



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

Date: March 25, 2019 – 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 Monette (arrived at 6:40 pm), and Administrator Gregory  
Mr. Pepe was absent.

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

A moment of silence was observed to honor Selectmen's Pepe's father, Mr. Anthony Pepe Jr., who passed away on March 23 2019.

### **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 Meeting Minutes of March 11, 2019**

*A motion to approve the minutes of March 11, 2019 with an addition on page 2 to read: "Dr. Hicks noted that the change in the SEBRSD budget, and when you include the Bay Path amount, likely exceeds the Town's new revenue" (Hicks/Berthiaume), passed 3/0.*

### **Communications**

None

### **Citizen Input**

None

### **New Business**

#### **Review & Act on the Request of Casey Cormier for the Spencer-East Brookfield Little League Parade on April 20, 2019 with a Rain Date of April 27, 2019**

Casey Cormier was present to request approval for the Spencer-East Brookfield Little League annual opening day parade.

*A motion to approve the request of Casey Cormier for the Spencer-East Brookfield Little League Parade on April 20, 2019 with a Rain Date of April 27, 2019 (Hicks/Berthiaume) passed 3/0.*

#### **Review & Act: MGL chapter 61B, §9: Exercise or not Exercise Right of First Refusal on Chapter 61B Land located on East Charlton Rd. (6,645 square feet, Map R4, parcel 3)**

Administrator Gregory reported that the parcel is on the southern edge of Town. The Conservation Commission does not recommend the Board exercise its Right of First Refusal for this property.

*A motion not to Exercise the Right of First Refusal for Chapter 61B Land located on East Charlton Rd. (6,645 square feet, Map R4, parcel 3), (Hicks/Berthiaume) passed 3/0.*

**Review and Act on Proposal to Accept the Provisions of MGL Ch. 59, Section 5, Clause 54, added by Chapter 159, Section 114 of the Acts of 2000, and to establish \$5,000 as the Minimum Value of Personal Property Subject to Taxation Effective Fiscal Year 2020**

Mr. Gregory reported that a new State law will allow the Town the ability to establish a minimum value of personal property that is subject to taxation. Principal Assessor Linda LeBlanc and the Board of Assessors would like the Board to approve a \$5,000 minimum value.

Ms. LeBlanc reported the Town pays a \$50 administrative fee for each account, which in some circumstances is higher than the bill. She recommends that a \$5,000 minimum value be established.

*A motion to establish a \$5,000 minimum value of personal property, subject to Annual Town Meeting approval (Hicks/Berthiaume) passed 3/0.*

**Review & Act on the Application of Philip Hardy of Terptown Throwdown for an Entertainment License for a Live Music/Art Festival & Reggae Cannabis Awards on July 6, 2019 at the Spencer Fairgrounds**

Philip Hardy and Keith Kerrigan are seeking approval to hold a festival on July 26, 2019 at the Spencer Fairgrounds with live music and art. Mr. Hardy said that marijuana will not be at the event; however cannabis industry awards will be a part of it. Mr. Hardy said the festival is to focus on music and art. Concession booths will be operated by Greenleaf Concessions.

Selectmen Berthiaume asked about information on the Internet stating that Greenleaf managed glass blowing events. Mr. Hardy said that is false information.

Mr. Kerrigan spoke with Chief Darrin and if the event is approved a technical review meeting will be held with Town Staff. They've had up to 1,300 people at past events and are hoping to have 2,500 at this one.

Ms. Berthiaume asked if there is an entrance fee. Mr. Hardy said a \$30 admission fee will be charged

Administrator Gregory said he met with Chief Darrin and Robert Knight from the Fairgrounds to discuss issues surrounding public consumption of marijuana; it is illegal without medical marijuana card and if there is public consumption, individuals will be prosecuted.

Mr. Kerrigan said they will operate within the law and do not intend to cause embarrassment for themselves or the Town.

Dr. Hicks asked Mr. Gregory for his opinion on approving this event. Mr. Gregory said he believes people need to be taken at their word. A staff technical review meeting will be conducted to ensure all town requirements are reviewed with the applicants.

*A motion to approve the Application of Philip Hardy of Terptown Throwdown for an Entertainment License for a Live Music/Art Festival & Reggae Cannabis Awards on July 6, 2019 at the Spencer Fairgrounds contingent upon a staff tech review meeting and Mr. Gregory approval, within 2 weeks (Hicks/Berthiaume). Note: vote was not taken on this motion.*

Before calling for a vote, Chairman Woodbury asked why the normal process wasn't followed with the tech review being conducted prior to bringing the item before the Board as it may have brought

concerns forward. In light of the Board recently denying events related to cannabis, a decision was made to ask the Board prior to scheduling a tech review meeting to save time for Town Staff if the event was denied.

*A motion to vote on this application on April 8<sup>th</sup>, after a Tech Review meeting is held (Hicks/Berthiaume) passed 3/0.*

**Review & Act on the Application of Carol Perron for a One-day Alcohol License for the American Legion's 100<sup>th</sup> Anniversary Celebration on June 15, 2019 at the Spencer Fairgrounds**

Carol Perron was present to seek multiple licenses related to the American Legion's 100<sup>th</sup> Anniversary Celebration.

