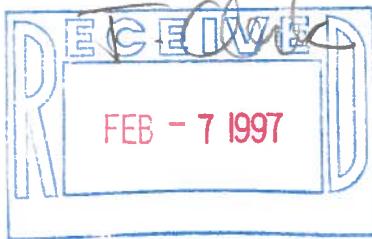


SELECTMEN'S MINUTES

January 7, 1997



Present: Nancy Tavernier, F. Dore' Hunter, Wayne L. Friedrichs, Herman Kabakoff, (Selectman Mullin was absent due to extended business trip) Town Manager Don Johnson and Assistant Mgr. Murray. (The meeting was televised)

CITIZEN'S CONCERNS

Selectmen Friedrich's announced that he has taken out papers for a second term on the Board.

PUBLIC HEARINGS AND APPOINTMENTS

LAND STEWARDSHIP COMMITTEE

Linda McElroy, Tom Tidman and members of the newly formed committee were present to discuss their plans and request for funds of \$50,000 over a five year period for trail maintenance. They have had several meetings since forming in November 1996 as mandated under the newly accepted Open Space and Recreation Plan. They have generated a lot of volunteer interest and are here to request funds for the purchase of supplies to accomplish the many tasks outlined in their paperwork. They have conducted 6 field walks to assess the necessary improvements and have outlined two major projects, HeathHen and Nashoba Brook. Tom Tidman outlined the major areas of improvement. These funds would be used on existing Town Conservation lands.

They thought that since they had missed the Budget cycle that an article could be placed on the Spring Warrant. Barbara Smith confirmed that the Boy Scout Land funding promised by the State was in fact the \$196,000 mentioned in the supporting paper work, and urged the Selectmen to share the money saved to help get these improvements started on the properties that are already owned.

Linda asked that the Seed Money would be used for supplies only, the labor is all volunteer.

Dore Hunter asked about the legality of forming the committee. He felt that if it were a new committee the Charter would have to be amended. It appears that it has been formed illegally and that it does not offer the members legal protection against any claims that might arise out of activities on those lands. He urged them to form as a sub-committee of the Con Com and that would cover them as Special Municipal Employees from a litigation standpoint.

Don Johnson suggested that Town Counsel review this with an eye to the best option to protect all. Nancy felt money could be added to budget instead of a warrant article. The Board will take this under advisement and review the proposal over 5 years to add sum into the budget.

POLICE DEPARTMENT ALCOHOL COMPLIANCE PROGRAM

Detectives Grey and Fenniman were sworn in by Mr. Hunter. Chief Robinson outlined the procedure used by the Department during the "stings". He introduced Andrea Burgess the intern who was the underage person used by the Department to conduct the operation with the detectives. The Department conducted the operation under the guidelines established by the ABCC and discussed the 5 violations out of the 18 establishments mirrored in the 1995 survey. He said that the Department intends on conducting these stings in the future and feels that they are worthwhile to the community.

MAKAHA RESTAURANT LIQUOR VIOLATION HEARING

Mr. Charles Kadison representing Mr. Lee said that his client did not contest the findings. Mr. Lee in fact was the person who served Ms. Burgess and did not check for an ID. He further said that Mr. Lee has had problems with the restaurant since he took it over a year ago with the new partners. They renovated, and attempted to give it a go, but things went down hill. Internal problems and discipline lacked. In March they had the late night incident that resulted in the 7 day suspension and then again the ABCC Sting which resulted in the 3 day suspension that was paid by fine in lieu of suspension just highlighted to him that he could not handle the business any further. He has been in negotiations to sell the business and is concluding the negotiations. The two new stockholders are currently working at the restaurant as Bar Manager and Manager since November. Mr. Kadison said that he hopes to file the required paperwork before he goes on vacation. The Board asked if this was an "Arms Length" transaction and if Mr. Lee's prospective stockholders were relatives. Mr. Kadison said that they were not relatives and it is an Arms Length Transaction. Mr. Hunter asked how many customers were in the establishment at the time of the liquor service. Det. Fenniman noted one other customer at a table in the Bar area.

Don Gilberti, resident asked the Board to understand the Business side and that the Town should support businesses.

Wayne said that this was the third violation in a year and felt that the new owners should not be penalized for current management. However, he was concerned with the violations and felt a suspension was in order. Herman agreed that the proposed new owners should get a fair shot. Dore' disagreed with Herman and Wayne. He felt the Board should impose a penalty on the current owner.

