



Minutes of the Meeting of the Board of Selectmen

Date: February 22, 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 6:00 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 Executive Session Meeting Minutes of January 25 and February 8, 2021

A motion to approve the meeting minutes and executive session of January 25 and February 8, 2021, not to be released at this time (Woodbury/Howard) passed 5/0 with a roll call vote: Berthiaume- yes, Hicks-yes Howard-yes, Pepe-yes, Woodbury-yes

Citizens Input

William Shemeth, Dale Street said he was disappointed that the Governor decided not to support local Board of Health clinics. He offered his thanks to Chief Parsons, Health Agent Daoust, and Sr. Center Director Woodbury for partnering with the Town of Rutland to get senior citizens vaccinated locally.

New Business

6:00 - Public Hearing – Review & Act on New Alcohol License Application from Cedric Daniel for a Wine & Malt Beverages Pouring License for Concord Brewery Inc., d/b/a Rapscallion located at 8 Meadow Rd.

A motion to open the public hearing at 6:09 pm (Pepe/Berthiaume) passed 5/0 with a roll call vote: Berthiaume- yes, Hicks-yes Howard-yes, Pepe-yes, Woodbury-yes

Mr. Gregory reported that the Board is being asked to approve a pouring license for Rapscallion, which follows a Pub Brewers license issued by the State. If the Board approves the license, it will then be submitted to the ABCC for an extensive review. Since the applicant is applying for a Special Permit from the ZBA to allow this type of use in a

Commercial District, KP Law advised that the Board may approve the pouring license in the interest of efficiency and hold until the Special Permit process is complete.

Rapscallion owner Cedric Daniel was participating remotely and indicated that Mr. Gregory thoroughly explained the process to date and at this time they are seeking approval for a pouring license.

Mr. Woodbury noted that the application shows 4,000 square feet with a seating capacity of 100 and questioned that calculation. He also asked about the requirements from the Sewer Commission. Mr. Daniel said he is working with Sewer Commissioner Frank White and making progress. He explained the capacity for 100 seats is for the future if they receive approval to expand and have an outdoor patio. He understands seating capacity is dependent upon parking spaces and other regulations and estimates current indoor seating between 30 to 40 people. Mr. Woodbury said since the seating is unknown, he would like it mentioned in the motion. Building Inspector Duane Amos indicated seating capacity will be determined during the special permit process with the ZBA. Currently based on parking 56 people are allowed inside with seating based on square footage at 28.

Dr. Hicks asked about egress and the installation of a fire rated door. Mr. Daniel said there is an automatic fire rated sliding door already installed.

Mr. Pepe pointed out that the Board is considering the pouring license only at this time and any issues will be worked out during ZBA permitting and sewer installation process, which must be resolved prior to releasing the license. Additional details and inquiries will be part of the ZBA public hearing process.

There were no other questions from the Board.

There were comments from the public.

A motion to approve a new Alcohol License Application for Cedric Daniel for a Wine & Malt Beverages Pouring License for Concord Brewery Inc., d/b/a Rapscallion, located at 8 Meadow Road, contingent upon ZBA approval (Pepe/Berthiaume) passed 5/0 with a roll call vote: Berthiaume- yes, Hicks-yes Howard-yes, Pepe-yes, Woodbury-yes

A motion to close the public hearing at 6:24 pm (Pepe/Howard) passed 5/0 with a roll call vote: Berthiaume- yes, Hicks-yes Howard-yes, Pepe-yes, Woodbury-yes

FY19 Community Development Block Grant (CDBG) public performance hearing with Ted Harvey from PVPC

A motion to open the public hearing at 6:24 pm (Pepe/Howard) passed 5/0 with a roll call vote: Berthiaume- yes, Hicks-yes Howard-yes, Pepe-yes, Woodbury-yes

Ted Harvey, representing PVPC reported that this is the second of two public hearings required by the State and is a public performance hearing regarding the FY19 Community Development Block Grant Program (CDBG) for improvements on Cherry, Wall, and Lloyd

Dyer Streets. Pioppi Construction is handling the project, which is currently sixty percent complete and expected to be done by the summer.

William Shemeth, Dale Street, asked for information on the progress that has been made.

Corey Brodeur with Lenard Engineering reported that they are in process of finishing up the sidewalk and pavement installation. Pictures of the progress will be posted on the Town website.

