Ms. Sfougaristos was before the Board once before, and advised her that Atty. Maria Rota, Town Counsel/Kopelman & Paige is here tonight. Mr. DelloIacono asked Ms. Sfougaristos if anything major has changed since her last meeting with the Board other than the hours that she will be working at the restaurant. He noted that the information provided this evening indicated that she will be working 80+ hours at the restaurant. Ms. Sfougaristos commented that is when she works. He asked Ms. Sfougaristos if she would be at her restaurant 80+ hours. (No answer).

Mr. MacDonald commented to Ms.Sfougaristos that she is before the Board this evening without counsel, and is it their understanding that she wishes to proceed with the hearing without her counsel. Ms. Sfougaristos stated, yes. Yes, at this moment. Mr. MacDonald stated that you say at this moment; however, there might come a point when you might need counsel and they are not here and it might be too late. Mr. MacDonald wanted Ms. Sfougaristos to fully understand that she is proceeding without counsel and it is her choice to proceed. Ms. Sfougaristos stated that she is proceeding only because there are two licenses left and she is afraid that they will both be issued elsewhere in Dedham if

she waits another month. For the record, Mr. MacDonald stated he was just asking her. Ms. Sfourgaristos stated, yes, for the record.

Mr. Teehan wanted to make a point. He stated that when Ms. Sfourgaristos originally came before the Board, at that time, he was probably the newest member of the Board of Selectmen, and that is why he raised the issue of issuing licenses in the first place. He commented that he wanted to see if there was a process for issuing these types of licenses because of what she just said. Mr. Teehan stated that it concerns him that the Board must try to be consistent and Ms. Sfourgaristos commented that the two other licenses will be given out. Mr. Teehan stated that from his point of view, that is not going to happen until the Board resolves her issue because he did not think it would be appropriate to give another license. Mr. Teehan's point was that he wanted to see if there was a process established by the Board, or is it that the first in line will receive a license. Mr. Teehan stated that, quite frankly, he is not too sure about it.

For the record, Atty. Rota stated that, as the Board knows, this matter is on remand from the Alcoholic Beverages Control Commission and the Board has received a copy of the Alcoholic Beverages Control Commission's decision and has reviewed it—Board Members replied, yes. Atty. Rota informed the Board that any decision they reach on the re-hearing, the Alcoholic Beverages Control Commission's decision does need to be taken into consideration and as the Board sees fit. The Board thanked Atty. Rota for her comments. At this point of the hearing, Mr. DelloIacono asked the Board if they had any questions.

Mr. Teehan commented that Mr. Palumbo was here this evening, and one of his concerns, too, with the Dedham Square area is the fact that for quite some time now Mr. Palumbo has raised concerns relative to the Centre Deli and Kikuyama. Mr. Palumbo has put his complaints in writing to the Board relative to the fact that we already have problems in the Dedham Square area with liquor establishments. Therefore, in addition to questions that he had about the procedures in issuing these licenses, there is also a legitimate concern from a resident who is living right where Ms. Sfourgaristos's establishment is located. Mr. Palumbo is already complaining that there are too many Liquor Licenses in Dedham Square as it is; therefore, this is something that he thinks this Board of Selectmen always tries to respond to. Mr. Teehan stated that it is important that the Board listen to the neighbors in the area. Based on Mr. Palumbo's correspondence to the Board in the past, there was concern relative to Liquor Licenses in Dedham Square prior to Ms. Sfourgaristo coming before the Board with her request. Therefore, he informed her, that this is a concern to the Board and to himself, as an individual member, when they see a new license application the fact that the Board has had the issue raised by one of the neighbors in the area.

Mr. Butler had some questions. Mr. Butler informed the manager and all that the Board is re-grounding itself making sure that they fully understand the operation that she currently has at "It's All Greek to Me" and how it might change if the Board of Selectmen decided to grant this request for a Liquor License.

Mr. Butler asked Ms. Sfourgaristos how food is currently served. Ms. Sfourgaristos stated that patrons come in, they order food from the counter and pick it up from the counter. She stated that the procedure will change if she is granted the Wine and Malt License. She stated that she has a wait staff that is ready to serve, and she is changing all the plastic and nylon take out into chinaware. She is planning to serve draft beer along with the plastic bottles—no glass on the premises whatsoever. She stated that presently, she does not have any glass.

Mr. Butler commented that her current seating capacity, as the Board understands it, is sixteen people. Ms. Sfourgaristos replied, yes. Mr. Butler asked how the seats were configured and what are the number of tables and chairs and any proposal to change the current set up. Ms. Sfourgaristos replied, nothing. Ms. Sfourgaristos stated same hours, same days—nothing has changed. She commented that she just wants to accommodate her patrons. She informed the Board that she has a petition signed by over 400 of her patrons, locals along with out-of-town patrons, that would like alcohol service with their meals.

Mr. Bulter asked Ms. Sfourgaristos her hours of operation at the establishment. Ms. Sfourgaristos stated 11:00 a.m. until 10:00 p.m.- Tuesday through Thursday, 11:00 a.m. until 10:00 p.m. Friday and Saturday, and 12:00 p.m. until 9:00 on Sundays. She stated that the restaurant is closed on Monday. Mr. Butler asked if she served breakfast at the restaurant. Ms. Sfourgaristos replied, no—they do not. Mr. Butler asked what percentage of her patrons are lunch vs. diner. Ms. Sfourgaristos replied, 50/50. Mr. Butler asked her if she estimates any changes to that percentage if this license were issued. Ms. Sfourgaristos responded that she did not know. She was not sure if the license would generate more people or if it would be the same people patronizing the restaurant to experience wonderful authentic cuisine with their beer and wine. Mr. Butler asked if alcohol would be served from a counter or at the table. Ms. Sfourgaristos stated that there would be a wait staff. Mr. Butler asked if the wait staff would serve the alcohol. Ms. Sfourgaristos stated, yes. Mr. Butler asked what percent of her business was take out vs. eat in. Ms. Sfourgaristos stated that take out is approximately 30% vs. eat in. Mr. Butler asked if she thought this might change if the license were issued. She replied, no. Mr. Butler asked if patrons that were waiting for take out service be allowed to purchase alcohol. Ms. Sfourgaristos replied, no. It is not a Liquor Store. Mr. Butler asked if the original license issued to the restaurant more for breakfast/lunch or was it always it lunch/diner. Ms. Sfourgaristos replied, breakfast, lunch and diner originally.

Atty. Rota advised the Board that they might want to inquire into the limited service hours until 9:00 p.m. at night. Mr. Butler commented that the current operating hours for the business Tuesday, Wednesday & Thursday are 11:00 a.m. until 9:00 p.m., Friday and Saturday 11:00 a.m. until 10:00 p.m. and Sunday 12:00 p.m. until 9:00 p.m. Mr. Butler asked if the license were granted, will Ms. Sfourgaristos extend her operating hours beyond the current closing time. Ms. Sfourgaristos replied, no.

Mr. Butler had one more question, he commented that the applicant just mentioned a list of petitions signed by several hundred—400 people. Mr. DelloIacono commented that he

did not believe the number was that large when they received the original petition. Ms. Sfourgaristos stated that she collected more names after she submitted her first petition to the Board. Ms. Sfourgaristos stated that there are exactly 420 people. Mr. DelloIacono informed her that he did not believe they had a copy of this extended petition and asked if she passed along a copy of the extended petition. She said no, because of the timeframe. Mrs. Kehoe noted that the original petition had 48 people listed and 17 people at that time were listed from Dedham. Mr. Butler commented that earlier Town Counsel asked if we reviewed the ABCC Decision which, of course, all Board members have received. Mr. Butler wanted to state for the record that he did disagree with the recommendation of the ABCC in overturning the Board's decision.

