

A regular meeting of the Board of Selectmen was held on February 28, 2008, at 7:00 p.m. 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.

DEDHAM CITIZENS OPEN DISCUSSION

Sam Celata, resident, Stoughton Road, asked the Board if he could speak. Mr. DelloIacono gave permission to speak. Mr. Celata read a statement of concern relative to Tax Relief for the Senior Citizens of the Town of Dedham. He thanked Representative McMurtry, Senator Walsh, State Auditor DiNucci and the Board for their public service and assistance.

REQUEST FOR A COMMON VICTUALLER'S LICENSE, PAPA CANNELL'S PIZZA, 274 BUSSEY STREET

Representing Papa Cannell's Pizza was Nicholas F. Cannell.

Members of the Board asked Mr. Cannell the hours of operation for his new establishment. Mr. Cannell responded 10:00 a.m. until 10:00 p.m. Monday thru Sunday. Deliveries will be from 11:00 a.m. until 9:00 p.m.

Mr. MacDonald made a motion to approve a Common Victualler's License to Papa Cannell's Pizza; seconded by Mrs. Kehoe. **On the Vote:** Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes. Mr. Butler was absent.

The Board wished Mr. Cannell good luck at his new location.

PUBLIC HEARING- APPLEBEE'S NORTHEAST, INC., d/b/a APPLEBEE'S NEIGHBORHOOD GRILL & BAR, 260 PROVIDENCE HIGHWAY, WILLIAM R. ANDREWS, MANAGER

Mr. DelloIacono read the following Notice of Hearing into the record:

Notice is hereby given that the Board of Selectmen, acting as Licensing Authority, will conduct a hearing on Thursday, February 28, 2008, at 7:15 p.m., under the authority of Massachusetts General Laws Chapter 138, Section 77, with respect to the property know as Applebee's Northeast, Inc., d/b/a Applebee's Neighborhood Grill & Bar, 260

Providence Highway, Dedham, Massachusetts, William R. Andrews, Manager. The hearing is being held to consider whether the existing All Alcoholic Restaurant License should be cancelled due to the fact that the licensee has ceased to conduct the licensed business.

Representing Applebee's were: Attorney Peter A. Zahka, Susan Archer and Tom Wilder, Wilder Company, owner of Dedham Mall.

Mr. DelloIacono began the discussion by stating his concern that the Applebee's building is vacant. He asked Ms. Archer if alcohol was still located on the premises. Ms. Archer responded that all food and alcohol have been removed from the establishment. Mr. DelloIacono asked, "What is the intent of the establishment?"

For the record, Attorney Zahka submitted a memorandum on behalf of Applebee's in connection with the hearing being held to consider whether the existing All Alcoholic Restaurant License should be cancelled due to the fact that the licensee has ceased to conduct business at the licensed premises. Applebee's respectfully requested that the Dedham Board of Selectmen grant a period of not more than six (6) months from the date of said hearing for Applebee's to submit an application to the Board for transfer of said license to an appropriate party. (A copy of the full context of the memorandum can be found in the Applebee's Neighborhood Grill & Bar File, Town Administrator's Office).

Attorney Zahka informed the Board that it is the intent of Applebee's Neighborhood Grill & Bar to transfer the license. Additionally, Applebee's is still a tenant on the premises. Applebee's has hired SRA to market the property. To date they have produced dozens of leads; however, no definite transfer has been found. Attorney Zahka informed the Board that Applebee's was sold in 2007 to IHOP-- things have been put on hold until the agreement with IHOP is finished.

Attorney Zahka informed the Board that there have been leads for the property. Olive Garden was very actively pursued; however the building did not meet their requirements. Attorney Zahka emphasized the tremendous activity in the area—new restaurants, shops and businesses. He commented that Mr. Wilder, Dedham Mall owner, would like to see the property filled with a new tenant. In order to find a new tenant for the establishment and transfer the license, Attorney Zahka asked the Board if they would grant a period of six (6) months to continue their search for a tenant. Attorney Zahka stated that Applebee's is actively trying to find a replacement.

