



## **Minutes of the Meeting of the Board of Selectmen**

Date: November 14, 2018 – Business Meeting  
Time: 6:00 p.m.  
Place: McCourt Social Hall, Memorial Town Hall, Spencer, MA  
Present: Chairman Woodbury, Vice Chair Hicks, Clerk Berthiaume,  
Member Pepe (remotely) and Administrator Gregory  
Member Monette was absent.

Chairman Woodbury called the meeting to order at 6:10 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**

Dr. Hicks announced that Selectmen Pepe will be participating remotely in accordance with Regulation 940, CMR 29.10 of the Open Meeting Law. All votes will be taken by roll call.

### **Meeting Minutes**

**Vote to approve the Business Meeting Minutes of October 10<sup>th</sup>, 15<sup>th</sup> & 22<sup>nd</sup> & the Executive Session of October 22<sup>nd</sup>, not to be released at this time**

*A motion to approve the Business Meeting Minutes of October 10<sup>th</sup>, 15<sup>th</sup> & 22<sup>nd</sup> & the Executive session of October 22<sup>nd</sup>, not to be released at this time (Hicks/Berthiaume) passed with roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes*

### **Communications:**

None

### **Citizen Input**

Kurt Nordquist, Gale Drive, asked for an update on the push button for the crosswalk on Main St. near Chef Sau. Chairman Woodbury indicated that the lights are not being activated properly. Administrator Gregory will follow up and report back to the Board.

### **New Business:**

**6:00 p.m. – Public Hearing – Review & Act on Annual License Renewals for Class II Auto Dealers, Class III Salvage Dealer, and Gravel Permit Operations for Calendar Year 2019**

*A motion to open the public hearing (Hicks/Berthiaume) passed with roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes*

Chairman Woodbury opened the hearing at 6:20 p.m.

There were no comments from the public.

*A motion to close the public hearing (Hicks/Berthiaume) passed with roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes*

## **Class II Auto Dealer License Renewal**

Chairman Woodbury recused himself.

*A motion to approve the 2019 Class II License Renewals (Hicks/Berthiaume) passed with roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, for the following:*

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

## **Class III Salvage License Renewal**

*A motion to approve the 2019 Class I License Renewals (Hicks/Berthiaume) passed with roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes, for the following:*

1. Durgin's Valley Garage

## **Gravel License Renewal**

*A motion to approve the 2019 Gravel Licens Renewals (Hicks/Berthiaume) passed with roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes, for the following:*

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

## **Review & Act on all other Annual License Renewals for Calendar Year 2019**

*A motion to approve the 2019 Class I License Renewals (Hicks/Berthiaume) passed with roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes, for the following:*

1. Ahearn Equipment, Inc.
2. Alpha Cars & Ural of New England
3. Barnstorm Cycles

4. Klem Tractor, Inc.

*A motion to approve the 2019 Alcohol License Renewals (Hicks/Berthiaume) passed with roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes, for the following:*

1. Black & White Pizzeria & Grill
2. Charlie's Diner
3. Chef Sau
4. Either's Café
5. Granville's Pub
6. Mexicali Grille
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. Bay Berry Bowling
14. Laney's Variety
15. Xpress Mart
16. American Legion
17. Spencer Fish & Game

*A motion to approve the 2019 Common Victualler License Renewals (Hicks/Berthiaume) passed with a roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes, for the following:*

1. Big Y Foods
2. Camp Marshall
3. Dairy Queen
4. Dashboard Diner
5. Dippin' Donuts
6. Edible Arrangements
7. Five Loaves Bakery
8. John's Pizza
9. Kosta's
10. Knights of Columbus
11. Lincoln Hill Manor
12. McDonald's
13. Pizza Hut
14. Price Chopper
15. Speedway
16. Spencer Donuts, Inc. East Main
17. Spencer Donuts, Inc. West Main
18. Spencer Pizza House
19. Subway
20. Thibault's Country Store
21. Toupin's Catering
22. Cistercian Abbey of Spencer-Trappist
23. St. Joseph Abbey Guest House
24. First Congregational Church

