

**TOWN OF WEBSTER
BOARD OF SELECTMEN
DON BOURQUE, CHAIRMAN
DEBORAH KEEFE, VICE CHAIRMAN
JEFFREY DUGGAN
MARK DOWGIEWICZ
ROBERT MILLER**

A Board of Selectmen's Meeting was held in the Selectmen's Meeting Room at the Town Hall on Monday, February 4, 2013. Chairman Bourque called the meeting to order at 7:01 p.m.

Attendance: Robert Miller, Mark Dowgiewicz, Jeffrey Duggan, Deborah Keefe, Don Bourque

Pledge of Allegiance: Chairman Bourque led the Selectmen in the Pledge of Allegiance.

Chairman Bourque stated the Board will hold a moment of silence in remembrance of veteran Selectman Gearld Deary.

Chairman Bourque stated he would like to take the topic of the Special Election out of order. He stated the Special Town Election will be held Monday, March 11, 2013 at the Town Hall with the ballot question of: Shall the Town of Webster be allowed to exempt from the provisions of proposition two-and-one half, so called, the amounts required to pay for the Town's allocable share of the bond issued by the Southern Worcester County Regional Vocational School District for the purpose of paying costs of designing, constructing, originally equipping and furnishing an addition to and renovation of the Bay Path Regional Vocational Technical High school, located at 57 Old Muggett Hill Road, Charlton, including the payment of all costs incidental or related there to?

Motion: made by Selectman Miller, seconded by Selectman Dowgiewicz to hold a Special Town Election on March 11, 2013 with the ballot question as read.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

APPROVAL OF MINUTES

Motion: made by Selectman Miller, seconded by Selectman Keefe to approve the meeting minutes of January 22, 2013.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

Tiara Yahnian – Appointment to the Planning Board

Chairman Bourque stated the Board will table the appointment of Tiara Yahnian until the next Board of Selectmen's Meeting.

200 Sportsman Club – Change of Manager

Adolph Leite came forward. He stated he was the bar manager of the 200 Sportsman Club from 2003 to 2009. He stated he is familiar with the requirements of that of a manger. He stated he has been a member for the last 30 years.

Motion: made by Selectman Keefe, seconded by Selectman Miller to approve the Change of Manager for the 200 Sportsman Club.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

Thomas Klebart – Appointment to the Planning Board

Selectman Miller stated Mr. Klebart had a recent death in the family and would recommend the Board putting this topic on the Board's next Selectmen's agenda. Chairman Bourque stated the Board will table this until the next Selectmen's Meeting.

Dangerous Dog Hearing – Sean and Amy Hazard

Chairman Bourque opened the public hearing and read the dog hearing protocols. He asked Kim Moberg to come forward. He swore her in. Ms. Moberg stated she was on her morning run as she did every morning when she heard the Hazard's dog barking loud. She stated the dog usually

barks loud when she runs or walks by even though she is not near the property. She stated the dog broke the leash and attacked her from behind. She stated the attack was unprovoked. She stated after the attack she called her boyfriend who took her to the emergency room for treatment. She stated as a result of the attack she has to go to physical therapy. She stated she does not feel the street is safe with the dog living on the corner. Selectman Dowgiewicz asked if the dog was chained. Ms. Moberg stated the dog was chained but the gate was open. She stated the attack was the most terrifying thing that has ever happened to her. Selectman Keefe asked Ms. Moberg how long she had lived on that street. Ms. Moberg stated she had lived there over a year. She stated the dog is usually in the backyard on a leash. Selectman Keefe asked if Ms. Moberg had filed a personal lawsuit against the owners. Ms. Moberg stated that she had filed a lawsuit.

Chairman Bourque asked Amy Hazard to come forward. He swore Ms. Hazard in. Ms. Hazard stated Max is one (1) year old mix that they got as a puppy. She stated she has a four (4) inch picket fence which was put up when her son was little. She stated the fence is not intended to contain the dog. She stated the gate is usually kept open. She stated that on the morning of the attack she let the dog outside on the leash. She stated some dogs bark and some dogs don't; she just has a dog that barks at everything. She stated the next thing she heard was a woman screaming. She stated she ran outside and brought the dog back inside while the woman called her boyfriend to take her to the hospital. She stated since the attack she has put up a chain link kennel. She stated the dog is never outside alone unless in the kennel. She stated she replaced the broken chain leash with a stronger leash for up to two hundred (200) pounds.

