



1/25/10
Town of Acton
472 Main Street
Acton, Massachusetts 01720

3

Telephone (978) 264-9612
Fax (978) 264-9630

Steven L. Ledoux
Town Manager

January 12, 2010

Mr. Jay Manning
Crossroad's Café
Nagog Sq.
Acton, MA 01720

**RE: Failure to respond or attend the January 11th Board of
Selectmen's request of December 22, 2009**

Dear Mr. Manning:

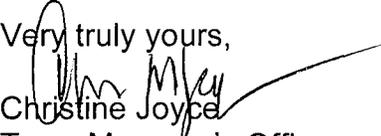
The Acton Board of Selectmen directed staff to contact you to attend an over serving allegation as outlined in my letter of December 23, 2009. You failed to appear for the Board's January 11th Meeting at 7:35 p.m.

The Board of Selectmen takes the service of alcoholic beverages to customers very seriously and was very disappointed that you did not reply or attend this important meeting to discuss this allegation.

The Board has again scheduled you to meet with them on January 25, at 7:25 p.m.

Please confirm your attendance at this upcoming meeting. You can either call me or e-mail me at cjoyce@acton-ma.gov

Very truly yours,


Christine Joyce
Town Manager's Office

Cc: Board of Selectmen
Chief Widmayer

Certified Mail #70993220000898378553



**Town of Acton
472 Main Street
Acton, Massachusetts 01720**

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cjoyce@acton-ma.gov

**Steven L. Ledoux
Town Manager**

December 23, 2009

Mr. Jay Manning
Crossroad's Café
Nagog Sq.
Acton, MA 01720

RE: Alleged Over serving

Dear Mr. Manning:

On November 24, 2009 the Stow Police Department arrested an individual whom said she had been served her last Alcoholic Beverage at your establishment.

Subsequently, this individual has been convicted of operating under the influence of liquor.

The Board of Selectmen takes liquor service and granting of licenses to serve alcoholic beverages very seriously.

The Board requests that you as Manager/owner appear before the Board of Selectmen on January 11th at 7:35 p.m. in the Francis Faulkner Hearing Room at town hall.

Please contact me to confirm your attendance at this Selectmen's Meeting.

Very truly yours,

Christine Joyce
Town Manager's Office

Cc: Chief Widmayer

Christine Joyce

From: Frank Widmayer
Sent: Monday, December 21, 2009 3:34 PM
To: Steve Ledoux
Cc: Christine Joyce
Subject: Crossroads liquor license violation
Importance: High

Steve,

Attached to this memo you will see a Notice of Drinking Establishment G.L. 90, s. 24J violation that occurred at Crossroads Café on November 24, 2009. Also attached is a Town of Stow police report detailing the circumstances of the arrest of a woman who was convicted of operating under the influence of liquor. You may or may not get a similar notice from the ABCC since they receive the same report from the court.

This is a Town of Stow police case and there is nothing I can add to the information already provided. We have no independent witnesses to the incident.

I recommend that the Board of Selectmen notify the owner/manager of the establishment and have him come before the board to discuss the matter. I ask that the Board then take whatever action they deem appropriate under the circumstances.

Regards,
Frank

Frank J. Widmayer III
Chief of Police
978-263-2911

COPY

Town of Acton
Interdepartmental Communication

To: Lieutenant Robert L. Parisi
From: Detective Sergeant Raymond P. Grey
Subject: Liquor License Violation

On December 16, 2009 I received a Notice of Drinking Establishment from the Concord District Court. The date of offense was November 24, 2009. On this date an officer from the Stow Police Department arrested a 56 year old female for operating a motor vehicle while under the influence of alcohol. From reading the officers report it appears several motorist had called 911 reporting a vehicle all over the road. A detailed report was written by the Stow Police Officer who clearly indicates the operator was under the influence of alcohol. During her guilty plea the operator stated to the court she had consumed her last drink at the Crossroads Café.

The Notice of Drinking Establishment is attached to this communications.

