



## Minutes of the Meeting of the Board of Selectmen

Date: June 15, 2020  
Time: 6:00 p.m.  
Place: Audioconference Broadcasted Live from McCourt Social Hall  
Memorial Town Hall, Spencer, MA  
Present: Administrator Gregory  
Dialing in: Chairman Pepe, Vice-chair Monette, Members Hicks and Woodbury  
Clerk Berthiaume was absent  
Health Agent Lisa Daoust, Police Chief Darrin, Fire Chief Parsons, U & F  
Superintendent Krukowski, Finance Committee Chair Braney, Moderator  
Shemeth, and Parks & Rec Commission Chair Churchey

Chairman Pepe called the meeting to order at 6:00 p.m. and announced the meeting is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, pursuant to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus. In order to mitigate the transmission of the COVID-19 Virus, we have suspended public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. We are meeting remotely and broadcasting live on Spencer Cable Access to ensure public viewing access. Public participation is not mandatory unless such participation is required by law, though Citizens Input will be a part of the meeting if residents wish to dial in.

### **6:00 p.m. National Grid Pole Hearing - Act on Request of National Grid for the following pole installations:**

Administrator Gregory noted that the petitions and plans submitted by National Grid have been reviewed by Superintendent Krukowski. There are no concerns.

*At 6:02 pm a motion to call the hearing to order (Hicks/Monette) passed 4/0 with a roll call vote: Hicks=yes, Monette=yes, Pepe=yes, Woodbury=yes.*

- 1. Install (1) JO Pole on Paxton Road - Plan no. 929444500**
- 2. Install (5) JO Poles on McCormick Road – Plan no. 28952035**
- 3. Install (4) JO Poles on Meadow Road – Plan no. 28952035**
- 4. Install underground electric conduits to riser pole on Meadow Road – Plan no. 29097176**
- 5. Install (1) JO Pole on Gold Nugget Road – Plan no. 28952035**

Superintendent Krukowski reported that he approved all above pole locations. Dr. Hicks asked if the poles on McCormick Road are being moved to private property.

Mr. Krukowski said that all poles will remain in the Right of Way (ROW) and Highway Foreman Eben Butler will ensure all poles are placed far enough off the road.

National Grid Engineer reported that the poles on McCormick Road are being placed near vacant farmland and will not be in front of homes.

Dr. Hicks asked if the poles are in the original Site Plan approved by the Planning Board.

Planning Board Chair Jonathon Viner asked if the poles are being placed to accommodate a solar facility. Mr. Engineer indicated that they are. Mr. Viner said the approved site plan does not show pole locations within the limits of private property and wants a discussion with the Planning Board to address the concerns.

Mr. Gregory noted that all poles are in the Town's ROW and approved by the U & F Superintendent. Mr. Monette pointed out that if poles are being located on Town property, it is out of the purview of the Planning Board and does not require a Site Plan.

Mr. Woodbury asked if there will be more poles than what we are seeing in the Meadow Road area. Mr. Krukowski said there will be upgrades long term, however with the planned sidewalk construction on Meadow Road, poles will be moved to the left side to prevent interference.

The hearing was opened to the public at 6:21 pm.

Mr. Viner said he is concerned with the McCormick Road installation being done without the Planning Board having a discussion with National Grid.

Mr. Monette noted that Mr. Krukowski is looking out for Town's interest and has approved the poles.

Matt Defosse, 7 Pauls Drive said remote meetings with speculation are being presented and feels this puts residents at risk due to communication issues. He would like them held at the Town Hall.

Mr. Viner requests that a decision be withheld for all work on McCormick Road until the Planning Board can review proper documentation from National Grid.

Mr. Krukowski said private property poles are completely separate from poles in the ROW and should not be a concern of the Planning Board.

Town Planner Paul Dell'Aquila pointed out that the McCormick Road pole installations are all in the ROW and noted that while the National Grid drawings may not be clear, the language makes it clear that all are in the ROW.

Mr. Woodbury reminded National Grid that the Town will not tolerate double poles.

