

Minutes of the Meeting of the Board of Selectmen

Date: November 22, 2021
Time: 6:00 p.m.
Place: McCourt Social Hall
Memorial Town Hall, Spencer, MA
Present: Chairman Woodbury, Vice-Chair Howard, Clerk Grigg, Members Hicks and
Pepe, and Interim Town Administrator Bill Ross
Remote: None

Chairman Woodbury called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

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

None

Meeting Minutes: Review and Act on Meeting Minutes of November 8, 2021

Passed over until the next meeting.

Citizens Input

None

Communications

None

New Business

Tax Classification Public Hearing - Review & Act on the Tax Classification for FY2022

A motion to open the public hearing (Hicks/Howard) passed 5/0.

Principal Assessor Linda Leblanc presented options for consideration for the FY2022 Tax Classification which include 1) Minimum Residential Factor/Single or Split Tax Rate; 2) option to grant an Open Space Discount; 3) option to grant a Residential Exemption; and 4) option to grant a Small Commercial Exemption.

A motion close hearing (Hicks/Pepe) passed 5/0.

Ms. Leblanc reported that the FY2021 tax rate was \$14.04 and is expected to be \$13.16 for FY2022. Since property valuations have increased, taxes are expected to be \$135 per year for the average single-family home.

A motion to keep the tax rate for Minimum Residential Factor of One/Single Tax Rate with no other modifications (Hicks/Grigg) passed 5/0.

Public Hearing – Review & Act on Annual License Renewals for Class II Auto Dealers, Class III Salvage Dealer, and Gravel Permit Operations for Calendar Year 2021

A motion to open the hearing at 6:13 pm (Hicks/Howard) passed 5/0.

Chairman Woodbury recused himself for the Class II license renewal portion of the hearing and Vice Chair Howard took over.

A motion to approve the Class II Auto Dealer license (Pepe/Grigg) passed 4/0 (Woodbury abstained) for the following businesses:

1. Brian's Auto
2. Car Finders Now
3. Dennis' Auto
4. Easy Way Auto
5. Fernanda's Auto Sales
6. Hilltop Auto Sales
7. Main Street Auto Sales
8. NextGen Auto
9. Ronald Brown Auto Sales
10. Small Car Clinic (322 Main Street)
11. Spencer Motor Sales
12. Straight Line Auto
13. W.R. Central Auto Sales

Mr. Woodbury returned to the meeting.

A motion to approve the Class III Auto Dealer license (Pepe/Grigg) passed 5/0 for the following businesses:

1. Durgin's Valley Garage

A motion to approve the Gravel license renewal (Pepe/Grigg) passed 5/0 for the following businesses:

1. Bond Construction, Cranberry Meadow Road
2. Bond Construction, North Spencer Road
3. Bond Construction, 97 Hastings Road
4. Robert Moschini, Royal Crest Farm LLC, 30 Howe Road
5. Leo Aucoin, 89 Cranberry Meadow Road

A motion to close the hearing at 6:19 pm (Hicks/Pepe) passed 5/0.

Review & Act on all other Annual License Renewals for Calendar Year 2021

A motion to approve the Class 1 license renewals (Pepe/Grigg) passed 5/0 for the following businesses:

1. Ahearn Equipment, Inc.
2. Alpha Cars & Ural of New England
3. Barnstorm Cycles, 24 Wall St.
4. Barnstorm Cycles, 389 Main St.
5. Klem Tractor, Inc.

A motion to approve the Alcohol License renewals (Pepe/Hicks) passed 5/0 for the following businesses:

1. Black & White Pizzeria & Grill
2. Charlie's Diner
3. Chef Sau
4. Either's Café
5. Granville's Pub
6. Mexicali Grille – contingent upon receipt of current Crowd Manager Training certificate
7. Spencer Country Inn
8. Yamato Asian Bistro
9. Zukas Hilltop Barn
10. Country Spirits
11. Liquor Barn/Mayank LLC
12. Spencer Package Store
13. Bayberry Bowling
14. Rapsallion/Concord Brewery
15. Laney's Variety
16. Xpress Mart
17. American Legion
18. Spencer Fish & Game

A motion to approve the Common Victualler License renewals (Grigg/Pepe) passed 5/0 for the following businesses:

1. Big Y Foods
2. Camp Marshall
3. Dairy Queen
4. Dashboard Diner
5. Dippin' Donuts
6. Domino's Pizza
7. John's Pizza
8. Kosta's Café
9. Five Loaves Bakery
10. Lincoln Hill Manor
11. McDonald's
12. Pizza Hut

13. Price Chopper
14. Spencer Donuts, Inc. East Main
15. Spencer Donuts, Inc. West Main
16. Spencer Pizza House
17. Subway
18. Thibault's Country Store
19. Village Pizza
20. Cistercian Abbey of Spencer-Trappist
21. St. Joseph Abbey Guest House
22. First Congregational Church
23. Mary, Queen of the Rosary
24. American Legion
25. Black & White Pizzeria & Grill
26. Ethier's Café
27. Granville's Pub
28. Mexicali Grille
29. Chef Sau
30. Spencer Country Inn
31. Spencer Fish & Game
32. Charlie's Diner
33. Yamato Asian Bistro
34. Zukas Hilltop Barn

A motion to approve the Innkeepers License renewals (Pepe/Grigg) passed 5/0 for the following businesses:

1. Spencer Country Inn
2. Zukas Hilltop Barn

A motion to approve the Amusement License renewals (Pepe/Hicks) passed 5/0 for the following businesses:

1. Bayberry Bowling
2. Granville's Pub
3. Price Chopper
4. Ethier's Café

A motion to approve the Entertainment License renewals (Pepe/Grigg) passed 5/0 for the following businesses:

1. American Legion
2. Bayberry Bowling Center
3. Black & White
4. Mexicali Grille
5. Granville's Pub
6. Spencer Country Inn
7. Spencer Fish & Game

8. Zukas Hilltop Barn

A motion to approve the Junk License renewals (Grigg/Hicks) passed 5/0 for the following businesses:

1. Cormier Jewelers
2. J & M Collectibles
3. William Ekleberry, Jr. Antiques

Discussion on Lodging House License Renewal for SMOC at 126 and 204 Main Street. Mr. Pepe pointed out that the police activity has doubled for 204 Main Street. Chairman Woodbury noted that he asked to have the SMOC management attend the December 13th meeting to discuss this increase in activity, along with the increase at the Bixby Road development. Chief Darrin will invite SMOC management to the next meeting to discuss further.

A motion table the approval of the Lodging House License renewal for 126 Main and 204 Main (Howard/Pepe) passed 5/0.

Review & Act on Housing Production Plan Steering Committee Charge

Town Planner Todd Miller reported that the Housing Production Plan Steering Committee Charge is required by the State. The goal of the Committee is to seek public input and draft a report on what shape affordable housing will take in Spencer. The report will be completed and sent to DHCD in the fall of 2022.

Mr. Pepe would like to increase membership to include a representative from the Economic Development Committee and the Board of Selectmen. Mr. Miller will revise the Charge.

A motion to amend the Housing Production Plan Steering Committee Charge to include a member of the Economic Development Committee and a member of the Board of Selectmen (Pepe/Hicks) passed 5/0.

A motion to approve the Housing Production Plan Steering Committee Charge as amended (Hicks/Grigg) passed 5/0.

Review & Act on Request by Animal Control to re-visit Remedies Approved by the Board of Selectmen on February 22, 2021 for a Determination of a Vicious Dog - Pursuant to Article 9A, Section 3 of the General Bylaws

The hearing opened at 7 pm.

Animal Control Officer (ACO) Joelyn Durgin reported that she asked to revisit the dangerous dog designation placed on the dog owned by Christopher Paulin after a third incident occurred, as well as multiple occasions with Mr. Paulin not complying with the remedies issued by the Board of Selectmen on February 2, 2021 and include not using the proper

leash, muzzle or obtaining the insurance. She wants additional restrictions on this dog, which she believes is aggressive. The ACO indicated she will provide the owner with the proper leash and is willing teach him how to manage a dangerous dog.

Chairman Woodbury said he is disappointed that the owner did not abide by the restrictions and at this point, the Board may restrict the dog to a pen.

Kevin MacMillan, 24 High Street said his dog was attacked twice and received six puncture wounds to the abdomen resulting in \$2,000 worth of vet bills, which he provided to Mr. Paulin who has not responded to the request for bills to be paid.

Bob Eichinger, 26 High Street said he has an issue trying to get out of his apartment with his dog because Mr. Paulin's dog has gotten loose twice and Mr. Eichinger is concerned for his dog, who was also attacked.