**NOTICE OF
DRINKING ESTABLISHMENT**
G.L. c. 90, § 24J
ESTABLISHMENT COPY

DOCKET NUMBER
0947CR001685

Trial Court of Massachusetts
District Court Department



CASE NAME

Commonwealth vs. [REDACTED]

COURT NAME & ADDRESS

Concord District Court
305 Walden Street
Concord, MA 01742
(978)369-0500

DATE OF OFFENSE

11/24/2009

CITATION NUMBER

M8701223

NAME & ADDRESS OF ESTABLISHMENT

Crossroads Cafe
Great Road
Acton, MA 01721

This notice is sent pursuant to G.L. c.90, §24J, which requires, in cases of conviction of, or a plea of guilty to, operating a motor vehicle under the influence of liquor, that the Court inquire of the defendant whether he or she was served alcohol prior to the violation at an establishment licensed to serve alcohol on the premises, and to transmit the name and address of such establishment to the Alcoholic Beverages Control Commission, the Attorney General, the District Attorney, and the establishment.

COMMENTS

DATE ISSUED

12/16/2009

CLERK-MAGISTRATE

Ann Tavares Colicchio



Arrest #: 09-69-AR
Call #: 09-15357

Date/Time Reported: 11/24/2009 @ 2000
Arrest Date/Time: 11/24/2009 @ 2025
Booking Date/Time: 11/24/2009 @ 2041
OBTN: TSTW200900069
Court: CONCORD DISTRICT COURT
Court Date: 01/15/2010 @ 0830
Reporting Officer: Officer David Goguen
Assisting Officer: Sergeant Ralph Marino
Booking Officer: Officer David Goguen
Approving Officer: Sergeant Ralph Marino



Signature: _____

Bail For Court: CONCORD DISTRICT COURT Set: 11/24/2009 @ 2215
Personal Recognizance Set 40.00
Personal Recognizance Set
Bail Set By: JM JAY MCCARTHY
Prosecutor: Murphy, Gary P
Bail Unpaid:
Released: 11/24/2009 @ 2330

Signature: _____

DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
1 [REDACTED] STOW MA 01775-1303	F	W	56	026-44-8840	

Military Active Duty: N
HEIGHT: 504 WEIGHT: 150 HAIR: BLOND OR STRAWBERRY EYES: BROWN
BODY: MEDIUM COMPLEXION: LIGHT
DOB: [REDACTED] PLACE OF BIRTH: NOT AVAIL.
LICENSE NUMBER: MA [REDACTED] ETHNICITY: NOT HISPANIC
PCF #: 0000

[APPEARANCE]

GENERAL APPEARANCE: DISARRANGED
SHIRT: PULLOVER - LONG SLEEVE
SWEATERS/COATS/JACKETS: UNSPECIFIED COAT / JACKET
PANTS/SKIRT: JEANS-COLOR
SHOE: BOOTS - UNSPECIFIED
GLASSES WORN: NO

Arrest #: 09-69-AR

Call #: 09-15357

DEPENDANT(S) SEX RACE AGE SSN PHONE

[RIGHTS/BOOKING CHECKS]

RIGHTS ADVISED BY: Officer David J Goguen DATE/TIME: 11/24/2009 @ 2042
PHONE USED: Y PHONED DATE/TIME: 11/24/2009 @ 2055
ARRESTEE SECURED: Y 11/24/2009 2048
ARRESTEE CELL #: 2

FINGERPRINTED: N
PHOTOGRAPHED: Y
SUICIDE CHECK: Performed
PERSONS: State&Federal
WANTED BY: NONE FOR NONE
NCIC VEHICLE CHECK: Performed
WANTED BY: NONE FOR NONE
INJURY OR ILLNESS: N

