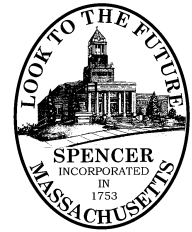


Minutes of the Meeting of the Board of Selectmen



Date: January 11, 2021
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, Members Berthiaume
and Pepe. Also remote: Health Agent Daoust, Fire Chief Parsons

Chairman Hicks called the meeting to order at 6:02 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 28, 2020

A motion to approve the meeting minutes of December 28, 2020 (Howard/Woodbury) passed 3/0 with a roll call vote Howard-yes, Woodbury-yes, Hicks-yes, Pepe-abstained, Berthiaume- abstained.

Citizens Input

None

Review and Act on Coronavirus / COVID-19 Response

Dr. Hicks noted a discrepancy of 37 cases in the Town's Coronavirus case numbers compared with the Department of Public Health (DPH). He noted that the difference in numbers creates confusion. Health Agent Daoust called the DPH to determine the cause of the discrepancy and learned that the case numbers reported by DPH are used to assign risk categories and the case number she receives is provided by the local public health nurse. Both numbers are obtained from the Maven system. In the future she will use the DPH numbers to avoid confusion. There are currently 527 confirmed Coronavirus cases in Spencer, with 107 active as of today.

Mr. Pepe asked about the status of the vaccine. Ms. Daoust said First Responders are currently being vaccinated and the Fire Department has had their first vaccine. Mr. Gregory noted that Chief Darrin and his Officers received their first vaccine and are scheduled to receive the second sometime this week. Chief Parsons said that Harrington Hospital provided the first vaccine to all First Responders in the area, including the Spencer Rescue Squad. There are some who have chosen not to receive the vaccine at this time.

New Business:

Review and Act on Request to Hire a Mentor for the Town Planner

Chairman Hicks would like to hire a short term mentor to assist new Town Planner Todd Miller as he gains additional experience. Despite being well qualified, questions will arise and he wants to put Mr. Miller in a position to succeed. He asked the Board to consider a mentor to work with him for the remainder of 2021 at a rate of no more than \$2,000 for the year. Mr. Woodbury is in agreement, pointing out many new projects on the horizon and questions which will inevitably arise relative to the Solar Moratorium.

Mr. Pepe asked if funds are available. Mr. Gregory said the fees can be charged to the ODIS expense account. CMRPC is willing to assist using some of the technical assistance hours. Mr. Pepe said he would like to see the economic development process restart, pointing out the significant projects for the Lake Street School, CVS, and the Sugden Block.

A motion to approve spending for a short term (six months to one-year) mentor/consultant for the Town Planner (Pepe/Woodbury) passed 4/1: Berthiaume-no, Howard-yes, Woodbury-yes, Hicks-yes, Pepe-yes,

Old Business:

Review & Act on Town-wide Paving Contracts

Chairman Hicks noted this item is a follow-up from the December 28th meeting based on the concerns raised by Jonathon Viner, Chairman of the Planning Board.

The Board received a letter from Mass Broken Stone (MBS) today relative to the pavement testing concerns which were raised by Mr. Viner. Mr. Gregory noted that Drew Forest, VP of MBS Stone sent a letter describing their core testing practices as thorough and complete, and affirmed their partnership and exceptional work history with the Town and the Commonwealth.

Mr. Woodbury said he reviewed the Selectmen's Handbook specific to the role on leadership responsibilities and decisions based on fact, data, and logic, even when unpopular. He said he went out to view some of the roads and agrees core samples have been taken, however he mentioned a failure on Northwest Road. His concern is some core sample tests may not be accurate. He would like to see the Town's contract with Stantec to determine if they held up their end of the agreement. He also mentioned concern on cross-trenches along Route 9 where the milling failed due to poor weather, yet they were paved anyway because the trenches were open and traffic needed to flow; he believes this will fail in the future.

Acting U & F Superintendent Steven Tyler reported that he will address each of the concerns raised by Mr. Viner at the December 28th meeting. He explained that the Town and all other local communities do not inspect or test in the same way that MassDOT does.

The MassDOT roads are heavily traveled and local roads have limited traffic in comparison. He provided background on the Town's Financial Management Planning Committee's (FMPC) process for the road improvement program which consisted of multiple public hearings and discussed the significant backlog of roadwork and funding alternatives which were considered. The end result was \$19 million dollar road improvement projects with reduced engineering costs in order to provide more opportunity to spend on actual roadwork and less on quality control. Mr. Tyler addressed the following concerns raised by Mr. Viner:

- There is no information on any work not being completed in accordance with the requirements of the Town Contract; however he agrees there is room for improvement.
- The Town is not required to use certified inspectors or have any inspections.
- Any testing the Town performs or has performed is strictly optional.
- The Town did not require Stantec to conduct independent testing to quantify the quality of the product received, this was in conformance with the contract requirements. The Town did require the Contractor to perform over 90 random core tests which were within the required ranges of the Town.
- Bonus options were in the contract for exceeding MassDOT minimum specs, however despite all paving work having met or exceeded the MassDOT's minimum requirements, the contractor is not planning to request any bonus payments.
- Tests on Brooks Pond Road and Brooks Pond Cross Road exceeded action limits and corrections were made. Afterwards, all materials that day stayed within specified engineering limits.
- Tests on Donnelly Cross Road showed action limits were exceeded only on the last two tests, prior to that, all materials stayed within specified engineering limits.
- Bacon Hill Road showed the first test of day exceeded action limits and the required corrections in production were made. On the second and third day, tests exceeded action limits on different sieves and all materials stayed within specified engineering limits.
- All materials and workmanship were performed in conformance with the contract requirements.