Chris Paulin, 26 High Street said the dog got out of the house because the door was mistakenly left opened and acknowledged that he used the wrong leash and that the dog will not wear a muzzle. He also said that his dog was attacked by Mr. Eichinger's dog and as a result, they try to let the dogs out at different times.

Mr. Woodbury pointed out that three dogs have been attacked and the dog will not wear a muzzle, therefore Mr. Paulin is not able to meet the restrictions as outlined. Mr. Paulin said he will try to get muzzle on the dog again and said he is moving out of Massachusetts on January 1st.

The ACO provided Mr. Paulin with paperwork on how to manage an aggressive dog and information on behaviorists he can view online. She said the dog is unhappy and encouraged him to contact her for assistance. She recommends that the dog not leave the property, wear a muzzle, get a proper leash, and that the owner obtain the insurance.

Mr. Pepe asked if Mr. Paulin is willing to follow the recommendations and get a 4-sided kennel with a roof or confine the dog inside the home. Mr. Paulin said he would follow the recommendations and will keep the dog in his house.

Chief Darrin pointed out the only options at this point are to restrict dog to the property or euthanize.

A motion to close the hearing at 7:34 pm (Howard/Hicks) passed 5/0.

A motion to require Mr. Paulin get a new leash, proper muzzle, keep the dog confined to the home, and to obtain liability insurance (Pepe/Howard) passed 5/0.

Review & Act on the 2021 Audit Proposal from Scanlon & Associates

Mr. Ross provided the Proposal from that Scanlon & Associates and requested they provide a proposal to review the FMPC Roads project account, which will add another level of cost to the proposal. There was some discussion on the audit review of the revolving accounts

and Mr. Pepe indicated he wants to see a sampling reviewed from those accounts. Dr. Hicks stated that he was told by the previous Administrator that the Revolving Accounts were not audited by Scanlon and Associates."

A motion to amend the proposal from Scanlon & Associates to include a sampling of the revolving accounts in their audit (Pepe/Hicks) passed 5/0.

Review and Act on Request to Increase Private Plow Rates

U & F Superintendent William Cundiff requested that the Board approve a \$5 increase per hour in the current private plow rates as a result of the increase in fuel prices for the following categories: ¾ ton and under with 8-foot plow; ¾ ton and over with 9-foot plow, 6-wheel dump with 10-foot plow, loader, 9-foot plow with sander, and backhoe with 11-foot plow.

There was some discussion on whether \$5 per hour is enough with fuel prices expected to continue to rise.

A motion to increase private plow rates by \$10 per hour (Hicks/Howard) passed 5/0

Review & Act to Extend the Interim Town Administrator Contract

Chairman Woodbury reported that Interim Administrator William Ross is willing to stay on through December 20th.

A motion to extend to the Interim Town Administrator's Contract through December 20, 2021 (Hicks/Howard) passed 5/0.

Town Administrator's Report

Special Town Meeting (STM) Wrap-up

Mr. Ross thanked the Board for their recognition at the Special Town Meeting, noting that the Meeting went well with all Articles passing. He sent a memo to Department Heads and the Town Accountant to make the necessary adjustments.

Mr. Ross noted that the License with the State for the Courthouse was signed on November 15th. He is working with the Accountant to set up accounts for rent payments and utility bills.

Update on Coronavirus / COVID-19 Cases

Mr. Ross provided an update on behalf of the Health Agent who was not available to attend.

There have been 277 cases since August 1, 2021; over 7,200 residents have been vaccinated; all individuals 18 years and over are eligible for the COVID booster; children over age 5 are eligible to receive the vaccine and local clinics are being set up.

Citizen's Input

None

Board Member and Staff Comments

Dr. Hicks: announced that Cornerstone Bank closed the branch at the Fair Plaza, however the ATM remains open. He would like to add an item to change name of the Board of Selectmen to Select Board on the next agenda.

Mr. Pepe: reminded all that the Christmas Parade of Lights is being held on December 4th.

Mr. Woodbury: the Courthouse will begin the move into the Maple St. School on December 27th and the Judge will set a date to meet with the neighbors.

Adjournment

The meeting adjourned at 8:15 PM.

Respectfully submitted,

Brenda Savoie
Executive Assistant

Referenced documents: Tax Classification Options; 2022 License Renewals; 2021 Audit Proposal; Dangerous Dog Remedies