



Minutes of the Meeting of the Board of Selectmen

Date: March 8, 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
Ms. Berthiaume and Mr. Pepe were absent.
Also remote: Health Agent Daoust, Fire Chief Parsons, Police Chief Darrin

Chairman Hicks called the meeting to order at 6:03 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 February 22, 2021

A motion to approve the meeting minutes of February 22, 2021 (Howard/Woodbury) passed 3/0 with a roll call vote: Hicks-yes Howard-yes, Woodbury-yes

Citizens Input

Denise LaCroix, Charlton Road, said she contacted the Attorney General's Office and received information relative to Massachusetts General Law which allows the Town to care for an abandoned or neglected cemetery. The Pine Grove Cemetery will be discussed later in the meeting.

William Shemeth, Dale Street, thanked Fire Chief Parsons and Health Agent Daoust for their work with getting senior residents vaccinated in Rutland.

Danielle Gebo, Brown Street, would like to fully open the Town and allow people to move about freely, noting her concern over depression and anxiety resulting from COVID-19 restrictions. She said people should have a choice whether or not to wear a mask. Dr. Hicks explained the restrictions are determined by the Governor and the Town cannot override these regulations.

Al Atchue, Meadow Road, expressed sincere appreciation to the Police, Fire, Board of Health and Health Agent Lisa Daoust, each member of the Select Board, former member Warren Monette, the Town Clerk's office, the Town Administrator's Office, the Library, and all other Town Offices for the extra efforts over this past year. He said at this time the Town Hall and Library should be fully open.

Bob Cirba, Summit Street, also wants to open the Town Hall and thanked Chief Parsons for his efforts with Coronavirus vaccinations.

Jonathon Viner asked when the Boards and Committees will resume in person meetings and asked to be kept up to date on the Planning Board Account audit.

Review and Act on Coronavirus / COVID-19 Response

Health Agent Daoust reported:

- There are currently 730 confirmed Coronavirus cases in Spencer, with 19 active.
- Residents may dial 211 for the DPH call center.
- Residents may call her if they need assistance booking a vaccine.
- Rutland is allocating vaccines for homebound Spencer residents.
- SEBRSD staff will receive vaccines at the DPHS Clinic on March 15th.
- Howe Village and Prouty Senior Living residents have all been vaccinated.

Mr. Gregory asked the Board for their support with ending work-from-home rotation for employees. Partitions have been installed where needed for safety. He will provide a comprehensive reopening plan at the March 22nd meeting after a discussion with Town Counsel to determine how to safely reopen.

New Business

Review & Act on Meritorious Service Award Recipient for 2020

Administrator Gregory reported that Thomas Parker received three nominations for the 2020 Meritorious Service Award Recipient. Mr. Parker has a long record of service in many areas including the Finance Committee, Financial Management Task Force, Financial Management Planning Committee, and the Fire Department.

A motion to select Thomas Parker as the Meritorious Service Award Recipient for 2020 (Woodbury/Howard) passed 3/0 with a roll call vote: Hicks-yes Howard-yes, Woodbury-yes

Review & Act on Amendments to Existing Policies for Police Department: Use of Force; Crowds & Demonstrations; and Promotional Process

Chief Darrin reported that amendments to the Police Department policies on Use of Force and Crowds & Demonstrations are a result of the new Police Reform Bill and will take effect on July 1st.

Changes to the Use of Force Policy include the addition of several definitions and a requirement for the Police Department to make a public statement after use of force has occurred.

Changes to Crowds & Demonstrations Policy includes reaching out to a demonstration organizer in advance to discuss logistics and ways to avoid conflict as well as designate a de-escalation Officer.

Changes to the Promotional Process Policy include the elimination of a written exam and other changes that will allow promotions inside the Department to be within reach of junior Police Officers.

Mr. Gregory said that since these are existing policies, the Board can take action at this time.

A motion to accept the amended Use of Force Policy (Woodbury/Howard) passed 3/0 with a roll call vote: Hicks-yes Howard-yes, Woodbury-yes

A motion to accept the amended Crowds and Demonstrations Policy (Woodbury/Howard) passed 3/0 with a roll call vote: Hicks-yes Howard-yes, Woodbury-yes

A motion to accept the amended Promotional Process Policy (Howard/Woodbury) passed 3/0 with a roll call vote: Hicks-yes Howard-yes, Woodbury-yes

The Board thanked Chief Darrin for his efforts.

Review & Act on the Board of Selectmen's Revised Cable Advisory Committee Charge for the 2023 Charter License Renewal

Mr. Gregory noted that the Cable Advisory Committee Charge has been updated to reflect the dates for the upcoming Charter license renewal.

