

## **Town of Dudley**

Board of Selectmen  
Highway Commissioners  
Cemetery Commissioners

**September 25, 2017**  
**Dudley Municipal Complex**  
**71 West Main Street**  
**Dudley, MA 01571**  
**Veteran's Memorial Hall – Room 321A**  
**Approved 10/30/2017**

**Some matters have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.**

### **1. Call to Order, Pledge of Allegiance**

John Marsi opened the meeting at 6:30pm. In attendance were Steven Sullivan, Jonathan Ruda and Paul Joseph. Also in attendance were Greg Balukonis, Town Administrator and Michelle Jervis, Administrative Secretary. Kerry Cyganiewicz was absent.

Steven Sullivan opened the meeting by conveying the condolences of the entire Board to the family on the passing of Mr. Paire. He will be missed by so many in the DCRSD family.

### **2. Approval of Minutes:**

**Paul Joseph motioned to approve the minutes of September 11, 2017 as printed. Jonathan Ruda seconded. Unanimous 4-0.**

**Paul Joseph motioned to approve but not release the Executive Session minutes of September 11, 2017. Jonathan Ruda seconded. Unanimous 4-0.**

### **3. Appointments/Resignations:**

a. Capital Improvement Planning Committee – Don Wilson – **Jonathan Ruda motioned to appoint Don Wilson to the Capital Improvement Planning Committee. His term to expire 6/30/2020. Paul Joseph seconded. Unanimous 4-0.**

b. Town Accountant – Reappointment – Deborah Thibaudeau – **Jonathan Ruda motioned to reappoint Deborah Thibaudeau as the Town Accountant effective July 1, 2017 with a term to expire 6/30/2020. Paul Joseph seconded. Unanimous 4-0.**

c. Election Workers – Reappointments – **Jonathan Ruda motioned to reappoint the following as Election Workers for a term to expire 8/15/2018: Carol Antos, Mary Ann Armstrong, Linda Bazinet and Elizabeth Pribble.**

d. Resignation: **Jonathan Ruda motioned to approve, with regret, the resignation of Sean Guerin from the Capital Improvement Planning Committee and the Planning Board effective immediately. Steven Sullivan seconded. Unanimous 4-0.**

Paul Joseph reiterated his thoughts about having one of the selectmen, along with the Town Administrator, discuss the need for volunteers on various boards and committees, set up a script including the skills required for volunteers and do this on camera to be played on the cable access station.

4. **Public Comments/Citizens Comments – Informational:**

5. **Town Administrator’s Report:**

Mr. Balukonis stated that he will be attending a meeting with the DCRSD to discuss their FY19 budget concerns. Dudley is dealing with a budget deficit of approximately \$400,000 and we’ll have to deal with this issue. Since we have such a low tax rate we suffer. Also he attended a court hearing on the Dangerous Dog Hearing we had a few weeks ago. The magistrate upheld the decision to keep the dog “Chance” at the Animal Shelter until the appeal set for October 17, 2017. Finally, the town auction on tax titled properties was a success taking in \$184,000. These funds going forward with 60% into our Stabilization Fund and \$40% into the Capital Improvement Planning Account.

6. **Licensing/Permits:**

7. **Public Hearing:**

**All Alcohol License Transfer - Webster-Dudley Country Club (WDC) d/b/a Dudley Hill Golf Club to Dudley Links Operations, LLC – 80 Airport Rd., Dudley, MA. Steven Sullivan recused himself at 6:51pm.** The Public Hearing opened at 6:52pm. Michael Stanton, manager of the Dudley Links Operations, LLC and Attorney Jennifer Gardner from the law firm of Bowditch and Dewey, came before the Board. Nichols College exercised a right of first refusal with respect to the golf course. They formed Dudley Fairways, LLC to acquire and hold the property. Nichols College is the sole member of Dudley Fairways, LLC and its manager is Mr. Stanton. Nichols College also formed Dudley Links Operations, LLC to oversee the operation of the Golf Club. The sole member of Dudley Links Operations, LLC will lease the property from Dudley Fairways, LLC. Since the Raceway Golf Club and Restaurant, LLC. entered into an Operating Agreement with the WDC they will assume the management of the day to day operations of the Golf Club. Raceway assigned its interest in the Operating Agreement to Tri State Golf, LLC. John Hoenig is the manager of both Raceway and Tri State Golf, LLC. Upon completion of the sale of the property, Dudley Links Operations, LLC will assume the Operating Agreement on behalf of WDC. James Siekierski, manager since 2007 will still be the current manager on the liquor license. He will continue to manager the Golf Club following the purchase of the property and the transfer of the license. The Public Hearing closed at 6:59pm. **Paul Joseph motioned to approve the transfer of the All Alcohol Liquor License from Webster Dudley County Club, d/b/a Dudley Hill Golf Club located at 80 Airport Road to Dudley Links Operations, LLC. with a business address of 123 Center Road. Jonathan Ruda seconded. Unanimous 3-0.** Steven Sullivan resumed his seat on the Board at 6:59pm.

