



Minutes of the Meeting of the Board of Selectmen

Date: April 12, 2021
Time: 6:00 p.m.
Place: Audioconference Broadcasted Live from McCourt Social Hall
Memorial Town Hall, Spencer, MA
Remote: Chairman Hicks, Vice-Chair Woodbury, Clerk Howard, Members Berthiaume
and Pepe, and Administrator Gregory
Also remote: Health Agent Daoust

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 March 22, 2021

A motion to approve the meeting minutes of March 22, 2021 (Pepe / Woodbury) passed 5-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Citizens Input

None at this time.

New Business

6:05 - Public Hearing – Review & Act on an Alcohol Beverages License Application from Miguel A. Perez for a transfer of and All-alcoholic Beverages Pouring License for Tulence, Inc., d/b/a Mexicali Grille, located at 117 Main Street

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

Mr. Miguel Perez of Tulence, Inc. was present to explain the background behind the request to transfer the license stating that there has been a change in corporations. When asked about the status of the restaurant renovations, Mr. Perez stated that COVID-19 has delayed the construction, but that the renovations will eventually proceed.

Ms. Lucy White (5 Wall Street) spoke in support of the restaurant.

Mr. Todd Miller (Town Planner) spoke in support of the restaurant.

Mr. Pepe spoke in support of the restaurant.

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

A motion to approve the license transfer (Pepe / Berthiaume) passed 5-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Review & Act on a Common Victualler License Application from Keith Bell, KRG Pizza, LLC, for a Domino's Pizza pick-up and delivery service located at 13 Pleasant Street

Mr. Keith Bell was present to present his request for a Common Victualler licenses.

Dr. Hicks inquired about the lighting plan for the establishment, and Mr. Bell said he would need to verify the plans to speak specifically about the actual lighting plan.

A motion to approve the Common Victualler License (Pepe / Woodbury) passed 5-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Review & Act on the Request from Dogfather Vending LLC for an Entertainment License to Hold a Food Truck Festival & Craft Fair at the Spencer Fairgrounds on August 7, 2021 from 12 pm to 5 pm

Mr. Mark Gallant was present to present his request for an Entertainment License.

Board members expressed a desire to extend the hours for the event to accommodate the expected crowd.

Mr. Gregory explained that the applicant is aware that he will need to comply with whatever COVID-19 restrictions are in place at the time. The applicant acknowledged this point.

A motion to approve the Entertainment License from 11AM to 8 PM (Pepe / Woodbury) passed 5-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Request to Authorize the Interim Town Clerk to Provide Assistance during the Transition to the Elected Town Clerk

Mr. Gregory provided a cost estimate stating that to allow Ms. Johnson to stay on for an additional two (2) weeks would cost \$2,300 in salary and approximately \$1,500 in health and dental benefits for the month of July/.

A motion to approve the request with a minimum of two (2) weeks up to a maximum of four (4) weeks (Howard / Woodbury) passed 5-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Review Procedure for Temporary Town Clerk for Annual Town Meeting

Dr. Hicks explained the requirement to appoint a Temporary Town Clerk for the purposes of recording the minutes of the Annual Town Meeting, adding that he had received confirmation from Ms. Laura Torti earlier in the day that she can assist. Dr. Hicks asked that her name be brought forward for a vote by the Board of Selectmen at the April 26, 2021 meeting. Her nomination will then need to be presented to Town Meeting and voted on May 6, 2021.

Discuss Polling Hours for May 11th Annual Town Election – Interim Town Clerk Lisa Johnson

Interim Town Clerk, Lisa Johnson was present to request that election hours be held between 12 noon and 8 PM on May 11, 2021. After some discussion, the Board asked that the matter be brought forward to the Board for a vote at the April 26, 2021 meeting.

Status Update on Major Projects and Outreach - Town Planner Todd Miller

Mr. Todd Miller, Town Planner, was present to provide a brief update adding that the appeal to the Zoning Board's decision to permit a CVS at the corner of Main and Pleasant Street is still being adjudicated in land court. He explained that he had reached out to Mr. Peter Venuto, the primary contact for the Sugden redevelopment. The Lake Street School senior housing project is paused at the moment as a legal matter is being addressed. The Commonwealth had just recently issued a provisional approval to the Town's Open Space and Recreation Plan. Mr. Miller also commented on the need to expand sewer capacity to attract new business to town. The Green Communities designation grant implementation is nearing completion. The Spencer Street Party will not take place in 2021 but is planned to take place in 2022.

Mr. Pepe emphasized the need to resurrect the general effort to revitalize the downtown area.

