

**TOWN OF WEBSTER
BOARD OF SELECTMEN
DONALD BOURQUE, CHAIRMAN
RANDALL BECKER, VICE CHAIRMAN
ANDREW JOLDA
MARK DOWGIEWICZ
ROBERT MILLER**

A Board of Selectmen's Meeting was held in the Selectmen's Meeting Room at the Town Hall on Monday, September 12, 2016. Selectman Bourque called the meeting to order at 6:30 p.m.

Attendance: Robert Miller, Mark Dowgiewicz, Andrew Jolda, Randall Becker and Donald Bourque

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

Polish American Citizens Club – Liquor License Violation Public Hearing

Donald Bourque and Robert Miller recused themselves.

Lieutenant Shaw and Detective Wentworth came forward. Lieutenant Shaw stated Detective Wentworth did the investigation. He stated on June 26, 2016 a car drove into a house. He stated the driver was transported to UMass. He stated this accident was very serious. He stated the driver of the vehicle had left the PACC prior to crashing into the house. He stated an investigation was launched. He stated officers at the scene detected a strong odor of alcohol on the driver's breath. He stated he struck the house so hard that the house was deemed uninhabitable. He stated the bartender was not TIPS certified. He stated the log book is not being properly used. He stated minors were in the bar. Selectman Becker asked if they had a blood alcohol level. Lieutenant Shaw stated that has not been made public. Attorney Bridgeman came forward. He thanked the Board for the opportunity to be heard. He stated the Board has a burden to prove the PACC is guilty of a liquor license violation. He stated the Board needed to judge the facts based on the law. He stated he received a copy of the police report. He stated the bartender stated in the report that the driver was acting fine. He stated the police report established no real level of intoxication. He stated no one in the police report ever said that the driver was overserved. He stated the Board produced zero evidence that he was overserved. He stated the driver was not given a field sobriety test. Detective Wentworth stated from his investigation the driver had 7 beers, 2 shots plus some additional drinks that he could not determine. Attorney Bridgeman stated there is no tell tail signs to tell a blood alcohol level. He stated the driver could have crashed in to the house in a fit of rage. He stated two bartenders were working that night. He stated one was certified and the other is now certified. Selectman Dowgiewicz asked if the bartender could have not been able to identify the driver was overserved based on her not being TIPS certified. Attorney Bridgeman stated that could be a possibility. He stated the club is also required to maintain a log book which they have recently updated. He stated there is no state statute that requires TIPS certification. Lieutenant Shaw stated he feels as though they have met the burden of proof. He stated the driver was at the PACC for six hours. He stated the bartender who was TIPS certified stated she was not working after 6:00 p.m. He stated the court has found probable cause to move the DUI charged forward on the driver of the vehicle. He stated the driver left the PACC and crashed into the house eight minutes later. Attorney Bridgeman stated the Board needed to prove that he was overserved. Selectman Dowgiewicz asked when the trial was scheduled for. Attorney Bridgeman stated a pre-trial is scheduled for October 28, 2016. Angela Flemming came forward. She stated the establishment's insurance policy has a clause which required all bartender be TIPS certified. Donna Morgan came forward. She stated that she was the owner of the house in which the driver crashed into. She stated the bartenders should have been TIPS certified in order to qualify for the position. She stated there was many people at her house that night. She stated people told her the bartender told people he was drunk. She stated she spoke with the mother of the driver and she believes he passed out from drinking. Chris Everett stated he studies blood alcohol levels in school and a bartender should be able to tell when a people is intoxicated. Selectman Jolda suggested continuing the hearing until the trial is over.

Motion: made by Selectman Jolda, seconded by Selectman Dowgiewicz to continue the Public Hearing for the Polish American Citizens Club until the blood alcohol level is released.

Vote: Selectman Dowgiewicz – yes, Selectman Jolda – yes and Selectman Becker – yes

Selectman Becker called for a two minute break.

Donald Bourque and Robert Miller returned.

Chairman Bourque stated they will be passing over Board of Selectman – Reorganization.

Chairman Bourque stated the new Inspectional Services Fees have been tabled until the next meeting.

Acting Town Administrator's Report

Acting Town Administrator Pam Leduc stated she did not have a Acting Town Administrator's Report.

Old Business

Ms. Leduc stated the Board received a copy of the job description for the Recreation Director. She stated they will put this on the Town Meeting Warrant to fund and then they will advertise.

Motion: made by Selectman Miller, seconded by Selectman Dowgiewicz to approve the part-time Recreation Director position.

Vote: Selectman Miller – yes, Selectman Dowgiewicz – yes, Selectman Jolda – yes, Selectman Becker – yes and Chairman Bourque – yes.

Charity Wong Kam – Appointment to the Cultural Council

Chairman Bourque thanked Ms. Kam for coming in. Ms. Kam stated she is a special education teacher in Auburn. She stated she would love to get children involved in activities around town.

Motion: made by Selectman Miller, seconded by Selectman Dowgiewicz to appoint Charity Wong Kam to the Webster Cultural Council.

Vote: Selectman Miller – yes, Selectman Dowgiewicz – yes, Selectman Jolda – yes, Selectman Becker – yes and Chairman Bourque – yes.

New Business

Michael Finamore came forward and presented the Board a document for review.

Informational Mail

Ms. Leduc stated the Board received a letter of interest from Colleen Erraihani. She asked to have her on the next agenda.

Chairman Bourque stated the Board received a Class II License application. He asked to have Mr. Tetreault write a recommendation.

Adjournment

Motion: made by Selectman Becker, seconded by Selectman Jolda to adjourn the regular session meeting at 7:32 p.m.

Vote: Selectman Miller – yes, Selectman Dowgiewicz – yes, Selectman Jolda – yes, Selectman Becker – yes and Chairman Bourque – yes.

Respectfully submitted,
Courtney M. Friedland
Executive Secretary