



Minutes of the Meeting of the Board of Selectmen

Date: December 12, 2016 – Business Meeting
Time: 6:00 p.m.
Place: Great Hall, Memorial Town Hall, Spencer, MA
Present: Chairman Stevens, Vice Chair C. Woodbury, Clerk Hicks,
Members G. Woodbury and Pepe, and Administrator Gaudette

At 6:10 p.m. Chairman Stevens called the meeting to order and led the Pledge of Allegiance.

Citizen Input

None

Communications:

Local Community Advisory committee Update

This item will be discussed at a future meeting.

Old Business:

Continued Public Hearing: Brian's Auto Body -Class II License Application

Chairman Stevens reconvened the hearing at 6:12 pm. Mr. G. Woodbury recused himself.

Mr. Gaudette explained the hearing was continued to obtain Town Counsel opinion which advised that licenses could be granted with conditions or revoked.

Discussion had taken place at the original hearing date of October 24th and on November 14th. A site visit was held on November 10th to determine the impact to the neighbors and the overall safety with complaints of cars being parked over the property line.

Specific conditions needing to be addressed include:

- Install a fence between abutting neighbors.
- No parking on School St.
- Length of curbing
- Cars parked at 16 Main St. on Harvey Shine's property need to be removed.
- Car cannot go over the line as instructed.

Mr. Lucier said he has complied with everything the Board has asked, including ensuring cars are parked behind that line and feels he's being treated unfairly.

Dr. Hicks noted the granite curbing will be installed in the spring which will prevent people from driving over the sidewalk.

Mr. Lucier said the cars at Harvey Shine's have been removed, the line has been drawn, and the fence installed. If the Town installs the curb, it will limit his parking and he feels the Board is not willing to work with him and intends to seek legal representation to prevent the curb installation.

Chairman Stevens noted that Mr. Tyler made the necessary decision to install curb and there are other factors involved.

Administrator Gaudette said the curbing is being installed on the public way and for the entire community. It will allow safe access for all and work in conjunction with the drainage. It has nothing to do with the License.

The hearing was opened for public comment.

Tim Millette suggested using slopped granite instead of vertical granite curbing. Mr. Gaudette explained the decision for vertical curbing will allow for safety and drainage and will be part of a larger project.

Mr. Nordquist, Gail Dr., noted that Town regulations must be adhered to and that the idea behind downtown development is to make improvements, which include walkways.

Mr. Lucier asked if he could remain open after 5 pm in order to allow time for customers to pick up cars after work.

Dr. Hicks said he didn't see an issue remaining open until 7 pm to complete paperwork, however, not for the use of tools.

The hearing was closed at 6:52 pm. All were in favor.

A motion to approve the Class II License of Brian's Auto with conditions as discussed (listed below) and no tools or bodywork after 5 pm (Hicks/C. Woodbury) 4/0 passed.

Conditions of license:

1. Hours 8-6:30 pm
2. Fence must be installed
3. Vehicles need to be removed from the property at 16 Main St.
4. Vehicles are prohibited from driving or hanging over the sidewalk.

This license allows for the sale of up to ten cars.

Continued Public Hearing: Medical Marijuana Facility

Chairman Stevens reconvened public hearing for a potential medical marijuana facility at 6:54 pm.

Administrator Gaudette reported that HHG is looking for letter of non-opposition from the Board for a potential site for a Registered Marijuana Dispensary (RMD). The goal is to obtain public feedback for this type of facility.

Representatives present from HHG included Colonel Boothe, Tim McNamara, Stephen Chaisson, Dr. Alexandra Roberts, and Stephen & Jessical Mandile.

Colonel Boothe said the focus for tonight is to discuss public concerns and the process if this were to move forward. Mr. Boothe reported that HHG wants to open a RMD in Spencer and bring jobs to Town. He addressed some concerns which were raised at the last hearing, including:

- Marijuana is prescribed by a medical doctor and a patient goes to an RMD where they educate patients on methods of ingesting the product.
- With nine RMD's across the state, the crime rate has not increased and the black market for medical marijuana has been reduced or eliminated.
- There have been no reported issues with driving under influence.
- Teen usage decreases when a RMD comes into a community.
- Less than one ounce is obtained by the average person each month.
- RMD's are highly regulated and highly secure facilities.

- Medical Marijuana is not a gateway to opiates, it actually helps people in need.

Stephen Mandile said his spine was injured while serving in Iraq and he was prescribed opioids which significantly reduced his quality of life. After going off opioids and being prescribed medical marijuana, his quality of life has returned. Studies have shown that marijuana allows people to get off opioids and anti-depressants.

Tim McNamara noted that Spencer was chosen since a majority of citizens voted in favor of medical marijuana.

Mr. Stevens opened the hearing for public comment at 7:35 pm.

