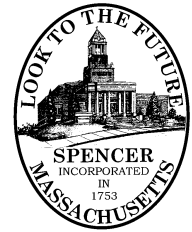


## Minutes of the Meeting of the Board of Selectmen



Date: August 17, 2020  
Time: 6:00 p.m.  
Place: Audioconference Broadcasted Live from McCourt Social Hall  
Memorial Town Hall, Spencer, MA  
Present: Administrator Gregory, Chairman Hicks, Vice-Chair Woodbury and  
Clerk Howard  
Dialing in: Members Berthiaume and Pepe  
Fire Chief Parsons, Police Chief Darrin, and Moderator Shemeth

Chairman Hicks called the meeting to order at 6:06 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.

### **6:00 PM National Grid Pole Hearing – Review & Act on Request of National Grid to Install (1) JO Pole and Relocated 3 JO Poles on Meadow Rd Plan No. 28952035**

*At 6:06 pm, a motion to open the public hearing (Woodbury/Howard) passed with a roll call vote: Berthiaume, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes.*

Josh Pacheco representing National Grid reported that the petition for this project is based on a request from Superintendent Krukowski to relocate poles for the future Meadow Road TIP project.

Superintendent Krukowski sent a memo to the Board indicating the Highway Departments recommendation for approval of these pole locations as it will reduce the cost of future utility relocations that are necessary components of the TIP project.

Mr. Woodbury noted there are several double poles still standing on Charlton Road which need to be removed. Mr. Pacheco said the responsibility is on Verizon to initiate the transfer of their facilitates and after that, the poles can be removed and suggests we contact Verizon to remove the poles. Mr. Woodbury said it is an ongoing problem and the Town should not have to chase Verizon to resolve the problem. Mr. Pacheco said he will reach out to Verizon. Mr. Pepe noted this issue was resolved years ago and at this time we need to actively review the inventory of double poles. Mr. Gregory will check into and report back.

*At 6:18 pm a motion to close the public hearing (Pepe/Howard) passed with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes*

*A motion to approve the National Grid petition to install (1) one JO Pole and Relocate (3) three JO Poles on Meadow Rd, Plan No. 28952035 (Woodbury/Howard) passed 5/0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes*

### **Vote to approve the Meeting Minutes of June 22, July 16, and August 6, 2020**

*A motion to approve Meeting Minutes of June 22, 2020 (Woodbury/Howard) passed 4/0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Woodbury-yes, Pepe-abstained*

*A motion to approve Meeting Minutes of July 16, and August 6, 2020 (Woodbury/Howard) passed 5/0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes*

### **Citizens Input**

John Knight with Brooks Pond Conservation Association thanked the Board for considering placing “no parking” signs on Brooks Pond Road and Washburn Road.

Moderator Bill Shemeth thanked all who participated in process to hire well qualified staff for the Town Clerk’s Office and noted there is not enough support for Town Clerks in general and asked the Board to ensure the Office has what it needs. He also urged the Board to move forward with the development of the Sugden Building.

### **Review & Act to Reconsider the Entertainment Application of P. Hardy & K. Kerrigan of Terptown Throwdown to hold a Live Music/Art Festival & Reggae Cannabis Awards on August 20 & 21 of 2021 at the Spencer Fairgrounds, with the condition it be reviewed by the Selectmen in April & June of 2021 to Determine if Event can Safely take place**

Dr. Hicks explained that the Terptown event takes several months of advance planning and are requesting reconsideration of the Board to obtain conditional approval for 2021.

Keith Kerrigan, representing Terptown said they have contracts with international music and ticketing agencies and are requesting approval conditioned upon revisiting next year in the spring and summer. They need approval now or the contracts will be null and void.

Mr. Pepe asked if there would be consumption of marijuana on the grounds of the Fairgrounds. Mr. Kerrigan said there would be only in allowed areas. A security team will be in place with provisions to run smoothly.

Mr. Woodbury noted that he hopes they will be able to hold the event, yet cautioned Mr. Kerrigan to be on notice that in April it may be declined. Mr. Kerrigan thanked the Board and said he fully understands they will need to revisit the Coronavirus guidelines in April. Mr. Howard said the permit should indicate the approval is based on the conditions in April.

*A motion to approve the request before us, subject to review in April and June. (Woodbury/Howard) passed 5/0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes,*

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

Dr. Hicks expressed concern over a minor explosion of Coronavirus cases in Spencer and restated that masks are the most important protection from the virus. Parties being held are a concern.

Mr. Woodbury pointed out that within four days an additional five people were added to the Spencer case list.

Mr. Gregory reported that the Town received a \$250,000 CDBG Coronavirus grant award to assist small businesses and provide food assistance to those in need.

Chief Darrin noted that the Police Department continue to remain healthy and staying up to date on the Governor's guidance for gatherings.

Chief Parsons said the case numbers are going up. The Fire Department has plenty of PPE and masks on hand.

### **Review and Act on Future In-person Meetings in the McCourt Social Hall**

Dr. Hicks said the Board will try to meet in in person when possible.

Mr. Woodbury noted that McCourt Hall is limited to seven people at this time.

Mr. Pepe said he has no issue with attending in-person and applauds efforts to do so.

Ms. Berthiaume said she does not have an issue with in-person meetings, however prefers to be remote as she is caring for a baby.

Mr. Howard said he has no issue with option to do remote or in-person. He plans to attend in-person.

Mr. Gregory advised that due to the disinfectant requirement, the Board should vote to limit in-person meetings to one per day.