8. **Public Business:**

- a. **Paula Lane/Circle Drive –** Dave Theriault of 16 Circle Drive and Kristan Mallet of 5 Paula Lane came before the Board. They stated that the residents would like to move forward with the betterment bylaw the right of way must be established. They spoke with the Town Administrator who suggested taking the small piece of unknown property by eminent domain. Paul Joseph questioned if taking that piece would be sufficient. Steven Sullivan feels it will be contested. All agreed that a legal document must be submitted to prove ownership. Paul Joseph, with the Town Administrator’s permission, suggested advertising that the town will be taking the property by eminent domain for safety purposes. The claimant must have a certain amount of time with the law stating that there is a right to appeal for three (3) years. After discussion Jonathan Ruda agreed that we should hold a Public Hearing on the matter sometime in advance of a Selectmen’s meeting in May 2018 and that we have the plowing and sanding of Paula Lane and Circle Drive as an agenda item for the next meeting.
- b. **Dudley PTO Request to hold a 5K Road Race –** Heather Bowes, member of the Dudley PTO, came before the Board with the request to use town property to host a 5K road race to fund the PTO. After discussion **Paul Joseph motioned to approve the request from the Dudley PTO to use the**

**Town Beach and Roads for the Annual Turkey Trot on Thanksgiving morning, November 23, 2017 beginning and ending at the town beach. Jonathan Ruda seconded. Unanimous 4-0.**

- c. **Capital Improvement Planning Committee (CIP) – Recommendations for Fall Town Meeting Warrant** – Greg Balukonis stated that the CIP met prior to this meeting and voted on their recommendations. The submitted the following:
1. Purchase a police cruiser in the amount of \$38,000 with an offset from the insurance company and the cruiser fund. This is due to a cruiser that was recently in an accident with the insurance company totaling the vehicle
  2. Purchase of a new ambulance in the amount of \$220,000with an offset from the insurance company due to a recent accident totaling the vehicle.
  3. Updating the current town hall network with a new server, switches and computers for a total of \$30,000.
  4. New heavy duty one ton dump truck with plow for the Highway Department in the amount of \$65,500.
  5. Additional \$14,300 for the digital electronic sign for the town hall. All of these recommendations are subject to availability of funds. After discussion. **Paul Joseph motioned to acknowledge receipt from the CIP and their recommendations and to take them under advisement at this time. Steven Sullivan seconded. Unanimous 4-0**
- d. **Jamie Riordan and Charlie Chickering - Blackmere Road, -Water issues** – Mr. Riordan and Mr. Chickering came before the Board. A few members of the Board viewed the property. Mr. Chickering stated that the culvert in the road has been there for over 40 years. He is concerned about the trench as well and whether Mr. Riordan’s property will get flooded with an onslaught of rain. He stated that the whole thing started with a big hole in the road to the culvert. After much discussion **Paul Joseph motioned that Dan Gion , Highway Superintendent, restore the trench to what it was, seed it and cut up sod and put it back to what it was originally and state for the record that the town did nothing to cause the erosion, we are only responsible for unclogging the drain. Jonathan Ruda seconded. Vote 3-0-1 with Steven Sullivan voting nay.** Mr. Chickering stated that the trench is on his property and it will be repaired. After discussion **Paul Joseph motioned to amend his previous motion to instruct the Highway Superintendent to restore the property to what is was to the satisfaction of Mr. Chickering and to instruct him /to monitor and mediate any problems that will occur.**
- e. **Communcations Policy and (f) Policy for Appointment of Constables** – **Paul Joseph motioned that items e and f be tabled for the next meeting. Steven Sullivan seconded with the caveat that press releases must be approved by the Town Administrator be added to the Communications Policy Unanimous 4-0.** Items (g) and (h) were also tabled.