Review and Act on Request to Accept Insurance Advisory Committee (IAC) Recommendation for FY2022 Dental Insurance Plan

Referencing the spreadsheet in the Board's packet, Mr. Gregory explained that the Insurance Advisory Committee met on March 22, 2021 and recommended that the Board of Selectmen transition to the MIIA dental insurance product for active and retired employees as it offers the same plan design and same network of dentists as the existing Altus plan. The transition would save \$3,265 per year (split between the Town and the subscribers). There is also a 2-year rate guarantee with the MIIA product.

A motion to approve the IAC recommendation (Berthiaume / Pepe) passed 5-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Review & Act to Hold the May 6, 2021 Annual Town Meeting in the DPHS Gymnasium

A motion to hold the May 6, 2021 Annual Town Meeting at the David Prouty High School McDonough Gymnasium (Howard / Woodbury) passed 5-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Review & Act to Accept the Resignation of Town Administrator Thomas Gregory

Mr. Gregory expressed his appreciation to the Board of Selectmen for putting their confidence in him these past three years, adding that he hoped that he had been able in some small way to advance the initiatives that the Board has been addressing. He expressed his gratitude for the opportunity to have worked alongside so many dedicated employees and thanked the volunteer Board and Committee members adding that the successes in town are the outcome of many individuals working toward the same goal.

Mr. Gregory referenced the written notice of contract termination dated April 6, 2021 indicating that his last day of employment with the Town will be June 6, 2021 and his last day in the office will be either May 20 or May 21, 2021.

A motion to accept the Resignation of Town Administrator Thomas Gregory (Pepe / Woodbury) passed 5-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Review & Act on Town Administrator Performance Evaluation

After some discussion, the Board reached consensus to pass over this year's evaluation of the Town Administrator given the current circumstances.

A motion to pass over this year's TA evaluation (Woodbury / Pepe) passed 5-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Review & Act on Interim Town Administrator & Possible Appointment

Dr. Hicks explained that he had reached out to William Ross who had served for six (6) months as the Interim Town Administrator in 2017-2018. After some discussion, the Board reached consensus on requesting that the Chairman negotiate an agreement with Mr. Ross, citing their acknowledgement that Mr. Ross knows the Town well as well as the various projects currently underway.

A motion to authorize the Chairman to enter into negotiations with Mr. Ross (Pepe / Berthiaume) passed 5-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Review & Act on New Town Administrator Hiring Process

Mr. Gregory provided a brief overview explaining that there are various firms that handle Town Administrator / Town Manager recruitment. These firms, in his opinion, are worth the money as they help guide the municipality through what is typically a lengthy process. They also help ease the administrative burden that comes along with the search. Mr. Gregory added that the firms assist with the typical screening and finalist interviews, working alongside the screening committee that the Board would select.

When asked how this could be funded, Mr. Gregory explained that he could place an article on the Annual Town Meeting Warrant requesting an appropriation of \$10,000 from Free Cash to fund recruiting services.

Mr. Woodbury asked that the Administrator ensure that all of the firms have been solicited so that the Board could review the proposals as soon as possible.

A motion to authorize the Administrator to place a \$10,000 appropriation article from Free Cash on the Annual Town Meeting Warrant for TA recruiting services (Howard / 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

Health Agent, Lisa Daoust, was present to explain that there have been 141 confirmed cases in Spencer with 8 active cases in town at the moment. Ms. Daoust advised that there will be a vaccine clinic in Rutland from April 19th to April 22nd at 86 Maple Avenue from 9 AM to 5 PM and that the public may register by using this website: www.rrecc.us/vaccine or by calling Ms. Daoust at 508-885-7500 ext. 126.

On April 20th the second round of vaccines will be made available to the homebound population in town.

****Mr. Pepe departed the meeting at 7:00 PM.****

Review & Act on Plan for Reopening the Town Hall on April 20, 2021

Referencing the Town Hall Re-Opening Plan in the Board packet, Mr. Gregory explained that Town Hall will open to the public fully on Tuesday, April 20, 2021. All the expected COVID-19 safety precautions and sector-specific requirements will be adhered to. An abundance of signage in the building will remind the public about these required precautions.

A motion to approve the Town Hall Re-Opening Plan as presented by the Administrator (Woodbury / Howard) passed 4-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Woodbury-yes

Review & Act on Plan for Limited Reopening of the Senior Center on May 3, 2021

Ms. Woodbury, Senior Center Director, was present to describe the safety and operational precautions to be put in place for the Senior Center to open on a limited basis on May 3, 2021. Ms. Woodbury added that tents will be erected outside as they were last year to encourage outdoor activities whenever possible.