Mr. DelloIacono commented that he does see that a little has changed since the last time Ms. Sfourgaristos came before the Board because now she is moving towards china and silver at night and it came up at the ABCC Hearing; however, he did not remember her informing the Board relative to china and silver. Mr. DelloIacono commented that this time around you will have wait staff serve the alcohol; therefore, a patron will not be able to walk up to the counter and get food and a beer—people will have to wait to be served. Ms. Sfourgaristos replied, yes.

Mr. Teehan made a comment relative to comparison—What time is stated for closing on the weekends for Centre Deli and Kikuyama. Nancy Baker, Asst. Town Administrator, commented that she did not think there are restrictions on any of the Town Liquor Licenses before the State closing, and in Dedham it is 1:00 a.m. Mrs. Baker informed the Board that a Liquor Establishment can close earlier if they wish. Mr. Teehan asked if the Board could limit the hours of operation if this license were granted. Atty. Rota responded that the Board cannot put this restriction on the license. Mr. Teehan asked Atty. Rota that even though Ms. Sfourgaristos has requested these hours now, there would be nothing to stop them in the future from opening longer. Mr. Teehan asked if the Board could set a condition. Atty. Rota responded that the Board could not. Mr. Teehan was uncertain that even though Ms. Sfourgaristos stated that they would operate until 9:00/10:00 p.m. on weekends she could change her mind in the future. He asked if that is what he is hearing. Atty. Rota informed him that they could change their mind if they wanted to. Mr. Teehan stated that this is a big consideration for him if he thought that 9:00/10:00 p.m. would be the limit on it. Additionally, the neighbor in Dedham might also be the same mind—given the fact it is closing down a lot earlier than the other operations; however, he now knows it is not possible to limit the hours of operation. Mr. Teehan thought this was a major consideration.

Relative to a procedural matter, Atty. Rota advised the Board that the proceedings before the ABCC and the record of the Board's prior proceedings be incorporated into this proceeding.

Mr. DelloIacono commented that his concern, brought up at the ABCC Hearing, was the fact that the location of the restaurant is in a congested section of Town with Liquor Licenses—it is the downtown Dedham Square. He informed Ms. Sfourgaristos originally when she came before the Board originally for the license, that is when he looked at the

area and took measurements off the Town's GIS site and her establishment falls at 104' door to door of other Liquor Establishments. Mr. DelloIacono commented that the day of the hearing, he did state that and brought the issue to the ABCC as a concern. In the past, there have been precedent setting rulings that show a mile and half is too congested, and licenses were not granted. Mr. DelloIacono stated that to him, 104' is a really congested area where the public need is met. He stated that this is his personal opinion; he is only one vote of this Board. Mr. DelloIacono stated that his personal opinion is that the public need is met with Beer and Wine and an All Alcoholic License across the street in this section of Town—that is why he originally voted the way he did and why he brought it up again was to reiterate what his stance was on this matter and why he brought it into the ABCC Hearing. Additionally, Mr. DelloIacono commented that the petition Ms. Sfourgaristos has and the signatures that are important, for this hearing, are the signatures from Dedham residents only—although it is good for business that you have a lot of outside patrons coming through. As far as this hearing and license, only the signatures of Dedham residents will pertain to this license. Ms. Sfourgaristos commented that the petition is 80% Dedham residents. Mr. MacDonald did not think it was 80%. Mr. Butler stated that just a cursory glance of the pages show less than half the signatures are from Dedham residents, perhaps as low as one-third. Mr. DelloIacono asked Atty. Rota if his understanding was correct. She replied, yes.

Mrs. Kehoe stated that she previously had mentioned before that the original set of petitions, which Ms. Sfourgaristos gave to the Board, had 48 signatures on the pages and 17 were Dedham residents—she recognized that now she has more than 400; but in each case, it is less than 50%. Mrs. Kehoe asked if Ms. Sfourgaristos anticipates that her take out will be 30%. She stated that currently it is 30%. Mrs. Kehoe asked what she thought it would be? Ms. Sfourgaristos stated that she did not think the take out would change if she received a Wine and Malt License for her establishment. Mrs. Kehoe asked Ms. Sfourgaristos how quickly does she anticipate turning over the tables in the restaurant. Ms. Sfourgaristos asked Mrs. Kehoe what she meant by turning over tables. Mrs. Kehoe commented that if you had 16 seats--Ms. Sfourgaristos stated that is all she is leaving. Mrs. Kehoe continued—Assume that all 16 people come in together, let say 4 people come in and then 8 people come in, how soon do you think the 4 will have ordered and received their dinner? Mrs. Kehoe asked this question because it is her understanding, that turning over tables is the key to moving the business forward. Ms. Sfourgaristos turned to her son Yanni and asked if he understood the question—she really did not understand this question. Yanni stated that table turn over per night is 6 or 7, and some nights may be busier than others. He could see were this might present a problem; however, he commented that if you go into a restaurant and the staff tells you that there is a 45 minute wait, there not anyone there to hurry people along at a specific table to get other patrons seated. Mrs. Kehoe asked Yanni if he understood her question. Yanni replied, yes. Mrs. Kehoe commented that because the restaurant does not have much history, you are not able to project an answer. Yanni replied, yes. Mrs. Kehoe stated, that's fair. She thanked Yanni. For the record, Mrs. Kehoe asked Mrs. Baker if she had a list of all the existing licenses. Mrs. Baker replied, yes. Mrs. Kehoe asked if the listing including seating capacities and the date of issue, Mrs. Baker, yes. Mrs. Kehoe also asked for the most recent Certificates of Occupancy for locations. Mrs. Baker informed

the Board that she does have the Certificates of Occupancy which states what the seating capacity for the licenses that are issued in the immediate vicinity of the proposed location. She did not have a current Certificate of Occupancy for the proposed premises. She stated that the Board has a letter presented to them by the Building Commissioner explaining the reason why there is not a valid CO issued to the property at this time. Mrs. Kehoe commented that at Ms. Sfougaristos's initial presentation she could not identify the need and she still cannot identify the public need. Mrs. Kehoe mentioned that she notice in a piece of Ms. Sfougaristos's initial correspondence questions relative to the Liquor Licenses at Legacy Place—7 Licenses. Mrs. Kehoe assured all that those licenses have yet to be issued. The issuance of those particular licenses would be at the discretion of this Board; however, the application for those licenses was approved by Town Meeting, and then sent to the Legislature for their approval because the Town does not have 7 Liquor Licenses hanging around. The Legacy Place Liquor Licenses are special licenses and each license will go to the particular establishment that applies; and should that establishment not be successful, assuming the Board grants the license, that license can not be sold and would revert back to the Town of Dedham. The Legacy Place Liquor Licenses are separate from any license the Board is talking about this evening. Mrs. Kehoe notices that Ms. Sfougaristos questioned Legacy Place in a communication and she just wanted to explain the situation to her so that she understands that the Board of Selectmen at a request in the ATM Town Meeting Warrant, which Town Meeting approved and then went to the Legislature, who, in turn, approved those licenses only for restaurants that might make application whose site is Legacy Place. Mrs. Kehoe asked Ms. Sfougaristos if she understood. Ms. Sfougaristos replied, yes. She stated that with all due respect, in today's Dedham Times newspaper, it states that Dedham currently has 24 full Liquor Licenses, 8 of which are reserved for business in the planned Legacy Place development. Mrs. Kehoe informed her that this information was not correct. Ms. Sfougaristos commented that there is a lot of incorrect information. Mrs. Baker informed all that Dedham's quoto from the ABCC has been steadily 24 full licenses. Those 8 licenses were issued by petition by the State Legislature and are site-specific for Legacy Place. Mrs. Baker commented and as Mrs. Kehoe just described, a business looking to operate at Legacy Place, still has to come before this Board for approval. If the business leaves Legacy Place, that license is not allowed to be issued to any other location in Dedham but back to the same address it held at Legacy Place. Mrs. Baker informed Ms. Sfougaristos that the statement made in the Dedham Times was inaccurate. She stated that the Town does have 24 full licenses issued by the ABCC and that number has not changed in over twenty year—the quoto is based on the population at the time the ABCC rated the Town for number of licenses they could have for Wine and Malt, Alcohol Restaurants, Alcohol Clubs, Alcohol Veterans' Clubs, a number of different Package Stores in pouring and non-pouring.