**Departmental Communications:**

Chief Wojnar informed all that Trick or Treat will be on Tuesday, October 31, 2017 from 5:30pm to 7:30pm. Also he is pleased to announce that three of our officers, Ryan Daniels, Keith Remillard and Tyler Smith will be receiving awards at the Mother’s Against Drunk Driving (MADD) annual awards cememony on October 17, 2017 in Devens, MA. It is a great honor and he is feels they are well deserving of the awards. Finally Drug Kick-Back Day will be held in the lobby of the police department on Saturday, October 28, 2017.

Town Counsel, Gary Brackett entered and joined the Board at 8:37pm.

**10. Adjournment/Executive Session:**

**Paul Joseph motioned to adjourn public session at 8:40pm and convene into Executive Session under M.G.L. Chapter 30A § (a)(3) to discuss strategy with respect to litigation regarding the**

**Islamic Society of Greater Worcester v. Zoning Board of Appeals et al. Steven Sullivan recused himself at 8:40pm. Deb LaPlaca, corespondent from the Telegram and Gazette, came before the Board stating this the litigation has been resolved and they should not meet behind closed doors. Attorney Brackett stated that the land court's decision was heard on 9/13/2017, and under Land Court Rule 9 parties can appeal if the judge denied (1) error of fact and (2) error of law. This matter is up for discussion. The objection was noted and part of the record at 8:45pm. Jonathan Ruda seconded.**

**Roll Call Vote:**

**John Marsi, Aye**

**Paul Joseph, Aye**

**Jonathan Ruda, Aye**

Respectfully submitted

Michelle Jervis, Administrative Secretary

## **Town of Dudley**

Board of Selectmen  
Highway Commissioners  
Cemetery Commissioners

**September 25, 2017**  
**Dudley Municipal Complex**  
**71 West Main Street**  
**Dudley, MA 01571**  
**Veteran's Memorial Hall – Room 321A**  
**Approved 10/30/2017**

Some matters have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

### **1. Call to Order, Pledge of Allegiance**

John Marsi opened the meeting at 6:30pm. In attendance were Steven Sullivan, Jonathan Ruda and Paul Joseph. Also in attendance were Greg Balukonis, Town Administrator and Michelle Jervis, Administrative Secretary. Kerry Cyganiewicz was absent.

Steven Sullivan opened the meeting by conveying the condolences of the entire Board to the family on the passing of Mr. Paire. He will be missed by so many in the DCRSD family.

### **2. Approval of Minutes:**

**Paul Joseph motioned to approve the minutes of September 11, 2017 as printed. Jonathan Ruda seconded. Unanimous 4-0.**

**Paul Joseph motioned to approve but not release the Executive Session minutes of September 11, 2017. Jonathan Ruda seconded. Unanimous 4-0.**

### **3. Appointments/Resignations:**

a. Capital Improvement Planning Committee – Don Wilson – **Jonathan Ruda motioned to appoint Don Wilson to the Capital Improvement Planning Committee. His term to expire 6/30/2020. Paul Joseph seconded. Unanimous 4-0.**

b. Town Accountant – Reappointment – Deborah Thibaudeau – **Jonathan Ruda motioned to reappoint Deborah Thibaudeau as the Town Accountant effective July 1, 2017 with a term to expire 6/30/2020. Paul Joseph seconded. Unanimous 4-0.**

c. Election Workers – Reappointments – **Jonathan Ruda motioned to reappoint the following as Election Workers for a term to expire 8/15/2018: Carol Antos, Mary Ann Armstrong, Linda Bazinet and Elizabeth Pribble.**

d. Resignation: **Jonathan Ruda motioned to approve, with regret, the resignation of Sean Guerin from the Capital Improvement Planning Committee and the Planning Board effective immediately. Steven Sullivan seconded. Unanimous 4-0.**

Paul Joseph reiterated his thoughts about having one of the selectmen, along with the Town Administrator, discuss the need for volunteers on various boards and committees, set up a script including the skills required for volunteers and do this on camera to be played on the cable access station.