OFFENSE(S) ATTEMPTED TYPE

LOCATION TYPE: Highway/Road/Alley/Street Zone: NORTH
WEST ACTON RD
STOW MA 01775

- 1 RIGHT LANE, FAIL DRIVE IN N Misdemeanor
89/4B/B 89 4B
OCCURRED: 11/24/2009 2000
REFER TO CITATION#: M8701223
2 OUI LIQUOR N Misdemeanor
90/24/J 90 24
OCCURRED: 11/24/2009 2000
REFER TO CITATION#: M8701223

Ref: 09-69-AR

On Tuesday, 11/24/09 at 22:00 Stow Police received a call from Acton Police regarding an erratic operator coming into Stow from Acton on a black Chrysler Crossfire convertible registered to a resident on [REDACTED] Road in Stow, Ma.

While waiting in the center of town I did view a black Chrysler convertible at the center traffic lights and did follow this vehicle bearing Massachusetts registration [REDACTED]

Now traveling South on Gleasondale Road, a public way maintained by the Town of Stow I did get behind this vehicle and followed it for a short time and viewed the black Chrysler convertible cross over into the opposite lane of traffic several times and after viewing this I did activate my emergency lights and pulled over this vehicle on Gleasondale Road in the flats area near Brookside Road.

I approached the operator and could smell a strong odor of alcoholic beverage emitting from the vehicle window. The female operators eyes were red and glassy and her speech was slurred.

I asked the operator for a license and registration and the female operator went into the glove box and handed me the registration and when asked for a license the operator pulled out a handful of credit cards from her pants pocket and looked for her license several times in this pile and would stop, look down and ask me what I wanted again, this happened several times until she did find her license and handed me same.

Now identified by her license as [REDACTED] of [REDACTED] Road in Stow, Massachusetts. I returned to my cruiser and ask for Sgt. Marino to come to my location.

After Sgt. Marino arrived I explained the situation and asked him to assist in a field sobriety test of the operator.

I approached the operator and asked her to exit the vehicle and go to the front of my cruiser. While exiting her vehicle [REDACTED] did stumble and had to regain her balance by grabbing her vehicle.

Now at the front of my cruiser I explained to [REDACTED] that I wanted her to perform some field sobriety tests.

The first test I demonstrated the heel to toe test which was to walk heel to toe while looking straight ahead and your arms down at your sides. After several attempts of this test [REDACTED] could not walk in a heel to toe fashion as instructed. [REDACTED] would have to look down and could not put her heel to her toe as instructed.

The second test I asked [REDACTED] to perform was to recite the alphabet.

[REDACTED] started to sing the alphabet and after the letter C she stopped and said she did not want to do this test anymore.

I asked [REDACTED] to place her hands behind her back and placed her under arrest and handcuffed her and placed her in my cruiser.

I returned to the station with [REDACTED] and booked her with the assistance of Matron Darlene Trefry who was dispatching at the time. I did advise [REDACTED] of her rights under Miranda which she refused to sign.

Sgt. Marino did release the vehicle to [REDACTED] son who arrived on the scene.

When Sgt. Marino arrived at the station he did advise [REDACTED] of her OUI rights and she did refuse to take a breathalyzer test.

[REDACTED] was cited for Failure to Stay in Marked Lanes and OUI Liquor with citation M8701223 and later bailed.

Ref: 09-69-AR

On 11-24-09 at approx. 2249hrs., this Officer was in the booking room of the Stow Police Station assisting Bail Commissioner Jay McCarthy with the bailing of Ms. [REDACTED]. Also present at the time of the bail process was Disp. Darlene Trefry. While standing beside the bail commissioner, Ms. [REDACTED] blurted out the following statement. "While I might have been drunk driving, I didn't do anything wrong." When she made this statement, I was directly behind her, Disp. Trefry was to the left of Ms. [REDACTED]. Ms. [REDACTED] was being bailed for O.U.I. 1st Offense when she made this statement. Also as Ms. [REDACTED] was leaving the booking room, I noticed that she [REDACTED] [REDACTED] while in cell#3. It should be noted that "all" cells are equipped with [REDACTED] and that they all were in working order on this date.