Mr. DelloIacono asked if the Board had any further questions before he opened it up to the public. Mr. Butler had a few questions clarification. He asked Mrs. Rizzo and Mrs. Baker if there are any other Liquor Licenses in Town with fewer than 20 seats. Mrs. Baker responded, no. Mr. Butler commented that Mrs. Kehoe mentioned some information that came to the Board today that stated that a Temporary Certificate of Occupancy was issued December 14, 2006, and expired on January 30, 2007.

Additionally, the Building Department had not issued a final Certificate of Occupancy as of today—the information received lays out the reasons why there is still no Certificate of Occupancy in existence. He stated that it has almost been seven months. He was wondering if that is a lack of cooperation with the Building Department. Ms. Sfourgaristos stated that it was not with the Building Department. She stated that she received a letter from Mr. Cimeno, Building Commissioner, stating the fact that she had to change the awning. She was not aware that she needed to have canvas or duck cloth. Once she brought this issue to the attention of the founder and co-founder of the Dedham Square Circle, Peter Reynolds and Paul McMurtry, they informed her that they would assist her in getting the awning from the Dedham Square Circle Fund. However, months later, they informed her they could not assist her due to the fact that there were no funds available. Mr. Butler thanked her for clarifying this situation. Ms. Sfourgaristos stated that it is only the awning that is keeping them from having the Occupancy Permit.

Mr. DelloIacono asked Ms. Sfourgaristos if she made a statement to the Design Review Advisory Board that she would remove the awning by February 17, 2007. Mr. DelloIacono asked if the request was for her on the awning company. Ms. Sfourgaristos responded that it was probably the awning company. Mr. DelloIacono asked if she had the same letter as the Board. Ms. Sfourgaristos commented that the date she was aware of was March 19, 2007. Mr. Butler commented that it seemed to him that the chronology of events has been very clearly laid out, and it has been an issue that has gone unresolved—a business in operation without a Certificate of Occupancy for nearly seven months. Mr. Butler stated that it is a concern. Going back to the fact that if the license were issued and given the fact that there are 16 seats in the restaurant, Mr. Butler asked where patrons wait if there was a line. Ms. Sfourgaristos stated, with all due respect, 16 seats are there only because that was allowed in the space that they have. She commented that she found out later, after the Handicap Bathroom was built, that the Plumbing Laws state that anything that is under 1,280 square feet does not require a Handicap Bathroom. She stated that this is what cut most of her space for the hallway. She was planning on having 20 seats; however, the inspector informed them that they needed a Handicap Bathroom in the Restaurant—it took up a lot of space. Relative to Mr. Butler’s question about patrons waiting in line. Ms. Sfourgaristos answers was, “Where everyone waits, Isabella’s, everyone—They wait outside.” Mr. Butler commented, O.K. Mr. Butler had one final question of clarification. Going back to the estimate of what percent of the business is take out, it is his understanding that she stated 30%. Ms. Sfourgaristos responded, yes. Mr. Butler asked if this was about 30% of her customers or 30% of her sales volume. Ms. Sfourgaristos stated that the 30% is her present sales volume. Mr. Butler thanked Ms. Sfourgaristos.

Mr. DelloIacono asked if Ms. Sfourgaristos had a Certificate of Fire Safety Inspection for the building, which is needed. Ms. Sfourgaristos replied, yes. Ms. Sfourgaristos that it was a stamped copy from the Building Department. Mr. DelloIacono commented that this not the Occupancy Permit but a Fire Safety Inspection of the establishment. Ms. Sfourgaristos replied, yes. Mr. DelloIacono thanked Ms. Sfourgaristos.

Mrs. Kehoe asked if Ms. Sfourgaristos could speak about her dumpster. Ms. Sfourgaristos stated that her dumpster is being taking away September 1, 2007. She stated that she was notified by Mr. Cimeno, Building Commissioner, July 17, 2007—seven months after she opened. The letter informed her that she needed to put an enclosure around the dumpster. When she called him to ask what kind of enclosure. Mr. Cimeno informed her that it should be like your neighbors—putting posts down, fence and closing it up. Ms. Sfourgaristos spoke with her landlord, and he is not allowing her to enclose the dumpster. Presently, she has informed her dumpster company to come and remove the dumpster. Her establishment will be sharing her dumpster with a neighboring tenant, Mr. Chan's. She stated that she will share the cost of the dumpster with Mr. Chan's. Mrs. Kehoe was not certain she could do this. In response to Mrs. Kehoe's question, Mrs. Baker checked with the Health Inspector before the meeting tonight, and there is nothing in the Board of Health's Code of Regulations that prevent businesses from sharing a dumpster. Mrs. Baker stated, as always, the Board of Health will continue to inspect dumpsters throughout the Town, and if, in fact, it becomes burdensome, issue of health/cleanliness, they can request them to have a separate dumpster. She continued—When an applicant comes to the Board of Health for a Dumpster Permit, the applicant should be told that there is a By-law in the Town that requires dumpsters to be enclosed.

Mr. DelloIacono asked Mr. Keegan to notify Mr. Cimeno that even with the Building Permit for restaurants, there is no way in the world, Ms. Sfourgaristo's should have received a letter seven month's later relative to fencing—it should have stated right up front when they applied for their permits similar to the Board of Health. Mr. DelloIacono requested follow-up with the Building Department. Mrs. Kehoe asked if Mr. Chan's dumpster is enclosed. Ms. Sfourgaristo's stated, "yes it is".

Mr. Teehan made a comment that he believes speaks for the entire Board. He informed all that the Board likes to see business do well in Dedham and thrive, and do well. Mr. Teehan asked Ms. Sfourgaristos how much of the effect on business would be if the license were not issued to her. He asked if the establishment was doing well—he was aware that she was very proud of her food and he has heard good things relative to the establishment all the time. He asked her how essential the license is to her operation. Ms. Sfourgaristos stated, very—especially on the hot days. Patrons want to come in, they want their glass of beer, they want the Greek authentic wine to go with their Greek authentic food. Ms. Sfourgaristos stated that it is very essential with the food that she serves—nothing but Greek food. Mr. Teehan asked what effect the operation would have if she does not receive the license, will she be able to continue in operation. Ms. Sfourgaristos stated that she did not know—Time will tell. Mr. Teehan asked how long she has been in business. Ms. Sfourgaristos stated, eight months. Mr. Teehan commented that when she first open, she did not have beer and wine on her plan—it was not your orginal intention. She commented that she did. She applied for the Liquor License in December, 2006, and she was not notified until—she had some misunderstanding with her application date and referred to a newspaper article. Ms Sfourgaristos continued—She was not notified until April, 2007, that a hearing was going to take place. Mrs. Baker asked to speak. Mrs. Baker stated that at the request of both