There were no other questions from public.

A motion to close the public hearing at 6:34 pm (Pepe/Woodbury) passed 5/0 with a roll call vote: Berthiaume- yes, Hicks-yes Howard-yes, Pepe-yes, Woodbury-yes

Review & Act on the Appeal of the Animal Control Officer's Determination of a Vicious Dog - Pursuant to Article 9A, Section 3 of the General Bylaws

A motion to open the public hearing at 6:36 pm (Pepe/Howard) passed 5/0 with a roll call vote: Berthiaume- yes, Hicks-yes Howard-yes, Pepe-yes, Woodbury-yes

Animal Control Officer (ACO) Joelyn Durgin asked the Board to allow the Complainant, Kevin MacMillan to speak at this time since his phone battery is low.

Kevin MacMillan, 24 High Street reported that Christopher Paulin's dog (Puca) attacked his dog leaving him with serious bite wounds. The first attack occurred across the street from 24 High Street and the second one it was in front of 24 High Street.

Christopher Paulin, 26 High Street said his dog Puca is not a vicious dog. The dog goes to doggie daycare regularly and there have been no issues with dogs or people, yet for some reason Puca does not get along with Mr. Macmillan's dog. He indicated that Puca bit the dog on the first occasion but said he did not bite the second time. Dr. Hicks noted that anytime a large dog attacks a small dog it is concerning.

ACO Durgin said she was notified of two attacks by the by the victim's dog veterinarian and was concerned that Mr. Paulin was walking Puca at the time and was not able to restrain him. She observed some anxiety issues with Puca and would like to work with Mr. Paulin to provide training suggestions since anxiety could lead to further bite issues. She wants to ensure that when the dog is out of his home, he has a humane muzzle and a proper restraint such as a harness and collar.

Mr. MacMillan said his dog has been tormented and is afraid to go outside. ACO Durgin said she will work with him to provide tips to help alleviate his dogs fear.

Mr. Pepe asked for clarification on the first attack. Mr. MacMillan said he was walking his dog on sidewalk in front of 27 High Street when Mr. Paulin stopped to tie his shoe and Puka got loose and attacked his dog.

ACO Durgin recommends that the dog owner of Puca abide the following regulations in Section 3 of Article 9a of the General Bylaws:

1. Obtain bite insurance (this requires the dog owner to present the Town Clerk with proof of a \$100,000 bite insurance policy to cover any bites or damage).
2. The dog must wear a humane muzzle when out in public.
3. The dog must be restrained when off property with a proper tensile weight leash and collar, and/or harness.

There was some discussion on the designation of “vicious versus “dangerous”. ACO Durgin noted that the designation of a dangerous dog is better in this case, since the dog did not attack a human. Chief Darrin agreed that is the appropriate designation. Ms. Berthiaume asked how long Puca has been in Spencer. Ms. Durgin was unsure since the dog has not been licensed. Dr. Hicks asked why dog was not licensed. Mr. Paulin said he was waiting for this hearing and the Board’s decision prior to licensing. The dog is up to date on rabies vaccinations. Dr. Hicks advised Mr. Paulin to go to the Town Hall and license the dog ASAP. Mr. Woodbury pointed out that dogs are required to be licensed by June 1st each year and this dog has been unlicensed for two years.

A motion to accept the recommendation of ACO Durgin regarding the dog (Puca) and require that the dog be licensed in the Town of Spencer no later than March 1, 2020 (Pepe/Berthiaume) passed 5/0 with a roll call vote: Berthiaume- yes, Hicks-yes Howard-yes, Pepe-yes, Woodbury-yes

A motion to close the public hearing at 6:55 pm (Woodbury/Pepe) passed 5/0 with a roll call vote: Berthiaume- yes, Hicks-yes Howard-yes, Pepe-yes, Woodbury-yes

Review and Act on Post-Storm Cleanup Issues and Consider Bylaw to Prohibit Vehicles in a Public Way after a Snow Event

Chairman Hicks had a discussion with Highway Foreman Eben Butler regarding vehicles and trailers parked on the street which are impeding snow clearing. This creates multiple issues including damage to plows. He pointed out that while the Highway Department does an exceptional job clearing the snow, they cannot clear the areas surrounding parked vehicles and suggests making a requirement to move vehicles from the street within 48 hours after a storm to allow for proper snow removal.

