



## Minutes of the Meeting of the Board of Selectmen

Date: April 23, 2018 – Business Meeting  
Time: 6:00 p.m.  
Place: McCourt Social Hall, Memorial Town Hall, Spencer, MA  
Present: Chairman Pepe, Vice Chair Woodbury, Clerk Monette,  
Members Hicks and Stevens, and Administrator Gregory

At 6:00 p.m. Chairman Pepe called the meeting to order 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

### **Citizen Input**

Paula Orcutt, McCormick Road presented a petition from group of concerned citizens to not allow a solar farm being proposed by the developer of the Agdalanis property on 20 & 32 McCormick Rd.

Matt Defosse, Pauls Drive, asked about the process for initiating a moratorium on solar farm installations. Chairman Pepe indicated that would be discussed at a future public hearing.

### **Communications:**

None

### **New Business:**

#### **Dog Hearing pursuant to MGL Chapter 140 §157 - Dangerous or Nuisance Dog**

*A motion to open the hearing at 6:03 pm (Monette/Hicks) passed 5/0.*

Attorney Jeremy Cohen with Boston Dog Lawyers objected to the Board holding a dog hearing stating that no incidents have occurred in Spencer and instead occurred in other states. The dog in question, a two year old male Great Dane named Vito is owned by the Great Dane Rescue. A rehab has been located in Florida with an experienced dog owner with no children is willing to take Vito and provide training. If the Board agrees, he will work with Michael Cahill, Animal Health Director of the Mass Department of Agricultural Resources (MDAR) to obtain approval to relocate Vito. There is a current insurance policy on the dog.

Chairman Pepe explained that this is a hearing and is being held to obtain background information only, no decision is being made at this time.

Chief Darrin reported that the dog was illegally imported into Massachusetts which alerted the MDAR and Director Cahill who notified the Spencer Police Department. In August of 2016, the dog was with a family in Burrville, RI where he bit one of the daughters in the chin and a few years later, he bit the other daughter in the thigh and at that time was deemed vicious by Burrville officials. After that, the Great Dane Rescue took custody of the dog and was supposed to move him to Michigan; however a month later he bit the daughter of a family in New Hampshire who were fostering the dog. They then surrendered him and the Great Dane Rescue became involved and at that point, Ms. McGuirk brought the dog to Spencer.

Chief Darrin explained the hearing is a two part process. First a determination on whether or not the dog is dangerous needs to be made and after that, options discussed to determine a solution.

Dr. Hicks noted with such a large dog, someone could be seriously injured. Proper training is required. Ms. McGuirk said the dog has been under quarantine by the MDAR and is being taken out on a leash in a fenced yard and is kept in a separate room in the home where no children are present.

Mr. Woodbury pointed out that the dog was moved to Spencer without proper notification by the rescue group. Ms. McGuirk said she took the dog to save him from being euthanized and intended to bring him to a training center in Georgia, however the quarantine prevented her from moving the dog. A trainer worked with Vito on the basics and was able to work with him and did not find him to be overly aggressive. He recommends the dog be placed with a strong handler and in a home without children.

*At 6:42 pm a motion to continue hearing until May 7, 2018 (Woodbury/Hicks) passed 5/0.*

Administrator Gregory noted that if the Board declares the dog as dangerous, they will then choose remedies to prevent future issues. In the meantime, the quarantine remains in place until the MDAR releases order.

Ms. McGuirk has had Vito since February 21<sup>st</sup> and he has recently been neutered, microchipped, trained, and insured. There have been no incidents or signs of aggression since she's had him.

Mr. Monette asked to have the Town of Spencer added to the insurance policy. Attorney Cohen will have it amended and provide a copy to the Administrator.

The hearing will be continued on May 7<sup>th</sup>.

#### **Action Item: Vote to Amend the Memorandum of Agreement with Spencer Cable Access**

Administrator Gregory placed an Article on the Annual Town Meeting Warrant to accept receipts reserved for appropriation for Spencer Cable Access. This will be an annual recurring appropriation and is a mechanism required by the Division of Local Services to receive cable franchise fees and properly turn them over to Spencer Cable Access. The original MOA with SCA required payment to be submitted within 30 days of receiving the fees and has now been amended to allow payment to occur after July 1<sup>st</sup>.

