



Board of the Board of Selectmen

Date: January 8, 2024
Time: 6:00 p.m.
Place: McCourt Social Hall
Present: Chairman Howard, Vice-Chair Grigg, Clerk Hicks, Selectman Woodbury, and
Administrator Bridges
Remote: Selectman Pepe

Call the Meeting to Order

At 6:00 pm Chairman Howard 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

Chairman Howard announced that Selectman Pepe is participating remotely in accordance with Regulation 940, CMR 29.10 of the Open Meeting Law, therefore all votes will be taken by roll call.

Citizens Input

Jonathan Viner, 34 Donnelly Cross Road: the Transfer Station agreement with the Town of Charlton will result in Spencer subsidizing the use for Charlton residents.

Review Correspondence:

The following correspondence was reviewed:

- KP Law Notice of Rate Increase
- Public Hearing Notice on Sewer Rates – Selectman Woodbury questioned why the public hearing is being held at the Water Department, which is a small space, instead of the Town Hall which can accommodate more residents. After much discussion with Superintendent LaPlante and Sewer Commissioners Frank White and Larry Dufault, the Commissioner's agreed to consider a new venue and date for the hearing and will discuss at their January 11th meeting.

Old Business:

Review and Possible Action: Revised Fee Schedules for Planning, Zoning, and Conservation

Town Planner/Conservation Agent Lauren Vivier was present to continue the discussion on her request to adjust fee schedules for Planning, Zoning, and Conservation. Selectman Woodbury said he agrees with most of the changes, although he is concerned that the large-scale solar fees are not high enough and suggests exploring a split rate for residential and commercial.

A motion to approve the revised fee schedule, except for solar (Hicks/Grigg) passed 5/0 by roll call vote: Grigg-yes; Hicks-yes; Howard-yes; Pepe-yes; Woodbury-yes

Stipends for the Senior Clerks of ODIS

Mr. Bridges met with the Town Hall Clerks Union and they are on board with stipends for the ODIS Clerks in the amount of \$3,000. In return, the Union wants anyone working beyond the scope of their position to receive compensation. Dr. Hicks would like to see this language added to the next union contract.

A motion to give a \$3,000 stipend to ODIS Clerks for additional work performed while the Town Planner/Conservation Agent was on leave (Hicks/Grigg) passed 5/0 by roll call vote: Grigg-yes; Hicks-yes; Howard-yes; Pepe-yes; Woodbury-yes

New Business:

Review & Possible Action on the Request of the SEBRSD School Building Committee Chair to hold a Special Town Meeting to utilize MSBA funds for the DPHS Building Project

SEBRSD Superintendent Dr. Haughey and Colliers Project Leader Adam Dalessio provided an update on the David Prouty High School Building Project. Dr. Haughey stated that an unanticipated increase in the project cost between 7 to 15 percent resulted in MSBA providing supplemental grants with no change in the amount for the local share.

Mr. Dalessio explained that the MSBA supplemental grants will increase the project reimbursement amount by \$7.2 million and allow items which were removed from the original project to be added back without changing the original budget to the Town. Voters must approve the increase in the reimbursement at the Town Meeting.

Chirsitan Whitsett with Jones Whitsett Architects presented a list of items to add back into the project with the increased reimbursement from MSBA. The proposed list of items amounts to \$4.5 million and will be brought before the School Building Committee for their review and approval. If approved, the project will come in at or under the original budget and any savings will revert to the local share to reduce the tax rate.

SEBRSD Business Manager Gary Suter noted that adding the additional \$4.5 million to the project will result in a total average annual increase of \$666 to the Spencer taxpayer (down from the original estimate of \$693); without the additions, the average annual increase will amount to \$619 per year.

Mr. Woodbury asked why the SEBRSD Committee is not involved in this process and questioned the authority of the School Building Committee to bring this before Town Meeting. Mr. Suter said the School Committee was involved in the original process due to the borrowing and since there is no borrowing with this change, they should not be involved in the process unless the DOR determines a debt exclusion vote is required. Steve Hemmen pointed out the School Building Committee oversees the process for MSBA projects.

Dr. Haughey said the District is looking at March 7th to hold the Special Town Meeting, with the understanding that East Brookfield will meet the following week. Dr. Hicks prefers sooner, rather than later. Town Clerk Fritze and Moderator Shemeth wish to hold the meeting on February 13th with a snow date of February 15th.

Mr. Pepe asked if the Warrant Article could be amended on the Town Meeting Floor and would like voters to weigh in on any proposed project additions. Moderator Shemeth said Article may be amended on the floor, though the question is whether the State will accept it. Mr. Bridges said it will be up to the attorney for the District to make the determination.

Mr. Woodbury asked if the project funds are authorized for the drainage work on private property; Dr. Haughey confirmed that the funds may be used.

Ms. Fritzed said the Warrant must be posted by January 30th to meet the February 13th deadline.

Mr. Grigg asked if the project will still receive MSBA funding if the motion fails at Town Meeting; Dr. Haughey said it would still receive the funding.