Mr. MacDonald commented that he was disappointed that the Board had to reach this point and call for a Revocation Hearing. He reminded all that if the Board had received the detail report, as requested, they would not have had to require a hearing. Mr. MacDonald discussed the present financial loss to the property owner and the Town of Dedham. He also discussed his wish that an appropriate client could be found not only for sake of the property owner but for the Town.

Mrs. Kehoe was concerned with the six (6) month period. She asked when the six (6) months would start to run, assuming the Board approves this request.

Attorney Zahka commented that the ABCC looks at everything on a case by case basis. He believed the six month window would start at the conclusion of the public hearing. The owner would be placed on notice at that time. Attorney Zahka informed the Board that verbal communication does not take the place of written communication and a condition of this request would require a written report each month to let the Board of Selectmen know what is going on with the property.

Mr. Teehan commented that he heard Olive Garden was going to take over the spot. Based on what he has been hearing, will the structure stay the same or will there be a new building. Ms. Archer, Applebee's, responded that they are at a financial stand point and there plan is to use the existing building. Ms. Archer explained that Olive Garden's building design square footage is larger than Applebee's and the financial picture to build a new facility would not work for Olive Garden. Ms. Archer informed the Board that twenty-four (24) of their other restaurants have been sold. She heard that the Dedham Restaurant would be sold in July. After discussion was finished, Mr. Teehan stated that he was inclined to support the request.

Attorney Zahka introduced Tom Wilder of the Wilder Companies, new owner of the Dedham Mall. Mr. Wilder commented that he was very pleased to be part of the Dedham community. He informed the Board, that presently, the Dedham Mall is doing very well. However, he is concerned with the vacant (Applebee's) establishment. Mr. Wilder continued on and informed the Board that all other establishments in that area are leased and will all be open from Dick's Sporting Goods to Stop & Shop. Mr. Wilder emphasized the importance of a full restaurant in that location. He did add that the overall market is presently against them—casual dining restaurants are cutting back. Mr. Wilder believes that Dedham is a great Town. It is a great location. However, at present, the market timing is off. Mr. Wilder informed the Board that he is working with a well known brokerage firm—they work well together. Mr. Wilder commented that he will be very diligent in their search to find a new tenant. Mr. Wilder acknowledged that it is critical that they all work closely with the Board of Selectmen. He was quite confident that a restaurant would be the best use for that particular area of the Dedham Mall.

William Keegan, Town Administrator, thanked Mr. Wilder. He stated that he would keep in communication with him and assist in this matter going forward.

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

Mr. MacDonald made a motion to continue the public hearing until the first Selectmen's meeting of August, 2008 with the stipulation that Applebee's Neighborhood Grill & Bar

submit monthly reports to the Town Administrator relative to their efforts in finding a tenant, including references (confidential memorandum); seconded by Mrs. Kehoe.

On the Vote: Mr. Teehan, yes; Mrs. Kehoe, yes, Mr. MacDonald, yes; and Mr. DelloIacono, yes. Mr. Butler was absent.

DISCUSSION/RE-VOTE TAKING OF ENTERPRISE DRIVE

Representing Legacy Place were: Attorney Peter A. Zahka and Attorney Andrew Salamayer.

Mr. MacDonald made a request that the Board hold on to the documents until Town Counsel approves the release. Mr. Teehan commented that he received a memorandum from Kopelman & Paige today. They have indicated that they have had a good relationship with the developer and their counsel and have been cooperative with Town Counsel. Mr. Teehan asked Mr. Keegan if everything was on track with this matter. Mr. Keegan responded, "yes." The terms sought by the Board of Selectmen have been agreed to by the parties.

Mr. MacDonald made a motion to approve the taking of Enterprise Drive pursuant to the outlined document; seconded by Mrs. Kehoe. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes and Mr. DelloIacono, yes.