NANCY TAVERNIER - Moved to suspend the Makaha's Liquor License for a period of three days commencing January 12, 1997, further to sign the 1997 renewal affidavit. DORE' HUNTER - Second. UNANIMOUS VOTE.

BENJARONG LIQUOR VIOLATION HEARING

Prayong Techasouvapak representing the Benjarong Restaurant apologized for the violation. She said the person at the bar was only employed for 6 days and unfortunately, she had gone to the kitchen when the violation took place to check on the status of the leaking roof. It was noted that this is the restaurant's second offense and that the Board was concerned about it happening again. Mr. Hunter asked the Detective how many people were in the restaurant at the time of the violation. He responded that Ms. Burgess was the only customer.

DORE' HUNTER - Moved to issue a three day suspension to commence on January 12, 1997. In addition the management is to submit liquor serving policy signed by each current employee to the Board for the file. WAYNE FRIEDRICHES. - Second. UNANIMOUS VOTE.

DONELAN'S SUPERMARKET LIQUOR VIOLATION HEARING

Mr. Donelan had no excuse for the violation. He noted that the store was busy at the time, it was a Saturday morning, the training program had obviously been deficient. They are addressing that, they have ordered more signage and reduced the number of registers from five to three. The cashier was suspended and later terminated. They are trying harder and have taken extreme measures to assure it doesn't happen again.

DORE' HUNTER - Moved to send a letter of warning as first offense to Donelan's Supermarket and to have them re-submit their liquor policy signed by all current employees. WAYNE FRIEDRICHES - Second. UNANIMOUS VOTE.

BUSCEMI'S TOWN LINE CONVENIENCE LIQUOR VIOLATION HEARING

Mr. Kadison representing Mr. Buscemi said that his client did not contest the findings. The clerk asked for the ID but when she didn't have one, he sold it to her anyway. He felt she was older and buying a higher end beer and in a small quantity and therefore did not feel she was under age. Mr. Hunter asked how many people were in the store at the time. There appeared to be one other customer playing the lottery.

DORE' HUNTER - Moved to issue a letter of warning as first offense violation and to have them re-submit their liquor policy signed by all current employees.. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

SICHUAN PAVILION LIQUOR VIOLATION HEARING

Ms. Wong was present and the Board noted that she had responded to their concerns in writing and had already obtained the signatures of the employees on the

liquor service Policy. DORE' HUNTER - Moved to issue a letter of warning as first offense violation. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

2001 Meeting: Nancy remained the Board of the 2001 meeting on January 15th at the Senior Center.

JANUARY 11TH BUDGET MEETING: Selectmen will bring bag lunch and begin at 8:45 with coffee. Staff will provide cold drinks and coffee for those in attendance.

TAX BILL EXPLANATION: It was noted that the Tax Bill Increase handout that was prepared by staff was excellent. Nancy thanked staff for the effort, and wished it had been available for the Municipal Quarterly.

BOSTON EDISON: Herman asked if we would be getting a more detailed response to the concerns expressed to Boston Edison. Nancy noted that they would be in on the 21st and suspected that what was received was just a form letter that everyone received and that a more detailed response would be presented on Tuesday the 21st.

ALG: Additional items for the ALG Agenda was discussed. FY98 Deficit not 97 as noted would be discussed, and the ABC Building Committee should be included on the Agenda.

PLANNING BOARD ARTICLES: Nancy thought that one Board member should attend the public hearing and then be assigned as the Board member to handle all zoning articles for the upcoming town meeting. Wayne volunteered to be the Board member assigned to handle the articles and attendance at the public hearing.

CITIZEN COMPLAINT: The Board discussed Mr. Dietrich's Letter about the Roche Bros. Parking lot and the impression that Roche Bros. employees are giving patron's about the Town being the designer of the parking lot. It was decided to have staff look at the lot and to have someone talk with management of Roche Bros. about the issue of lot design.

CONSENT AGENDA

DORE' HUNTER - Moved to Approve. WAYNE FRIEDRICHHS - Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

No Issues to discuss

EXECUTIVE SESSION

WAYNE FRIEDRICHHS - Moved to go into Executive Session for the purpose of discussing Contract Negotiations. DORE' HUNTER -Second. UNANIMOUS VOTE.

Roll Call taken by Mr. Friedrichs - All Ayes.

The Board adjourned at 10:15 P.M.

Christine M. Joyce
Clerk

0/4/97
Date

Christine M. Joyce
Recording Secty.
Doc:Min1/7/97