Toula and her associate, Phillip, the Town Administrator's Office was asked to hold off on advertising the hearing in order for both of them to be certified to serve alcohol before they came before this Board. The Town Administrator's Office complied with that request, and the next available meeting agenda after they notified the office that they were both certified, was April 19, 2007. Mrs. Baker stated that the Board is obligated by State Statute to advertise an Alcohol Hearing within 30 days receipt to our office. Mrs. Baker notified them that she was going to advertise it, and was asked to hold off until they could be Serve-Safe or TIP's certified. They wanted to come before the Board with this information and the Town Administrator's office did what they asked. Mr. DelloIacono asked Ms. Sfourgaristos if this was correct. Ms. Sfourgaristos responded that she was not called in and asked by anyone to postpone anything. Additionally, she was issued the TIPS Certified on March 14, 2007. Mrs. Baker responded that the next available meeting agenda was April 19, 2007. She informed Ms. Sfourgaristos that it was her staff member, Phillip, who made several requests of the Town Administrator's Office. Mr. DelloIacono asked Ms. Sfourgaristos if she had any comments relative to Mrs. Baker's remarks. Ms. Sfourgaristos stated that she is the owner of the establishment. Mr. DelloIacono asked if Phillip was with her this evening. Ms. Sfourgaristos stated, no. He is running the store. Mr. DelloIacono commented that the timeframe was within the limits as stated by Mrs. Baker.

Atty. Rota reminded the Board that the question before them this evening under M.G.L. Chapter 138, Section 23, is whether or not the grant of the license is based upon the public need. She went on to say that the public need being whether or not there are an adequate number of licenses or establishments in the particular location for the public to obtain a variety of alcoholic beverages—that is the question before the Board of Selectmen this evening. Mrs. Kehoe commented that is why she asked how many licenses are in the area, what is the seating capacity. Mrs. Kehoe asked that a plan for the immediate area be included into the record as well as the location of the existing licenses be on the plan. Mrs. Kehoe stated that she, frankly, has yet to understand the public need.

Mr. DelloIacono opened the hearing the public to see if there was a need on the other side of the table. He asked if anyone wished to speak.

Michael Columbo, 540 High Street—Dedham Square. Mr. Columbo commented on his letters, previously discussed by the Board. Mr. Columbo commented that he did not agree with the ABCC's decision; however, he was aware that the ABCC does not limit the Board from issuing Liquor Licenses. Mr. Columbo asked why the hours of operation could not be limited at the requested site. He asked if the Town by-laws had to be changed so that Town would have more control. Mrs. Baker commented that it is a State Statute. Mr. Columbo stated his concerns are with the abutting businesses who have already been issued Liquor Licenses. Mr. MacDonald asked Mr. Palumbo if he could keep his comments to the issue at hand, not on what someone else has done in the past. The issue at hand is this particular request for a Liquor License. Mr. Columbo was concerned that in the past an establishment would state that they would be open until 10:00 p.m. and now they are open until 1:00 a.m. He thought that an Occupancy Permit

or Business Certificate could set limits on the hours of operation, even though license would allow them to operate until 1:00 a.m.—he asked if he could request that the Town approach limiting the hours of operation in this manner. Atty. Rota commented that this approach is not feasible. She went on to say that the State Statute requires that once the Liquor License is granted that there are minimum hours of operation that these businesses are permitted to operate. Additionally, the licenses are issued for the public convenience and that is why there are statutory hours during which the establishment should be operating. Mr. Columbo asked if this was negotiable. Atty. Rota responded, no. Mr. Columbo commented that 9:00 p.m. or 10:00 p.m. is not a problem with him; however, if there is a change to 1:00 a.m., then, as the public, he has an issue. Mr. DelloIacono informed Mr. Columbo that the Town cannot change the hours of operation because the State License states, 1:00 a.m. Atty. Rota stated that the State License states, 11:00 p.m.—it is discretionary past 11:00 p.m. Mr. Columbo informed the Board that much of the problems he was having was happening after 9:00/10:00 p.m. After 11:00 p.m. and beyond becomes a nuisance to the area. Mr. Columbo did not have issues with the establishments during the dinner hours of operation—it was afterwards.

A resident of Wilson Avenue asked if he could speak. He commented on a statement relative to Legacy Place and the false statement in the Daily Transcript. He asked how he was to suppose to know what is the truth. Mr. DelloIacono commented that the Board does not have a say in all that is printed.

Dawn Janjigian, 30 Circuit Road, asked to speak. She informed the Board that she has known Toula and she is very hard-working, diligent and responsible businesswoman. Additionally, it is important to her business to have the license. If a patron wants to go in and have her food, a glass of beer and wine, they do not go somewhere else—maybe Isabellas. Ms. Janjigian stated that Ms. Sfougaristos brings a lot to the community.

Jean Schoener, Riverdale resident, stated that she knows Toula and has worked with her. Mrs. Schoener informed the Board that she is a hard-working person, she wished her well and wanted to speak on her behalf.

Marsha Cawley, Lincoln Street. Ms. Cawley stated that she respects any woman who can put a restaurant in Dedham and survives and she believed everyone owed her some support.

Paul Lyons, Coldwell Banker Dedham Square, stated that he has known Toula for several years. He stated that she is very well respected in the real estate community and a hard-working individual. She runs a fine business and is a good businesswoman. Unfortunately, as Mr. Teehan brought up at the beginning of the meeting, if the Board were able to limit hours alcohol could be served, this would be a good thing. He thought that a covenant could be written that the restaurant establishment agrees never to be open until 1:00 p.m. Mr. DelloIacono informed him that the question has already been answered. Mr. Lyons stated he has known Toula for a number of years and she has worked for his firm as well as other firms. Mr. DelloIacono asked Mr. Lyons if Ms. Sfougaristos was presently employed by his firm. Mr. Lyons responded, “yes”. Mr.

DelloIacono commented to Ms. Sfourgaristos that she wrote on her application that she would be working at her restaurant 80+ hours per week. He asked if the Board should assume she will not be selling real estate any longer. Ms. Sfourgaristos stated that she will do selling real estate, too. She will go to the restaurant at 4:00 a.m. in the morning to cook and prepare. She stated that she does everything and, on her days off, she is at the restaurant, too. Mr. DelloIacono echoed the responsibilities are tremendous when one has an Alcohol License and hours worked per week at an establishment is something that he picks up on every application. Additionally, the reason why he mentioned the 80+ hours is that he believes that a minimum of 65 hours is required to oversee the responsibilities with an Alcohol License. Mr. DelloIacono commented that Ms. Sfourgaristos juggles a lot. Mr. Lyons informed Mr. DelloIacono that Ms. Sfourgaristos involvement with him is minimal—he receives E-Mails from her at 4:00 a.m.

Costas Papodopolis, 54 Kiely Road. Mr. Papodopolis commented that relative to complaints from the Square, he feels that “It’s All Greek To Me” has a different consumer base and one must really sit down and break down the clientele that goes into this restaurant. The patrons are middle-aged—late thirties/forties and are looking to out to have diner with a significant other and just enjoy a glass of wine. Relative to the public need. He stated lets be honest here. There really is no public need—one can take this word and decipher it many different ways. He commented that what it comes down to relative to “It’s All Greek To Me” is that the public need may be a different type of dining. He informed the Board that there is no other place in the area to relax and have an authentic Greek meal with a glass of Greek wine. He stated that this might be the public need to diversify the type of dining the establishment offers in Dedham. He did not know of another place that offers Greek dining other than Stoughton, Massachusetts. Mr. Papodopolis commented that you can take public need in many different angles. Mr. DelloIacono informed him that he goes to Framingham for Greek dining.

