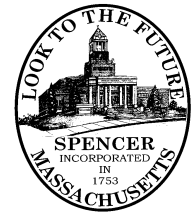


Minutes of the Meeting of the Board of Selectmen



Date: June 10, 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, Selectman Monette and Administrator Gregory. Selectman Pepe was absent.

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

Reorganization of the Board – Nominate Chairman, Vice Chair, & Clerk

Ms. Berthiaume suggested holding off on this item until the next meeting when the full Board is present. The Board agreed to wait until July 8th meeting.

Meeting Minutes

Vote to approve the Meeting Minutes of May 20, 2019

A motion to approve the minutes of May 20, 2019 (Hicks/Berthiaume) passed 4/0.

Communications

None

Citizen Input

William Shemeth, Dale St, recognized the following:

- St. Joseph's Abbey for their outstanding efforts in supporting Parks & Rec
- Attorney Stan Weinberg who has served the Town well over the past nine years
- The Fire Department and Captain Lacaire for their enthusiasm
- Isaac Prouty Park Committee and the Exchange Club for their efforts at Isaac Prouty Park

On behalf of Spencer Cable Access (SCA), Mary Braney offered special thanks to Selectman Woodbury and the entire SCA team for the outstanding volunteer work on building the new studio. She presented Mr. Woodbury with a plant and a certificate of recognition for the countless hours he devoted to the SCA.

New Business

Review & Act on the Request of Robert LeDuc for a One-day Alcohol License for the Rice-O-Rama Motorcycle Show on September 8, 2019 at the Spencer Fairgrounds

Robert LeDuc, Bar Manager of the Eagles Club was present to request the One-day Alcohol License for the Rice-O-Rama Motorcycle Show on September 8, 2019 at the Spencer Fairgrounds. The plan is to allocate funds for St. Jude's Children's Hospital.

A motion to approve the request of Robert LeDuc for a One-day Alcohol License for the Rice-O-Rama Motorcycle Show on September 8, 2019 at the Spencer Fairgrounds (Hicks/Monette) passed 4/0.

Review & Act on the Request of Daniel Hayes for an Entertainment License a for the Rice-O-Rama Motorcycle Show on September 8, 2019 at the Spencer Fairgrounds

A motion to approve the request of Daniel Hayes for an Entertainment License for the Rice-O-Rama Motorcycle Show on September 8, 2019 at the Spencer Fairgrounds (Berthiaume/Hicks) passed 4/0.

Review & Act on the Request of Daniel Hayes for a Sunday Entertainment License for the Rice-O-Rama Motorcycle Show on September 8, 2019 at the Spencer Fairgrounds

A motion to approve the request of Daniel Hayes for a Sunday Entertainment License for the Rice-O-Rama Motorcycle Show on September 8, 2019 at the Spencer Fairgrounds (Hicks/Monette) passed 4/0.

Review & Act on the request of Fr. Isaac Keeley for a One-day Alcohol License for the St. Joseph Abbey Brewery Open House on June 22, 2019

Father Isaac Keeley was present to request a One-day Alcohol License for the St. Joseph Abbey Brewery Open House on June 22, 2019

A motion to approve the request of Fr. Isaac Keeley for a One-day Alcohol License for the St. Joseph Abbey Brewery Open House on June 22, 2019 (Hicks/Monette) passed 4/0.

Introduction: Fire Chief - Introduce Citizen Fire Academy Graduates

Chief Parsons was present to honor individuals who attended the nine-week Citizen's Fire Academy training program. He thanked Captain Corey Lacaire and members of the Fire Department who volunteer their services to make this training happen. Captain Lacaire presented certificates and t-shirts to the following citizens for successfully completing the program:

Danielle Brunelle, Alek Dubois, Nolan Lacaire, Alexa Mathon, William Shemeth, Amanda Velasquez, Jonathan Viner, Chris Woodbury, and Gary Woodbury.