Mr. Bridges would like the District to reimburse the cost for Town Counsel attendance. Dr. Haughey will ask the School Building Committee for their approval. Dr. Hicks said it is unnecessary given the nominal expense.

Mr. Woodbury said he is not available on the proposed dates and reiterated his opinion that the School Committee should be involved in the process.

A motion to hold a Special Town Meeting on February 13th with a snow date of February 15th, 2024 (Hicks/Grigg) passed 3/0 by roll call: Grigg-yes, Hicks-yes, Howard-yes, Pepe-no, Woodbury-no

Review & Possible Action on Common Victualler License Application from Casey Wood for The Goods Bakery & Café, 320 Main Street

A motion to approve the Common Victualler License application from Casey Wood for The Goods Bakery & Café, 320 Main Street (Grigg/Hicks) passed 5/0 by roll call: Grigg-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Board of Sewer Commissioners Discussion on the Status of the Burn Pile Hazardous Waste Plan at the Wastewater Treatment Plant

Sewer Commissioner's Frank White and Larry Dufault were present, and Superintendent James LaPlante was remote. Also present were representatives from Tighe and Bond: Ian Catlow, Ryan Siegel and Todd Curtain.

Mr. LaPlante reported that a burn dump with high arsenic levels was discovered during the Wastewater Treatment Plant upgrade construction work which created additional expenses to test and do the work involved in the process with Mass DEP. The SRF loan paid for the initial expenses and going forward, the expenses will not be covered and he would like to know who will pay for the work going forward. Todd Curtain noted that there is a plan with Mass DEP to move the soil to one area and have it capped. If it is determined that wetlands were not impacted, the only necessary monitoring would be for the cap.

Administrator Bridges said the Board could reappropriate remaining funds from the Sewer System Evaluation Survey (SSES) to this project, which may be sufficient to complete the work. He will run the numbers review with the Board at a future meeting. Mr. Catlow will provide written proposals for phase 1 and 2 of the project.

Introduction: Spencer Police Department Constable Policy

Chief Befford introduced a new traffic constable policy which would allow trained constables to perform traffic details and help to offset the shortage of Police Officers available for details. The Board will vote on the policy at the next meeting.

Request of the Spencer Rescue Squad for Snow Plowing Services

Pat George, Spener Rescue Squad (SRS) President requests that the Town plow the portion of the Rescue Squad parking lot that is shared with the public safety building. The SRS has issues with their plow contractor keeping their driveway and parking lot cleared after the initial plowing. U & F Super Pete Boria discussed the request with Highway Foreman Eben Butler who indicated that highway staff and plow drivers are limited and taking this on would be a significant challenge. Mr. Bridges pointed out that adding the SRS property in addition to the four public buildings will result in delays in snow removal for some town facilities. Dr. Hicks noted his concern for public safety and would like to find a way to assist the SRS. Mr. Grigg pointed out that the SRS is a private organization and should hire a contractor who will keep up with plowing their lot. There was discussion on having the Highway Department keep the lot open for emergency situations, however not on a regular basis.

A motion for the Highway Department to keep the lot open for an emergency situation and to supplement the private contractor as needed (Hicks/Woodbury) passed 5/0 by roll call vote: Grigg-yes; Hicks-yes; Howard-yes; Pepe-yes; Woodbury-yes

Request for Work on Private Road – Drainage Structure on Monticello Road

Robert Kowal, 10 Monticello Drive requests to have the Town unblock a 36" cement drain line on Monticello Drive. Recent storms have created drainage issues causing debris, including telephone poles to come down the river and onto his property. Although Monticello is a private road, the Town is using the pipe for drainage into Muzzy Pond.

U & F Super Boria indicated that the Highway Department tries to maintain private road drainage, though this is different in that it is a larger culvert. If the Board approves, he will also need property owners to approve the work. The town will not assume liability as this is privately owned.

A motion to approve the Highway Department to work on the drainage (Hicks/Woodbury) passed 4/1 by roll call vote: Grigg-no; Hicks-yes; Howard-yes; Pepe-yes; Woodbury-yes

Town Administrator's Report:

Preliminary FY2025 Budget Discussion

Administrator Bridges presented a chart comparing the DESE required local contribution to the SEBRSD over the past several years and pointed out that the Town budget is reliant on Proposition 2 ½ which creates an imbalance in the budget numbers.

Review FY2025 Budget Calendar

The calendar of meetings leading up to the ATM was reviewed.

Review & Possible Action on the following Contracts / License Agreements / Change Orders / Bids:

Contract with the Commonwealth for Reimbursement of COVID-19 Response Expenses Covered by FEMA

A motion to approve the contract with the Commonwealth (Woodbury/Hicks) passed 5/0 by roll call vote: Grigg-yes; Hicks-yes; Howard-yes; Pepe-yes; Woodbury-yes

Contract with CMG for Soil Testing at 23 Meadow Road

A motion to approve (Woodbury/Hicks) passed 5/0 by roll call vote: Grigg-yes; Hicks-yes; Howard-yes; Pepe-yes; Woodbury-yes

Intermunicipal Agreement with the Town of Charlton for use of the Spencer Transfer Station

After some discussion, it was determined that language should be added to indicate the Town of Charlton must follow all policies and procedures for the use of the Transfer Station, including the use of the Spencer green trash bags.

