



Minutes of the Meeting of the Board of Selectmen

Date: May 7, 2018 – Business Meeting
Time: 5:30 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

Meeting Minutes: Vote to approve the minutes of April 9, April 18, and April 23, 2018

A motion to approve the meeting minutes of April 9, April 18, and April 23, 2018 (Woodbury/Monette) passed 5/0.

Citizen Input

None

Communications:

Representative Berthiaume presented Mr. Stevens with a Proclamation of Recognition to thank him for his service as a member of the Board of Selectmen for the past six years.

New Business:

Action Item: Application for a One-day Special Alcohol (Wine & Malt) License of Barnstorm Cycles for a Motorcycle event to be held on May 19 at the Spencer Fairgrounds

Jacob Cutler was present to request a One-day Alcohol license for a motorcycle event at the Fairgrounds. A tech review meeting was held with the Police Chief, Fire Chief, and Board of Health.

A motion to approve the One-day Special Alcohol (Wine & Malt) License of Barnstorm Cycles for a Motorcycle event to be held on May 19 at the Spencer Fairgrounds (Hicks/Monette) passed 5/0.

Action Item: Request of Barnstorm Cycles for an Entertainment License for a Motorcycle event to be held on May 19 at the Spencer Fairgrounds

A motion to approve the Request of Barnstorm Cycles for an Entertainment License for a Motorcycle event to be held on May 19 at the Spencer Fairgrounds (Hicks/Woodbury) passed 5/0.

Vote to Approve/Sign the Landfill Solar Lease Agreement with Citizens Energy

Administrator Gregory reported that after lengthy negotiations, the lease agreement for the Landfill Solar has been thoroughly vetted by Kopelman and Paige and is now ready for the Board's approval and signature.

A motion to approve the Approve/Sign the Landfill Solar Lease Agreement with Citizens Energy (Hicks/Woodbury) passed 5/0.

Vote to Approve/Sign the Solar PILOT Agreement with Citizens Energy (if finalized)

The PILOT Agreement is not yet finalized and will be moved to a future agenda.

Vote to Approve/Sign the Cranberry Meadow Road Drainage Easement Agreement

The Easement Agreement is not yet finalized and will be moved to a future agenda.

Old Business:

Dog Hearing (continued from 4/23/18) pursuant to MGL Chapter 140 §157 - Dangerous or Nuisance Dog

The Hearing reconvened at 6:00 pm. Attorney Jeremy Cohen with Boston Dog Lawyers and Carol McGuirk, the person with custody of the Great Dane named Vito were present.

Chief Darrin reported that he is in communication with MDAR Director Cahill. Save the Rocky Great Dane Rescue is not allowed to do business in Massachusetts and Ms. McGuirk has two dogs from that Rescue. One named Holly and the other named Vito. Vito has a bite history. 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, Save the Rocky Great Dane Rescue took custody of the dog and a month later he bit the daughter of a family in New Hampshire who were fostering the dog. They then surrendered him to the Rescue and Ms. McGuirk brought the dog to Spencer. At this point, the disposition of the dog needs to be worked out and there is currently an injunction in place for the Rescue. Civil complaints are being issued against Ms. McGuirk for not licensing the dog and for illegally importing it without a health certificate.

Attorney Cohen asked Chief Darrin if he contacted anyone outside of the state about dogs behavior and noted that the injunction is not a court ordered injunction. Chief Darrin did not contact other states, the Town of Spencer is the complainant. Director Cahill informed him of the situation and discussed the process and he concurred.

Ms. McGuirk said she went to get Vito to save him because his time was up at shelter. She had him neutered on March 5th and is asking for a fair assessment to determine if he's actually vicious or if instead has been allowed to be an unmanageable dog without training or leadership. She believes he's a good dog that needs training and has only observed him as a "gentle giant" while in her care. The MDAR's quarantine for coming into Massachusetts without the proper paperwork has been an obstacle to have him properly assessed.

Attorney Cohen said Ms. McGuirk is ready to surrender dog and noted it's difficult to rehome him with MDAR involved.

Chief Darrin noted the hearing is being held in the event Ms. McGuirk decides to keep the dog.

Mr. Gregory said the hope is for the best possible outcome. He explained that the Board has an obligation to make a decision that is in the best interest of the Town. Remedies can be taken regardless of the quarantine. The Board will need to vote to determine if the dog is dangerous per MGL Chapter 140 §157 and put remedies in place.

A motion to deem the dog (Great Dane Vito) as a dangerous dog (Monette/Hicks) passed 5/0.
A motion to put in place the following remedies (Monette/Woodbury) passed 5/0.

- 1) That the dog be humanely restrained, but not chained, tethered or otherwise tied to an inanimate object including a tree, post or building;

- 2) That the dog be confined to the premises of its owner or keeper, either indoors or outdoors properly sheltered from the elements in a securely enclosed and locked pen or dog run area with a secure roof and, if the enclosure has no floor, with sides not less than 2 feet embedded into the ground;
- 3) That when removed from the premises of the owner or keeper, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;
- 4) That the owner or keeper provide documented proof of no less than \$100,000 insurance for claims resulting from intentional or unintentional acts of the dog and that the Town of Spencer be named as additional insured within three weeks;
- 5) That the owner or keeper provide the licensing authority, animal control officer or other entity identified in the order, information by which a dog may be identified, including, for example, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of information;
- 6) That proof be provided that the dog was altered so it is unable to reproduce, unless its owner or keeper provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition;

Proof of rabies, neutering and microchipping must be provided. Chief Darrin said the Animal Control Officer will work with the Town Clerk to ensure proof is provided and will inform Director Cahill and confirm the conditions of the quarantine.

The hearing closed at 6:47 pm. All were in favor.

Update on FY19 State Budget

There are no updates at this time.

A motion to send a letter to Senator Gobi and the State Representatives requesting their support for increased local aid (Woodbury/Hicks) passed 5/0.

Policy Adoption: Parks & Rec Technology & Social Media Use

A motion to adopt the Parks & Rec Technology & Social Media Use Policy (Woodbury/Hicks) passed 5/0.

Town Administrator's Report

The Administrator advised the Board to change the weekly Administrator's Departmental Report to a monthly report. The Board agreed and requested reports be a summary of the month and not include repetitive day-to-day routine work, but instead highlight important issues outside of daily activities.

Annual Town Meeting Wrap-up

Mr. Gregory said everything went well. He will follow-up as necessary.

Board Liaison Reports

Chairman Pepe noted that the Economic Development Committee is discussing the blight issue. He will also update the Board on the Teacher's Union meeting during a future executive session.

Mr. Woodbury reported that RFP's for the Sugden building and Lake Street School have been advertised.

Citizen Input

Parks & Rec Commissioner Bill Shemeth announced the official reopening of the beach at Luther Hill Park will be June 24th 10 am. He commended Selectmen Stevens for his outstanding service as member of the Board of Selectmen and the Finance Committee.

Board Member and Staff Comments

The meeting was adjourned at 6:50 pm. All were in favor.

Respectfully submitted,

Brenda Savoie
Administrative Assistant

Referenced Materials – Dog hearing information packet; Landfill Solar Lease Agreement; PILOT Agreement; Cranberry Meadow Rd. Drainage Easement Agreement; Parks & Rec Technology & Social Media Use Policy