



## **Minutes of the Meeting of the Board of Selectmen**

Date: November 9, 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  
Remote: Members Berthiaume and Pepe

Chairman Hicks called the meeting to order at 6:00 p.m. and announced that 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 currently meeting with a combination of members present and remote. For this meeting, Chairman Hicks, Vice-chair Woodbury and Clerk Howard are present and Members Berthiaume, Pepe, and are remote, and as such, all votes will be taken by roll call in accordance with Regulation 940, CMR 29.10 of the Open Meeting Law.

### **Review and Act on Meeting Minutes of September 14, September 24, October 5, and October 19, 2020**

*A motion to approve the meeting minutes of September 14, 2020 (Howard/Woodbury) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

*A motion to approve the minutes of September 24, 2020 as amended (Woodbury/Howard) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

*A motion to approve the minutes of October 5, 2020 (Howard/Pepe) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

*A motion to approve the minutes of October 19, 2020 as amended (Howard/Pepe) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

### **Citizens Input**

Maryellen Standish Moroney, 17 McCormick Road asked if trees will be planted to screen the solar panels on McCormick Road. Dr. Hicks said trees will be planted and is typically done at end of project.

William Shemeth, 6 Dale Street congratulated the Town Clerk's Office and the many volunteers who helped make the November 3<sup>rd</sup> Election move smoothly.

### **New Business:**

**6:00 p.m. – Public Hearing – Review & Act on Annual License Renewals for Class II Auto Dealers, Class III Salvage Dealer, and Gravel Permit Operations for Calendar Year 2021**

*A motion to open the Public Hearing at 6:13 pm (Woodbury/Howard) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

**Class II Auto Dealer License Renewal**

Selectman Woodbury recused himself.

*A motion to approve the 2021 Class II License Renewals (Howard/Pepe) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Hicks-yes, Woodbury-recused.*

1. Brian's Auto
2. Car Finders Now
3. Dennis' Auto
4. Easy Way Auto
5. Fernanda's Auto Sales
6. Hilltop Auto Sales
7. Main Street Auto Sales
8. NextGen Auto
9. Ronald Brown Auto Sales
10. Small Car Clinic (322 Main Street)
11. Spencer Motor Sales
12. Straight Line Auto
13. W.R. Central Auto Sales

**Class III Salvage License Renewal**

*A motion to approve the 2021 Class III License Renewals (Woodbury/Pepe) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

1. Durgin's Valley Garage

**Gravel License Renewal**

*A motion to approve the 2021 Gravel License Renewals (Berthiaume/Howard) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes, Hicks-yes*

- 1 Bond Construction, Cranberry Meadow Road
- 2 Bond Construction, North Spencer Road
- 3 Bond Construction, 97 Hastings Road
- 4 Robert Moschini, Royal Crest Farm LLC, 30 Howe Road
- 5 Leo Aucoin, 89 Cranberry Meadow Road

There were no comments from the public.

*A motion to close the public hearing at 6:19 pm (Woodbury/Howard) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes, Hicks-yes*

**Review & Act on all other Annual License Renewals for Calendar Year 2021**

*A motion to approve the 2021 Class I License Renewals (Pepe/Berthiaume) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

1. Ahearn Equipment, Inc.
2. Alpha Cars & Ural of New England
3. Barnstorm Cycles, 24 Wall Street
4. Barnstorm Cycles, 389 Main Street
5. Klem Tractor, Inc.

*A motion to approve the 2021 Alcohol License Renewals (Pepe/Woodbury) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

Mr. Woodbury noted that approval for Mexicali and Bayberry Bowling is contingent upon items being provided as outlined below.

1. Black & White Pizzeria & Grill
2. Charlie's Diner
3. Chef Sau
4. Either's Café
5. Granville's Pub
6. Mexicali Grille contingent upon receipt of TIPS certification for all servers
7. Spencer Country Inn
8. Yamato Asian Bistro
9. Zukas Hilltop Barn
10. Country Spirits
11. Liquor Barn/Mayank LLC
12. Spencer Package Store
13. Bayberry Bowling contingent upon a valid cert of inspection
14. Laney's Variety
15. Xpress Mart
16. American Legion
17. Spencer Fish & Game

*A motion to approve the 2021 Common Victualler License Renewals (Pepe/Howard) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

1. Big Y Foods
2. Camp Marshall
3. Dairy Queen
4. Dashboard Diner
5. Dippin' Donuts

6. Five Loaves Bakery
7. Haymakers Grille
8. John's Pizza
9. Kosta's Café
10. Lincoln Hill Manor
11. McDonald's
12. Pizza Hut
13. Price Chopper
14. Speedway
15. Spencer Donuts, Inc. East Main
16. Spencer Donuts, Inc. West Main
17. Spencer Pizza House
18. Subway
19. Thibault's Country Store
20. Toupin's Catering
21. Village Pizza
22. Cistercian Abbey of Spencer-Trappist
23. St. Joseph Abbey Guest House
24. First Congregational Church
25. Mary, Queen of the Rosary
26. American Legion
27. Black & White Restaurant
28. Either's Café
29. Granville's
30. Mexicali Grille
31. New Fortunes, d/b/a Chef Sau
32. Spencer Country Inn
33. Spencer Fish & Game
34. Charlie's Diner
35. Yamato Asian Bistro
36. Zukas Hilltop Barn

