



Minutes of the Meeting of the Board of Selectmen

Date: September 18, 2017 – Business Meeting
Time: 6:03 p.m.
Place: McCourt Social Hall, Memorial Town Hall, Spencer, MA
Present: Chairman Pepe, Vice Chair Woodbury Clerk Monette, Members Stevens and Hicks, and Interim Administrator Ross were present.

At 6:0 p.m. Chairman Pepe called the meeting to order and led the Pledge of Allegiance.

Announcement

On behalf of the Board, Chairman Pepe welcomed Mr. Bill Ross to Spencer as the Interim Town Administrator.

A Moment of silence was held for Mr. Fred Smock, a longtime Telegram & Gazette Newspaper Reporter who recently passed away.

Any members that are participating remotely in accordance with Regulation 940, CMR 29.10 of the Open Meeting Law

None

Meeting Minutes

A motion to approve the Business Meeting and Executive Session Minutes of August 21, 2017 and Special Meeting of August 31, 2017 (Hicks/Stevens) passed 5/0

A motion to approve the Special Meeting of September 9, 2017 (Hicks/Stevens) passed 4/0. Mr. Woodbury abstained.

Communications:

None

Citizen Input

Kurt Nordquist, Gale Dr. asked the Board to vote on a date to remove the Browning Pond gate.

Alan Saltz, 195 Main St. asked if Whitco is handicapped accessible and if their green building is condemned. He asked the Board to vote on whether or not to allow the signage in the windows and said he is concerned with the appliances on the sidewalk and also over a potential fire hazard in the building.

Mr. Ross said that buildings of a certain age may be exempt from handicapped accessibility requirements and will confirm with the building inspector.

Chairman Pepe said there is a plan for downtown revitalization and there will be discussions with property owners.

Dr. Hicks noted that a bylaw to limit the size of signs did not pass at a previous Town Meeting and suggested it be looked into again.

Bonnie Booth with the Division of Fisheries and Wildlife asked for a copy of the Browning Pond survey after the deed is recorded. She will put the Town in touch with the Mass Voting Access Board.

Dan Reeve, 34 Cooney Road, suggested that the Boy Scouts reimburse the Town for the cost of the Browning Pond boat ramp survey.

Old Business:

Discussion: Browning Pond Boat Ramp Survey Results – Steve Tyler

Steve Tyler was not available. He will be at the next meeting to discuss his findings.

Tom Fancy, Surveyor of the property was present and reported that there is no defined layout of Browning Pond Road in this area. It's a 1758 County layout with little description other than a width of 49.5 feet that runs from tree to tree over peoples land. The street line that he has established puts the boat ramp on Town property. This is his best determination. The Town may wish to do a formal bounding and description of the property and a title search is recommended. The boat ramp and gate are included in the right of way.

Mr. Fancy said the gate is in the Town's right of way.

Dr. Hicks said in light of the survey, the gate need to be removed tomorrow.

Mr. Monette pointed out that the survey has not yet been recorded. He is in favor of opening this gate to the public, but not until it is actually recorded with proof that the gate should not be removed. The State may actually be involved in this situation.

Mr. Stevens said there is not enough proof to remove the gate installed by the Scouts at this time. It needs to be made official and recorded.

Mr. Woodbury pointed out that boundaries up to the Spencer Town line are in place.

Mr. Pepe asked Mr. Fancy to email Mr. Tyler the next steps to make this legal.

Mr. Ross said he put Town Council on notice and will follow up with him tomorrow. Legal title work needs to be complete and written notice provided to the Scouts to remove the gate or prove why they believe it's their property.

New Business:

Action Item: Request from Leicester-Spencer Eagles for Permission to Hold a Toll Booth at the Transfer Station and intersection of Route 31 North & Route 9 on Sept. 23rd with a rain date of Sept. 30th

Scot Peterson, Secretary of the Eagles was present to request a Toll Booth to raise money for the MQR Food Bank.

A motion to approve the Leicester-Spencer Eagles for Permission to Hold a Toll Booth at the Transfer Station and intersection of Route 31 North & Route 9 on Sept. 23rd with a rain date of Sept. 30th (Hicks/Monette) passed 4/0. Mr. Pepe recused himself as he is a member of the Eagles.

Action Item: Request from Spencer Exchange Club for Permission to Hold a Toll Booth at the Transfer Station and intersection of Route 31 North & Route 9 on November 11th with a rain date of November 18th

Nelson Ezen, President of the Exchange Club was present to request a Toll Booth. He noted that the Exchange Club provides funds for a number of causes in the area, including the Warm Coat Fund and MQR Food Pantry.

