



Office of the Board of Selectmen
Webster Town Hall
350 Main Street
Webster, MA 01570

Phone: (508) 949-3800 x 1041
Fax: (508) 949-3888
selectmen@webster-ma.gov

Andrew M. Jolda, Chairman
Randall V. Becker, Vice Chairman
Mark G. Dowgiewicz, Secretary
Robert J. Miller
Donald D. Bourque

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
Monday, February 12, 2018**

Webster Town Hall, 2nd Floor, Board of Selectmen's Meeting Room
350 Main Street, Webster, MA 01570

MEETING OPENING: At 6:00 p.m., Chairman Jolda called the meeting to order. The following individuals were present: Chairman Andrew Jolda, Vice Chairman Randall Becker, Selectman Mark Dowgiewicz, Selectman Robert Miller, Selectman Donald Bourque, Town Administrator Douglas Willardson, and Executive Secretary Jennifer Cederberg. The Board stood and took the Pledge of Allegiance.

ANNOUNCEMENTS: Chm. Jolda announced that the Town Hall will be closed on Monday, February 19th.

SWEARING IN: Police Chief Timothy Bent and Deputy Chief Michael Shaw introduced Officer Aaron DeSantis. Officer DeSantis was sworn in by Town Clerk Bob Craver.

THE LIBERTY CLUB PUBLIC HEARING: AT 6:05 p.m.,

Motion by Sel. Miller, seconded by Sel. Bourque, to open the Public Hearing for the Liberty Club. The motion passed unanimously.

Att. Greg Corbo from KP Law began by outlining the hearing process. He stated that it would be conducted in three phases: the first phase would be to hear testimony of the evidence from the Police Department; the second would be to hear rebuttal from the Liberty Club; and the third would be for the Board of Selectmen to deliberate and make their rulings. He asked that all comments and questions be directed through the Chairman and reminded participants to be tactful. He noted that Mr. Andrzej Bzura, owner of the Liberty Club, was present in the audience.

Deputy Police Chief Michael Shaw and Sergeant Patrick Perry were sworn in by the Chairman. Deputy Shaw stated that the Police Department received a call on 11/17/17 at 1:35 am to respond to an assault and battery at the Liberty Club. Officers arrived to find a male who was obviously under the influence of alcohol. A second male was found stumbling down the road with an injury to his head. Officers spoke to the Liberty Club's bartender, Angela St. Laurent, and found she was under the influence of alcohol as well. They also believed she may have been under the influence of some type of stimulant given her behavior. Ms. St. Laurent was not truthful with officers about the fact that the fight took place inside of the Liberty Club but, ultimately, she did admit it. She

was asked why she was intoxicated but gave no response. She indicated she was on the phone with the owner of the Liberty Club. She offered no explanation as to why there were customers in the bar after 1:00 am. Sgt. Perry was concerned about her driving and she was evasive about how she got to work but finally admitted she drove there in her boyfriend's car. One of the individuals involved in the fight had a blood alcohol level of .312 and was taken to Hubbard Hospital. The other individual's level was .17 and he was taken into protective custody. Ms. St. Laurent refused a breathalyzer. She admitted to serving alcohol to both males after 1:00 am. The violations of the license are overserving patrons, serving alcohol after closing time, and being under the influence as bartender.

Att. Corbo clarified that the blood alcohol levels were taken sometime between 1:35 am and 2:00 am. Sgt. Perry noted that Ms. St. Laurent was acting erratic, was having a hard time focusing, could not answer questions, and appeared to be on some form of a stimulant in addition to alcohol. He stated that Ms. St. Laurent informed him that she was unable to reach the owner of the establishment to come and lock the bar so she planned on leaving and the bar would remain unlocked. Att. Corbo noted that Dep. Shaw would be asked to provide recommendations prior to the end of the hearing.

Mr. Andrzej Bzura was sworn in by Chm. Jolda. He apologized to the Board and stated that he is very disappointed in his bartender. He stated that he was contacted sometime after 1:00 am by Ms. St. Laurent saying there were guys fighting outside the bar but she never asked him to come in and that he thought she had it under control. He stated that she did not admit to serving after hours, that she just panicked after one of the men stated that he was going to call the Police. Mr. Bzura said that often times, people drink before coming in to his establishment. He said he frequently picks up empty nip bottles from outside his building. He further stated that he does not allow his bartender to drink or use stimulants on the job. Mr. Bzura stated that since this incident, he has banned the two individuals that were involved in the fight from coming in, suspended the bartender, and closes the Liberty Club at midnight. He confirmed that his bartender is TIPS certified.