A motion to approve the limited opening of the Senior Center on May 3, 2021 (Howard / Berthiaume) passed 4-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Woodbury-yes

Review & Act on Plan for Limited Reopening of the Library on May 3, 2021

Ms. Donahue, Library Director, was present to describe the safety and operational protocols to be put in place for the Library to open on a limited basis on May 3, 2021. The curbside program will continue, and some programs will be held outside when possible. The children's section will open at a later date.

A motion to approve the limited opening of the Library on May 3, 2021 (Woodbury / Howard) passed 4-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Woodbury-yes

Old Business

Report on the Planning Board Revolving Account Audit

Dr. Hicks explained that there were specific tasks that the Board had intended for the auditor to accomplish that were not included in the original agreement, such as the FY2020 transactions and specific testing of revenue into the Planning Board and compliance with the ODIS fee schedule. Dr. Hicks and Mr. Woodbury re-assured the public that a second phase of this audit will uncover unpaid or insufficient fees paid by solar developers that will justify the additional cost of \$2,000 in audit services, and that the Town will be made "whole" once it is determined how much has not been properly collected. Mr. Woodbury thanked Mr. Jonathan Viner for his detective work and for encouraging the Board of Selectmen to pursue this audit.

A motion to approve additional audit services from Melanson in the amount of \$2,000 (Howard / Woodbury) passed 4-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Woodbury-yes

Town Administrator's Report

FY2022 Budget & Capital Update

Mr. Gregory explained that the Spencer-East Brookfield Regional School District (SEBRSD) School Committee will be voting on Tuesday potentially to reduce the Town's FY2022 assessment by an additional \$93,000. Mr. Gregory explained that with the reduction, the Town now has the ability to fund the full time Facilities Maintenance Lead, the e-Permitting

software acquisition and maintenance costs, as well as a modest increase to the snow and ice accounts.

Dr. Hicks expressed a concern about the potential increase in the FY2023 SEBRSD budget and what that may mean for Spencer, especially after the one-time federal COVID funds dry up.

Mr. Gregory thanked the Capital Improvements Planning Committee (CIPC) for their work reviewing in detail the FY2021 capital requests for each of the departments.

With respect to capital requests, Mr. Woodbury emphasized that the Town must focus on needs versus wants.

Review Budget Calendar

Mr. Gregory reviewed the upcoming meetings, adding that the Board will vote to close and sign the Warrant on Thursday evening; the Finance Committee's public hearing on the FY2022 budget will take place next Tuesday, April 20, 2021 at 7PM. The Annual Town Meeting will take place on May 6, 2021 and the Annual Town Election will take place on May 11, 2021.

Citizen's Input

Mr. DeFosse (7 Pauls Drive) expressed his happiness that the library will soon be opening. He also commented on the salt storage building asking how the cost was determined. Mr. Gregory explained that Bayside Engineering had drafted this cost estimate a couple of years ago. Mr. DeFosse also referenced a building in Route 56 in Leicester that might serve the purpose of a salt storage facility that was built for far less than the \$1M cost estimate. Mr. Gregory added a cautionary remark that private construction does not require prevailing wage rates. These wage rates make public construction projects very expensive.

Mr. Jonathan Viner (34 Donnelly Cross Road) stated his desire for boards and committees to be able to meet in person as soon as possible. Mr. Gregory explained that so-called hybrid public meetings where the members are physically present but the public is participating remotely can take place. Mr. Gregory added that he would need some time to vet this fully with Town Counsel on the legal side as well as operationally to ensure that McCourt Hall is routinely disinfected. Mr. Viner insisted that something be brought forward to the April 15, 2021 Board meeting.

Mr. Frank White (35 R. Jones Road) called expressing his desire for boards and committees to be able to meet in person soon.

Board Member and Staff Comments

Dr. Hicks asked for a moment of silence for Linda Gould, a former employee of the SEBRSD.

Dr. Hicks noted the recent passing of Dr. Maclin.

Dr. Hicks expressed his disappointment that the Five Loaves bakery had recently shut down; as well as his happiness that Haymakers Grille has opened.

Adjournment

A motion to adjourn at 8:40 PM (Woodbury / Howard) passed 4-0 with a roll call vote: Berthiaume-yes, Hicks-yes, Howard-yes, Woodbury-yes

The meeting adjourned at 8:40 PM.

Respectfully submitted,

Thomas Gregory
Town Administrator

Referenced documents: License Applications from Mexicali/Tulence, Dominos Pizza, and Dogfather Vending LLC; Temporary Town Clerk Procedure; FY2022 Dental Insurance Plan; TA Resignation; Town Hall Reopening Plan; FY2022 Budget & Capital Plan; Budget Calendar