*At 6:38 pm, a motion to close the public hearing (Monette/Woodbury) passed with a roll call vote: Hicks-yes, Monette-yes, Pepe-yes, Woodbury-yes.*

*A motion to approve the National Grid poles as presented (Monette/Woodbury) passed 3/1 with a roll call vote: Monette-yes, Pepe-yes, Woodbury-yes, Hicks-no.*

### **Review and Act on License Between the Town and New England Power Company For Use of Town Property at 7.5 Meadow Road**

Mr. Gregory reported that New England Power Company is planning upgrades at the Meadow Road substation and are seeking a temporary license to install a safety fence on Town Property at 7.5 Meadow Road from August 31 to December 31, 2020. Mr. Krukowski reviewed the request and does not have any concerns. At this time, Mr. Gregory is requesting the Board vote in favor. He does not believe this needs to go before Town Meeting and is awaiting clarification from Town Counsel.

Dr. Hicks asked if a Town Meeting Article is needed to approve the temporary license. Mr. Gregory said he is verifying with Town Counsel and believes it does not.

*A motion to approve the License Agreement between the Town and New England Power Company for use of Town Property at 7.5 Meadow Road, pending Town Counsel authorization that it does not need to appear on the ATM Warrant (Hicks/Woodbury) passed with a roll call vote: Hicks-yes, Monette-yes, Pepe-yes, Woodbury-yes.*

### **Review and Act on Coronavirus / COVID-19 Response**

Health Agent Daoust reported:

- A reverse 911 went out last week. The total number of confirmed COVID-19 cases in Spencer is currently 44 with 3 active cases.
- Governor Baker's "Safer at Home" advisory remains in effect.
- Face coverings are required to be worn in public when social distancing is not possible.
- Powder Mill Park remains closed. All high touch surfaces need to be cleaned daily and Parks and Rec do not have the ability to clean.

Parks and Rec Chair Rob Churchey indicated that they do not have the resources to clean and there is not water available.

Police Chief Darrin reported:

- There has been a marked increase in activity and traffic as more businesses are opening.
- The Police Department staff remain healthy.

Fire Chief Parsons reported:

- The Department is stocking up supplies to prepare for second wave of the virus.

### **COVID-19 Grant Updates**

Administrator Gregory reported:

- **CARES Act Submission**

This grant is being handled in tandem with MEMA and FEMA. He thanked Chief Parsons for coordinating. A consultant is assisting with the reimbursement of COVID-19 related expenses.

- **CDBG-CV Submission**

CDBG-CV grant funding application was submitted to the Department of Housing and Community Development in the amount of \$250,000, with a request of \$175,000 to assist microbusinesses, \$50,000 for food assistance through Tri-Valley Inc., and \$25,000 in administrative expenses for Pioneer Valley Planning Assistance.

### **Review and Act on Restaurant Use of Outdoor Space for Food and Alcohol in Accordance with Governor Baker's COVID-19 Order No. 35**

Mr. Gregory reported that the Governor's recent Order 35 has greenlighted restaurants with pouring licenses to serve food and drinks outside and to make it as expeditious as possible. They do not need to come before the Board, unless they wish to expand the seating beyond the current license. The Board will vote on the procedures and an application for outdoor dining. In order to expedite the process, the Order and the procedures allow the Board to grant the Administrator the ability to receive and approve applications from the licensees.

*A motion to approve the Application for Outdoor Dining (Hicks/Woodbury) passed with a roll call vote: Hicks-yes, Monette-yes, Pepe-yes, Woodbury-yes.*

*A motion to approve the Procedures for Outdoor Dining (Hicks/Woodbury) passed with a roll call vote: Hicks-yes, Monette-yes, Pepe-yes, Woodbury-yes.*

### **Review and Act to Reduce the Quorum Requirement for the Annual Town Meeting Pursuant to Section 7 of "An Act Relative to Municipal Governance During the COVID-19 Emergency"**

Mr. Gregory noted that new legislation allows communities to reduce the Town Meeting quorum through collaboration between the Board and the Moderator; however it cannot be less than 10% of what is stated in the Town's Charter, which is currently 100, therefore cannot go lower than 10.

Dr. Hicks said he is willing to reduce the quorum to 50 people.

Moderator Shemeth asked to hear from each BOS member and if any citizens would like to provide feedback. Mr. Pepe, Mr. Monette, and Mr. Woodbury all agreed that 50 people is a sensible number.

Matt Defosse said he wants it to remain at 100, noting that 50 people will be given too much power.

Finance Committee Chair Mary Braney pointed out that 50 is the minimum number; as many as want to attend can do so, there is no limit on the number in attendance.

Moderator Shemeth said he is in agreement with the 50 people for the 2020 Town Meeting only.