25. Mary, Queen of the Rosary
26. American Legion
27. Black & White Restaurant
28. Ethier's Café
29. Granville's
30. Mexicali Grille
31. New Fortunes, d/b/a Chef Sau
32. Spencer Country Inn
33. Spencer Fish & Game
34. Charlie's Diner
35. Yamato Asian Bistro
36. Zukas Hilltop Barn

*A motion to approve the 2019 Innkeeper's License Renewals (Hicks/Berthiaume) passed with a roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes, for the following:*

1. Spencer Country Inn
2. Zukas Hilltop Barn

*A motion to approve the 2019 Amusement License Renewals (Hicks/Berthiaume) passed with a roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes, for the following:*

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

*A motion to approve the 2019 Entertainment License Renewals (Hicks/Berthiaume) passed with a roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes, for the following:*

1. American Legion
2. Bayberry Bowling Center
3. Black & White
4. Mexicali Grille
5. New Fortunes d/b/a/ Chef Sau
6. Knights of Columbus
7. Spencer Country Inn
8. Spencer Fish & Game
9. Zukas Hilltop Barn

*A motion to approve the 2019 Junk Dealer License Renewals (Hicks/Berthiaume) passed with a roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes, for the following:*

1. Comier Jewelers
2. William Ekleberry, Jr.

*A motion to approve the 2019 Lodging House License Renewals (Hicks/Berthiaume) passed with a roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes, for the following:*

SMOC 126 Main Street & 204 Main Street

**Review & Act on 2:00 a.m. closing on New Year's Eve for establishments with alcohol pouring licenses**

*A motion to approve a 2:00 a.m. closing on New Year's Eve for establishments with alcohol pouring licenses (Hicks/Berthiaume) passed with a roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes*

**Review & Act on Right of First Refusal for Chapter 61 Land: 33.18 acres on East Charlton Road- Assessor's Map 14, Lot 53-1 – Hinarnie, LLC**

Attorney Meloche reported that in 2016 Hinarnie, LLC paid the rollback taxes for the above referenced property and received the Release from Chapter 61 from the Town and later an error was discovered in the Book and Page and needs to be corrected. He prepared a Release of Right of First Refusal for clarification purposes and for the Board to sign to correct the title issue.

*A motion to act on the correction of the Release of Right of First Refusal (Hicks/Berthiaume) passed with a roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes*

The Board signed the Release of Right of First Refusal

**Review & Act on the Financial Polices Manual - Recommendations by the Finance Committee**

FinCom Chair Mary Braney reported that the Division of Local Revenue worked with former Administrator Gaudette to draft the Financial Polices Manual which the FinCom reviewed in detail and voted on each item and made recommendations in several areas including:

- Capital Improvement – the Manual recommends items over \$25,000 as the threshold; the current amount is for items over \$10,000; the scorecard process used by the CIPC is being updated; Multiyear Capital Plan will remain at ten years.
- Capital Financing – recommends allocating 3% to 5% of the general fund for capital investment allocations these capital projects *may* be considered separately from the three to five percent goal detailed above.
- Debt Financing -funded by debt exclusions or capital outlay exclusions and projects that cost at least \$50,000 and that have useful lifespans of at least ten years or whose lifespans will be prolonged by at least five years.
- Debt Limits - will comply with regulations defined by State Statue.

