



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 929-6350

Steven L. Ledoux
Town Manager

December 29, 2014

Please place this in the Legal Ad section Lowell Sun on Wednesday, December 31, 2014:

Bill to: Town of Acton – Manager Department
472 Great Road
Acton, MA 01720
(978) 929-6611

Please confirm and send tear sheet to ltomyl@acton-ma.gov

Regards,

Lisa Tomyl
Executive Assistant

**LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on January 12, 2015 at 7:10 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton for an alleged overserving incident on November 23, 2014 at the Makaha Restaurant, 255 Great Road, Acton, MA. The documentation concerning this public hearing can be inspected before the public hearing at Town Hall during normal business hours (9 am – 5pm, Monday through Friday).

Acton Board of Selectmen

Lisa Tomyl

From: Frank Widmayer
Sent: Wednesday, November 26, 2014 12:07 PM
To: Steve Ledoux
Cc: Lisa Tomyl; Mark Hald
Subject: Makaha possible overserving incident
Attachments: Makaha overserving incident 20141123.pdf

Steve,

I have attached a report along with a letter from Deputy Chief Richard Burrows about an incident that occurred recently at the Makaha.

Makaha Manager Raymond Cheng is aware of the situation and in fact was involved in the incident as it occurred.

We received a call from them after they attempted to obtain a ride for the uncooperative/unruly customer.

Considering the fact that the patron's Breathalyzer result was more than twice the legal limit I recommend a hearing be held by the Board of Selectmen regardless of the fact that the Makaha staff did call the police department as we have recommended to them in the past.

Regards,
Frank

Frank J. Widmayer III
Chief of Police



**ACTON POLICE DEPARTMENT
INTERDEPARTMENTAL
COMMUNICATIONS**

To: Chief Widmayer

From: Deputy Chief Burrows *DCB*

Re: Makaha

Date: November 24, 2014

On Sunday November 23rd at 5:17pm officers responded to the Makaha Restaurant 255 Great Rd for a disturbance involving a patron harassing other patrons. The officers were directed by the owner Raymond Cheng to the bar area and encountered a gentleman who they believed was intoxicated. After an unsuccessful attempt to arrange for a ride home, the patron was placed into protective custody and approximately 2.5 hours later blew a .18 on the breathalyzer. The gentleman had a receipt in his back pocket for \$19.50 and the time stamp was 17:21.

Off. Meuse followed up with Raymond Cheng and the bartender Kin Chung. They stated the gentleman entered the bar around 2pm and appeared fine after which he was served 3 Scorpion bowls for one. Ray and Kin report about half way through the third drink he became belligerent so they cut him off. They reportedly called a taxi for him which he refused to take and asked them to call the cops. Raymond advised that he does have surveillance cameras and will need time to make a copy to disc.

The report is attached to this memo.

Acton Police Department
P. O. Box 2212
371 Main Street
Acton, MA 01720
978-263-2911
Incident Report



Incident Number: 2014000018663
File No: N/A
Dispatch Incident Number: 2014000020837
Print Date: November 26, 2014
Printed By: bleblanc

Incident Information

Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Sun	11/23/2014	5:17:00PM		Sun	11/23/2014	5:17:00PM		11/23/2014	5:17:00PM	
Reported As intoxicated male PC			Incident Type - Primary Disturbance				Arresting Officer				
Incident Address 255 GREAT RD, Acton, MA 01720							Reporting Officer Patrolman Nathan Meuse				
Sector NOR		Stat. Area North Precinct Map E5		Sub Stat. Area		Census Tract		Landmark			
Business Name MAKAHA RESTAURANT				Incident Types - Other				Action Taken PROTECTIVE CUSTODY			

Associated Persons Summary

Type	Name (Last, First, MI)	Age	Sex	Home Phone #	Cell Phone #	Work Phone #
Arrested	[REDACTED]	24	M	N/A	N/A	N/A
Address: [REDACTED] Littleton, MA 01460-1224						
Other	[REDACTED]	24	M	N/A	N/A	N/A
Address: [REDACTED] Littleton, MA 01460-1224						
Caller	Cheng, Raymond W	56	M	N/A	N/A	N/A
Address: 3 Laura Lane, WESTWOOD, MA						
Other	Chung, Kin W	52	M	N/A	N/A	N/A
Address: 255 GREAT RD, ACTON, MA 01720						

Associated Businesses Summary

Type	Name	Primary Phone #	Secondary Phone #
Other	MAKAHA RESTAURANT	N/A	N/A
Address: 255 GREAT RD, Acton, MA 01720			
Caller	MAKAHA RESTAURANT	N/A	N/A
Address: 255 GREAT RD, Acton, MA 01720			

Involved Officers

Officer Title	Officer Name	Officer Type	Division
Patrol Officer	John Collins	Responding Officer	Acton Police Department
Patrolman	Nathan Meuse	Reporting Officer	Acton Police Department
Patrolman	Nathan Meuse	Responding Officer	Acton Police Department

Arrest Offenses

Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
1	111B	N/A	[REDACTED]	Protective Custody - Incapacitated By Alcohol