Conduct Interviews with Town Counsel Candidates & make appointment for FY2020

Administrator Gregory reported that the Town Counsel Screening Committee reviewed proposals from six law firms and brought forth two finalist for the Board to interview: KP Law and Murphy, Hesse, Toomey & Lehan (MHTL).

KP Law - Attorneys Janelle Austin and Jonathan Eichman were present to review the proposal and answer questions from the Board.

Ms. Austin indicated that KP Law is able to handle any legal service the Town needs utilizing a small team of attorneys with cost effective legal services from the most experienced law firm in the Commonwealth.

Administrator Gregory asked if they also handle employment and labor laws matters. Ms. Austin said they actually have a labor and employment group who specialize in these matters.

Mr. Eichman specializes in land use and real estate with regard to zoning and planning litigation. Attorney Lauren Goldberg is the backup attorney.

Dr. Hicks asked who would attend Town meetings. Ms. Austin said she would unless there are specific issues that require another attorney. All initial requests go through her and she refers as appropriate.

Ms. Austin and Mr. Eichman responded to questions read by Chairman Woodbury:

1. KP Law strives to meet client's needs and the goal is to be the most helpful.
2. Proactively provides information to the Town via e-updates, webinars and phone calls.
3. Wrongful conviction for pd, very high profile, came to a resolution which was good for a community.
4. RFP can you represent town- yes, have a very experienced labor group, advising on employment matters

The Board thanked the team for their time.

Murphy, Hesse, Toomey & Lehane (MHTL) Attorneys David DeLuca, Cynthia Amara, and Peter Mello were present to review the proposal and answer questions from the Board.

Mr. DeLuca stated that as good as KP Law may be, his firm will provide the same services, only better. MHTL is not as big or as complex as KP Law which allows them to have a personal relationship with their clients. He urged the Board to consider the strength of their written proposal, noting that quality service is what the Town will receive.

Attorney Mellow noted that he has experience in every facet of municipal law and has seen the full gamut. He believes efficiency and responsiveness are very important and are what sets his firm apart.

Attorney Amara said her expertise is in environmental, land use, zoning, and planning, and she also works closely with employment and labor.

Mr. Mellow responded to questions read by Chairman Woodbury:

1. MHTL will offer the Town their undivided attention.
2. Mr. Mellow will provide his cell phone and email and prides himself on be responsive.
3. Is proactive, stays on top of new legislation, and is president of the mma lawyers association. The MHTL Website is updated with advisories and email client alerts as well.
4. One example was with a tax title situation. In one community, he worked with an individual who was living in a cabin on a lake under difficult circumstances with no hope of resolving a back tax issue. He was able to help the person find reasonable housing and Town was able to recover the tax money owed. The extra care taken was able to make a difference.
5. Yes, have vibrant practice with labor and employment, public private great deal of experience

The Board thanked the team for their time.

After a discussion on hourly rates, the Board agreed that both firms are comparable and would do well. Mr. Gregory has had past experience with KP Law and said they have been outstanding to work with. The Town would be well served by either; however his preference is KP Law.

A motion to employ KP Law as Town Counsel based on the information discussed, effective on July 1, 2019 (Monette/Berthiaume) passed 4/0.

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

The hearing opened at 7:38 pm.

Animal Control Officer (ACO) Joelyn Durgin reported that two incidents occurred with a Great Dane named Ronin, owned by Tanya Grabowski. On December 12, 2018, Ronin was loose and attacked another dog that was being walked on a leash. On April 28, 2019, Ronin was in his home during a party and while in the kitchen, a child held his arm out to Ronin and was bitten in his right arm and shaken to the ground. The ACO indicated that since this is the second attack, the dog needs to have restrictions in place for the welfare of the public.