Nancy Catropatri, 110 Rockland Street. She stated that everyone should have Toula’s energy and there is nothing she cannot do. She believes that the establishment that she has is not going to draw the wrong crowd, but will be place where patrons will come in and have diner, wine and not hang there until after hours. She stated that it would be nice to have a cocktail with diner. Ms. Catropatri stated that Toula is a hard worker.

Mr. DelloIacono asked Ms. Sfourgaristos if she had anything else to offer this evening. Ms. Sfourgaristos responded, no. Mr. DelloIacono asked if she feels she had a fair process. Ms. Sfourgaristos responded, yes, she did. Mr. DelloIacono asked if the Board had any other questions or comments.

Mr. Teehan commented that when “It’s All Greek To Me” first came before the Board, he was still relatively new on the Board. His question was that of consistency and was there a process that communities follow in determining how these licenses are given out. Additionally, if any individual came in from another part of Town, who owned a restaurant, and wanted to obtain a Liquor License, where is the process/procedure. He stated that quite frankly he has looked at a lot of communities, tried to do his research, and it seems to be a very hap-hazard process. It seems to be that who ever gets in line

first to apply, gets it. He stated that he came here tonight with a very open mind; however what swayed him was that he heard Legacy Place mentioned a few times. Mr. Teehan informed all that no one has been a bigger proponent; certainly, he did not think on this Board, of Legacy Place. He has been very outspoken. He informed all that Town Meeting voted overwhelming to support the Liquor Licenses for Legacy Place. Mr. Teehan was concerned that there was no process in determining how the Liquor Licenses are issued—It seems first come, first serve. Judging from the comments he has heard this evening, he was impressed with Mr. Palumbo, who has been very outspoken about other businesses in the Dedham Square and really was not very outspoken in opposition to granting this license. He has heard a lot of comments tonight in favor of this business and the fact that Ms. Sfougaristos came before the Board tonight without her attorney. Once again, he stated that he came tonight very open-minded as to how he was going to view this matter. He stated that he is inclined to view the granting of this Liquor License favorably. Mr. Teehan wanted everyone to understand that he was being very open in trying to explain his position.

Mrs. Kehoe commented that it has always been her understanding that licenses are a privilege. We do not want to go through a process other than what State Law dictates. The Board may grant the privilege, and this is at the Board's discretion. Mrs. Kehoe asked if she was correct in her understanding. Atty. Rota responded, that is correct. Additionally, the discretion would be based on the determination of public need and there has been a lot of guidance from the Courts over the years on what factors that this Board may consider in determining public need. Atty. Rota stated that the law is clear, also, that even though a license may be lawfully granted to an establishment, that does not require that a Board grant that license—it is still within the Board's discretion. Atty. Rota informed the Board that as long as the Board does not act in an arbitrary, capricious manner, its discretion will be respected by the Courts.

Mr. Butler stated that he approached the meeting tonight with an open mind and has collected a lot more information tonight, and was prepared to make a motion. He asked the Chairman if there were any other questions from the Board.

For the record, Mr. MacDonald disagreed with the A.B.C.C. Decision. He stated that he believed this Board made a determination at the previous Public Hearing that, to him, has not changed with what he has heard this evening. Since the previous Public Hearing, the Board has had a Training Session with the A.B.C.C., and that session confirmed the action taken by this Board and based on sound judgment. Once again, he stated that he respectfully disagreed with the A.B.C.C.'s determination. Mr. MacDonald commented that he was sure the applicant was a fine individual, running a terrific restaurant and has support. Mr. MacDonald added that he has voted against licenses in Dedham Square and voted in favor of licenses in the Square. Mr. MacDonald stated that he takes each license based on the testimony that he hears and sometimes he turns out to be right and sometimes he turns out to be wrong; however, he bases his decision on the individual and the need of the public.

Mrs. Kehoe reminded the Board that some time ago, they had a request for a Wine and Malt License in Oakdale Square and this Board denied the application because it was determined that there was not a public need for it. The applicant, who was also the owner of the store as opposed to the owner of a restaurant, and they were concerned that they could not survive without that license; and yet, they are still, probably almost a year later, doing quite well.

Mr. DelloIacono asked the Board for a motion to close the Public Hearing; seconded by Mr. MacDonald. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Mr. Butler made a motion to deny the applicant of Sevasti Toula Sfourgaristos for a license to sell Wine and Malt Beverages at the establishment located at 557 High Street, doing business under the trade name "It's All Greek To Me" based on the finding that the three other licensed establishments in the area provide an adequate number of places for the public to obtain Alcoholic Beverages in that location and that the public need will not be served by licensing an establishment in that location that has a seating capacity of 16 persons during the hours of the proposed operation; seconded by Mr. MacDonald. **On the Vote:** Mr. Butler, yes; Mr. Teehan, no; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Mr. DelloIacono asked Mrs. Baker what the next step would be in the process. Mrs. Baker informed all that a denial letter would be sent to the applicant; within five (5) days from receipt of the letter, the applicant has the right to appeal to the A.B.C.C.

Mr. Teehan asked if he could make a comment. Mr. Teehan stated that he looked at the Oakdale Square situation differently, based on the public comments that he heard at that Public Hearing that night. He commented that there were several people at that hearing that were in strong opposition and he stated that he did not hear that opposition at tonight's hearing. Additionally, he believed that the Oakdale store would be more like a Package Store as opposed to a drink in a restaurant. Mr. Teehan commented that, to him, this was an important distinction to make between the two situations.

**REQUEST FOR THE ISSUANCE OF A WINE & MALT COMMON
VICTUALLER'S LICENSE AND APPROVAL OF MICHAEL BAGLIERI AS
MANAGER, CHIPOTLES MEXICAN GRILL**

Nancy Baker, Assistant Town Administrator, stated that the Board had a letter before them this evening from Atty. Matthew J. Fogelman, representing Chipotles and withdrawing this evening's applicant, without prejudice, as they are going to be proposing a new manager. Mrs. Baker stated that the advertisement for this evening's Public Hearing, would not have been appropriate in order to proceed as the manager requested in the advertisement is not the manager that they are going to put forth for the establishment. Mrs. Baker informed the Board that Chipotles will be re-advertised and heard before this Board on September 13, 2007.

REQUEST FOR A CHANGE OF MANAGER – DEDHAM COUNTRY AND POLO CLUB, 124 COUNTRY CLUB ROAD, KEVIN HANRAHAN, MGR.

Representing Dedham Country and Polo Club was Kevin Hanrahan. He stated that he resides in Walpole, Massachusetts. Mr. Hanrahan stated that he has been in the Country Club business for eighteen years. Mr. DelloIacono asked if those eighteen years were at Dedham Country and Polo. Mr. Hanrahan responded, no, just in the club business. Mr. Hanrahan stated that he started off at the Wellesley Country Club and went to Braeburn for twelve years, Curtbrey Country Club for two years and now he is at Dedham Country and Polo.

Mr. Hanrahan informed the Board that his family started in the restaurant business in 1927 in Boston. He and his family grew up in the business. Mr. Hanrahan stated that he feels very fortunate to be at the Dedham Country and Polo Club. It is a great place with a great membership.

Mr. DelloIacono commented on the 50+ hours of work listed on the application. Mr. Hanrahan stated that his hours on duty are approximately 53 to 64 hours, based on the season. He stated that the hours of operation at Dedham Country and Polo are incredible.