Mr. MacDonald made a motion to approve the sum of 0 dollars for taking; seconded by Mrs. Kehoe. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Mr. MacDonald made a motion to approve, contingent upon the receipt of an original signed agreement, \$435,000.00 Bond, including approved Development Agreement; seconded by Mrs. Kehoe. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Attorney Zahka thanked the Board of Selectmen.

DISCUSSION/PRESENTATION WITH DEDHAM CIVIC PRIDE – RE; CLOCK

Representing Dedham Civic Pride was: Michael Francis

Mr. Francis gave a presentation and explanation as to how street clocks are used and have been used over the years. He informed the Board that clocks will bring back a sense of community to our Town. Additionally, he stated that the community would help with fund-raising efforts to raise the funds to purchase/install the clock. Mr. Francis stated that the Friends of Dedham Civic Pride would contribute \$10,000.00 for the purchase of the clock and the remainder would come from fundraising. The vendor would assist with the fund-raising efforts.

Mr. Francis informed the Board that the location of the clock would be where the formerly County Package Store was located (corner of High Street and Harris Avenue). Verdin Company is the vendor that manufactures the clock. They will install and maintain their product. Verdin stands by its product.

Mr. Keegan informed the Board that he has worked with Mass Highway and they have incorporated the base of the clock into their design—this aspect has been in the planning stages for years.

Mr. MacDonald asked if (\$5,000.00) from funds deposited into Economic Development Account from the special Liquor Licenses could be used towards the clock purchase. Mr. MacDonald asked if this question could be explored to see if, in fact, the clock project would qualify as economic development.

Mrs. Kehoe thought that the clock project was a grand idea. She stated that many communities have placed clocks throughout their centers and they have become a focal point. Mrs. Kehoe reminded all that piece of rock, found in the woods by Bill Podolski some years back, was agreed to be placed in that location when it was finally developed. Mr. Keegan informed all that this project would not get off the ground for at least another 12/18 months and that there was plenty of time.

Mr. Butler was pleased with the project and stated that he appreciated the diligent efforts of the Dedham Civic Pride Committee.

DISCUSSION RE: SPECIAL TOWN ELECTION

Due to the fact that Annual Town Meeting is now held during the month of May, a Special Election would be allowed after 30 days have elapsed from the dissolution of the Annual Town Meeting. A Special Election could be held at the end of June, 2008.

Mrs. Kehoe was disappointed in the fact that she was not included in a meeting that was held this morning. She was disturbed with the lack of communication relative to her involvement in this matter.

Mr. Butler commented on the discussion contents and options for a Special Town Election given that the Annual Town Meeting is now held during the month of May. Mr. Butler commented that this election would ask people to vote for a property override to fund a new Senior Center. Mr. Butler informed all that he has received important, helpful and detailed advice from Town Counsel. Due to the fact that Town meeting was held in May, the Special Election can not be held beyond September 15, 2008. Mr. Butler informed the Board that they have the right to set a Special Election.

Discussion relative to dates took place and the month of June seemed the best choice. The further out the dates went, the more complicated it got. Mr. Teehan thought this was an important project and possibly it should be placed on the November election when voter turn out is good. Mr. Teehan feared that the seniors have been waiting so long for a center that a poor turn out would delay the center.

Mrs. Kehoe commented that there is a momentum going and if the election were postponed until after the summer, the drive might be lost. Mrs. Kehoe commented that people stay in Dedham until the end of June and it does not empty out until the 4th of July—June 28, 2008 was a date discussed. Mrs. Kehoe added that an education process is needed going forward for something this important. Mrs. Kehoe felt that if Town Meeting approved the election, the committee and supporters will be in good shape. Mrs. Kehoe thought that due to the budget tightening and the consideration for a Senior Center, the realization has never been closer; however, she believed there was one component mission, i.e., the taxpayers need to thoroughly understand every aspect of this project. Mrs. Kehoe commented that David Martin, Finance Committee, has stepped up to the plate to explain the debt going off and new debt going on—it can be confusing. If the voters can understand this concept, the election might go forward easier. Mrs. Kehoe informed the Board that Mr. Martin agreed to take a stab at this request and assist the public with education.