*A motion to approve the 2021 Innkeeper's License Renewals (Pepe/Berthiaume) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

1. Spencer Country Inn
2. Zukas Hilltop Barn
3. Spencer Country Inn

*A motion to approve the 2021 Amusement License Renewals (Pepe/Woodbury) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

1. Bayberry Bowling
2. Granville's Pub
3. Price Chopper
4. Either's Café

*A motion to approve the 2021 Entertainment License Renewals (Berthiaume/Woodbury) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

1. American Legion
2. Bayberry Bowling Center
3. Black & White
4. Mexicali Grille
5. Granville's Pub
6. Spencer Country Inn
7. Spencer Fish & Game
8. Zukas Hilltop Barn

*A motion to approve the 2021 Junk Dealer License Renewals (Pepe/Howard) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

1. Cormier Jewelers
2. William Ekleberry, Jr. Antiques
3. Josephina's Creations

Lodging House License renewals for SMOC will be on the November 23<sup>rd</sup> agenda.  
Mr. Pepe asked to have Chief Darrin to weigh in on this license renewal.

**Review and Act on Request to Prorate License Renewal Fees for Businesses Required to Close until Phase 4 of the Reopening Massachusetts Plan**

Dr. Hicks reported that Ethier's Café and Granville's Pub are unable to open their businesses until Phase 4 of the Reopening Massachusetts Plan and have requested that their license fee be prorated on a 1/12<sup>th</sup> basis, allowing them to pay only when they are authorized to reopen. He is in favor of this request.

Mr. Pepe asked if the difference in fees could be recovered through the Coronavirus Relief Fund, or if the businesses could apply directly for relief. Mr. Gregory said the Coronavirus Relief Fund is for municipalities and there is nothing in it to cover this situation.

*A motion to prorate the license renewal fees for businesses closed until Phase 4 of the Governor's Reopening Massachusetts Plan (Pepe/Woodbury) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

**Review and Act Review on Right of First Refusal for MGL Chapter 61A Land (0.5739 acres) owned by George Watson, Jr. on Clark Road and Wilson Road identified as U27-1, parcel A**

Mr. Gregory reported that the Conservation Commission voted not to recommend that the Town exercise their right on this parcel.

Attorney Andrea Gordon called in explain that the area is a small piece of land being transferred by Mr. Watson to an abutting property owner for the installation of a new septic system.

*A motion to waive the Right of First Refusal for MGL Chapter 61A Land, (0.5739 acres) owned by George Watson, Jr. on Clark Road and Wilson Road identified as U27-1, parcel A (Woodbury/Pepe) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

### **Update from the Spencer Cultural Council**

Spencer Cultural Council (SCC) Chair John Green informed the Board that the mission if the SCC is to promote opportunities through grant funds received from the State. In 2020 the Council received \$15,000 in grant applications and as result made full and partial payments to various organizations. Those organizations have been unable to execute performances due to the pandemic, however they are able to carry the project over to 2021; if they are unable to perform SCC can request funds be returned.

State Statute limits Cultural Council memberships to two consecutive 3-year terms, therefore new members are needed; they will begin advertising.

### **Review and Act on Request to Increase Private Plow Rates**

Mr. Gregory referenced an analysis of private plow rates from other communities. Highway Foreman Eben Butler noted increases in rates from 2018 and asked the Board to increase the rate for each category of plow by \$5 per hour. Mr. Woodbury suggested the frontend loader remain at \$140 per hour; Mr. Butler requests it be increased to \$145 per hour to remain competitive, noting the difficulty with finding plow drivers.

*A motion to increase all categories of plows by \$5.00 per hour across the board (Woodbury/Pepe) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

### **Review and Act on Proposed Parking Restrictions on Mechanic Street and Regulations for the Use of Mechanic Street Municipal Parking Lot**

Mr. Gregory met with Chief Darrin and former U & F Superintendent Krukowski to discuss the use of the municipal lot on Mechanic Street and came up with two recommendations: 1) retain on street parking on the easterly sided only and restrict parking on the westerly side (same side as the parking lot); and 2) no time limits on daytime parking in the municipal lot and overnight parking be available with a permit and fee.

Chief Darrin is in agreement with the recommendations and indicated that the Mechanic Street parking restrictions will make it easier for emergency vehicles to access the street.

Highway Foreman Eben Butler said signage with the rule and regulations need to be clearly posted in the lot and it can be opened immediately. Temporary sawhorses will be set up on the westerly side to inform people to park on east side only. He noted that some residents have large trailers and commercial vehicles and should not be allowed to park in the lot.