Chairman Bourque asked Michelle LaFlache to come forward. He swore Ms. LaFleche in. Ms. LaFleche stated when she arrived the tie was broken. She stated they had already purchased a stronger leash. She stated she advised them to purchase a kennel to house the dog when he is outside. She stated there was a prior biting incident of for a salesman who reached over the fence to pet the dog. She stated since the man was on the owners property the dog was just defending his space and was not deemed vicious. She stated she suggested a stronger management of the dog and not to let the dog outside unsupervised. She stated she gave them a month to put up the kennel. Selectman Keefe asked when the Hazards put the kennel up. Ms. LaFleche stated the kennel was erected this past Sunday. (a day before the dog hearing) Selectman Keefe stated the Hazard's were compliant within the time frame of the one month notice. Selectman Dowgiewicz asked what a shelter would do with this dog. Ms. LaFleche stated it depends on the shelter. Selectman Dowgiewicz stated this dog needs to be managed with strict rules. Selectman Miller stated it bothered him that this woman sustained pain and suffering that she is still dealing with. Selectman Dowgiewicz asked if Ms. Hazard would give the dog up. Ms. Hazard stated she would not give the dog up because it was part of her family.

Chairman Bourque closed the Public Hearing.

Motion: made by Selectman Keefe, seconded by Selectman Miller to mandate that the dog must be kept in a kennel at all times while outdoors, an obedience training class for the dog within thirty (30) days of this notice and provide verification to the Board and a written letter of opinion from a veterinarian and an animal behaviorist regarding the dog's aggression, which must be submitted to the Board of Selectmen within thirty (30) days.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

Dangerous Dog Hearing - Christy Pinhoperdigao

Chairman Bourque opened the public hearing and read the dog hearing protocols. Ms. LaFleche came forward. Chairman Bourque reminded her that she is under oath. Ms. LaFleche stated she was dispatched to 6 Day Street for a report of a dog bite. She stated the victim was a minor child. She stated the victim was taken to urgent care. She stated she spoke with Ms. Pinhoperdigao and advised her to get a gate for the top of the stairs, to erect a kennel in the yard to house the dog when outdoors and to have the dog muzzled at all times. She stated the dog is a pit bull/lab mix. Selectman Keefe asked if the dog was loose a lot. Ms. LaFleche stated the only complaints she received was when the dog had bitten someone. She stated she had a prior bite documented on this same dog a year and a half ago involving an adult male victim. She stated she received the report from the hospital. The victim did not want to pursue any action. She stated she gave Ms. Pinhoperdigao fencing around 2-3 years ago, but the fencing was never put up. She stated Ms. Pinhoperdigao's ex-husband turned in the fencing for money.

Chairman Bourque asked Elizabeth Wish to come forward. He swore Ms. Wish in. She stated her daughter was the victim of the attack. She stated she was not present at the time and therefore did not witness the attack. She stated she did have to take her daughter to urgent care for treatment. She stated there was severe bruising on her hand. She stated her daughter was very fortunate to

have been wearing gloves to protect her hands at the time. She stated her daughter also had to get an x-ray as a precaution.

Chairman Bourque called Fran Kittridge forward. He swore Ms. Kittridge in. Ms. Kittridge stated she was the victims grandmother and was bringing her to Sunday School when the attack occurred. She stated she was getting her granddaughter out of the car when she walked around the side of the car she heard her granddaughter start screaming. She said the attack happened so fast. She stated the dog jumped on her granddaughter and she started yelling at the dog. She stated the dog turned towards her and started to growl. She stated she quickly turned away from the dog and a male came and grabbed the dog. She stated her granddaughter ran into the school for safety. She stated the dog was very aggressive.

Chairman Bourque called Christy Pinhoperdigao forward. He swore Ms. Pinhoperdigao in. Ms. Pinhoperdigao stated she was away the weekend the incident happened. She stated she was notified by the Webster Police Department that her dog had bitten someone and that Animal Control would be in contact with her. She stated she went out right away and bought a muzzle. She stated after speaking with Ms. LaFleche, she also bought a gate and a kennel. She stated he has not been out since the incident. She stated she has done everything the Town has asked of her. She stated the dog is four years old and has always been with the family.