Arrestee Seq. # 1

Suspect Type	Suspect Name			Alias/Nickname	Occupation	Probation Central File	SSN		
Named	[REDACTED]			N/A	N/A	N/A	N/A		
Date of Birth	Age	Sex	Race	Ethnicity	Skin Tone	Height	Weight	Eye Color	Hair Color
N/A	24	Male	Caucasian	Not Hispanic	N/A	5' 11"	170	Hazel	Black

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Incident Report

Vehicle info					
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.
[REDACTED] - MA (2015)	1998 Bmw 180 Series	N/A	Red	Red	PLYMOUTH ROCK ASSU

Towed by: J Scott Mtrs Towed to: 4 Eastern Road Acton

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978-263-2911



Incident Number: 201400018663
File No: N/A
Dispatch Incident Number: 201400020837
Print Date: November 26, 2014
Printed By: bleblanc

Incident Report

Narrative by: Patrolman Nathan Meuse Division: Acton Police Department

Date & Time 09/23/2014 18:32

I, Officer Nathan Meuse, report the following.

On November 23, 2014 at approximately 5:17p, Officer Collins, and I, responded to 155 Great Road, Makaha Restaurant, for the report of an intoxicated male being belligerent and harassing other patrons. Upon my arrival I was met at the front door by the manager, Raymond Cheng. Raymond informed me that the male party he had called about was in the bar room. Raymond then pointed to the male subject, later identified as [REDACTED] (DOB [REDACTED]).

[REDACTED] was standing at the bar visibly swaying back and forth. I approached [REDACTED] and asked him if he could step outside to speak with me. [REDACTED] turned towards me and started walking. I could detect a strong odor of intoxicating liquor coming from [REDACTED] person. [REDACTED] eyes were also red and glassy. As [REDACTED] started walking with me I could see that he was unsteady on his feet. I then grabbed a hold of [REDACTED] right elbow to assist him in walking. Once outside I asked [REDACTED] if he knew why I was there. [REDACTED] stated, in a slurred speech, "I don't know why anyone is". I then informed [REDACTED] that we were called because the manager believed him to be intoxicated and that he was refusing to leave the establishment. At this point Officer Collins arrived on scene. [REDACTED] then stated that "we don't have the right to do anything, I didn't do anything". At this point I asked [REDACTED] for his ID so that his identity can be confirmed. [REDACTED] in turn, asked me to show him my ID first. I informed [REDACTED] that my name is Officer Nathan Meuse with the Acton Police. [REDACTED] then stated that he is "[REDACTED]". I asked why he was saying those numbers and [REDACTED] replied that this is his Social Security number. I asked again for [REDACTED] ID, which he eventually showed me.

[REDACTED] was then asked how many drinks he had today. [REDACTED] stated "don't have to say, a couple". I asked how much a couple is. [REDACTED] replied with "two". At this point I asked [REDACTED] if he knows of anyone that could come, pick him up, and bring him home. [REDACTED] stated that he did not have a phone charger and asked if he could borrow mine. I informed him that I did not have a charger. I then asked if he knows anyone's number that we could call to pick him up, [REDACTED] stated that he did not know anyone's phone number. [REDACTED] then stated that he is going to leave his car in the parking lot and sleep in that tonight. I informed [REDACTED] that this would not be allowed, and that if he could not get a ride then he would be brought in under protective custody. [REDACTED] then stated that he did not know anyone and could not afford a taxi service either. At this point I informed [REDACTED] that he was being placed into protective custody. [REDACTED] was handcuffed and placed into the passenger rear side of marked cruiser #24. [REDACTED] was then transported to the Acton PSF. During the transport [REDACTED] had informed me numerous times that he is a "tax payer". I asked why he is telling me this and he stated "well, it's true". Once at the Acton PSF [REDACTED] was booked by Sgt. Grey in accordance to department policy and procedure. During the booking process [REDACTED] had initially stated that he wanted to take a breath test. When given the opportunity [REDACTED] asked if he could have some water. [REDACTED] was informed that he could not until after the breath test. [REDACTED] then stated that he now does not want to take the breath test, but would rather take it in 2 hours. Sgt. Grey informed him that it is his right to take the breath test. [REDACTED] again asked for some water. When informed once more that he is not allowed to have anything for 15 minutes prior to a breath test, [REDACTED] stated that he would rather wait 2 hours and blow a lower number than he would now. [REDACTED] was then informed of his rights. [REDACTED] refused to sign his rights due to the fact that he believes that "this isn't right". [REDACTED] was then placed into cell #1.