*A motion to approve the application of Carol Perron for a One-day Alcohol License for the American Legion's 100<sup>th</sup> Anniversary Celebration on June 15, 2019 at the Spencer Fairgrounds (Hicks/Berthiaume) passed 3/0.*

**Review & Act on the Application of Carol Perron for an Entertainment License for Live Music, Static Military Displays, Carnival, and Bonfire for the American Legion's 100<sup>th</sup> Anniversary Celebration on June 15, 2019 at the Spencer Fairgrounds**

*A motion to approve the application of Carol Perron for an Entertainment License for Live Music, Static Military Displays, Carnival, and Bonfire for the for the American Legion's 100<sup>th</sup> Anniversary Celebration on June 15, 2019 at the Spencer Fairgrounds (Hicks/Berthiaume) passed 3/0.*

**Review & Act on the Request of Carol Perron for a one-way Traffic Pattern on Smithville Road from the Intersection of Meadow Road to Smithville Cross Road for the American Legion's 100<sup>th</sup> Anniversary Celebration on June 15, 2019**

*A motion to approve the Request of Carol Perron for a one-way Traffic Pattern on Smithville Road from the Intersection of Meadow Road to Smithville Cross Road for the American Legion's 100<sup>th</sup> Anniversary Celebration on June 15, 2019 (Hicks/Berthiaume) passed 3/0.*

**Update on the Comprehensive Roads Project by U & F Superintendent Bill Krukowski**

Mr. Gregory noted that \$5.6 million in bonds has been issued for phase 2 of the Comprehensive Roads Project.

U & F Superintendent Krukowski presented an update on the project. In 2018 a combination of drainage and paving work was done on several roads, including Donnelly Road, Chickering Road, Clark Road, and Charlton Road, and major culvert work was completed on many other roads. Planned drainage improvements will continue in 2019 and paving improvements are planned for the following roads: WM Casey, Tom Casey, Sundberg, East Charlton, Borkum, Thompson Pond, Paxton, GH Wilson, Marble, and Clark. Bridge work is scheduled for Paxton Road, Hastings Road and Donnelly Cross Road. Bridge work for Route 31 North is being done by MassDOT and is currently planned for 2027; the hope is to move that date up. \$4 million was spent in 2018 and \$6 million is planned for 2019 from the \$19 million roads project. The remaining \$9 million is planned for projects in 2021 and 2022.

**Review and Act on Proposal to Acquire Parcels U09-3 (Bixby Road), U21-33 (Meadow Road), U22-103 (84 Meadow Road), and U23-2 (Meadow Road)**

Mr. Krukowski reported that the following parcels are being proposed at Town Meeting for authorization to acquire:

Parcel U09-3 Bixby Road which is assessed at \$86,400 and is an important parcel for stormwater management requirements as part of the MS4 permit. If the Town agrees to purchase this parcel for \$70,000, the owner will donate three additional parcels:

- Parcel U23-2 Meadow Road - assessed at \$54,900 (no cost to the Town) and is needed for wetland protection.
- Parcel U22-103 Meadow Road - assessed \$45,200 (no cost to the Town) will assist with sidewalk and drainage improvements.
- Parcel U21-33 Meadow Road - assessed at \$3,500 (no cost to the Town) and can be used as a future bus stop for the WRTA

*A motion to accept the parcel donations and to purchase parcel U21-33 as presented (Monette/Berthiaume) passed 4/0.*

### **Initiate Town Administrator Evaluation Process**

Chairman Woodbury asked the Board to complete the evaluation form by April 8<sup>th</sup>.

Administrator Gregory will email his goals to Board.

### **Review and Act to Refer Proposed Zoning Changes to the Planning Board for a Public Hearing**

Mr. Gregory reported that the Planning Board is proposing three new zoning changes and would like the Board's approval: the first is to add "Renewable Energy Research & Development" and "Renewal Energy Manufacturing" by right, in the Industrial Zone; this will satisfy a requirement for the Green Communities Designation. The next is to add "Microbrewery/Taproom" by right, in the Town Center and Commercial Districts and by Special Permit in the Village and Rural Residential Districts; and finally to amend 4.5.4 (temporary uses) to change the language from "holocaust" to "disaster".

*A motion to authorize the Planning Board to move forward with zoning changes as proposed (Hicks/Monette) passed 4/0.*

### **Old Business**

#### **Review and Consider Action on Letter of Non-Opposition to Reliable Bud, LLC, for a Proposed Medical Marijuana Facility at 21 W. Main Street for Cultivation/CO-OP, Research & Development, & Processing of Medical Marijuana (original vote July 16, 2018)**

Mr. Gregory notified Reliable Bud of this item on agenda and was advised they are withdrawing their Host Agreement from consideration and will no longer hold events in Town.