Chairman Bourque asked if anyone else would like to speak. Father Adam Reed of Sacred Heart Parish came forward. Father Reed stated he was aware of several other instances that the dog had bitten someone. He stated a post worker had been bitten. He stated children walk that street everyday back and forth to school. He stated the safety of the children should be the Town's priority.

Loretta Scott-Walker came forward. Ms. Scott-Walker stated she is concerned for the children and the psychological impact this dog will have on them. She stated the children are scared to walk the street. She asked if there were guidelines put into place for when a person gets attacked and how many warnings a person gets before a dog is considered dangerous. She stated the Board needs to look at the potential scenario that could occur if the dog gets out again.

Heather Stanford came forward. She stated she lives on the first floor in the same house as Ms. Pinhoperdigao. She stated she has three boys and they all play with the dog. She stated the dog has never shown any aggression towards her kids. She stated the day of the incident involving the Cable Company the gate was left open.

Edward Norton came forward. He stated he is a father of three children who attend St. Ann's School. He stated his children have to walk by that house everyday to go to school. He stated as a father it is very unnerving that this dog could get loose again and the consequences could be much worse next time.

Ronald St. Frances came forward. He stated he has been living with Ms. Pinhoperdigao for a couple months now and his children have visited twice. The dog has been perfectly fine with them both times. He stated the dog is safe around kids.

Deborah Stanford came forward. She stated the dog is a good dog. She stated the dog is very hyper and could benefit from an obedience class. She stated the dog gets very excited when around new people. She stated he is very territorial and protective of the family.

Christy Pinhoperdigao came forward. Chairman Bourque reminded her that she is still under oath. Selectman Dowgiewicz stated that the Board heard testimony that there were four different occasions in which the dog had bitten someone. Ms. Pinhoperdigao stated she was unaware the dog had bitten a mailman. She stated she believed the mailman heard the dog run down the stairs got scared and shut the door. She stated the dog would never bite the mailman.

Chairman Bourque closed the public hearing.

Motion: made by Selectman Miller, seconded by Selectman Keefe to mandate that the dog must be removed from the Town. The dog would be moved from the house and placed in the Town kennel. The first seven (7) days at the kennel, the fee will be waived by the Town. Starting day eight (8) through day thirty (30) the normal kennel fee will be charged, to the owner. Father Adam Reed stated that he would pay an additional 2 weeks (14 days) of kennel fees to allow more time for the animal to be placed out of the area. Total allowance in the kennel is forty four (44) days. At that point, if the animal is not placed out of the area, the Town takes ownership and handles the animal as it would any other animal for which we are responsible.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

Mohegan Bowl – Bar Opening Request

Chairman Bourque stated he would like to take Mohegan Bowl out of order. Edward Kinsley came forward. Mr. Kinsley stated Cathleen Liberty and Ted Tetreault came out and did an inspection of the All Star Restaurant for him to open. He stated Mr. Tetreault issued him an occupancy permit for the building. He stated Mrs. Liberty had some minor issues she wanted him to address before he could open. He stated he would like to open the bar at the All Star Restaurant. He stated he would start serving food within the next two (2) weeks.

Motion: made by Selectman Miller, seconded by Selectman Dowgiewicz to allow Mohegan Bowl to start serving alcohol at the All Star Restaurant pending a approval from Cathleen Liberty.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

Selectman Miller asked for Mr. Kinsley cooperation with people parking on his lot and walking into the beach. He stated this was an issue last year. He stated people would park their vehicles in his parking lot and walk in to the beach for no charge.

Chairman Bourque stated the Board would take a ten (10) minutes recess.

Motion: made by Selectman Keefe, seconded by Selectman Miller to approve the payment of liabilities incurred during fiscal year 2013 in excess of available appropriations for snow and ice removal pursuant to M.G.L. Chapter 44, § 31D.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – abstain, Ms. Keefe – yes, Chairman Bourque – yes.

Mr. McAuliffe stated there was a letter in the Board of Selectmen’s packet from Carol Cyr regarding the Master Plan. He stated they held interviews two (2) weeks ago and recommended awarding the contract to Vanasse Hangen Brustlin, Inc.

Motion: made by Selectman Keefe, seconded by Selectman Dowgiewicz to award a contract to Vanasse Hangen Brustlin, Inc., in the amount of \$125,000.00, to prepare a Master Plan as described in the Town’s RFP for this service.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

Chairman Bourque stated the Board received a copy of the Special Town Meeting Warrant in their Selectmen’s packet. Mr. McAuliffe went through the warrant.