- The Treasurer/Collector will report to the Board of Selectmen, Town Administrator, Finance Committee, and Town Accountant on the Town's debt status at least annually.
- Financial Reserves - the Town will strive to maintain overall reserves in the level of 8% to 10% percent of net operating revenues.
- Stabilization Funds - is a reserve - extraordinary/needs outside the operating budget needs, with a minimum target of one-half percent of general fund net operating revenues directed to the capital all stabilization funds. Doing so enables Spencer to pay outright for moderate range capital and other maintenance expenditures and thereby preserve debt capacity for major, higher-dollar purchases or projects.
- Revenue guidelines – when appropriating onetime revenues priorities will include: snow and ice deficit, current year anticipated departmental budget shortfalls ;capital stabilization fund expenditures; general stabilization fund; cash capital budget; OPEB trust fund
- Reconciliations - Reviewed with Treasurer/Collector:
  - Payroll Withholdings Reconciliation Accounting – need to be addressed- should be working together with Treasurer/Collector and Accounting and Accountant is doing it all – this should it be changed
  - Typically payroll is handled by Treasurer/Collector and in Spencer it's done by the Accountant
  - Accounts Receivable Reconciliation needs to be addressed
- Tax Enforcement – discussion on waiving 50% percent of interest if certain obligations are met. Treasurer/Collector does not agree with this.

The Board thanked Ms. Braney and the FinCom for their working on this document. Additional discussion will take place at the November 26<sup>th</sup> meeting.

### **Review & Act on Updating the Policy for the Disposition of Surplus Supplies**

Administrator Gregory advised the Board to amend the Policy for the Disposition of Surplus Supplies to increase the threshold from \$5,000 to 10,000 to align with MGL, Chapter 30B.

*A motion to adopt the recommendation to revise the policy for Surplus Supplies as presented (Berthiaume/Hicks) passed with roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes*

### **Review & Act on Surplus Vehicle Request from the Fire Department**

Chief Parsons has asked to declare the 1990 GMC E One Rescue as surplus. It will be repurposed for the Highway Department.

*A motion to act on the request to declare the 1990 GMC E One Rescue as surplus (Berthiaume/Hicks) passed with roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes*

## **Old Business:**

### **Discuss & Act on 11/15/18 STM Article 23: Authorization to Amend the General Bylaws for the Registration of Vacant Buildings**

Administrator Gregory provided a revised memo for Article 23 noting that an unintended consequence of the bylaw may exist when a property sits vacant, waiting to be sold and this is not intent. A vacant single family listed on the is being properly maintained will be exempt.

*A motion to amend Article 23 to include single family residential properties actively listed for sale shall be required to be registered within 30 days of the property becoming vacant and shall be exempt from the registration fee (Hicks/ Berthiaume) passed with roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Woodbury-yes*

Chairman Woodbury pointed out foreclosed properties may pose an issue with out of state banking institutions. Dr. Hicks noted a lien could be placed on the property to recoup the \$100 fee. Mr. Gregory indicated it is already included in the Bylaw.

Al Atchue, Meadow Road questioned the \$100 fee for single family homes. Mr. Gregory said the fee is waived if the property is maintained.

## **Town Administrator's Report**

### **Final Update for November 15<sup>th</sup> Special Town Meeting**

Mr. Gregory reported that Free Cash was certified by the DOR at \$1,198,096. This is a new high for Town.

The 2019 meeting calendar was reviewed. All meetings are scheduled to take place on Mondays.

### **Review & Act on Town Administrator Goals**

This item will be tabled to the November 19<sup>th</sup> meeting.

## **Board Liaison Reports**

### **Dr. Hicks reported:**

The Solar Bylaw Advisory Committee toured the solar farm at St. Joseph's Abbey and noted that requests for solar are expected to continue.

He attended the SEBRSDC meeting – oversight from the DSE is expected to end soon; the District is moving forward with MSBA for the DPHS; Chapter 74 applications will be coming in for the new programs at the DPHS; a new legal firm is being hired and the hope is a reduction in expenses.

## **Citizen Input**

Carl Kwitakoski, Meadow Road, asked about the Green Community status. Administrator Gregory said the stretch energy code is on the Special Town Meeting Warrant and is a part of the process.

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

Ms. Berthiaume noted that the Halloween Party was a great success. She thanked several groups including "Sounds by Rich", the Police and Fire Departments, Dumpster Services, the staff at Town Hall, and the many volunteers for their support.

The meeting was adjourned at 8:40 pm. All were in favor.

Respectfully submitted,

Brenda Savoie  
Executive Assistant

Referenced documents: STM Warrant; License Renewals; Financial Policies Manual; Policy for Disposition of Surplus Supplies