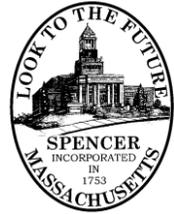


# Minutes of the Meeting of the Board of Selectmen



Date: Monday, February 13, 2012  
Time: 6:00 p.m.  
Place: McCourt Social Hall, Memorial Town Hall, Spencer, MA  
Present: Chairman Berthiaume, Vice Chair Pepe, Clerk Woodbury, Member Durant, Town Administrator Gaudette, Administrative Assistant Torti

At 6:03 p.m. Chairman Berthiaume called the meeting to order and led the pledge of allegiance.

## Approval of Minutes:

***A motion to approve the minutes of the Executive Session of January 9, 2012 and Regular Business Meeting on January 23, 2012 (Woodbury/Pepe) passed 4/0 with Mr. Pepe abstaining from the vote on the minutes for January 23<sup>rd</sup>.***

Citizen Input: Robert Cirba of 23 Summit Street read an open letter from his blog site to the Board.

Communications: Mr. Berthiaume thanked Sheriff Lew Evangelidis for providing community service workers to help paint the interior of the Town Hall. He also thanked Joe Tetreault and his son, Cory for the repairs to the plaster in various locations within the Town Hall.

## New Business:

- a) Action Item: Open Annual Town Meeting (May 3, 2012) Warrant

***A motion to open the warrant for the Annual Town Meeting to be held on May 3, 2012 (Pepe/Woodbury) passed 4/0.***

- b) Action Item: Appoint Barbara Grusell to the Charitable Needs Commission

***A motion to appoint Barbara Grusell to the Charitable Needs Commission (Woodbury/Pepe) passed 4/0.***

- c) Action Item: Vote on application for a Common Victualler License and an Entertainment License for the Spencer Fish & Game Club. George Chapman represented the applicant.

***A motion to approve the applications for a Common Victualler License and an Entertainment License for the Spencer Fish & Game Club (Pepe/Durant) passed 4/0.***

- d) Action Item: Vote on application for a Common Victualler License for Bergmann Associates (Spencer Sunoco). Mike Grendale represented the applicant.

***A motion to approve the application for a Common Victualler License for Bergmann Associates for the Spencer Sunoco Station (Woodbury/Pepe) passed 4/0.***

- e) Action Item: Waive Board of Health fee for Spencer Soccer Club (porta-potty)

***A motion to waive the Board of Health fee for the Spencer Soccer Club (Woodbury/Pepe) passed 4/0.***

- f) Public Hearing (6:15 p.m.): Petition for a Change in Manager, Mexicali Grille. Mr. Berthiaume opened the public hearing at 6:15 but at the request of one of the petitioners, the Board agreed to hold the hearing open until the applicant's attorney arrived.

- h) Discussion: Route 31/Maple Street - streetlight at crosswalk near former Rescue Squad. Sue Terkanian submitted a request to the Board asking for the installation of a streetlight at the crosswalk located close to the old rescue squad building on Maple Street. Mr. Gaudette offered to contact Paxton Light, make inquiries regarding the cost for the light and report back to the Board.
- g) Meeting with the Legislative Delegation: Senator Steven Brewer and Representatives Anne Gobi and Peter Durant. Senator Brewer passed out various handouts to the Board (attached as part of this record). The Senator lead the discussion touching on various topics including the sub par grow rate, fading federal funds and the fact that 41% of the state budget goes to health care costs. The Senator told the Board that municipal aid is one of the last items the Governor will cut. Senator Brewer noted that the state is looking at out of district educational costs and is considering ways to spread the cost amongst the members of the entire regional system rather than just a single town. The Senator also informed the Board that the Governor had proposed that veterans' benefits be covered 100% by the state with no coverage billed to the towns. Representative Gobi then presented an information packet pertaining to pension reform (attached as part of this record). Representative Gobi noted that the House Budget would come out on April 11, be in debate beginning on April 24, and the Senate Budget would come out in late May. Representative Durant commented on pension reform and defined contributions, noting that he was still getting up to speed and meeting with people from his district along with school committees and other groups, and that this, his first year participating in the budgetary process, was both exciting and daunting. Mr. Durant also discussed the MBTA shortfalls and issues with elder affairs and transportation. Mr. Pepe noted that the real budget busters are health care and unfunded liabilities. He asked the delegates to consider giving more power to individual towns over healthcare and pension programs. Senator Brewer noted that the GIC had an average increase of only 2.3% and cautioned against ex post facto changes. Mr. Gaudette noted that the Town had, by working with employees and collective bargaining groups, created a plan for increasing employee contributions to 40% over a three year period. Mr. Woodbury expressed his concern about unfunded liabilities and told the legislators that he looked to them to fight the fight. Mr. Brewer noted that Massachusetts health care costs were high because of a variety of reasons, one of which is the fact that there are a great many teaching hospitals and specialty hospitals, along with rising costs for malpractice insurance. Mr. Berthiaume asked where the cuts to the state budget would come from and Senator Brewer indicated that most would come from MassHealth. Mr. Gaudette asked the legislators to look at out of district vocational costs and Mr. Brewer acknowledged that they were "on the radar screen." The Chairman and the Board thanked the legislators for coming.
- f) Continued: Public Hearing Petition for a Change in Manager, Mexicali Grille. At 7:15, the public hearing continued upon the arrival of the attorney for the petitioner. Nicholas Felici. Miguel Perez, the proposed manager for the restaurant was also present. Mr. Berthiaume asked for any comments from the public, there were none. The Board had no comments or questions.