Dog owner Tanya Grabowski said during the first incident, the other dog, a Poodle/Maltise began charging at Ronin and was acting aggressive and Ronin responded to that aggression. Ms. Grabowski said she takes full responsibility for Ronin being off leash; however the owner of the Poodle/Maltise asked to be paid a sum of money and would not send vet bills or photos of any injuries. There was also a language barrier, making communication difficult. Ms. Grabowski turned it over to her insurance company and said they've been unable to obtain any information to date. The other incident occurred at the end of a large party with children running around and she believes Ronin had anxiety with all the commotion which caused him to grab the child by the arm. She wants to work with Ronin on training and doesn't want him to have a bad name by being designated a dangerous dog.

ACO Durgin said the Poodle/Maltise had cuts and a wound on his side and according to the owner, Ronin put her dog in his mouth. Since Ronin was roaming loose she was concerned it may happen again. The ACO is willing to work with Ms. Grabowski, however she wants restrictions placed on the dog. She recommends that the dog be secured in an enclosed yard or kennel at home and when he's removed from the property, that a humane muzzle be placed on him; that proof of insurance in the amount of \$100,000 be provided; and that the dog gets microchipped and she Strongly suggests the dog be neutered.

A motion to deem the dog (Great Dane Ronin) as a dangerous dog per Animal Control Officer Joelyn Durgin's recommendation and place restrictions as recommended by the ACO (Monette/Berthiaume) passed 4/0.

The following restrictions will be placed on the dog in accordance with MGL Chapter 140 §157:

- 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;
- 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 with photographs and microchipping;

The hearing was closed at 8:10 pm. All were in favor.

Review and Act on Main / Maple Street Traffic Study

U & F Superintendent Bill Krukowski reported that he received the results of the VHB Main at Maple St. Traffic Signal Study and the recommendation is to remain as is, with no turn on red. While it may be inconvenient to wait to make left turn, it's the safest course of action. This is a closed issue.

Dr. Hicks asked if the length of time for the light could be increased on the Maple Street side. Mr. Krukowski will check with VHB.

Review and Act on Request of the U & F Superintendent to Adjust Transfer Station Fee Schedule

Superintendent Krukowski reported that the Transfer Station partnered with East Coast Electronics Recycling (ECER) to accept electronics recycling. The cost to the Town is also lower with ECER. He reviewed the Metal and Electronic Fee List with the Board and indicated that he kept pricing reasonable. He asked the Board to approve the changes to maintain consistent pricing.

A motion to approve the changes to the Electronic and Metal Fee Schedule as discussed (Hicks/Berthiaume) passed 4/0.

Financial Management Planning Committee / Financial Planning Discussion

Administrator Gregory reported there has been discussion on reactivating the FMPC. A meeting will be held in July to begin developing a document with Finance Committee Chair Mary Braney that will guide discussions for the FY2021 budget.

Act to Dissolve the Veterans Memorial - Isaac Prouty Park Advisory Committee

A Motion to dissolve the Isaac Prouty Park Advisory Committee with appreciation and thanks (Hicks/Berthiaume) passed 4/0.

Town Administrator's Report

Mr. Gregory reported that the Town sold the Sugden Building to Peter Venuto and the plan is for senior housing and the expansion of Mexicali Grille. He noted that the building has been a challenge to property maintain. The team effort between Eben Butler, Jonathon Stehr, Bill Krukowski, Brenda Savoie, and others, has kept the building in a state of safe and operable repair.

Board Liaison Reports

Selectmen Berthiaume reported that the American Legion's 100th Annivareay Parade will kick off at 9:30 am on June 15th and encouraged all to attend.

Citizen Input

Carl Kwiatkowski asked if there is a plan to vote to ban nip bottles in Town as other communities are doing. There is nothing being discussed at this time.

Board Member and Staff Comments

Dr. Hicks read letter he drafted to the SEBRSD Committee addressing his frustration over not being chosen as a member of the DPHS Building Committee. He wants voters to know that with his vast experience on multiple school building committees, his offer was in the interest of efficiency for the Town.

The meeting adjourned at 8:39 pm. All were in favor.

Respectfully submitted,

Brenda Savoie
Executive Assistant

Referenced documents:

Dangerous Dog Hearing documentation; Main/Maple St. Traffic Study; Transfer Station Fee Schedule