



## Minutes of the Meeting of the Board of Selectmen

Date: June 14, 2021  
Time: 6:00 p.m.  
Place: McCourt Social Hall  
Memorial Town Hall, Spencer, MA  
Present: Chairman Woodbury, Vice-Chair Howard, Clerk Grigg, Member Howard  
Remote: Member Pepe

Chairman Woodbury called the meeting to order at 6:05 p.m. and led the Pledge of Allegiance.

Chairman Woodbury announced that the public may dial into the meeting remotely and that Selectmen Pepe is participating remotely in accordance with Regulation 940, CMR 29.10 of the Open Meeting Law all votes will be taken by roll call.

### **Request for Executive Session under Mass General Laws, Chapter 30A, 21(a) (3), to discuss strategy with respect to litigation in the matter of S-Bank LLC v. Town of Spencer, Worcester Superior Court, C.A. 19-1067D**

*A motion to enter into executive session at 6:05 pm under Mass General Laws, Chapter 30A, 21(a) (3), to discuss strategy with respect to litigation in the matter of S-Bank LLC v. Town of Spencer, Worcester Superior Court, C.A. 19-1067D (Hicks/Howard) passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Pepe -yes, Woodbury-yes*

Chairman Woodbury announced that the Board will reconvene in open session.

The Board reconvened from Executive Session at 6:33 pm.

### **Review and Act on Meeting Minutes of May 10 and May 24, 2021**

Dr. Hicks noted there were some errors in the May 24<sup>th</sup> minutes which include a correction on page three to reflect a meeting between Chairman Woodbury and Dr. Hicks with National Grid, Verizon, and Charter, and on page seven there were a cluster of typos which have also been corrected.

Mr. Pepe noted that page one of the May 10<sup>th</sup> minutes incorrectly indicated that he was in favor of a search committee to select candidates for the new Town Administrator and he clarified that he wants Community Paradigm to bring the final candidates to the Board. The correction will be made.

*A motion to approve meeting minutes of May 24<sup>th</sup> as amended (Hicks/Howard) passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Pepe -yes, Woodbury-yes*

*A motion to approve meeting minutes of May 10<sup>th</sup> as amended (Hicks/Howard) passed 4/0 with roll call vote: Hicks-yes, Howard-yes Pepe -yes, Woodbury-yes, Grigg-abstained.*

## **Citizens Input**

Kurt Nordquist, Gale Drive, said that Transfer Station stickers are available on July 1<sup>st</sup>. He noted the average cost is \$258 per year, compared with \$604 for curbside pickup. Dr. Hicks pointed out that furniture and electronics can also be brought to the Transfer Station for disposal for a reasonable fee.

Danielle Gebo, Brown Street, said the Town needs integrity in its elections. She made several statements including: three different election reports with numbers did not match; ballot machines are Dominion machines and LHS, a New Hampshire based election services company provided preprogrammed ballot cards to Spencer and an out-of-state company should not be programming the Town's ballot cards; and the certified election results are inaccurate. She also said she notified the Office of the Secretary of State of her concerns and was told to file a lawsuit against the Town.

Denise LaCroix, 182 Charlton Road, said her request to be on the agenda to discuss Pine Grove Cemetery was denied and should not have been. Her concern is that the Citizens Petition question was changed and according to MGL Chapter 39, Section 10, the petition must be placed on the ballot exactly as worded and that Carol and Beth McPherson are also concerned. She is calling the Attorney General's Office to see what can be done. Dr. Hicks indicated that Town Counsel advised that the language needed to change since it was not in the form of a question and there was no available funding source. He explained it was not the intent to upset anyone and apologized that she and others are upset. A Pine Grove Cemetery Study Committee will be formed to determine a funding source.

Chairman Woodbury discussed the concerns surrounding the Citizen's Petition with Town Counsel and said if a Citizen's Petition is not correct, the Town should not intervene, however in this case they did. He noted that a clear title needs to be provided and all questions answered prior to having the Town takeover the Cemetery. Mr. Ross stated that the individual who submitted the petition could have been contacted to work out the proper language.

Bill Shemeth said as Town Moderator he is guided by Town Counsel opinion and acts on what is on the Warrant; in the future he will keep the language as placed on a Petition by the citizens. He also noted that public involvement in the new Town Administrator search process will be better for the community.

Jonathan Viner, 34 Donnelly Cross Road, said he noticed the Highway Department doing extra paving work at 31 Donnelly Cross Road to prevent stormwater from running onto that property and asked if the paving contractor is being billed for the work; this is the third time work has been done on that property since the road was paved. Mr. Viner said he submitted a Citizens Petition a few years ago and asked the status. He also asked about an update on his public records request. Mr. Ross said he will send a response on to the request on Tuesday morning.

Matt Defosse, 7 Pauls Drive, would like to have Planning Board meetings televised. He also asked about the front doors to Town Hall being locked. Mr. Ross will ensure the doors are unlocked.

### **Old Business**

#### **Final Update on the Entertainment License for Keith Kerrigan, Terptown Throwdown for a Live Music/Art Festival & Reggae Cannabis Awards Event on August 20 & 21 of 2021 at the Spencer Fairgrounds (previously approved on 4/26/21)**

Chairman Woodbury said he wanted to ensure that Board Members all approve of allowing the Terptown Throwdown event to move forward and pointed out that there are no COVID-19 restrictions.