***A motion to close the public hearing (Durant/Woodbury) passed 4/0.***

***A motion to approve the change in manager to Miguel Perez (Durant/Woodbury) passed 4/0.***

Old Business:

- a) Discussion: Bay Path Update from Ken Wheeler and Bob Zukowski. Mr. Wheeler noted that Mr. Zukowski was unable to be present. Mr. Wheeler informed the Board that 87% of the incoming freshman got their first choice of exploratories which is unheard of. He also informed the Board that after meeting with the SEBRSDC it was determined that the Spencer students would no longer be able to attend Bay Path open houses during school hours. Bay Path's budget

has been level funded. Mr. Gaudette asked about capital projects and debt exclusions noting that he would be speaking with John Lafleche and David Papagni prior to the March 20<sup>th</sup> meeting with the Finance Committee.

- b) Action Item: Adopt Cable Advisory Committee Policy Amendment & Authorize Contract with Cable Counsel Kopelman & Page. Mr. Durant cautioned the Board to be careful with the contract. Mr. Gaudette noted that this was a renewal and that any requests would result in the costs being put on the subscribers.

***A motion to adopt the Cable Advisory Committee Policy Amendment (Durant/Pepe) passed 4/0.***

***A motion to authorize the Town Administrator to enter into a contract with Kopelman and Page (Durant/Pepe) passed 4/0.***

- c) Action Item: Set fee for Junk Dealer License Application.

***A motion to set the annual fee for a Junk Dealer License at \$35.00 (Durant/Pepe) tied 2/2.***

***A motion to set the annual fee for a Junk Dealer License at \$25.00 (Woodbury/Pepe) passed 4/0.***

- d) Action Item: Approve Memorandum of Agreement with SEBRSD for Human Resources Services. Mr. Gaudette informed the Board that the same agreement would be going before the School Committee for approval. Mr. Woodbury informed the Board that he'd received some comments from East Brookfield residents asking why Spencer would benefit and not East Brookfield. Mr. Gaudette noted that early in the process, he and Dr. Namin had approached East Brookfield Selectmen and that Chairman Fayard had indicated that East Brookfield was not presently interested in participating as they had no funding, but that they might be in the future. Mr. Durant noted that while the school district will do the hiring, Mr. Gaudette would participate in the process. Mr. Gaudette noted that it was a one year agreement that did not have to be renewed if it did not work out. He further noted that this was another effort to regionalize positions.

***A motion to approve the Memorandum of Agreement for Human Resource Services, contingent upon the approval of the Spencer East Brookfield Regional School District, (Durant/Pepe) passed 3/1 with Mr. Woodbury voting no.***

- e) Discussion: Parks & Recreation O'Gara Park Snow Dump Policy. After some discussion, it was agreed to bring this to the next workshop.

#### Town Administrator's Report:

- a) Initial FY2013 Budget Presentation. Mr. Gaudette reviewed the budgetary process to date, noting that he has met with all department heads and the capital planning process is now underway. On February 27<sup>th</sup>, the Board will meet with the Finance Committee and the SEBRSDC. He presented a memo for review (attached as part of this record). He noted that few monies are being turned back and that certified free cash is very limited. The Water Department has \$584k in retained earnings but the Sewer Department has a \$15k shortfall.
- b) Bid Update. Mr. Gaudette informed the Board that the highway truck purchase came in \$8k under what was estimated. The contracts for tree cleanup following the October 29<sup>th</sup> storm are due in on the 23<sup>rd</sup>.

Board Liaison Reports: Mr. Pepe informed the Board that the FMPC met and were working on the ten year projections submitted by all department heads.

Citizen Input: Carl Kwaitkowski of 113 Meadow road asked why citizens could not bring brush to the Transfer Station. Mr. Berthiaume informed him that the Town would pick up brush from the storm this spring. Mr. Gaudette informed him that another alternative would be to obtain a burn permit from the Fire Department. Mr. Kwaitkowski then asked why Town employees do not pay the same amount of money for their health insurance as regular businesses do. Mr. Gaudette responded that municipalities have certain minimum contributions mandated by statute and over time the Town has worked to move towards those minimums. Robert Cirba next addressed the Board expressing his appreciation for what the Town employees have done regarding their contributions to health insurance and indicated that the teachers need to do the same.

Board Member and Staff Comments: Mr. Pepe announced he would be holding office hours on February 21<sup>st</sup>. Mr. Durant announced he would not be running for selectman.

Executive Session: Mr. Berthiaume announced that the Board would reconvene in open session only to adjourn.

***A motion to enter into Executive Session under Mass General Laws, Chapter 30A § 21 ¶ 3 for the purposes of discussing strategy with respect to collective bargaining and/or litigation, and to consider the purchase, exchange, lease, or value of real estate (Woodbury/Pepe) passed with a roll call vote: Durant-yes, Woodbury-yes, Berthiaume-yes, Pepe-yes.***

The Executive Session ended at 8:30 p.m.

***A motion to adjourn (Woodbury/Pepe) passed 4/0.***

The meeting concluded at 8:31 p.m.

Respectfully submitted,

Laura J. Torti  
Administrative Assistant

\_\_\_\_\_ Chairman

\_\_\_\_\_ Vice Chairman

\_\_\_\_\_ Clerk

\_\_\_\_\_ Member

\_\_\_\_\_ Member

\_\_\_\_\_ Date