4. **Public Comments/Citizens Comments – Informational:**

5. **Town Administrator’s Report:**

Mr. Balukonis stated that he will be attending a meeting with the DCRSD to discuss their FY19 budget concerns. Dudley is dealing with a budget deficit of approximately \$400,000 and we’ll have to deal with this issue. Since we have such a low tax rate we suffer. Also he attended a court hearing on the Dangerous Dog Hearing we had a few weeks ago. The magistrate upheld the decision to keep the dog “Chance” at the Animal Shelter until the appeal set for October 17, 2017. Finally, the town auction on tax titled properties was a success taking in \$184,000. These funds going forward with 60% into our Stabilization Fund and \$40% into the Capital Improvement Planning Account.

6. **Licensing/Permits:**

7. **Public Hearing:**

**All Alcohol License Transfer - Webster-Dudley Country Club (WDC) d/b/a Dudley Hill Golf Club to Dudley Links Operations, LLC – 80 Airport Rd., Dudley, MA. Steven Sullivan recused himself at 6:51pm.** The Public Hearing opened at 6:52pm. Michael Stanton, manager of the Dudley Links Operations, LLC and Attorney Jennifer Gardner from the law firm of Bowditch and Dewey, came before the Board. Nichols College exercised a right of first refusal with respect to the golf course. They formed Dudley Fairways, LLC to acquire and hold the property. Nichols College is the sole member of Dudley Fairways, LLC and its manager is Mr. Stanton. Nichols College also formed Dudley Links Operations, LLC to oversee the operation of the Golf Club. The sole member of Dudley Links Operations, LLC will lease the property from Dudley Fairways, LLC. Since the Raceway Golf Club and Restaurant, LLC. entered into an Operating Agreement with the WDC they will assume the management of the day to day operations of the Golf Club. Raceway assigned its interest in the Operating Agreement to Tri State Golf, LLC. John Hoenig is the manager of both Raceway and Tri State Golf, LLC. Upon completion of the sale of the property, Dudley Links Operations, LLC will assume the Operating Agreement on behalf of WDC. James Siekierski, manager since 2007 will still be the current manager on the liquor license. He will continue to manager the Golf Club following the purchase of the property and the transfer of the license. The Public Hearing closed at 6:59pm. **Paul Joseph motioned to approve the transfer of the All Alcohol Liquor License from Webster Dudley County Club, d/b/a Dudley Hill Golf Club located at 80 Airport Road to Dudley Links Operations, LLC. with a business address of 123 Center Road. Jonathan Ruda seconded. Unanimous 3-0.** Steven Sullivan resumed his seat on the Board at 6:59pm.

8. **Public Business:**

- a. **Paula Lane/Circle Drive –** Dave Theriault of 16 Circle Drive and Kristan Mallet of 5 Paula Lane came before the Board. They stated that the residents would like to move forward with the betterment bylaw the right of way must be established. They spoke with the Town Administrator who suggested taking the small piece of unknown property by eminent domain. Paul Joseph questioned if taking that piece would be sufficient. Steven Sullivan feels it will be contested. All agreed that a legal document must be submitted to prove ownership. Paul Joseph, with the Town Administrator’s permission, suggested advertising that the town will be taking the property by eminent domain for safety purposes. The claimant must have a certain amount of time with the law stating that there is a right to appeal for three (3) years. After discussion Jonathan Ruda agreed that we should hold a Public Hearing on the matter sometime in advance of a Selectmen’s meeting in May 2018 and that we have the plowing and sanding of Paula Lane and Circle Drive as an agenda item for the next meeting.
- b. **Dudley PTO Request to hold a 5K Road Race –** Heather Bowes, member of the Dudley PTO, came before the Board with the request to use town property to host a 5K road race to fund the PTO. After discussion **Paul Joseph motioned to approve the request from the Dudley PTO to use the**