Sel. Miller stated to Mr. Bzura that he has a lot invested in his business and his bartender knowingly served after hours while she was on something and all he did was suspend her which was very lenient. Mr. Bzura stated that she is a good bartender but maybe he should have fired her. Sel. Bourque asked how long the bartender was suspended. Mr. Bzura stated she was suspended for two weeks. Sel. Becker stated that it is fortunate that there was not a tragedy in this situation and that it is concerning that the bartender only received a 2-week suspension. Sel. Miller asked why, if the bartender is TIPS certified, was she over-serving customers after-hours? Mr. Bzura stated that he assumes they were not acting intoxicated while in the bar. He said that his bartender has worked in the business for 13 years and he took over the Liberty Club on 9/1/17.

Att. Corbo clarified that there was one employee on duty at the time of the incident, she was intoxicated, she was trying to reach the owner, and she claimed she was unable to. He asked Mr. Bzura what happened when he was able to speak with Ms. St. Laurent. Mr. Bzura stated that she told him that the Police were outside the bar and that there was a fight but she did not ask him to come in or indicate that she was having a problem, she was just upset and crying. He said that she did not contact him again until she was released from the Police Station. Att. Corbo questioned Mr. Bzura why he did not feel the need to go to the bar after Ms. St. Laurent's phone call. Mr. Bzura stated that he should have. Att. Corbo asked how often there is only one employee on duty. Mr. Bzura stated pretty much all the time. Att. Corbo asked what safeguards have been put in place since this incident. Mr. Bzura stated that he reviewed policies and procedures with Ms. St. Laurent, he will reconsider terminating her, he hired two additional staff who have serving experience, and the bar now closes at midnight.

The testimony ended at 6:43 p.m.

Deputy Shaw stated that after listening to the owner, he has increased concerns. He reminded the Board that there was an injured person walking down the street late at night who had been over-served to the point where

he needed to be taken to the hospital. He recommended that the Board impose the maximum penalty allowed under their policy for a first offense. Att. Corbo asked Deputy Shaw if he would make himself available to Mr. Bzura to help educate him about preventing incidents such as this in the future. Deputy Shaw said he would. Att. Corbo clarified for the Board that two things require discussion and decision: a violation has been proven (licensed establishment open after hours) and what penalty should be imposed?

Motion by Sel. Becker, seconded by Sel. Bourque, that the Board finds the establishment is in violation for serving alcohol after hours. The motion passed unanimously.

Motion by Sel. Miller, seconded by Sel. Bourque, that the Board finds that was a disorderly disturbance on the premises as written in the ABCC regulations. The motion passed unanimously.

Motion by Sel. Miller, seconded by Sel. Bourque, that the Board recommends a suspension of the Liberty Club's Alcohol License for six (6) days to start on a Tuesday to run for six (6) days concurrently and the licensee will reach out to the Deputy Police Chief to meet in an effort to prevent any future problems. The motion passed unanimously.

Motion by Sel. Bourque, seconded by Sel. Miller, to close the hearing. The motion passed unanimously.

THAI LEMONGRASS PUBLIC HEARING: At 6:58 p.m.,

Motion by Sel. Bourque, seconded by Sel. Miller, to open the public hearing. The motion passed unanimously.

Representatives from Thai Lemongrass, Inc. were present in the audience requesting a new Wine and Malt license as the prior one was surrendered under the name Thai Lemongrass, LLC. It was noted that they currently have a BYOB license.

Motion by Sel. Bourque, seconded by Sel. Becker, to approve the new license application from Thai Lemongrass. The motion passed unanimously.

At 6:59 p.m.,

Motion by Sel. Becker, seconded by Sel. Bourque, to close the public hearing. The motion passed unanimously.

MAMA'S KITCHEN PUBLIC HEARING: At 6:59 p.m.,

Motion by Sel. Becker, seconded by Sel. Miller, to open the public hearing. The motion passed unanimously.

Representatives from Mama's Kitchen were present requesting that the All Alcohol license previously held by Michael's on Main be transferred to them as they recently acquired the business.

Motion by Sel. Becker, seconded by Sel. Miller, to approve the transfer of the All Alcohol License from Michael's on Main to Mama's Kitchen. The motion passed unanimously.

