



Minutes of the Meeting of the Board of Selectmen

Date: November 6, 2017 - Special Meeting
Time: 6:00 a.m.
Place: McCourt Social Hall, Memorial Town Hall, Spencer, MA
Present: Vice Chair Woodbury, Clerk Monette, Members Stevens and Hicks and Interim Administrator Ross. Chairman Pepe participated remotely,

At 6:00 pm. Chairman Woodbury 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

Dr. Hicks announced that in accordance with Regulation 940, CMR 29.10 of the Open Meeting Law Chairman Pepe will be participating remotely.

All votes will be by roll call.

➤ **Public Hearing: Proposed Sidewalk Snow Removal Bylaw for Downtown**

A motion to open the public hearing at 6:06 pm (Hicks/Woodbury) passed with a roll call vote: Stevens-yes, Hicks-yes, Woodbury-yes, Monette-yes, Pepe-yes.

Mr. Ross reported that Mr. Tyler expressed the need for this bylaw at a prior meeting. If approved at Town Meeting, property owners will be required to remove snow and ice on the sidewalks in front of their property in the Business District on both sides of Main St. from 96 to 188 Main and on both sides of Mechanic from Main St. to Cherry St.

Dr. Hicks reported that the placement of streetlights will make it difficult to plow snow on the sidewalks and questioned why they were not flush with sidewalk. Mr. Tyler explained that the original design called for 24" diameter; however the lights required a more robust foundation. Since the foundations are precast, there was no way to make them flush.

Mr. Monette asked if they have could have been ground down. Mr. Tyler explained the inside is wrapped with reinforced steel making it impossible to grind down and the cost to change the design would have been substantial. By the time this issue was brought to his attention, the lights were already in the ground.

Jim Letredre spoke on behalf of the American Legion and pointed out that there are no light poles near that property, therefore the snow removal equipment can be used in that section of the sidewalks. He believes that the Legion should not be part of the proposed bylaw and instead the focus should be the downtown Business District. He also expressed concern about the liability if they are responsible to clear the sidewalk only to have it ice up later. Mr. Ross said it would be the responsibility of the property owner to clear the snow and keep up on it and the Town would be responsible for removing snow from the shoulder of the road.

Mr. Woodbury pointed out that this is no different than clearing snow and ice on your own property. The bylaw allows up to 24 hours for clearing.

Gary Herl, Woodside Road noted that the Legion is only open for business one day per week and the entrance is on the Grove Street side.

Roland Gauthier, Gauthier Accounting, 159 main Street said he is physically unable to shovel the sidewalk and is concerned he would not find anyone willing to do so. He also mentioned that the

road construction changed the slope of his driveway making it difficult to make the turn and is upset that he will need to pay to have it corrected.

Dr. Hicks said the contractor should fix this issue. Mr. Monette noted that ADA standards must be met which resulted in changes to many driveway entrances on Main St. Mr. Tyler said in this situation, the curb cut is the private property owner's responsibility.

Margaret Sullivan, a resident of Brookfield and member of the Legion suggested offering tax abatements to affected property owners.

Neil Coran, 25 Pearl St. said part of the issue is snowplow drivers are putting snow back onto the sidewalk. Mr. Tyler asked anyone to contact him if they see this being done by plow drivers.

Marc Seguin, owner of Cormier Jewelers asked if the entire sidewalk width needed to be cleared by the property owner, including the area required by the ADA and if so, where should they put the snow. Mr. Tyler said the requirement is for the entire width and to place it in the shoulder of the road or where there's room. The Town will clear it from the shoulder.

Mr. Stevens noted that there will be issues inherent to winter in New England and that the focus is on the responsibility for snow clearing at this time.

Gerry Perron, 7 Sullivan St. said his concern is with the extension of how much sidewalk is not being plowed noting that the sidewalk plow can easily be used in front of the Legion.

Mr. Ross said an amendment to the proposed area can take place on the Town Meeting floor.

Mr. Woodbury asked why Wall St. wasn't included. Mr. Tyler said eventually he'd like to incorporate the entire Business District and eventually it may be the entire Town.

A motion to close the public hearing at 7:23 pm (Hicks/Stevens) passed with a roll call vote: Stevens-yes, Hicks-yes, Woodbury-yes, Monette-yes, Pepe-yes.

Mr. Pepe said he understands the concerns of those affected in the Business District and noted that progress is being made in the beautification effort for downtown.

➤ **Discussion with Property Owner on a Petition for Road Acceptance for Richland Drive & Vote to Recommend to Special Town Meeting**

Mr. Ross reported that a letter was sent to James Sielis notifying him of the Board's intent to move forward with the layout of Richland Drive and is open for public discussion tonight.

Attorney Phil Stoddard was present to represent Mr. Sielis. He thanked the Board for working to have this included on the Special Town Meeting Warrant.

A motion to recommend Town Meeting acceptance of the road (Richland Drive) and that all requirements by the Planning Board be met (Hicks/Stevens) passed with a roll call vote: Stevens-yes, Hicks-yes, Woodbury-yes, Monette-yes, Pepe-yes

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Brenda Savoie
Administrative Assistant

Referenced Materials

11/16/17 Draft Warrant

Map of proposed snow removal bylaw area

Richland Dr. Road Acceptance Notice