**Town Beach and Roads for the Annual Turkey Trot on Thanksgiving morning, November 23, 2017 beginning and ending at the town beach. Jonathan Ruda seconded. Unanimous 4-0.**

- c. **Capital Improvement Planning Committee (CIP) – Recommendations for Fall Town Meeting Warrant** – Greg Balukonis stated that the CIP met prior to this meeting and voted on their recommendations. The submitted the following:
1. Purchase a police cruiser in the amount of \$38,000 with an offset from the insurance company and the cruiser fund. This is due to a cruiser that was recently in an accident with the insurance company totaling the vehicle
  2. Purchase of a new ambulance in the amount of \$220,000 with an offset from the insurance company due to a recent accident totaling the vehicle.
  3. Updating the current town hall network with a new server, switches and computers for a total of \$30,000.
  4. New heavy duty one ton dump truck with plow for the Highway Department in the amount of \$65,500.
  5. Additional \$14,300 for the digital electronic sign for the town hall. All of these recommendations are subject to availability of funds. After discussion. **Paul Joseph motioned to acknowledge receipt from the CIP and their recommendations and to take them under advisement at this time. Steven Sullivan seconded. Unanimous 4-0**
- d. **Jamie Riordan and Charlie Chickering - Blackmere Road, -Water issues** – Mr. Riordan and Mr. Chickering came before the Board. A few members of the Board viewed the property. Mr. Chickering stated that the culvert in the road has been there for over 40 years. He is concerned about the trench as well and whether Mr. Riordan's property will get flooded with an onslaught of rain. He stated that the whole thing started with a big hole in the road to the culvert. After much discussion **Paul Joseph motioned that Dan Gion , Highway Superintendent, restore the trench to what it was, seed it and cut up sod and put it back to what it was originally and state for the record that the town did nothing to cause the erosion, we are only responsible for unclogging the drain. Jonathan Ruda seconded. Vote 3-0-1 with Steven Sullivan voting nay.** Mr. Chickering stated that the trench is on his property and it will be repaired. After discussion **Paul Joseph motioned to amend his previous motion to instruct the Highway Superintendent to restore the property to what is was to the satisfaction of Mr. Chickering and to instruct him /to monitor and mediate any problems that will occur.**
- e. **Communcations Policy and (f) Policy for Appointment of Constables** – **Paul Joseph motioned that items e and f be tabled for the next meeting. Steven Sullivan seconded with the caveat that press releases must be approved by the Town Administrator be added to the Communications Policy Unanimous 4-0.** Items (g) and (h) were also tabled.

**Departmental Communications:**

Chief Wojnar informed all that Trick or Treat will be on Tuesday, October 31, 2017 from 5:30pm to 7:30pm. Also he is pleased to announce that three of our officers, Ryan Daniels, Keith Remillard and Tyler Smith will be receiving awards at the Mother's Against Drunk Driving (MADD) annual awards ceremony on October 17, 2017 in Devens, MA. It is a great honor and he is feels they are well deserving of the awards. Finally Drug Kick-Back Day will be held in the lobby of the police department on Saturday, October 28, 2017.

Town Counsel, Gary Brackett entered and joined the Board at 8:37pm.

**10. Adjournment/Executive Session:**

**Paul Joseph motioned to adjourn public session at 8:40pm and convene into Executive Session under M.G.L. Chapter 30A § (a)(3) to discuss strategy with respect to litigation regarding the**

**Islamic Society of Greater Worcester v. Zoning Board of Appeals et al. Steven Sullivan recused himself at 8:40pm. Deb LaPlaca, corespondent from the Telegram and Gazette, came before the Board stating this the litigation has been resolved and they should not meet behind closed doors. Attorney Brackett stated that the land court's decision was heard on 9/13/2017, and under Land Court Rule 9 parties can appeal if the judge denied (1) error of fact and (2) error of law. This matter is up for discussion. The objection was noted and part of the record at 8:45pm. Jonathan Ruda seconded.**

**Roll Call Vote:**

**John Marsi, Aye**

**Paul Joseph, Aye**

**Jonathan Ruda, Aye**

Respectfully submitted

Michelle Jervis, Administrative Secretary