Mr. MacDonald asked Mr. Hanrahan if he was familiar with the Rules and Regulations of the Holder of Alcoholic Beverage Licenses in the Town of Dedham. He asked Mr. Hanrahan if he had read them. Mr. Hanrahan stated, honestly sir, I have not. However, he stated that he would read them as soon as he leaves this meeting. Mr. MacDonald asked if Mr. Hanrahan was TIPS Certified. Mr. Hanrahan stated that he was not TIPS Certified at this point; however, he has managers that work for him who are TIPS Certified. Mrs. Baker informed all that the Rules and Regulations state that a new employee must be certified within three months of starting a position at a Liquor Establishment. Mr. Hanrahan stated that he will get TIPS Certified. Mr. MacDonald asked where he was employed prior to the Dedham Club. Mr. Hanrahan stated that he was at Curtbrey Country Club in Lincoln, Rhode Island. Mr. Hanrahan stated that he has a culinary background as well as a management background.

Mrs. Kehoe had no questions. Mr. Teehan had no questions.

Mr. Butler asked for a clarification relative to being TIPS Certified. He asked if the requirement was that the Manager of Record be TIPS Certified within 90 days. He asked if this was a condition of approval, or is it within 90 days of taking on this position. Mrs. Rizzo, Assistant to Administration, informed the Board that the regulations states that a new employee of an establishment has three months in which they have the opportunity to be trained and certified. Mr. Butler asked how that would apply in Mr. Hanrahan's situation. Is the expectation that the person designated as manager of this site be TIPS certified. Mrs. Rizzo thought that the expectation would be that the manager be certified. Mrs. Rizzo commented that most managers who come before the Board are already alcohol trained/certified.

Mr. MacDonald was concerned with the fact that Mr. Hanrahan did not read the Dedham Rules and Regulations and was not TIPS Certified. He commented that the Board is meeting again in a few weeks, and with the approval of the Board, he made the following motion.

Mr. MacDonald made a motion to continue this matter until the next Board Meeting on September 13, 2007; seconded by Mrs. Kehoe. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Mr. Hanrahan commented that he would be certified by the next meeting. Mr. Butler made a suggestion that one of the important parts of the role that managers play involves a relationship with the Police Department. If it has not been done already, he asked that Mr. Hanrahan have a meeting with Sgt. Michael Buckley, Alcohol Officer. Mr. Hanrahan thanked him for the suggestion.

DISCUSSION DEDHAM-WESTWOOD WATER DISTRICT COMMISSION

Present were: Commissioners-- Michael Powers, Chairman, Ken Bragg and Steve Mammone. Also present from the Dedham-Westwood Water were: Bob Eiben, General Manager and Michael Duff, Executive Director

Mr. Duff thanked the Board for having the Commissioners and staff from the Dedham-Westwood Water District. Mr. DelloIacono thanked the gentlemen for coming in this evening, and asked them how the Water Company is going and what is happening. He commented that the last time the Dedham Board met with the Dedham-Westwood Water District was a joint meeting with Westwood, and the company was into some heavy stuff. Mr. DelloIacono was interested in finding out how everything is going, and what is presently moving forward to help the residents of the Town of Dedham.

Mr. Eiben informed the Board that the District took over on March 2, 2006. He stated that they have since completed a Union Contract with the majority of the employees of the District as well as the Non-Union employees. The contract is for three years until March 1, 2009. Mr. Eiben stated that all the other issues, such as Healthcare Benefits, are being put into place. He stated that the employees are now in the Norfolk County Pension System and they are making their regular deposits into that system. The only outstanding issue that goes with it is not necessarily a District issue, but the employees who worked for American Water are still negotiating legislation with American Water to attempt to get their benefits transferred over to the Norfolk County System. Mr. Eiben stated that the District met with the Union numerous times on that issue and continue to move forward in this effort. The District is waiting for the Legislation. It was filed through Senator Marian Walsh. Mr. Eiben informed the Board that the only item outstanding with the Union is negotiating retirement with Healthcare—who is going to pay what at retirement and those negotiations have been going all summer; however, it has hard to get together.

For the record, Mr. DelloIacono stated that he has a relative who is employed by the Dedham-Westwood Water District. He stated that he knows Mr. Eiben has happy employees at the company. Mr. DelloIacono asked who was responsible for the Water Company's involvement in the Flag Day Parade. He commented that this is the first time he has ever seen their involvement and he thought it was nice to see the trucks and hand outs.

Mr. DelloIacono asked if there are any major changes expected for the residents of the Town of Dedham. Mr. Eiben commented that last night, the Commission declared mandatory controls/water restrictions. Monday, Tuesday and Thursdays for Dedham and Wednesdays and Fridays for Westwood. This will be the only days to water outside.

Mr. MacDonald asked what the Maintenance Plan is for the hydrants. He asked if the diameter of the system consistent throughout the Town for hydrants. Mr. Eiben informed the Board that it is different on every street. He spoke with his main engineers, Weston and Sampson; and this year, they completed another fifteen year update on their distribution system. Mr. Eiben commented that when they first started half of the map they looked at where hydrants that were under pressurized and covered with red circles were located. Now, they are down to two/three circles. There are still some hydrants that are under; however, they have made some great improvements. Mr. Eiben stated that the Water Company has a plan to replace all the piping in Washington Street when it is reconstructed from the circle all the way to the Boston line. It will be all twelve inch mains and will include a lot of hydrants that are under pressure, approximately \$1.5 million project. Mr. Eiben stated that they replaced every Booster Station and installed new Water Tanks. Mr. Eiben commented that this year has been very busy. The Dedham Highway Department has been keeping them busy, Westwood Highway Department has been keeping them busy, Contractors, HSL and Fairfield. It has been an unbelievable amount of work this year.

Mr. MacDonald made a comment relative to an article in the Cape Cod Times for the Town of Falmouth, which was replacing their hydrants. When one sees a hydrant, it is assumed that the hydrant is there forever and the article spoke about the age of the hydrants; in fact, Falmouth replaced 150 hydrants. Mr. MacDonald was interested in the age of the hydrants and lifespan. He commented that it is a case that you assume it is working and hope you never have to use it. Mr. Eiben responded that there are some old ones and they are working to replace them when they can. He commented that the Fire Department can select five hydrants each year for replacement at no cost to the Town, plus the Fire Department and Water District have been very aggressive with developers as far as the installation of new hydrants. Mr. Eiben informed the Board that when the Water Company began, they had approximately 1,000 hydrants in the system. Presently, they are up to 1,300 hydrants. Many are being replaced or being placed. He believed the general protection should be great.

Mrs. Kehoe had two issues brought to her attention by a constituent. She informed Mr. Eiben that the Water Company did some work across from 1163 East Street, and the sidewalk cracked. She believed that the constituent called the District and nothing has

been done to repair the sidewalk. Mr. Eiben has not heard of this issue. He will check it out and will get back to Mrs. Kehoe with the status. On another matter, the constituent wonders about the process, i.e., if the Water Company made a cut in one of the roads, do they put a preliminary patch and then go back and finish it. Mr. Eiben informed her that they do a cold patching, temporary. He went on to say that if there is settlement in the ditch, it is best to wait until all the settlement has been accomplished and come back and do a proper patch job -- line with tar and seal it. Mrs. Kehoe asked if the Water Company patches curb to curb on a new street. Mr. Eiben commented that if they do a water main, they do curb to curb; however, if there is a opening for a leak/surface replacement, they just replace the patch.