Mr. Pepe said his only concern is with marijuana consumption on site, otherwise he is fine with the event moving forward. Chief Darrin is aware and police details and security will be on duty at the event.

### **New Business:**

#### **Review and Act on Request from Daniel Hayes for an Entertainment License for Rice-O-Rama Motorcycle Show & Swap on September 12, 2021, at the Spencer Fairgrounds**

*A motion (Hicks/Howard) to approve the request from Daniel Hayes for an Entertainment License for the Rice-O-Rama Motorcycle Show & Swap on September 12, 2021, at the Spencer Fairgrounds passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Pepe -yes, Woodbury-yes*

#### **Review and Act on Request from Daniel Hayes for a Sunday Entertainment License for Rice-O-Rama Motorcycle Show & Swap on September 12, 2021, at the Spencer Fairgrounds**

*A motion (Hicks/Howard) to approve the request from Daniel Hayes for a Sunday Entertainment License for Rice-O-Rama Motorcycle Show & Swap on September 12, 2021, at the Spencer Fairgrounds passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Pepe -yes, Woodbury-yes*

#### **Review and Act on Request from Robert Leduc for a One-day Alcohol License for Rice-O-Rama Motorcycle Show & Swap on September 12, 2021, at the Spencer Fairgrounds**

This item was passed over until the July 12<sup>th</sup> meeting.

#### **Review & Act on the Scope of the Pine Grove Cemetery Acquisition Study Committee**

Dr. Hicks recused himself from the discussion as a Pine Grove Cemetery property owner.

Chairman Woodbury said that the Board will need to develop a Pine Grove Cemetery Study Committee Charge and pointed out that there are many moving parts and it will likely be a long process. Mr. Ross asked the Board to forward their ideas to include in the Charge. In the meantime, residents interested in serving on the committee can notify the Executive Assistant. Volunteer forms are available on the Town website. Mr. Pepe said all expenses will need to be documented and brought to Town Meeting. Mr. Ross will create a draft Charge for the Board to review at the July 12<sup>th</sup> meeting.

### **Review & Act to Authorize the Town Administrator to File & Act as the Board's Agent to the Department of Revenue for the American Recovery Act Funding**

Mr. Ross reported that a sample form for the American Recovery Act Funding was provided in the Board's packet. He asked for the Board's authorization to allow him to file and act as the Town's agent. Since Spencer is a non-entitlement community, the funds come through the State and Federal rules require that the State provide the funds without additional regulations. The Town will receive \$3.75 million (over a two-year period) which can only be used for specific criteria; it cannot be placed in the budget or in reserve funds, or be used to supplement pension funds. He will research alternatives that meet the requirements and further discussion will take place at a future meeting.

*A motion to authorize the Town Administrator to act as the Board's agent for the American Recovery Act Funding (Pepe/ Hicks) 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Pepe -yes, Woodbury-yes*

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

Mr. Ross indicated that he has been working with National Grid on the double pole issue and recently participated in conference call with Verizon, Spectrum and National Grid. The utility pole lines are set up with electric on top, followed by cable and any municipal equipment, and the phone company is the lowest line. Verizon is ready to remove their equipment and Spectrum will need to remove theirs.

### **Citizen's Input**

Al Atchue, 98 Meadow Road, asked why Rapsallion Brewery is only allowed to have a few people inside at one time. Mr. Woodbury explained the capacity restrictions are based on the size of the building and only eighteen people are allowed at a time. Mr. Pepe said after they address the parking issues, they will look into expanding the operation.

Mr. Shemeth asked Mr. Ross to send Finance Committee Chair Mary Braney the details on spending the Coronavirus relief funds.

Carl Kwiatkowski, Meadow Road, asked about publishing the upcoming concerts at Powder Mill Park. Mr. Shemeth said extensive advertising will be done.

Mr. Viner asked about the status of the O’Gara Park building. Mr. Shemeth said due to supply delays, the work will not be complete until early September. Mr. Woodbury noted that the trench cannot be left open as it is a safety hazard and cited “Jackie’s Law”.

### **Board Member and Staff Comments**

Mr. Pepe would like an update on the Lake Street School project situation with the Women’s Institute requesting to sign their rights over to MHPI as soon as possible. Mr. Ross said he will discuss offline with Mr. Pepe due to Town Counsel involvement.

Mr. Grigg suggested that the Board hold a brainstorming session to discuss details on the CARES Act funding.

Dr. Hicks pointed out that not a single vote changed during the Town Clerk recount and he believes the Town has election integrity; nevertheless, he wants to resolve the concerns raised by Danielle Gebo and to ensure every vote is counted.

### **Adjournment**

*A motion to adjourn at 7:53 PM (Hicks / Howard) passed 5-0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes*

The meeting adjourned at 7:53 PM.

Respectfully submitted,

Brenda Savoie  
Executive Assistant

Referenced documents: Pine Grove Cemetery Non-Binding Ballot Question; Entertainment Licenses for Rice-O-Rama