*A motion to rescind the letter of non-opposition to Reliable Bud, LLC (Monette/Berthiaume) passed 4/0.*

### **Town Administrator's Report**

#### **FY2020 Budget Update**

Administrator Gregory reviewed changes in the current budget draft including:

- The School District's final number represents a total increase of 3.74% over FY2019
- Bay Path's reduction in transportation represents a decrease of 2.62% over FY2019
- The health insurance with MIIA results in a decrease of 4.4% due to lower claims for the Town and the MIAA Trust.
- Dental insurance renewal savings is expected to free up between \$7,000 and \$16,000 in the FY2020 budget. He'll report back after meeting with the Insurance Advisory Committee.
- General insurance numbers will not be available until after April 15<sup>th</sup>, therefore will need to be adjusted at the Fall Town Meeting
- The School Resource Officer start date will be delayed until after October 1<sup>st</sup> to will free up \$57,500 for the SRS.
- Town Hall hours have been retained in the budget to increase hours from a half day to a full day on Thursdays.

Dr. Hicks was concerned about closing the Town Hall at 4 pm and would to have the building open until 6 pm one night a week to allow folks time to come in after work. Mr. Gregory will review the hours to determine if it makes sense to restructure.

Mr. Woodbury pointed out that the SRS needs an additional \$75,000. The proposed \$57,500 is not enough, he suggests a Proposition 2 ½ Override to allow the voters to decide. Mr. Gregory noted if Town Hall hours remain at 3 ½ days per week, he will be able to fully fund for this year.

Dr. Hicks agreed that an Override make sense and suggests an additional \$25,000 be added to the \$75,000 to allow the SRS to hire a part-time director.

### **Review and Act on Authorization to Allow Override Ballot Question for the Spencer Rescue Squad on the May 14, 2019 Annual Town Election**

Chairman Woodbury did not want to take action on this item without all Board members present. The Board can discuss at the joint meeting with FinCom, or at their April 8<sup>th</sup> meeting.

### **Review FY2020 Capital Requests**

Mr. Gregory referenced the 5-year capital plan for FY2020-FY2024. The CIPC is working through the requests. Their final rankings and recommendations will be submitted on April 3<sup>rd</sup>.

### **Review Draft Annual Town Meeting Warrant**

The draft Annual Town Meeting Warrant was reviewed. At this time it contains 33 Articles. The final Warrant will be reviewed on April 8<sup>th</sup>.

### **Board Liaison Reports**

Chairman Woodbury is working with Spencer Cable Access on new studio at Town Hall.

### **Citizen Input**

Kurt Nordquist, Gale Drive suggests SRS raise subscription rates and solicit donations to generate additional revenue. He is not in favor of an Override or adding \$25,000 on top of the \$75,000 request as suggested by Dr. Hicks.

Jeff Berthiaume, Paxton Road said there are a few bad areas on Paxton Road which need to be addressed or patched soon. Mr. Woodbury will check on it.

Carl Kwiatkowski, Meadow Road asked if the Town could utilize another Rescue Squad. Mr. Gregory said Vital Ambulance has been asked in the past and are unable to provide the service to Spencer.

Bill Shemeth, Dale Street pointed out the Town voted against the sale of recreational marijuana and is not in favor of allowing a town facility to be used to promote a cannabis awards event. He also requested:

- CIPC tie their process to a meeting review of the Warrant Articles and not to the ranking requirement. Mr. Gregory will draft a summary letter and attach it to the rankings.
- Recommends placing the Spencer Cable Access Article at the front of the Warrant with the consent agenda items.
- Requests his Moderator salary be removed from the FinCom Budget and placed with the Moderator Budget.

Mr. Shemeth praised Mr. Gregory on being diligent and thorough and said he's extremely satisfied with his work and wanted the Board to be aware of his opinion in light of his upcoming performance evaluation.

Matt Defosse, 7 Pauls Drive and member of the Solar Bylaw Advisory Committee (SBAC), speaking as a resident, asked the Board to place a question on the Warrant for a moratorium on ground mounted solar facilities. He said the Town does not have a plan for solar development and this type of development does not support the Master Plan.

Mr. Gregory pointed out the SBAC was asked to submit its recommendations and advised the Board to wait until that report is submitted prior to taking any action.. Mr. Woodbury agreed and said he's not willing to make a decision to place this on the Warrant until after he sees the report of the SABC. Mr. Defosse is concerned with additional applications will be coming in the meantime. He does have the option of submitting a Citizens Petition with ten signatures for the ATM.

Mr. Nordquist said he is opposed to having a moratorium on solar and taking away his right to put solar on his land.

Mr. Defosse said a moratorium is to slow down and reassess the solar situation.

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

Dr. Hicks noted:

- Cold patch is a waste of money since it doesn't last
- SRS cannot increase the subscription rates; people cannot afford it
- Town hall should be open 4 days and one evening

The meeting adjourned at 8:33 p.m. All were in favor.

Respectfully submitted,

Brenda Savoie  
Executive Assistant

Referenced documents:  
Entertainment and Alcohol applications  
FY2020 Budget Documents  
5-Year Capital Plan  
ATM Draft Warrant