A motion to approve the agreement with provisions on adding the green bags (Hicks/Grigg) passed 5/0 by roll call vote: Grigg-yes; Hicks-yes; Howard-yes; Pepe-yes; Woodbury-yes

Citizen's Input

Matt Defosse, 7 Paul's Drive: the font on the PowerPoint presentation from the District was extremely small and illegible; should be provided in a readable font in the future. He thanked Selectman Woodbury for his remarks on the large-scale solar; and was glad stipends were provided to the Clerks in ODIS.

Jonathan Viner, 34 Donnelly Cross Road: asked what the Spencer Police detail rate is and suggests researching betterments to raise funds for police details. Mr. Bridges does not have the rate available and will provide the number to Mr. Viner tomorrow. Mr. Viner also questioned why Spencer residents are subsidizing Charlton residents to use the Transfer Station. Dr. Hicks said Charlton residents will pay the sticker fee plus the Town of Charlton will pay an additional \$60 for each resident purchasing a sticker which will reduce the amount for Spencer taxpayers. Mr. Viner stated that the Transfer Station will continue to operate at a loss even with the fees paid by Charlton.

Board Member and Staff Comments

Selectman Grigg would like to establish a policy to address drainage issues on private property.

Meeting Minutes:

Review & Act on the Minutes of December 18, 2023

A motion to approve the minutes of December 18, 2023 as amended (Hicks/Woodbury) passed 5/0 by roll call vote: Grigg-yes; Hicks-yes; Howard-yes; Pepe-yes; Woodbury-yes

Review & Act on the Executive Session of November 13, 2023 and December 4, 2023, not to be released at this time

A motion to approve the Executive Session minutes of November 13, 2023 and December 4, 2023, not to be released at this time (Hicks/Grigg) passed 5/0 by roll call vote: Grigg-yes; Hicks-yes; Howard-yes; Pepe-yes; Woodbury-yes

Review & Act to Release Previously Approved Executive Session Minutes of: February 10, 2020, February 24, 2020, March 9, 2020, January 25, 2021, February 8, 2021, July 26, 2023, August 7, 2023

A motion to release previously approved executive session minutes of February 10, 2020, February 24, 2020, March 9, 2020, January 25, 2021, February 8, 2021, July 26, 2023, August 7, 2023 (Hicks/Grigg) passed 5/0 by roll call vote: Grigg-yes; Hicks-yes; Howard-yes; Pepe-yes; Woodbury-yes

Request for Executive Session under Mass General Laws, Chapter 30A:

§21(a), ¶7: to comply with Open Meeting Law, G.L. c. 30A section 22 (f), (g): specifically, to determine the release of previously approved Executive Session Minutes for the following dates: August 16, 2021; January 24, 2022; February 8, 2022; June 13, 2022; October 17, 2022; November 13, 2023; July 5, 2023 December 4, 2023 (announce that the Boad will reconvene in regular session)

A motion to enter into executive session at 8:43 pm under Mass General Laws, Chapter 30A: §21(a), ¶7: to comply with Open Meeting Law, G.L. c. 30A section 22 (f), (g): specifically, to determine the release of previously approved Executive Session Minutes for the following dates: August 16, 2021; January 24, 2022; February 8, 2022; June 13, 2022; October 17, 2022; November 13, 2023; July 5, 2023 December 4, 2023, and to reconvene in regular session) (Hicks/Woodbury) passed 5/0 by roll call vote: Grigg-yes; Hicks-yes; Howard-yes; Pepe-yes; Woodbury-yes

Review & Act on whether to Release Previously Approved Executive Session Minutes for the following dates: August 16, 2021; January 24, 2022; February 8, 2022; June 13, 2022; October 17, 2022; November 13, 2023; July 5, 2023 December 4, 2023

A motion to release the executive minutes November 13, 2023 with redactions, and to continue to withhold the minutes of August 16, 2021; January 24, 2022; February 8, 2022; June 13, 2022; October 17, 2022; July 5, 2023 December 4, 2023 (Grigg/Hicks) passed 5/0 by roll call vote: Grigg-yes; Hicks-yes; Howard-yes; Pepe-yes; Woodbury-yes

Adjournment

The meeting adjourned at 8:55 pm all were in favor.

Respectfully submitted,

Brenda Savoie,
Executive Assistant

Referenced documents: KP Law rate notice; public hearing notice, license applications for common victualler, Police Dept. Constable Policy; Transfer Station IMA, fee schedules for Planning, Zoning, and Conservation, FY2025 budget calendar, Contracts: FEMA for COVID reimbursement; CMG; Town of Charlton Transfer Station IMA