*A motion to reduce the Quorum to 50 people for the 2020 Annual Town Meeting (Hicks/Monette) passed with a roll call vote: Hicks-yes, Monette-yes, Pepe-yes, Woodbury-yes.*

#### **Discussion: Town Counsel Participation at Annual Town Meeting**

Mr. Gregory said that Town Attorney Janelle Austin has requested to participate in the Annual Town Meeting remotely for the safety of her elderly mother with the coronavirus.

The Board and the Moderator would like to have an attorney present. Mr. Gregory will ask KP Law to send another attorney.

#### **Vote to approve the Meeting Minutes of June 1, 2020**

*A motion to approve the June 1, 2020 minutes as revised (Hicks/Monette) passed with a roll call vote: Hicks-yes, Monette-yes, Pepe-yes, Woodbury-yes.*

#### **Vote to approve the Executive Session Minutes not to be Released at this time: April 9, April 16, April 23, May 4, May 18, May 26, and June 1, 2020**

*A motion to approve the Executive Session Minutes of April 9, April 16, April 23, May 4, May 18, May 26, and June 1, 2020, not to be released at this time (Woodbury/Monette) passed with a roll call vote: Hicks-yes, Monette-yes, Pepe-yes, Woodbury-yes.*

#### **Review and Act to Appoint Brenda Cloutier as Register for the remainder of Elizabeth McPherson's term to expire on March 2021**

*A motion to appoint Brenda Cloutier as Register for the remainder of Elizabeth McPherson's term to expire in March of 2021 (Hicks/Monette) passed with a roll call vote: Hicks-yes, Monette-yes, Pepe-yes, Woodbury-yes.*

#### **Review and Act to Approve the Collective Bargaining Agreement (FY21-FY23) Between the Town and the Utilities and Facilities Unit**

Mr. Gregory reported that the U & F unit ratified the most recent proposal endorsed by the Board in executive session. The total cost to the Town for year one is \$22,279.00

*A motion Approve the Collective Bargaining Agreement (FY21-FY23) Between the Town and the Utilities and Facilities Unit as presented (Hicks/ Woodbury) passed with a roll call vote: Hicks-yes, Monette-yes, Pepe-yes, Woodbury-yes.*

## **Town Administrator's Report**

### **a) FY2021 Budget & ATM Update**

The FY2021 budget has been posted on the website using pre-COVID-19 numbers. The strategy being used by a number of towns contemplates going back to town meeting in late summer to make adjustments. A 1/12<sup>th</sup> budget request to the DOR could be submitted for each month until Town Meeting approves, however his recommendation is to go to Town Meeting with the balanced budget and make changes as needed.

Dr. Hicks said he is concerned with the need for dramatic decreases and expects the reductions between the District and the Town to be between \$1 to \$2 million dollars. He is not comfortable with approving the FY2021 Budget at this time and wants to move forward with the 1/12<sup>th</sup> budget.

Mr. Gregory said he expects dramatic cuts to take place as well. If the Board moves forward with the 1/12<sup>th</sup> budget route, all articles related to FY2021 spending need to be removed from the Warrant, including Water and Sewer Enterprise spending. The Board will discuss further at the June 22 meeting.

### **b) Update on FY2021 Capital Program**

Mr. Gregory reviewed the capital plan and has a placeholder in the amount of \$300,000 for Senior Center project. The bids are due on June 17<sup>th</sup> and will have the updated number at that time.

New legislation allows municipalities to roll over unspent free cash and since capital items are funded from free cash, the Board can decide not to fund some items and make adjustments in the FY2021 operating budget. Discussion will take place at the June 22<sup>nd</sup> meeting.

## **Citizens Input**

Matt Defosse said the meetings are unfair the way they are being conducted and should be held in the Town Hall.

Mr. Gregory noted that the Town is under the Governor's ten-person public gathering limit.

Mr. Shemeth, 6 Dale Street thanked Beth McPherson for her dedicated service to the Town and suggest the Board send a thank you letter for her service.

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

Mr. Monette noted that a protest was held at O’Gara Park and they should have come before the Selectmen to apply for permit.

Dr. Hicks said the Black Lives Matter rally was assembled by an 18-year-old and commends him for his leadership. He believes a permit would have created animosity and applauds the Police Chief for allowing it to be held at an appropriate location.

Mr. Pepe said he went to a restaurant recently and is pleased to be moving closer to getting back to normal.

The meeting adjourned at 8:07 pm.

Respectfully submitted,

Brenda Savoie  
Executive Assistant

Referenced documents: Utilities and Facilities Unit CBA