CHANGE OF MANAGER ON ALCOHOL LICENSE – WEBSTER FISH AND GAME:

Motion by Sel. Bourque, seconded by Sel. Becker to approve the change in Manager Application to name James Hetherman as Manager on record for the alcohol license. The motion passed unanimously.

CHANGE OF DBA FOR INDIAN RANCH:

An attorney for Indian Ranch came forward and requested a change of DBA for their new restaurant so that they may call it "Samuel Slater's".

Motion by Sel. Miller, seconded by Sel. Bourque, to approve the change of DBA for Indian Ranch to call the restaurant Samuel Slater's. The motion passed unanimously.

ABATEMENT REQUESTS: New Water Superintendent Greg Woods and Sewer Superintendent Bill Burke presented three requests.

6 River Court: Chm. Jolda recused himself. The owner had a high water bill due to a running toilet. The water did pass through the meter and went into the sewer.

Motion by Sel. Miller, seconded by Sel. Bourque, to deny the request. The motion passed with Chm. Jolda recusing himself.

46 Upland Ave.: There was elevated usage with no explanation. The owner did not return a call to discuss. The water did pass through the meter and went into the sewer.

Motion by Sel. Becker, seconded by Sel. Miller, to deny the request. The motion passed unanimously.

38 Brook Street: There was a toilet left running. The owner claims to be unaware. The water did pass through the meter and into the sewer.

Motion by Sel. Becker, seconded by Sel. Miller, to deny the request. The motion passed unanimously.

REQUEST FROM THE SCHOOL DEPARTMENT: School Business Manager Ted Avlas, Superintendent Ruthann Goguen, and Monique Pierangelli appeared before the Board. Mr. Avlas stated that the time period is open for submission of the Statement of Interest for the MSBA. He stated that as part of the application process, two votes are required: one from the School Committee and one from the Board of Selectmen. Mr. Avlas said that the application needs to be submitted this week.

Motion by Sel. Becker, seconded by Sel. Miller, that having convened in an open session on February 12, 2018, prior to the closing date, the Board of Selectmen of Webster, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 14, 2018 for Bartlett High School located at 52 Lake Parkway which describes and explains the following deficiencies and the priority category for which an application may be submitted to the Massachusetts School Building Authority in the future, and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority. The motion passed unanimously.

DISCUSSION ON 2018 BEACH FEES: Sel. Bourque recused himself. Recreation Director Carol Marchand presented recommendations to the Board. She recommended not staffing the Beach on Tuesdays and posting that there is no Lifeguard on duty. She further recommended extending the dates that the Beach will be open by beginning to open the gate on weekends in May, and continue through September, with no Lifeguard on duty, and have a Senior Work-off Program worker man the gate.

Ms. Marchand recommended the following fees for entry to the Beach: no longer offer seasonal stickers for non-residents with watercraft: these individuals would have to pay a daily fee to enter. Additional residential stickers would be limited to 1 per household and cost \$10 (currently unlimited and \$5/ea). Sel. Becker asked where the No Lifeguard signs would be posted. Ms. Marchand explained that she has the signs available, she has discussed the issue with the Town's insurance company and they are available to put up now.

Motion by Sel. Becker, seconded by Chm. Jolda, to accept the recommendations of the new Beach Sticker fees. The motion passed with Sel. Bourque recusing himself.

COMPOST FACILITY: Mr. Willardson reviewed the current fee structure and noted that the Town is currently operating in a deficit. He recommended that the Town try to find someone through the Senior Work-off Program to work at the gate. He further recommended that the price of the stickers be changed to reflect regular price \$30 and Veterans \$15. He informed the Board that Highway Department employees are currently being paid to staff the Compost Station at the rate of time and a half. He said he'd like to look at options for changing the weekday hours and opening additional Saturdays and come back to the Board with a final presentation.

MEETING MINUTES:

Motion by Sel. Becker, seconded by Sel. Miller, to approve the Selectmen's meeting minutes from 12/11/17, 12/18/17, and 1/8/18. The motion passed unanimously.

TOWN ADMINISTRATOR'S REPORT: Mr. Willardson distributed his report and reviewed it with the Board.

Motion by Sel. Becker, seconded by Sel. Bourque, to approve the Town Administrator's Report. The motion passed unanimously.