Mr. MacDonald commented that Town Meeting will decide whether to go forward with a debt exclusion to the voters. If approved, Town Meeting will tell the Board to approve the funds for a Special Election and to do it within the fiscal year. Mr. Keegan would budget internal transfers to fund the Special Town Election.

PRESENTATION OF FY'09 BUDGET MESSAGE BY TOWN ADMINISTRATOR

William Keegan, Town Administrator, informed the Board that this is the most difficult he has had to put together during his tenure in Dedham. He mentioned some important things to consider relative to the current economic climate, i.e., the \$102.00 barrel cost of oil, euro (\$1.52) against the dollar (\$1.00), the Stock Market is down, the Housing Market is down. These are some of the issues the country is now facing—cities and towns are in trouble.

Mr. Keegan commented that Dedham is having a difficult year and has been in a better position. On a more positive note, he does not anticipate any major cut backs and the Town will be in a position to maintain current services.

Mr. Keegan handed out a copy of his FY'2009 Budget Message and proceeded to give a Powerpoint presentation explain his message. (A complete copy of the Town Administrator's FY2009 Budget Message is filed in the Town Administrator's Office.)

At the conclusion of his presentation, Mr. Keegan thanked the following staff members for their assistance in putting together this document. They are as follows: Mariellen Murphy, Finance Director, Robin Reyes, Tax Collector, Frank Geishecker, Treasurer, Bill Marincelli, Finance Assistant and the Finance Committee.

Mrs. Kehoe commented to Mr. Keegan, “Well done.” Due to the economic down turn, Mr. Teehan asked Mr. Keegan how affected are the property taxes and foreclosures. Mr. Keegan responded that he monitors these items on a weekly basis with Mr. Reyes, Tax Collector. Mr. Reyes has informed him that tax payments are coming in slowly; however, they are not defaulting. Additionally, Mr. Reyes is not seeing impact relative to foreclosures.

Mr. Keegan informed the Board that Dedham is in a fortunate position and has a strong rating, bonds are very low and the Town is in a good position financially.

Mr. Butler congratulated Mr. Keegan, stated, “Nice job.” The budget is appropriate and conservative. Mr. Butler is hoping that the economic climate will get better. Mr. Butler commented that he is seeing a tightening of the belt. This will be a difficult year. Fortunately, the discipline provided by the Town Administrator, Selectmen and Finance Committee have paid off over the past years.

Mr. MacDonald commented that borrowing costs are one thing municipalities can expect to see increase, also insurance. Additionally, it will be a tough borrowing market going forward. Mr. MacDonald stated that due to conservative, receptive new appropriate growth, the Town is not in a situation other communities are now facing. Mr. MacDonald remarked that the Town will be dealing with real tough Collective Bargaining issues—it will be a real challenge approaching this year and in future years. Mr. MacDonald complimented Mr. Keegan and stated, “Good job.” This is a fair picture. Mr. MacDonald commented that he appreciated all of Mr. Keegan’s hard work and also the diligent efforts of his staff.

Mr. DelloIacono had one concern relative to the hiring freeze and expense fees. He was concerned with the hiring of interns.

ACTION BY THE BOARD

Request for a One-Day Liquor License St. Mary’s Church, March 29, 2008—Mrs. Kehoe made a motion to approve a One-Day Liquor License for St. Mary’s Parish; seconded by Mr. Teehan. **On the Vote:** Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes. Mr. Butler was absent.

Request for a One-Day Liquor License Paul Reynolds, March 1, 2008 –

Mr. MacDonald made a motion to hear an agenda item not listed; seconded by Mr. Teehan. **On the Vote:** Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes. Mr. Butler was absent.

Mr. MacDonald made a motion to approve a One-Day Liquor License to Mr. Reynolds; seconded by Mrs. Kehoe. **On the Vote:** Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes. Mr. Butler was absent.