Mr. Tyler said he disagrees with the statement that there has been a failure to administer taxpayer dollars on the roadwork and said he is pleased with the work and the approach to eliminate paying a surplus to a General Contractor resulting in providing additional value to the Town. Moving forward, additional inspections and a random testing component will be taken. Given the issues at Bacon Hill Road, random testing will be taken there and he will discuss further with Stantec.

Chairman Hicks thanked Mr. Tyler for his detailed report.

Mr. Woodbury said his concern with Bacon Hill Road is due to the washout and whether it could cause permanent damage to the road. The Highway crew came out on Christmas Day to repair resulting in overtime costs incurred by the Town.

Mr. Pepe asked Mr. Tyler if there have been rampant failures in core tests on the roads. Mr. Tyler said there have been no failures. He asked if the vendor operated within the contract

without areas of weakness, negligence or malfeasance. Mr. Tyler said they have operated in accordance with the terms of the contract. A future meeting will be held to discuss Bacon Hill Road with Mr. Tyler, Mr. Butler, Dr. Hicks and Mr. Gregory and an update will be provided to the Board. Mr. Woodbury wants copies of Stantec's reports.

Review & Act on Planning Board Revolving Account

Mr. Woodbury reported that based on numbers he believes the Planning Board fee schedule has been interpreted incorrectly. He noticed discrepancies with the amount of fees collected and wants to ensure all fees including Special Permit fees were collected and will research further. In terms of the revolving account errors, he is concerned that free cash was used and does not think it was appropriate. He would like to have an independent review of the account.

Mr. Gregory noted that the concerns raised about expenses charged to the Planning Board Revolving account were for advertising and professional dues from FY18 and FY19 and were inadvertently changed to the Planning Board account instead of the ODIS expense account. Because these charges were from a prior fiscal year, the only way to reconcile is to go to Annual Town Meeting and request a transfer from free cash. As far as the solar fees, his suggestion is to ask Scanlon and Associates or a firm of the Board's choice to conduct a test audit on a few of the large solar projects. There was some discussion on whether all fees going through ODIS were collected and deposited into the appropriate accounts. Chairman Hicks proposed starting with the Planning Board revolving account for FY17 through FY20 and hire an outside auditing firm to review that account to determine the process for deposits and expenditures. He indicated that there is no malfeasance suspected, however a determination is needed on whether the process was correct.

A motion to have a forensic audit on the Planning Board Revolving account for FY17 through FY20 (Howard/Woodbury) passed with a roll call vote: Berthiaume-yes, Howard-yes, Pepe-yes, Hicks-yes, Woodbury-yes

Mr. Pepe noted that a forensic audit and a standard audit are different. Mr. Gregory indicated that a test audit is more appropriate in this case and recommends an audit of the Planning Board Revolving account from FY17 to FY20 and will report back to the Board.

Ms. Berthiaume asked if any concerns were raised in the last audit in reference to the Planning Board account. Mr. Gregory will gather the past four years of management letters and review with Chairman Hicks. The Board will discuss at the next meeting. If they decide to move forward with an audit, they will not use Scanlon and Associates.

Ms. Berthiaume asked about the cost estimate to complete this task. Dr. Hicks expects it will not exceed eight hours and if there appears to be a need to go beyond that, the Board will meet to discuss further. Mr. Woodbury suggested a limit not to exceed \$5,000.

After the debate, Dr. Hicks said there was a motion and a second and asked the Board to vote (complete vote may be found above in italics).

Town Administrator's Report:

Update on U & F Superintendent Position Opening

Mr. Gregory said an interview for a well-qualified applicant for the U & F Superintendent Position will take place later this week.

Mr. Gregory reported:

- He is currently working on an RFP for a comprehensive e-permitting project for ODIS permits, Select Board and Town Clerk's licensing. He should know the amount include in the budget in February.
- The Snow and Ice account is 92% encumbered and labor has been expended at the rate of a typical winter.
- The RFQ for the Library HVAC project closed today. Once complete, the project will upgrade Phase 2 of the Library Boiler Project.
- The ZBA will hold a hearing on a presentation on Lake St School Senior Housing Project. The project includes an onsite septic system.

Citizen's Input

None

Board Member and Staff Comments

Mr. Woodbury said he noticed the green space owned by the Town on the side of the Sugden Building is being used as a parking area. Mr. Gregory will contact Peter Venuto to remind him not to park in that area and to restore the grass to the original conditions. Dr. Hicks suggests they use the Library Parking Lot on weekends.

Adjournment

A motion to adjourn at 8:39 pm (Woodbury/Howard) passed with a roll call vote: Berthiaume, Howard-yes, Pepe-yes, Hicks-yes, Woodbury-yes

The meeting adjourned at 8:39 pm.

Respectfully submitted,

Brenda Savoie
Executive Assistant