Mr. Gregory said he recognizes the challenges with snow removal and indicated that Article 6, Section 5 of the General Bylaws allow for the removal of any vehicle interfering with the snow removal. He suggested an amendment to include language that anyone parking on a public way or in a municipal lot must clear out within 24 hours of a snowstorm and failure to do will result in vehicle removal. Chief Darrin said Spencer has been gracious with the Snow Removal Bylaw. He said if he is contacted by the Highway Foreman, his Department will reach out to the resident or have the vehicle towed. Unaccompanied trailers on a public way should be subject to towing and he will work with the Administrator on language for an amendment to the General Bylaws. Mr. Butler said he wants people to move their vehicles, rather than having them towed. His issue is with some vehicles that have been on the street

all winter. Mr. Woodbury mentioned that when the Highway Crew is required to go back out to remove snow, it is an additional expense for the Town. He also said that when cars are buried in snow, the plows could cause damage to the vehicles.

A motion to amend Article 6, Section 5 of the General Bylaws to address snow cleanup issues (Pepe/Woodbury) 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

Mr. Shemeth, 6 Dale Street said he would like to see a plan for getting homebound residents vaccinated.

Health Agent Daoust reported:

- There are currently 686 confirmed Coronavirus cases in Spencer, with 30 active.
- The Town was moved from the red zone to yellow zone due to the reduction in cases.
- Spencer has partnered with Rutland to vaccinate residents aged 75 and over and appointments will be available to residents aged 65 and over in the near future.
- The Department of Public Health informed her that vaccines will no longer be provided to local Health Boards.
- The public health nurse has been asked to provide vaccinations to homebound residents and Ms. Daoust is waiting for an answer.

Dr. Hicks suggested hiring a retired nurse to assist the homebound and create a temporary position to inspect businesses and ensure they are complying with the law. Ms. Daoust said she is performing inspections daily to restaurants and stores.

Mr. Gregory noted that vaccines are being provided to mass vaccination sites and pharmacies. Senior Center Director Woodbury said the State is redirecting vaccines from hospitals and others local facilities to provide to the mass vaccination sites and the Massachusetts Council on Aging is advocating for vaccine sites closer to home.

Town Administrator's Report

FY2022 Budget Filing – Fiscal Projection #1

Mr. Gregory noted two new positions in the FY2022 Budget which include a new facilities maintenance lead with salary and benefits at \$65,000 and a parttime recording secretary (nonunion) for ODIS at \$16 per hour for 15 hours per month.

Budget numbers used for the SEBRSD FY20202 Assessment were those presented by the District on February 5th, which reflected a 4% increase over FY2021 and amounted to \$364,055. Mr. Gregory was able to meet the minimum operating assessment but not the total increase and was short in meeting the request by \$82,000. He recently received a

revised version from the District which increased the Assessment by 6.8% and amounted to \$621,692 and said that the Town cannot meet this number without drastic reductions.

Dr. Hicks asked Mr. Gregory to provide the SEBRSD Operating Assessment for the past three years, along with a projection for next year. He also asked him to convey to the District the ramifications this figure will have on the Town and noted that a Proposition 2 ½ Override may be necessary.

FY2022 Capital Budget Summary

Mr. Gregory reported that capital items over \$10,000 are presented to the Capital Improvements Planning Committee (CIPC) each year for their review, ranking and funding recommendation. He reviewed the 5-year Capital Plan which includes requests for electronic permitting software implementation for ODIS and upgrades for library, public safety, public works, sewer, and parks and recreation facilities. There is currently \$925,000 in free cash, however with snow and ice and other yearend deficits, he estimates that balance will be reduced to \$725,000.

Citizen's Input

Bill Shemeth urged the Board to request that the State reestablish vaccine clinics locally.

Board Member and Staff Comments

Mr. Pepe pointed out that there are many good projects and developments taking place to move the Town forward.

Adjournment

The meeting adjourned at 8:22 pm.

Respectfully submitted,

Brenda Savoie
Executive Assistant

Referenced documents: Rapsallion Alcohol License Application, FY19 Community Development Block Grant Program Ad, Vicious Dog Appeal, FY2022 Budget Fiscal Projection #1 , FY2022 Capital Budget Summary