Request for a Drainlayer's License – Raggs, Inc., P. O. Box 1027, Concord, MA 01742

Mr. Teehan made a motion to approve a Drainlayer's License for Raggs, Inc.; seconded by Mr. MacDonald. **On the Vote:** Mr. Teehan, yes; Mrs. Kehoe, Mr. MacDonald and Mr. DelloIacono. Mr. Butler was absent.

Approval of Selectmen's Meeting Minutes – October 4, 2007 and October 18, 2007

Mrs. Kehoe made a motion to approve the Selectmen's Meeting Minutes of October 4, 2007 and October 18, 2007, as amended; seconded by Mr. MacDonald. **On the Vote:** Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono. Mr. Butler was absent.

OLD BUSINESS/NEW BUSINESS

Mrs. Kehoe had an issue with Verizon. She informed the Board that the agreement made with Verizon and stated will be done by Jill Reddish and Peter Bowman was that the Dedham TV Channel would be up in running in 120 days. Mrs. Kehoe recently attended a DVAC meeting and was informed that Verizon was not going to happen. They installed an expensive piece of equipment; however, it did not work at the Dedham Station. Mrs. Kehoe informed the Board that she called Mr. Bowman today; however, she has not received a return call from him. Mrs. Kehoe stated that it is very disappointing but she thinks Verizon wants to get the job done. Mrs. Kehoe remarked, "The job needs to get done."

Mr. Teehan commented on one of the controversial 40B Apartment complexes located on Rustcraft Road. Mr. Teehan was pleased with the construction of the new Station 250 (40B) Apartments. His observation is that they appear to be nicer units than Jefferson Place. Mr. Butler commented that he has contacted the developers for updates and to see what is happening when the complex is open.

Mr. Butler had issues with and discussed the Milton Street properties at the four corners. Mr. Butler recently read in the Globe that other towns are joining together to go out to bid on projects, supplies, etc. He suggested reaching out to other communities to see if they would be interested in bidding together. He believed regional purchasing would be cost effective to the Town. Mr. Keegan informed Mr. Butler that the Town does use some regional coalitions. He is presently looking into a trash contract and will explore this possibility further.

Mr. DelloIacono asked for an update relative to the properties on Milton Street at the four corners. He commented that the ZBA has quite a few opinions relative to this matter. Mr. DelloIacono asked that Stacey McDonnell, ZBA Board Assistant, give Mrs. Baker the opinions so that she can pass them along to the property owners.

Mr. Butler added that he sees a level of inconsistency.

Relative to new business and at the request of Senator Marion Walsh, Mr. Keegan asked the Board of Selectmen to take a position on the Governor's Bond Bill. He asked the Board to take a position and he will send a letter.

Mr. MacDonald made a motion to take a position relative to the Governor's Bond Bill dealing with the Courts; seconded by Mrs. Kehoe and voted unanimously.

Mr. DelloIacono asked the Town Administrator what is going on at the Krispy Kreme location. He asked Mr. Keegan to have Karen O'Connell, Economic Development Director look into this matter.

Mr. DelloIacono asked the Town Administrator to find out about the West Roxbury tunnel, i.e., discharge and sewerage.

Mr. DelloIacono apologized to the Jacob Jones VFW Post for the Board not attending the banquet of the installation of officers. Unfortunately, the invitation was not copied and passed along to the Board.

Mr. MacDonald complimented the producers of the "Dedham" film shown at the Dedham Community House last night.

Mr. Teehan made a motion to enter into Executive Session relative to M.G.L. Chapter 39, Section 23B, to discuss a Collective Bargaining Contract; seconded by Mrs. Kehoe.

On the Vote: Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

The meeting adjourned at 9:20 p.m.

The Board did not reconvene in open session.

This is to certify that the above is a true and accurate record of the Minutes of the Selectmen's Meeting held on February 28, 2008, which Minutes were approved on

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Carmen DelloIacono, Chairman