Motion: made by Selectman Duggan, seconded by Selectman Keefe to recommend approval of Articles One (1) through Eight (8) on the Special Town Meeting Warrant.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

Motion: made by Selectman Dowgiewicz, seconded by Selectman Keefe to recommend approval of Articles Nine (9) through Twelve (12) on the Special Town Meeting Warrant.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – abstain, Ms. Keefe – yes, Chairman Bourque – yes.

Motion: made by Selectman Keefe, seconded by Selectman Miller to recommend approval of Articles Thirteen (13) and Fourteen (14) on the Special Town Meeting Warrant.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – abstain, Ms. Keefe – yes, Chairman Bourque – yes.

Motion: made by Selectman Keefe, seconded by Selectman Dowgiewicz to recommend approval of Articles Fifteen (15) through Twenty (20) on the Special Town Meeting Warrant.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

Motion: made by Selectman Dowgiewicz, seconded by Selectman Miller to recommend approval for Article Twenty One (21) on the Special Town Meeting Warrant.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – abstain, Ms. Keefe – yes, Chairman Bourque – yes.

Motion: made by Selectman Duggan, seconded by Selectman Keefe to recommend approval of Article Twenty Two (22) on the Special Town Meeting Warrant.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

Motion: made by Selectman Dowgiewicz, seconded by Selectman Keefe to recommend approval of Articles Twenty Three (23) through Twenty Five (25) on the Special Town Meeting Warrant.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – abstain, Ms. Keefe – yes, Chairman Bourque – yes.

Motion: made by Selectman Keefe, seconded by Selectman Miller to recommend to pass over Article Twenty Six (26) for more information on and to recommend approval of Article Twenty Seven (27) on the Special Town Meeting Warrant.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

Chief Hickey came forward. He stated the current air paks are going to expire in November. He stated there has been a design change of the new air paks. He stated the Town is in need of purchasing air paks in order to stay up to code. He said air paks have a fifteen (15) year shelf life. He stated he is trying to get a grant to cover the cost of purchasing additional air paks. Selectman Bourque stated he is not willing to put someone's safety at risk because the cost is high to purchase new air paks.

Motion: made by Selectman Duggan, seconded by Selectman Keefe to recommend approval of Article Twenty Eight (28) on the Special Town Meeting Warrant.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

Adjournment

Chairman Bourque adjourned the meeting to Executive Session at 9:43 P.M. in accordance with MGL Chapter 39, Section 23b, Item 3, to discuss strategy with respect to collective bargaining or litigation, in an open meeting.

Motion: to go into Executive Session and to come back into open session made by Selectman Keefe, seconded by Selectman Miller.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

Chairman Bourque called the Regular session Meeting back to order at 9:58 P.M

Town Administrator's Report

Mr. McAuliffe stated he attended the Future Options of the Fire Department Study Committee meeting.

He stated he held a Financial Team Meeting.

He stated he received a letter of resignation from Matthew Fitton from the Fire Department. He stated he would like to commend Mr. Fitton on his twenty two (22) years of service.

He stated he received a letter of retirement from Donald Baker from Veterans Services. He stated the Town is grateful for his thirteen (13) years of service.

He stated the Town unveiled the new Code Enforcement vehicle. He stated it was very dangerous for Mrs. Liberty and Mr. Tetreault to go to these situations in their personal vehicles.

He stated he conducted a health insurance claim review with GBS Consulting. He stated the Town is in good standing in regards to this year's claims.

He stated he held a meeting with the Fire Chief, Highway Superintendent and custodial staff regarding the A.J. Sitkowski roof.

Motion: made by Selectman Miller, seconded by Selectman Keefe to approve the Town Administrator's Report.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

New Business

Selectman Keefe stated the Board received a letter from the Town of Dudley. She stated she would recommend tabling this until the next Board of Selectmen's Meeting.

Selectman Keefe stated the Board received a constable renewal from Steve Sutton. Chairman Bourque stated Steve Sutton will be on the next agenda

Adjournment

Motion: made by Selectman Miller, seconded by Selectman Dowgiewicz to adjourn the Meeting at 10:24 p.m.

Vote: Mr. Miller – yes, Mr. Dowgiewicz – yes, Mr. Duggan – yes, Ms. Keefe – yes, Chairman Bourque – yes.

Respectfully Submitted,
Courtney Friedland