A motion to accept the revised Cable Advisory Committee Charge (Woodbury/Howard) passed 3/0 with a roll call vote: Hicks-yes Howard-yes, Woodbury-yes

Review & Act to Appoint the non-voting Select Board Liaison to the Cable Advisory Committee per the Cable Advisory Committee Charge

A motion to appoint John Howard as the non-voting Select Board Liaison to the Cable Advisory Committee (Woodbury/Hicks) passed 3/0 with a roll call vote: Hicks-yes Howard-yes, Woodbury-yes

Review and Act to Change the Town Clerk Position from Elected to Appointed

Mr. Woodbury said he asked the Administrator to research the process to change the Town Clerk Position from Elected to Appointed noting that it may be better for the Town to have this position appointed. Chairman Hicks agreed it merits discussion and he wants a full Board to be present and weigh in. This will be discussed at the March 22nd meeting.

Mr. Gregory reported that Town Council advised that there are two possible ways to accomplish this:

1. General Laws, Ch. 41, Sec. 1B allows a town to make this change. The statute requires that the change first be approved at Town Meeting (either Annual or Special) and then at an Annual Town Election. The Town Meeting vote must occur at least sixty (60) days prior to the date the question will appear on the ballot.

2. Special Legislation – Town Meeting may authorize by majority vote the filing of special legislation (home rule petition) which puts it in the hands of the State Legislature.

Dr. Hicks pointed out that Lisa Johnson was appointed as Town Clerk after Laura Torti resigned in August and was well qualified to handle the operations of the Office, the concern is an unqualified person may potentially run for the position and be elected without any qualifications. Mr. Howard agrees that it is better for the position to be appointed.

Mr. Woodbury noted that several positions, including the Town Administrator, Fire Chief, and Police Chief are appointed with no residency requirements and believes it makes sense to change the Town Clerk position.

Review and Act on Pine Grove Cemetery Citizen Petition to Place Nonbinding Ballot Question on the Annual Town Election Ballot

Dr. Hicks owns burial plots at Pine Grove Cemetery therefore he recused himself from the discussion.

Lyne Stevens, representing Pine Grove Cemetery explained the need for financial assistance to care and maintain the Cemetery. A Citizen Petition to Place a Nonbinding Ballot Question on the Annual Town Election Ballot was submitted to the Town Clerks Office and they are requesting the Board's approval to place on the Ballot. Ms. Stevens explained the Cemetery funds are dwindling and there is only a limited amount in the perpetual care fund and unable to sustain the expenses. Pamphlets were mailed to residents requesting assistance. Mr. Woodbury asked about the \$123,000 in the Cemetery Restricted Fund account and said a clear Title is required prior to the consideration by the Town to acquire the property. Ms. Stevens said there is \$17,000 remaining in the Restricted Fund. Mr. Woodbury said he will discuss the financials with Ms. Stevens offline.

Mr. Shemeth suggested it the Open Space Plan may allow for grants to be obtained to assist the Cemetery.

Mr. Gregory reported that procedurally the Town may acquire the Pine Grove Cemetery with a two-thirds majority vote at Town Meeting and will need to appropriate the funds, however, a clear Title to the property is required. He noted his concern with taking on additional property responsibilities given the difficulty the Town is facing to properly maintain municipal buildings. Furthermore, the Town owns the Old Cemetery and does not have the funds to maintain.

Ms. Stevens will research the process to obtain a clear Title. The Board will discuss at the next meeting.

Town Administrator's Report

FY2022 Budget Update & Review of Calendar

Mr. Gregory received the SEBRSD Budget Version 3 which appropriates the use of COVID-19 relief funds to reduce the minimum local contribution (MLC) to member towns. Spencer's MLC contribution is reduced by \$210,245, however with the increase in the operating assessment, the net result is a deficit of \$118,000 to meet the Districts request.

Mr. Woodbury asked if the \$210,245 reduction is a onetime decrease. Mr. Gregory said it is only for FY2022 and his is concerned that FY2023 will be unsustainable for the Town.

Mr. Gregory reminded the Board that at the November Special Town Meeting \$251,740 was appropriated from taxation to the Stabilization Fund and \$50,000 was appropriated from taxation to the OPEB trust. This occurred after the SEBRSD reduced their assessment in the fall and was a onetime appropriation which was used to fund onetime expenses. Dr. Hicks and Mr. Woodbury have additional questions and will meet with Mr. Gregory for further clarification.

Citizen's Input

Matt Defosse, Paul's Drive, said he agrees the Town Clerk position should be appointed to attract the best candidate.

Jonathon Viner asked if a change in the Town Clerk position will require a change to the Spencer Governmental Act since changing the Planning Board to elected necessitated a change to the Governmental Act. Mr. Gregory will research and respond.

Adjournment

The meeting adjourned at 8:05 pm.

Respectfully submitted,

Brenda Savoie
Executive Assistant

Referenced documents: Meritorious Nominations; Police Department Policies on Use of Force, Crowds & Demonstrations, and Promotional Process; CAC Charge; Pine Grove Cemetery Citizens Petition and Financials; FY2022 SEBRSD Budget Version 3; FY2022 Budget Calendar