Mr. Teehan had no questions. He remembers attending the meeting in Westwood and the issue that evening was the negotiations with the Union. He was glad things were moving along and getting resolved.

Mr. Butler commented that it was nice to see Bob Eiben, again. Mr. Butler informed all that he was on the Water Commission when Bob first came to Dedham and Westwood and it stated that it has been evident throughout his tenure here that one of his many strengths that he brings to the operation is his ability to plan capital improvements. Year in and year out, one of the best examples of how to manage and keep a Water System where it should be. Mr. Butler appreciated and thanked Bob for bringing his expertise to both Dedham and Westwood.

Mr. Butler asked Mr. Eiben how the Water Company opens a road and close a road. He asked if Mr. Eiben was aware of the Road Opening Regulations that the Town put into affect in the Spring time with the DPW/Engineering Department. Mr. Eiben stated that they are coming more aware of these regulations. Mr. Butler informed him that it is important that every time a street is opened/closed that the Water Company contact the staff on River Street, as they are obliged, eventually to approve the final work—the document is terrific and laid out well. It gives get guidance to people. Mr. Eiben informed the Board that the Water Company has received great cooperation from the DPW. Relative to communication with the DPW, Mr. Butler commented that as everyone is aware, there is a lot of construction going on around Town, and the DPW has a draft version of what roads are going to be worked on over the next several years. He asked that Mr. Eiben spend some time during the slower season, October/November, and comparing lists to have better synchronization between the Town and Water Company.

Mr. Keegan commented that it is always great to see the Water District Commissioners and staff and they are great partners in the community. He informed all that they work very well with the Town's Engineering Dept. and DPW. Mr. Keegan stated that there was an issue present before the Board a few weeks ago relative to permits for new establishments/restaurants, particularly ones that were not previously restaurants. He commented that he worked with the Town of Westwood on this particular item and the matter is still be worked on from his understanding. He asked the Commissioners if they could give the Board an update. Commissioner Powers informed the Board that he met with Mr. Keegan and Mr. Juliet from Westwood relative to the Change of Use and

Access Fee that has been in place for the past four years. He stated that the Town of Westwood had asked, due to the fact that one of their businesses complained, if the Water Company would change the structure payments for that business. Presently, if you have an Access Fee, you can pay it or the Water Company and the establishment can pay the fee over a twelve-month period. Mr. Powers informed all that the Administrators came before them and asked if the Water Company could be more generous when it came to this fee. Mr. Power stated that he drafted some wording that basically allows two different types of options. If the fee is less than \$5,000.00, the establishment will pay the whole thing up front. If the fee is \$5,000.00 to \$10,000.00, the establishment will have three years to pay it off with no interest. If it is over \$10,000.00, the establishment will have 60 months to pay it off with no interest. Mr. Duff commented that they are trying to make it easier, especially for small business, to try and spread the payments out and lessen the burden. Mr. Keegan commented that the main purpose of their discussion before the Commission was to address the issue of small business, particularly from an economic development prospective as small businesses are the ones that usually last and stay for a long period of time. Whereas the larger establishments may come and go. He added that it is very difficult to be hit with a significant fee up front and to get started, especially for small businesses. Mr. Keegan's reaction to tonight's proposal from the Water Commissioners was that the establishments that are going to have the larger fees, are the ones that are most likely going to be able to afford it, and maybe 60 months is too generous in that respect.

Mr. DelloIacono asked about new hiring and how the Water Company is keeping up with the work load. Commissioner Power informed the Board that they are in the process of hiring someone who can do an evaluation of the system and manpower—in the offices not the Distribution System—they have a System Study that was completed this past April that gives them data. He commented that the study would be for the manpower that goes with the system.

For the record, Mrs. Kehoe stated that Michael Butler was the first Water Commissioner appointed by the Dedham Board of Selectmen. Mr. Butler commented that he was appointed in 1986/87. Mr. Butler served for seven years. He commented that it was very memorable to spend seven years with essentially a start-up—it was really something to take it from a privately-owned organization to public. What made it more interesting was that it involved two towns. Mrs. Kehoe informed all that many people thought that because this Board decided that we would have equal representation, three from Dedham and three from Westwood, that it would not be successful. She added, the Board really wanted the split based on population; however, she was Chairman of the Board at the time, and prevailed upon her colleagues to at least try it, and it has been successful. Mr. Butler, replied, yes it has. Mr. Eiben informed all that there is never any discussion on which Town needs it. It is just the highest priority in determining what gets done.

Commissioner Bragg made a few comments. He stated that it was an honor working under Mr. Butler as Chairman of the first Dedham Cable Study Committee. Mr. Bragg informed the Board that the Town of Westwood's Economic Development Committee has asked the Commissioners to back away on a vote on use. Mr. Duff responded that

the latest letter from Westwood stated that, although they did not like the regulation, if it had to be on the books, they appreciated what we were doing along the lines of Mr. Keegan's suggestions. Additionally, Westwood like the fact that the Water Company is going to provide a plan that will ease the burden by stretching out the payments. Mr. Kehoe responded that it is fair. Mr. DelloIacono commented that he liked the fact that the Water Commissioners/Staff has come up with answers. Mr. DelloIacono was grateful that the Commissioners/Staff came before the Board this evening. He commented that the Board wanted to get a feel on how it is going at the Water Company. Mr. DelloIacono asked if there was anything the Dedham Board of Selectmen could do to help to make thing run smooth. The Selectmen thanked the Commissioners and staff for their efforts. Mr. Duff informed the Board that they will be receive the Quarterly Letter this week.

EXECUTION OF THE COMCAST LICENSE

Mr. DelloIacono asked how much time the Cable Committee has spent with Atty. Peter Epstein on this matter. Mrs. Kehoe informed all that the negotiations with Comcast have not been pleasant. She stated that she has participated in enough negotiations over the years and realized that we are sitting on opposite sides of the table—one can disagree without being disagreeable. She commented that the Cable Advisory Committee extended a great deal of patience and understanding during these negotiations—they worked very hard, and Atty. Epstein counseled the Committee well.

The present Comcast License expired November, 2006, and there is a prescription that the Town should begin when looking at a new license/renewal within a certain timeframe. Mrs. Kehoe stated that they began their negotiations earlier 2005 or late 2004. The Committee has had their Public Hearings and in the middle of this process, Verizon filed an application for a new license, and, therefore, the Committee was meeting with both companies. Mrs. Kehoe informed all that Comcast stopped negotiating, and the Committee continued with Verizon; then, Verizon stopped negotiating. Mrs. Kehoe pointed out that Federal Legislation was pending to limit the Towns ability to take there time in negotiating. She was not sure if this was the reason Verizon stopped negotiating. However, the Committee picked up again with Verizon, at their request, this past October. Mrs. Kehoe commented that one of the principles the Committee practiced, because Comcast felt that it was a good way to go, was a level playing field. Comcast threw it out there, and the Committee grabbed on to it. Mrs. Kehoe stated in hindsight, it was quite fortunate because the Committee told Verizon, it is a level playing field. Verizon moved very quickly with the Committee—she thought a good license and a new license issued December/January—Comcast picked up after this point. Mrs. Kehoe informed all that now the Committee has a level playing field in place. Even though Comcast decided that they did not want to meet Verizon's financial numbers for the Town, they did not have a choice because the Committee would not accept anything less than what Verizon has done. Mrs. Kehoe was happy to say that tonight, the Board has the license. The Cable Advisory Committee met and she was asked to convey the message that they were very supportive of the license. She stated that she can give the Board an overview if they wish. The numbers are the same as Verizon; and as a result of

Comcast getting out of the studio business, the Town is going to have its own studio under the auspices of DVAC at 95 Eastern Avenue, Dedham, from which all local programming will be cablecast.

