



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

Date: December 28, 2020  
Time: 6:00 p.m.  
Place: Audioconference Broadcasted Live from McCourt Social Hall  
Memorial Town Hall, Spencer, MA  
Present: Administrator Gregory  
Remote: Chairman Hicks, Vice-Chair Woodbury, Clerk Howard,  
Health Agent Daoust, Police Chief Darrin, Fire Chief Parsons  
Members Berthiaume and Pepe were absent

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 remotely 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 December 14, 2020**

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

### **Citizens Input**

None

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

Health Agent Daoust reported that there are 353 confirmed Coronavirus cases with 84 active as of today. Outdoor gatherings are limited to twenty-five people and indoor gatherings are limited to ten people. Restaurants have been required to reduce capacity to twenty-five percent of the occupancy limit.

Administrator Gregory reported that all Highway Department Staff are out of quarantine and back to work. He noted that the COVID relief fund has been extended for one year which will allow for additional reimbursements.

### **New Business:**

#### **Review and Act Right of First Refusal for MGL Chapter 61A Land (13.60 acres) owned by Mike and Michelle McGourty on Hastings Road, identified as R43, Parcel 16-1**

Attorney James Maloney dialed into the meeting. He reported that he is representing the McGourty's on this request for property on Hastings Road, which is identified as R43, Parcel 16-1. The McGourty's are requesting that the Board waive the Right of First Refusal on this

property. Mr. Gregory advised the Board that if they vote to waive the Right of First Refusal to make it contingent upon the Conservation Commission voting in open session on January 13<sup>th</sup>. Mr. Woodbury said he would prefer to wait until after the Commission holds their meeting and takes a formal vote. Mr. Howard agreed and said he prefers to wait until a formal vote by the Commission has been taken.

### **Review and Act on Request to Ratify Town Administrator Appointment of Todd Miller as Town Planner**

Dr. Hicks was on the Town Planner Screening Committee and said he had the pleasure of interviewing Town Planner candidate Todd Miller. Mr. Gregory thanked the Screening Committee for a thorough job in the search to fill this position and reported that Mr. Miller is well qualified and has served in various planning roles over the past six years. He holds a Bachelor of Science Degree and is expected to earn a Master's in Public Administration in 2021.

Mr. Woodbury said he appreciates the work of the Town Planner Screening Committee; however, he would have preferred to meet Mr. Miller prior to his appointment.

*A motion to ratify the Administrator's Appointment of Town Planner Todd Miller (Woodbury/Howard) passed with a roll call vote: Howard-yes, Woodbury-yes, Hicks-yes*

### **Review & Act on 2021 Community Comparisons**

The Board reviewed the 2021 Community Comparison spreadsheet.

*A motion to accept the 2021 Community Comparisons (Woodbury/Howard) passed with a roll call vote: Howard-yes, Woodbury-yes, Hicks-yes*

### **Discussion: Planning Board Revolving Account and Receipt of Fees for Planning Board Applications**

Dr. Hicks said this discussion was requested by Jonathon Viner, Chairman of the Planning Board.

Mr. Viner reported concern over charges that were expended from the Planning Board Revolving Account and said he has not received an acceptable answer and would like a thorough evaluation. In addition, upon further review he believes there are missing deposits from the receipt of fees for solar projects over the past few years, and if so, there is potential legal action against the solar facilities if the required fees were not paid.

Dr. Hicks asked Mr. Viner to email his concerns to Mr. Gregory and said it may be referred to the Town's Auditor, Scanlon and Associates to determine whether or not fees were collected or collected and deposited into the wrong account. Mr. Gregory said this is the first time he has heard about and missing deposits and asked that details be provided by Mr. Viner. Mr. Woodbury indicated that this can be resolved by working with the Finance Committee and through research with the Accounting Office. There is no need for the Scanlon and Associates to be involved. Dr. Hicks said he would like to have the Auditors provide an annual update to the Board, which was done in previous years.

## **Discussion: Town-wide Pavement Resurfacing Contract**

Dr. Hicks said this discussion was requested by Jonathon Viner.

Mr. Viner said he is bringing information to the Board's attention as a result of his observations and review of public records. He stated that he is employed by MassDOT and his role is to supervise and inspect projects in central Massachusetts and it is his professional opinion that pavement work was not completed in accordance with the signed paving contracts and he believes it is a detriment to the taxpayers. He has not seen any information that tests were conducted on the pavement to ensure the product is the one that the Town paid for and said he is alarmed by the fact that testing was not conducted to quantify and qualify the product. He pointed out several roads where the asphalt failed and asked the Board to investigate and take appropriate action.

Dr. Hicks asked Mr. Viner to send the information he gathered to Administrator Gregory and he will follow up and the Board will get involved to ensure the appropriate product was used.

Acting U & F Superintendent Steven Tyler said everything Mr. Viner stated concerns him and that the U & F Superintendent is the individual responsible for ensuring paving work is completed properly and in accordance with the signed contracts. The U & F Office will review the statements made by Mr. Viner and prepare a detailed report. Mr. Gregory will work with Mr. Tyler after he receives the details from Mr. Viner.

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

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

Mr. Gregory said he received a promising resume from a well-qualified applicant for the U & F Superintendent Position and will schedule a screening interview next week.

The Administrator will meet with Department Heads to review budget requests. He plans to present a revenue projection for FY2022 at the January 25<sup>th</sup> meeting.

## **Citizen's Input**

None

## **Board Member and Staff Comments**

Mr. Woodbury commended all who assisted the Highway Department during the recent snowstorm noting it was a team effort to accomplish with many staff members out on quarantine. He thanked Mr. Gregory, Mr. Tyler, Representative Berthiaume and all who plowed the roads. He noted the dedication of employees who were out on Christmas Day to respond to washouts along the side of the road due to heavy rain.

## **Adjournment**

*A motion to adjourn at 7:23 pm (Woodbury/Howard) passed with a roll call vote: Howard-yes, Woodbury-yes. Hicks-yes*

The meeting adjourned at 7:23 pm.

Respectfully submitted,

Brenda Savoie  
Executive Assistant

Referenced documents: Right of First Refusal – McGourty; FY2021 Community Comparisons