A motion to approve the request from the Spencer Exchange Club for Permission to Hold a Toll Booth at the Transfer Station and intersection of Route 31 North & Route 9 on November 11th with a rain date of November 18th (Hicks/Monette) passed 4/0. Mr. Pepe recused himself as he is a member of the Exchange Club.

Action Item: Application for a One-day Special Alcohol (Wine & Malt) License of Barnstorm Cycles for an event to be held on September 24, 2017 from 12-7 pm

Doug Cutler was present to request a One-day Alcohol license on September 24th for a small local event. This event will not host stunt shows. The plan is to have slow races, yard games and a bounce house.

A motion to approve the One-day Special Alcohol (Wine & Malt) License of Barnstorm Cycles for an event to be held on September 24, 2017 from 12-7 pm (Woodbury/Hicks/Monette) passed 5/0.

Action Item: Request of Barnstorm Cycles to Shut Down the area in front of 24 Wall Street on September 24th 2017 from 12-7 pm

A motion to approve the Request of Barnstorm Cycles to close the area in front of 24 Wall Street on September 24th 2017 from 12-7 pm (Stevens/Hicks) passed 5/0.

Action Item: Request of Barnstorm Cycles for an Entertainment License for yard games and bounce house on September 24th 2017 from 12-7 pm

A motion to approve the Request of Barnstorm Cycles for an Entertainment License for yard games and bounce house on September 24th 2017 from 12-7 pm (Hicks/ Monette) passed 5/0.

Motion was amended to approve the Request of Barnstorm Cycles for an Entertainment License for slow motorcycle races, yard games, and bounce house on September 24th 2017 from 12-7 pm (Hicks/ Monette) passed 5/0.

Discussion: Joint Meeting with the Town Administrator Search Committee

Members of the TASC were present including Donnie Berthiaume, Frank White, Nancy Herholtz, Maria Reed, and Dr. Hicks.

Dr. Hicks is the Chairman and Frank White is Vice-chair.

Dr. Hicks said the Committee will work to get a job description to the Board.

Mr. Ross has one available from the Collins Center.

Dr. Hicks questioned whether it should include the salary.

Mr. Berthiaume noted the salary range should be included in the advertisement and that the TASC will need assistance from the Board on the salary.

Mr. Pepe said the Board will discuss the salary range at the next meeting.

Town Administrator's Report

Review Fall Special Town Meeting Calendar

The calendar was reviewed.

Vote to set Fall Special Town Meeting Date - November 16, 2017

Moderator Bill Shemeth said that November 16th works for him.

A motion to set the Fall Special Town Meeting Date for November 16, 2017 (Hicks/Woodbury) passed 5/0.

Vote to Open Fall Special Town Meeting Warrant

A motion to open the Fall Special Town Meeting (Hicks/Stevens) passed 5/0.

Moderator Shemeth said the Board should close the Warrant on October 23rd.

Board Liaison Reports

Mr. Woodbury reported that twenty RFP's were submitted for the Landfill Solar. Proposals will be opened on the September 28th.

Mr. Stevens noted that Parks & Rec is sponsoring the Town-wide yard sale on September 30th at the DPHS.

Dr. Hicks attended Mary Madden's 103rd birthday celebration with Mr. Stevens. He also met with Congressman McGovern regarding community grants.

Citizen Input

Frank White offered space at the Knights of Columbus for the yard sale.

Mike Toomey, Ash St., said that Browning Pond falls under a Great Pond. The public owns land under a Great Pond through DEP. The Scouts did not receive permission to install the gate. Structures on a great pond are illegal. There is a 5 foot area around the pond where anyone is allowed to fish, therefore all signage around the road is illegal.

Carl Kwiatkowski, Meadow Road said he fell on Pleasant Street by Route 31 and Smithville Road due to the sidewalk being uneven.

Mr. Pepe will ask Steve Tyler to provide an update on the sidewalk status. Mr. Woodbury said sidewalks are on the pavement management.

Board Member and Staff Comments

Mr. Ross reported that:

- The Main Street Sidewalks are expected to be done in late October.
- The Community Compact Initiative worked with DOR on financial policies to provide guidelines for the Town and the draft has arrived. He will provide copies to the Board and Finance Committee for their review. The policies should be in place prior to going out for the first bond issue.
- Mr. Pepe is working on festivals to be held at the Fairgrounds.

The meeting was adjourned at 8:23 pm. All were in favor.

Respectfully submitted,

Brenda Savoie
Administrative Assistant

Referenced Materials

Browning Pond Ramp Survey Results