Mrs. Kehoe informed the Board that the Cable Advisory Committee will be working with the RCN renewal after the first of the year. This license should be renewed in November, 2009. Mrs. Kehoe asked the Board if they had any questions. Mrs. Kehoe added that Comcast will now provide a Senior Citizens' Discount. The discount is based on the Senior Citizens' Discount language in the RCN contract. Mrs. Kehoe stated that the Town is grateful for the discount to our seniors.

Mr. Teehan made a motion to approve execute the Comcast License; seconded by Mrs. Kehoe. **On the Vote:** Mr. Butler, yes, Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

EXECUTION OF TEC LEASE

Mrs. Kehoe had some questions relative to the lease. Mrs. Baker commented that the additional space that they are occupying as a result of the School Administrative Services moving back to High School will net \$30,000.00 for the one year of this lease. Mrs. Kehoe asked if the School Department will handle maintenance, etc., as in the past. Mrs. Baker responded, that is correct. Mrs. Kehoe asked Mrs. Baker if she could find out what was in this particular account beyond maintenance/particular expenses. Mrs. Baker will get her an answer.

Mr. DelloIacono asked Mr. Butler expertise relative to the low cost of the lease. He asked if it was because the tenant is a non-profit. Mr. Butler commented that his information might be a little dated; however, he remembers that the original discussions around this was the use of the property is fairly limited given the zoning and the number of organizations that are actually allowed to move this location is short and includes non-profits, church groups, etc. Additionally, the Town has gone through the bidding process a few times, and typically, the list of people bidding has been quite short. In fact, over the years, TEC and the VNA have been the only bidders. Mrs. Baker informed all that it was bid again this time and TEC was the only respondent. Mr. Butler thought that this matter might be put on a list of things to be examine some time in next few meetings through the Town Administrator—give the Board an update on what were the results of this property at the end of the fiscal year—revenue/expenses. Mr. Butler believed that incrementally, this lease puts money into the Town's coffers. He did not believe that expenses would exceed the revenue.

Mrs. Baker commented that the access to this account is limited to anything to do with building. Those funds cannot be spent any place else. The fund that this money goes into is specifically related for uses, maintenance, or anything associated with this property.

Mr. MacDonald made a motion to approve execution of the TEC Lease; seconded by Mr. Butler. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

ACTION BY THE BOARD

MAPC Representative Appt. (3 Yr. Term to expire June 2010)

Mrs. Kehoe made a motion to approve James Munchbach as the MAPC Representative for the Town of Dedham; seconded by Mr. Butler and voted unanimously.

Request for two One-Day Liquor Licenses from St. John of Damascus Church for Church Functions to be held October 5 and October 7, 2007

Mr. MacDonald made a motion to approve (2) One-Day Liquor Licenses beginning October 1 through October 15, 2007—Service only on October 5, and October 7, 2007; seconded by Mrs. Kehoe and voted unanimously.

Brefini Breast Cancer Research Walk – October 21, 2007

Mrs. Kehoe made a motion to give permission to have a Cancer Walk through the streets of Dedham on October 21, 2007; seconded by Mr. Butler and voted unanimously.

Mrs. Kehoe asked that Mr. David Brefini contact the Dedham Police Department.

Request for permission to hold a Block Party on Greensboro Road on September 22, 2007/Raindate September 23, 2007

Mrs. Kehoe made a motion to approve the Block Party; seconded by Mr. Teehan and voted unanimously.

Approval of Board of Selectmen's Meeting Minutes of June 13, 2007, and July 12, 2007

Mr. MacDonald made a motion to approve the Meeting Minutes of June 13, 2007, and the amended Meeting Minutes of July 12, 2007; seconded by Mrs. Kehoe and voted unanimously.

Mitigation Fund Representative from the Board of Selectmen

Mrs. Kehoe made a motion that Mr. MacDonald serve as Mitigation Fund Representative; seconded by Mr. Butler and voted unanimously.

Mrs. Baker asked that the Board to respect a moment of silence two people who have recently passed in the Town of Dedham—Charlie Papsadore, son of the late Onofrio and

Mary Papsadore. Charlie was an employee of the School Department and Paul Lawler, Chairman of the Transportation Committee, MBTA Advisory Board Member.

TOWN ADMINISTRATOR'S REPORT

Mr. Keegan informed the Board that the Town Hall hours will be extended an additional week-Sept 3 -7, 2007, then regular hours will resume. The new Economic Development Director, Karen O'Connell has been hired and also the new GIS Manager, Matt Marino, was recently hired. He has asked them to attend the Board's Meeting of September 13, 2007. Mr. Keegan gave the Board a status on Road Improvements. Mr. Keegan asked the Board to consider a date for the Special Town Meeting. He suggested November 13, 2007.

OLD BUSINESS/NEW BUSINESS

Mr. MacDonald informed the Board that the Annexation Committee had numerous meetings, site visits and did financial analysis. He reported to the public that after discussion with Campanella Companies, they withdrew their proposal for Town Meeting. He stated that the matter was closed and the Committee will give a report at the Annual Town Meeting. Mr. MacDonald thanked everyone for their efforts.

Mr. MacDonald commented that the Bridge Street complaint has been resolved and the property owner cleanup the site and installed a fence. He thanked Mr. Cimeno and Mr. Leary.

Mrs. Kehoe asked the Board for their support relative to a letter to the Chairman of DVAC. Mr. Butler asked that before any action were taken, the Board review the letter first. Mrs. Baker will send the letter out to the Board.

Mrs. Kehoe reported to the Board that a heavy limb fell on the Old Village Avenue Cemetery last Saturday during the Wind Storm which caused a great deal of damage. She was not confident that the Town's insurance would cover this damage; however, she will try to do her best. Mr. DelloIacono asked if specialists be needed to repair the stones. Mrs. Kehoe responded, yes.

Mr. Butler asked if the School Department has received a copy of the Paving Schedule. He asked that Mrs. Doe and Mr. LaFranchesca receive a copy so that they can coordinate it with the School Bus Schedule.

Mr. Butler asked what the status was relative to the signage at the Commuter Rail Bridge at the Endicott Rotary. He mentioned that some prior action was requested. Mr. Keegan had no response. Mr. Butler asked Mr. Keegan if he could find out the date when the signs would be in place.

Mr. DelloIacono had a few comments. He mentioned that Mr. Gerard was very happy that he received a sidewalk, promises were kept. Mr. DelloIacono mentioned the

WiffleBall Tournament this weekend and invited everyone to attend. Mr. DelloIacono asked Mrs. Baker when Andy Lawlor would be returning from service. Mrs. Baker responded at the end of the year. Mr. DelloIacono mentioned an E-Mail sent by Lori Reisner which addresses the effects bullying has on children. She has set up an E-Mail entitled Bully No More, and thoughtfully is, reaching out to the community. Mr. DelloIacono wanted all to know of her outstanding effort in confronting this serious issue.

Mr. MacDonald made a motion to enter into Executive Session relative to M.G.L., Chapter 39, Section 23B, to discuss Collective Bargaining; seconded by Mr. Butler. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

The Board did not reconvene in regular session.

The meeting adjourned at 10:30 p.m.

This is to certify that the above is a true and accurate record of the Minutes of the Board of Selectmen's Meeting of August 29, 2007, which Minutes were approved on October 18, 2007.

Carmen DelloIacono, Chairman