*A motion to approve the amended Memorandum of Agreement with Spencer Cable Access (Monette/Hicks) passed 5/0.*

#### **Action Item: Vote to Sign Memorandum of Understanding with CMRPC to Receive Assistance for Green Communities Designation**

Administrator Gregory informed the Board that Spencer is eligible for a \$7,500 technical assistance grant as part of the process of being designated a Green Community. CMRPC will coordinate energy activities at no cost to the Town.

*A motion to accept the Memorandum of Understanding with CMRPC for assistance for Green Communities designation (Hicks/Monette) passed 5/0*

#### **Action Item: MGL chapter 61B, §9: Exercise or not Exercise Right of First Refusal on Chapter 61B Land located at 6 Treadwell Dr. (10.46 acres, parcel:R30/57)**

Administrator Gregory reported that all documentation is in order and the Conservation Commission advised the Board not to exercise the Right of First Refusal on this property.

*A motion to not exercise the Right of First Refusal on Chapter 61B Land, a 10.46 acres parcel identified at R30/57 at 6 Treadwell Dr. (Hicks/Woodbury) passed 5/0*

**Action Item: MGL chapter 61B, §9: Exercise or not Exercise Right of First Refusal on Chapter 61B Land located on North Brookfield Rd. (35 acres, map 39, parcel 14)**

Administrator Gregory reported that all documentation is in order and the Conservation Commission advised the Board to not exercise the Right of First Refusal on this property.

Attorney Blaise Berthiaume informed the Board that he is representing the seller and is available for any questions by the Board.

*A motion to not exercise Right of First Refusal on Chapter 61B Land located on North Brookfield Rd. 35 acres, map 39, parcel 14 (Hicks/Monette) passed 5/0*

**Old Business:**

**6:30 pm National Grid Pole Hearing Continued-Alta Crest Road, Plan #22698146**

The hearing reconvened at 6:52 pm. Pedro Cardoso representing National Grid reported that they submitted a petition to install two JO poles on Alta Crest Road to accommodate a new solar farm. There were no concerns from the Board or the public.

*A motion to approve the installation of two new JO poles on Alta Crest Road in accordance with Plan #22698146 (Hicks/Woodbury) passed 5/0.*

The hearing closed at 6:54 pm. All were in favor.

**Town Administrator's Report**

**Review Motions for May 3, 2018 Annual Town Meeting**

The motions have been assigned for Town Meeting.

Water and sewer appropriations were mistakenly counted twice and an amendment for Article 19 and Article 20 will take place at Town Meeting.

**Board Liaison Reports**

Chairman Pepe said the RFP's for the Sugden building and Lake St. School will be ready next week. The lease addendum has been signed by the Spencer Agricultural Association.

**Citizen Input**

Carl Kwiatkowski, Meadow Rd. asked if something could be done about the bad taste of the water at his home and why the Town Hall uses a water cooler instead of the tap water. Mr. Gregory will research and get back to him.

Chris Woodbury, Briarcliff Lane, asked for an update on Browning Pond Rd. Mr. Gregory said it is being worked on with Town Counsel and CMRPC.

### **Board Member and Staff Comments**

Dr. Hicks and Mr. Stevens would like to purchase a framed print of the DPHS to present to Mary Madden on behalf of the Board. The cost will be under \$200.

Mr. Stevens is not running for re-election and this will be one of his last meetings. He mentioned he met with the Board at least 200 times over a six year period. He said it's been a pleasure serving with the Board. He is proud of the accomplishments and progress being made and intends to remain an involved citizen.

Chairman Pepe said he appreciates the great working relationship with Mr. Stevens and thanked him for serving the Town well. Dr. Hicks said it was a pleasure working with him and thanked him for his service. Mr. Monette said he did a great job and always had the best interest of the Town at heart. Mr. Woodbury enjoyed working with him and thanked him for his service.

The meeting was adjourned at 7:25 pm. All were in favor.

Respectfully submitted,

Brenda Savoie  
Administrative Assistant

Referenced Materials – Dog hearing information packet; SCA MOA; CMRPC MOU; 6 Treadwell Dr. Right of First Refusal; N. Brookfield Rd. Right of First Refusal; National Grid pole petition