Finance Committee Chair Braney said they used a combination of remote video and audio which allowed them to continue to meet remotely and still be able to see each other.

Moderator Shemeth asked to have meetings in Great Hall. Dr. Hicks said it is not logistically feasible and is currently set up for elections.

*A motion to approve use of McCourt to hold one in-person meeting per day, as the schedule permits (Woodbury/Howard) passed 5/0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes*

## **Review and Act on Request to Post No Parking Signs on Brooks Pond Road and Washburn Road**

*A motion to approve the request to post No Parking Signs on Brooks Pond Road and Washburn Road (Woodbury/Howard) passed 5/0 with a roll call vote: Berthiaume-yes Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes*

## **Review & Act on the FY2021 through FY2025 Intermunicipal Agreements (IMA) for Participation in the Central Massachusetts Regional Stormwater Coalition of 31 Communities**

Mr. Gregory informed the Board that Spencer has been the lead for the Central Massachusetts Regional Stormwater Coalition (CMRSWC) and continues to be fiduciary agent. The CMRSWC approved a 5-year IMA and voted to reduce FY2021 annual dues from \$4,000 to \$1,000. Dues will revert to \$4,000 for FY2022 through FY2025 and are used to pay for studies and seminars in stormwater management.

*A motion to approve the FY2021 through FY2025 Intermunicipal Agreements for Participation in the Central Massachusetts Regional Stormwater Coalition of 31 Communities (Pepe/Woodbury) passed 5/0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes*

## **Review & Act to Amend the Zoning Board of Appeals Fee Schedule**

Mr. Gregory reported that Spencer does not currently have a fee structure in place for 40B comprehensive permits and applications to the ZBA. He discussed the anticipated application for the redevelopment of the Lake Street School with Paul Dell'Aquila, who after a comparison of other communities recommends the following fee structure be implemented: \$1,000 base fee, a \$100 per unit fee, plus an initial \$4,000 peer review fee which will be replenished as needed. Further discussion will take place at the next meeting.

Due to technical difficulties experienced with the SCA broadcast, the Board took a brief recess from 7:47 pm until 7:58 pm.

Dr. Hicks noted that the Sewer Commissioners are concerned about the sewer capability for these projects since the Town is mandated by DEP to maintain certain flows. Mr. Gregory pointed out that it is incumbent upon Sewer Commissioners to provide the necessary information to project developers in advance.

## **Discussion on Browning Pond Boat Ramp**

Dr. Hicks said a meeting was with representatives from the Department of Fish & Game and a plan to install a temporary cartop ramp to allow boating access until the Town is able to obtain permission to purchase land from the Boy Scouts. Mr. Gregory noted that in previous discussions the Boy Scouts were not interested in selling land to the Town, however they agreed to keep door open for future conversation. The Board will review a Land

Management Agreement between the Town and the Department of Fish & Game for the creation of a cartop boat ramp at the next meeting.

### **Discussion on Sewer Connection Problems**

Sewer Superintendent James LaPlante indicated there has been a breakdown in communication since COVID-19 began. Sewer Commissioner Frank White said the Sewer Commissioners have not received any information on the redevelopment of apartments in the Sugden Building from Inspectional Services, or the Developer. They recently discovered that the apartments increased from the originally approved eight one-bedroom units to eight 2-bedroom units and the seats in the Mexicali Restaurant also increased which the current flow design cannot accommodate.

Mr. Gregory explained that the Developer acknowledged that he went down different path and opted to frame two-bedroom units and takes responsibility for the lack of communication. The process needs to be improved and one option to consider is to purchase permitting software that interfaces with all departments.

Dr. Hicks noted that the Town was not protected as construction moved ahead without permits. There have also been instances with new homes being built without the prior approval of the Sewer Commissioners. Mr. Gregory said many communities utilize a permitting guide for new homeowners and he will research further

Mr. Pepe noted that a process needs to be developed from step one through the final step.

### **Discussion North Brookfield Road Solar Project**

Dr. Hicks noted several concerns with the North Brookfield Road Solar Project, including the decommissioning bond is only \$20,000, the megawatts were increased without approval, there were at least four changes of ownership and the Town may not have been properly notified.

Mr. Gregory indicated the Town did receive written notice on the change of ownership. He is working with Town Counsel on the Assumption Agreement for the new owner. Dr. Hicks would also like Town Counsel to weigh in on the legality of the transfer without going back to the Planning Board prior to change of ownership.

Matt Defosse 7 Paul's Dr. said he has several concerns with the N. Brookfield Rd. project, including multiple ownership transfers; 1.98 megawatts went to 2.2 megawatts; insufficient decommissioning bond; and the project valuation is for a commercial operation, yet its located in a residential area.

Mr. Woodbury would like to know if the Special Permit is still enforceable.

Due to technical difficulties experienced with the SCA broadcast, the Board recessed at 9:03 pm and could not be resolved by 9:10 pm.

*A motion to adjourn at 9:10 pm (Woodbury/Howard) passed with a roll call vote: Berthiaume–yes, Hicks–yes, Howard–yes, Pepe–yes, Woodbury–yes.*

Additional agenda items below will be tabled until the next meeting:

**Discussion on Sugden Building Redevelopment and Potential Action**

**Town Administrator's Report**

**Citizens Input**

**Board Member and Staff Comments**

The meeting adjourned at 9:10 pm.

Respectfully submitted,

Brenda Savoie  
Executive Assistant

Referenced documents: National Grid Petition; Terptown Application.