TOWN ADMINISTRATOR EVALUATION FORM: Mr. Willardson presented the Board with the Review form that was used last year. He updated the goals from last year and presented those as well. He asked the Board's pleasure in terms of whether or not they would like to weigh any of the answers on the form. They did not. The Board agreed to complete the Evaluation Form, submit to Ms. Cederberg who will then compile all results into one report with comments and distribute for review.

SIX MONTH FINANCIAL REPORT: Chm. Jolda commented that the bullet points in the report are helpful and outline major highlights. Sel. Becker commented that he liked to review the detailed reports produced by MUNIS. He requested that Mr. Willardson provide him with a revenue report.

OPIOID TORTE LAWSUIT: Mr. Willardson reviewed a list of other Towns who are joining this lawsuit which is of no cost to the Town. He stated that the likely scenario would be that a lump sum would be received and divided up by population.

Motion by Sel. Becker, seconded by Sel. Bourque, to join the litigation. The motion passed unanimously.

FILMORE SCHOOL RFP: Mr. Willardson reviewed options for the RFP. He stated the RFP could ask the proposer to detail exactly what they plan on doing with the building. He said another option would put strict limitations on what the proposer cannot do with the building. He recommended that the Board not be too limiting. Sel. Bourque suggested giving proposer's two dates to visit the property. Mr. Willardson informed the Board that the property will need to be raised. Sel. Bourque suggested contacting local contractors to inquire as to whether or not they would be interested in the lot for a 55+ development.

Motion by Sel. Becker, seconded by Sel. Bourque, to do a short format for the Filmore School bid with a starting bid of no less than \$250,000. The motion passed unanimously.

TOWN REPORT COVER:

Motion by Sel. Bourque, seconded by Sel. Becker, to choose the picture with the Fire Truck on the front of the book and the back of the book for the 2017 Town Report and add the Town of Webster Logo to the back. The motion passed unanimously.

COMMUNITY BLOCK GRANTS:

Motion by Sel. Bourque, seconded by Sel. Miller, to allow the Chairman to sign the Board paperwork pertaining to Community Block Grants as it is time sensitive, and to allow the Town Administrator to be the Environmental Certifying Officer. The motion passed unanimously.

CONTRACT FOR DRESSER STREET:

Motion by Sel. Bourque, seconded by Sel. Miller to accept the contract for Dresser Street as written on the Form. The motion passed unanimously.

PLANNING BOARD RESIGNATION:

Motion by Sel. Bourque, seconded by Sel. Miller, to accept the resignation of Denise Deschoneau from the Planning Board with thanks. The motion passed unanimously.

CULTURAL COUNCIL RESIGNATIONS: Sel. Bourque recused himself.

Motion by Sel. Becker, seconded by Sel. Miller, to accept the resignations of Michelle Boulay and Mark Konicki from the Cultural Council. The motion passed with Sel. Bourque recusing himself.

FINANCIAL POLICIES: These will be reviewed at the March meeting.

EXECUTIVE SESSION: at 8:41 p.m.,

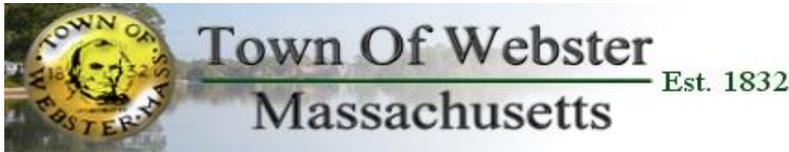
Motion by Sel. Miller, seconded by Sel. Becker, to enter into Executive Session to consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body. (Worcester Community Alliance Council lease on the former Senior Center). By Roll Call Vote: Bourque – aye, Miller – aye, Dowgiewicz – aye, Becker – aye, Jolda – aye.

ADJOURN: At 8:56 p.m.;

Motion by Sel. Miller, seconded by Sel. Bourque, to adjourn. The motion passed unanimously.