- Kurt Nordquist, Gail Dr., said he is against having a RMD in Spencer noting that a State Trooper was killed in Massachusetts by someone driving under the influence of marijuana. He asked where they were looking to put it. Mr. Chaisson said the best location is old court house or abandoned building in that area. Mr. Nordquist also asked about product pricing. Prices are not advertised and will fluctuate.
- Dan Shields, 167 Paxton Rd., said he does not use marijuana however after having surgery recently, he thinks it would help.
- James Driscoll, 2 Muzzy St., asked if Spencer wants this type of business considering recreational sales will be the next step. Mr. Gaudette said the Town may allow medical use and ban recreational use.
- Sara Decoteau, 35 Ash St., believes this is an opportunity for Town. She knows people who would benefit from medical marijuana and said to look past this as a drug and accept it as an opportunity.
- Brian's Lucier, 19 Brown St., said he is in favor and feels this will provide financial opportunities for the Town.
- Joe Smith, Old Farm Rd., said he is not opposed to an RMD, however his concern is having this type of business in Town with questions on investments and where the funding is coming from. Mr. Gaudette stated that approval is based upon certain conditions, if the Board determines it's not conducive, they will not accept an agreement. Leicester, Grafton, and Dartmouth can be used as examples. Some agreements have terms which are tied to a percentage of all sales and in some cases the RMD pay property taxes.
- Samuel Donahue, Prospect St., expressed concern over opioid abuse and noted that marijuana is grown naturally and helps cancer patients.
- State Rep Donnie Berthiaume said he is concerned that long term use of marijuana has been proven to affect cognitive function and many kids who try it become addicted. He is very concerned over recreational use and noted that the black market does not stop, in fact it increases due to increased cost with taxes. He asked to put question on the ballot to ban recreational use. Tim McNamara said HHG is not looking for recreational marijuana and clarified that the black market for medical use goes away.
- Stan Davis, 8 Cottage St., said he is not in favor of an RMD in Spencer.
- Mr. Gaudette pointed out there is set zoning and the Town must act within the law.
- Lois Mullins, Point Eastalle Dr., noted that at the last meeting HHG state that they counsel patients. She expressed concern over what type of background employees have to counsel

patients, since no one has a medical background. Mr. Boothe said the primary care physician is involved in terms of dosage and without a medical marijuana card, no one gets inside the facility.

- Heidi Franken-Malone, asked about job creation and whether it would be full or part time with benefits. Mr. Booth said the majority will be full-time and some part-time.
- Mr. Boothe reported that HHG is looking to obtain a growing site in Middleboro.
- Mr. McNamara said a person must be 18 or older to enter the facility; a caregiver may obtain on behalf of a child. Patients must go home to use it and will be fully educated.
- Pamela Lidsey, 22 Kittredge Rd. said she is not opposed to medical marijuana; she just doesn't want it in Town.
- Dr. Hicks noted that people in need of medical marijuana should be able to obtain it legally. He is not in support of recreational use.
- Mr. Pepe expressed concern about this people purchasing from and RMD not necessarily for medical, but more for recreational use.
- Dr. Hicks mentioned there could be a nonbinding referendum to determine whether or not people want to have it. Mr. Gaudette said the Town would need to opt out of recreational marijuana. Mr. Boothe said the vote tonight is strictly for medical, not recreational.
- Mr. C. Woodbury contacted cities in Colorado and they provided positive feedback and are willing to provide assistance with the process.

At 8:58 pm a motion to close the hearing (Hicks/C.Woodbury) passed 5/0.

Dr. Hicks made a motion to place a nonbinding referendum on the Annual Town Election asking if a RMD should be allowed in Spencer. The motion was not seconded.

Mr. G. Woodbury said the Board has discussed this long enough and a decision needs to be made tonight.

Mr. Stevens pointed out the laws are set up for the Board of Selectmen to make this decision. This is an opportunity to raise revenue without increasing property taxes.

A motion to provide HHG with a letter of non-opposition contingent upon negotiation of terms of a Host Agreement (C. Woodbury/Hicks) passed 4/1. Mr. Pepe was opposed.

Mr. Pepe wants a discussion on bylaws and zoning for medical marijuana at the December 19th meeting. Mr. Gaudette advised the Board to discuss recreational marijuana at that time as well.

New Business:

Discussion Item: Proposed Ballot Question(s) for Recreational Marijuana Facilities

A motion to place a Ballot Question to ban sales of Recreational Marijuana for the May Annual Town Election Warrant (Hicks/C.Woodbury) passed 5/0.

Action Item: National Grid Parking Areas Licensing Agreements

Mr. Gaudette reported that the agreement is a standard renewal for the Elm St. parking lots.

A motion to approve the National Grid Parking Areas Licensing Agreement as discussed (Hicks/C.Woodbury) passed 5/0.

Town Administrator's Report:

Item moved to the December 19th meeting

Board Liaison Reports

None

Citizen Input

None

Board Member and Staff Comments

The meeting was adjourned at 9:33 pm. All were in favor.

Respectfully submitted,

Brenda Savoie
Administrative Assistant

Referenced Materials

Class II Application for Brian's Auto
National Grid Parking Areas Licensing Agreements