Dr. Hicks suggests placing a limit on commercial vehicles up to 1- ton and not allow trailers.

Mr. Woodbury said the lot is not meant for landlords to offer tenant parking. Mr. Pepe agreed noting that the goal is to offer parking for retail shops and restaurants in Spencer.

*A motion to allow one-way parking on the east side of Mechanic Street only (Woodbury/Pepe) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

*A motion to open the municipal parking lot with a commercial vehicle limit and not to offer commercial parking spaces, and to re-assess in six months (Pepe/Woodbury) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

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

Dr. Hicks asked about the cause of the recent spike in cases. Health Agent Daoust said there are no specific causes and she is unaware of any large events having occurred. The Town is now at 18 active cases, which may be a result of being indoors more.

### **Review & Act on Governor Baker's COVID-19 Order No. 50 to extend the Date for Outdoor Dining**

Mr. Gregory reported that the Governor's Order No. 50 allows the Board to extend the previously approved outdoor dining license to a date certain, or 60 days beyond the State of Emergency.

Dr. Hicks noted that the Black & White is the only restaurant with outdoor dining.

*A motion to extend outdoor dining to 60 days beyond the State of Emergency (Woodbury/Howard) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes, Hicks-yes*

### **Discussion on Governor Baker's COVID-19 Order No. 54 Regulating Gatherings**

Mr. Gregory reported that Section 4 of Governor's Order No. 54 requires that all physical gatherings end by 9:30 pm.

*A motion to follow governor's guidelines on Order No. 54 (Woodbury/Pepe) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

### **Discussion on Reopening Town Hall**

Chairman Hicks said reopening Town Hall will be discussed at a later date as the Coronavirus cases are increasing. The Board agreed.

### **Old Business:**

### **Review & Act on Policy for Police Department Crowds & Demonstrations**

Chief Darrin requests the Board act favorable on the Crowds & Demonstrations Policy.

*A motion to approve the Policy for Police Department Crowds & Demonstrations (Pepe/Berthiaume) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

### **Review & Act on Policy for Police Department K-9 Unit**

Chief Darrin requests the Board act favorable on K-9 Unit Policy.

*A motion to approve the Policy for Police Department K-9 Unit (Pepe/Woodbury) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

### **Review & Act on Nominations for Cable Advisory Committee Members to assist with the Renewal of the Charter Communications Franchise Agreement set to expire on January 31, 2023**

Four individuals have volunteered to serve on the seven-member committee: Pat George as Private Internet User Member, Pamela Woodbury as Elderly Community Member, and two citizens-at-large members: Matt Dicheio and Danielle Gebo. Aaron Keys volunteered to be the Spencer Cable Access Member. There are two spots remaining: a member of the Finance Committee Member and Spencer-East Brookfield Regional School District (SEBRSD).

Mr. Gregory will contact Dr. Paul Haughey for the SEBRSD representative.

The Board will review membership at their next meeting.

### **Town Administrator's Report:**

### **Review & Act on Motions for November 12, 2020 Special Town Meeting Warrant Articles**

Administrator Gregory reviewed the Special Town Meeting Warrant detailing the motions.

*A motion to approve the Special Town Meeting Warrant with motions (Woodbury/Howard) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

### **Review Procedure for Temporary Town Clerk for Special Town Meeting**

Mr. Gregory advised the Board that since Interim Town Clerk Lisa Johnson does not live in Town, a resident of Spencer must be appointed as temporary Town Clerk to record votes at the Town Meeting.

Dr. Hicks indicated that this will be on the Board's Special Meeting at on November 12<sup>th</sup> at 6:30 pm.

### **Update on U & F Superintendent Position Opening**

Mr. Gregory received four resumes. A screening committee will be set up.

### **Update on ODIS Director/Town Planner Position Opening**



The Town Planner Screening Committee met last week and will hold a second meeting on November 10<sup>th</sup>.

### **Citizen's Input**

Josephina Sullivan, 17 Greenville Street said she owns shop on Mechanic Street and is not in favor of renting parking spaces, noting the municipal lot should be reserved for shop customers and signage should be visible. Dr. Hicks said signage will be placed by the Whitco driveway area.

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

Mr. Butler noted that the Water Department is struggling to serve residents with the building closure and asked the Board to open the glassed-in foyer area. The Board will review this request at their November 23<sup>rd</sup> meeting.

Ms. Berthiaume announced that the 2020 Christmas Parade of Lights has been cancelled due to COVID-19.

### **Adjournment**

*A motion to adjourn at 7:55 pm (Howard/Pepe) passed with a roll call vote: Berthiaume-yes, Pepe-yes Howard-yes, Woodbury-yes. Hicks-yes*

Respectfully submitted,

Brenda Savoie  
Executive Assistant

Referenced documents: 2020 License Renewal Documents; Right of First Refusal Wilson Road, Private Plow Rate Sheet, Memo on Mechanic Municipal Parking Lot, Police Policy on Crowds and Demonstrations and K-9 Unit, Special Town Meeting Warrant