Respectfully Submitted,

Jennifer Cederberg, Executive Secretary to the Board of Selectmen



Office of the Board of Selectmen
Webster Town Hall
350 Main Street
Webster, MA 01570

Phone: (508) 949-3800 x 1041
Fax: (508) 949-3888
selectmen@webster-ma.gov

BOARD OF SELECTMEN REGULAR SESSION MEETING
DOCUMENTS AND EXHIBITS: MONDAY, FEBRUARY 12, 2018, 6:00 PM

1. Board of Selectmen's Meeting Agenda: 2/12/18 (revised 2/9/18, 10:03 am)
2. Board of Selectmen's Meeting Agenda: 2/12/18 (posted 2/8/18, 2:14 pm)
3. Public Hearing Notice Continuation: The Liberty Club
4. Original Public Hearing Notice: The Liberty Club
5. Liquor Law Violations Policy: 1/29/14
6. Webster Police Department Incident Report #17WEB-28871-OF, Call #17-28871
7. Webster Police Department Narrative for Sergeant Patrick R. Perry, Ref: 17WEB-28871-OF
8. Notes for Selectmen's Meeting: Deputy Police Chief Michael Shaw
9. Letter to Andrzej Bzura, Manager, Liberty Club, dated 1/12/18
10. Application Packet for New Wine and Malt Alcohol License: Thai Lemongrass Inc.
11. Application Packet for Transfer of All Alcohol License: Mama's Kitchen
12. Application for Change in Manager on Alcohol License: Webster Fish & Game
13. Application for Change of DBA on Alcohol License: Indian Ranch
14. Board of Selectmen Meeting Minutes: 12/11/17, 12/18/17, 1/8/18
15. Town Administrator's Report
16. Water and Sewer Abatement Request Packets: 6 River Court, 46 Upland Avenue, 38 Brook Street
17. Massachusetts School Building Authority Draft Application with Sample BOS Vote
18. Town Administrator Performance Evaluation Form
19. Proposed 2018 Goals for the Town Administrator
20. MUNIS Generated General Fund Report Through December, 2017
21. Written Proposal from Recreation Director on Recommendation of 2018 Beach Fees
22. Compost Facility Operational Analysis
23. Draft RFP for the Filmore School
24. Three Colored Printouts: Options for the 2017 Town Report
25. Memo From Office of Community Development Regarding Mini Entitlement Grant Application
26. Massachusetts DEP Sample Form Naming Certifying Authority to File
27. Dresser Street Reconstruction Recommendation Letter
28. Planning Board Resignation Letter: Denise Descheneau
29. Cultural Council Resignation Letter: Michelle Boulay and Mark Konicki



Office of the Board of Selectmen
Webster Town Hall
350 Main Street
Webster, MA 01570

Phone: (508) 949-3800 x 1041
Fax: (508) 949-3888
selectmen@webster-ma.gov

Andrew M. Jolda, Chairman
Randall V. Becker, Vice Chairman
Mark G. Dowgiewicz, Secretary
Robert J. Miller
Donald D. Bourque

**BOARD OF SELECTMEN
EXECUTIVE SESSION MEETING MINUTES
Monday, February 12, 2018**

Webster Town Hall, 2nd Floor, Board of Selectmen's Meeting Room
350 Main Street, Webster, MA 01570

EXECUTIVE SESSION: at 8:41 p.m.,

Motion by Sel. Miller, seconded by Sel. Becker, to enter into Executive Session to consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body. (Worcester Community Alliance Council lease on the former Senior Center). By Roll Call Vote: Bourque – aye, Miller – aye, Dowgiewicz – aye, Becker – aye, Jolda – aye.

WORCESTER COMMUNITY ACTION COUNCIL: Mr. Willardson reviewed the terms of the lease with the WCAC who will be occupying the former Senior Center. He stated that the management of WCAC have come back to him saying that they have run into increased costs: the HVAC and controls need to be replaced at a cost of \$326,000. They are requesting a rent credit for \$54,000. Sel. Becker stated that they had a professional inspection conducted so that they were aware of everything they would need prior to entering into an agreement, and it is their responsibility to get an accurate cost of those recommendations: not the Town's. Sel. Bourque stated that there is a need for this type of service in the Town of Webster as we are currently sending kids to communities like Southbridge. Sel. Becker stated that he would agree to 25% reduction but it is not fair to burden the taxpayers with this issue. Mr. Willardson stated that he will research to see what the taxes are on the fair market value and bring this information back to the March meeting.

EMERGE: At 8:55 p.m.;

Motion by Sel. Miller, seconded by Sel. Bourque, to emerge from executive session. By Roll Call Vote: Bourque – aye, Miller – aye, Dowgiewicz – aye, Becker – aye, Jolda - aye.

Respectfully Submitted,

Jennifer Cederberg, Executive Secretary to the Board of Selectmen