I then went back to 255 Great Road, Makaha, to speak with the manager, Raymond, as well as the bar tender, Kin Chung. Kin informed me that [REDACTED] came into the establishment at approximately 2:00p, by himself. Kin stated that [REDACTED] seemed fine and believed that he was not under the influence of intoxicating liquor at this time. During the times of 2:00p and 4:00p, [REDACTED] was served two (2) "Scorpion Bowl's for one (1)". The contents of a scorpion bowl are Brandy, Rum, Orange Juice and Pineapple Juice. Raymond then stated that he served [REDACTED] another scorpion bowl a little after 4:00p. During the consumption of the third scorpion bowl Raymond stated that [REDACTED] started to become belligerent towards other patron's. It was apparent to Raymond that [REDACTED] was intoxicated and "cut off". Comeau, taking away his current drink, of which [REDACTED] had consumed 1/2 of the drink for a total of 2 1/2 mixed drinks during the course of a little over 2 hours. [REDACTED] had a receipt in his pocket from the Makaha for a total of \$19.50. The time stamp of the receipt shows 17:21. Raymond then stated that he offered to call a cab for [REDACTED] to which [REDACTED] agreed to. Raymond stated he called the Sun Shine taxi service at 4:44p. Raymond then stated that the taxi service arrived about 20 minutes later. When Raymond informed [REDACTED] that the taxi was there, [REDACTED] stated "I said call the cops, not a cab". At this point Raymond then called the Acton PD.

I asked Raymond in what ways [REDACTED] was being belligerent. Raymond stated that he was being rude to the other

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Incident Report

Narrative by: Patrolman Nathan Meuse Division: Acton Police Department (continued)

Date & Time 09/23/2014 18:32

patrons and giving him an attitude for cutting him off. Raymond stated that he seemed fine when he first came into work at 4p, and does not know why [REDACTED] was acting the way he was. Raymond stated that during the time [REDACTED] was cut off he had given [REDACTED] three (3) ice waters. I then asked Raymond about the receipt found in [REDACTED] pocket from this evening. The time stamp on the receipt shows 17:21, but a taxi was called for, after being cut off, at 4:44p. Raymond stated that he believes that the time in the computer must not have been changed since day light savings time, which would mean [REDACTED] cashed out at 4:21. Raymond then informed me that he has surveillance cameras in the lounge area, but would need some time to figure out to make a copy onto a disc, for evidence.

As a result of [REDACTED] being placed into protective custody, his vehicle, MA. Reg. [REDACTED] was towed by J. Scott Motors. A motor vehicle inventory was completed, and attached to this original report.

Respectfully Submitted,
Officer Nathan Meuse, 143
Acton PD

Narrative by: Patrolman Nathan Meuse Division: Acton Police Department

Date & Time 11/23/2014 20:28

I, Officer Nathan Meuse, report the following.

On November 23, 2014 at approximately 19:58pm, [REDACTED] requested to take a breath test. Below are the breath test results.

Subject Test 1 - 0.181 at 19:58

Subject Test 2 - 0.181 at 20:06

[REDACTED] was informed of these results and placed back into cell #1. [REDACTED] has not consumed any alcoholic beverages since approximately 4:15p on this day. A copy of these results are attached to this original report.

Respectfully Submitted,
Officer Nathan Meuse, 143
Acton PD

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Incident Report

Incident Information

Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Sun	11/23/2014	5:17:00PM		Sun	11/23/2014	5:17:00PM		11/23/2014	5:17:00PM	
Reported As			Incident Type - Primary			Arresting Officer					
intoxicated male PC			Disturbance								
Incident Address						Reporting Officer					
255 GREAT RD, Acton, MA 01720						Patrolman Nathan Meuse					
Sector		Stat. Area		Sub Stat. Area		Census Tract		Landmark			
NOR		North Precinct Map E5									
Business Name				Incident Types - Other				Action Taken			
MAKAHA RESTAURANT								PROTECTIVE CUSTODY			

Associated Persons Summary

Type	Name (Last, First, MI)	Age	Sex	Home Phone #	Cell Phone #	Work Phone #
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Other	[REDACTED]	24	M	N/A	N/A	N/A
Address:	[REDACTED] Littleton, MA 01460-1224					
Caller	Cheng, Raymond W	56	M	N/A	N/A	N/A
Address:	3 Laura Lane, WESTWOOD, MA					
Other	Chung, Kin W	52	M	N/A	N/A	N/A
Address:	255 GREAT RD, ACTON, MA 01720					

Associated Businesses Summary

Type	Name	Primary Phone #	Secondary Phone #
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Address:	255 GREAT RD, Acton, MA 01720		
Caller	MAKAHA RESTAURANT	N/A	N/A
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1	111B	N/A	[REDACTED]	Protective Custody - Incapacitated By Alcohol

Arrestee Seq. # 1

Suspect Type	Suspect Name	Alias/Nickname	Occupation	Probation Central File	SSN				
Named	[REDACTED]	N/A	N/A	N/A	N/A				
Date of Birth	Age	Sex	Race	Ethnicity	Skin Tone	Height	Weight	Eye Color	Hair Color
N/A	24	Male	Caucasian	Not Hispanic	N/A	5' 11"	170	Hazel	Black

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Vehicle Info					
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.
[REDACTED] - MA (2015)	1998 Bmw 180 Series	N/A	Red	Red	PLYMOUTH ROCK ASSU
Towed by: J Scott Mtrs Towed to: 4 Eastern Road Acton					

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Acton PD

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Acton PD