



## **Minutes of the Meeting of the Board of Selectmen**

Date: July 12, 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 6:00 p.m. and led the Pledge of Allegiance.

### **Announcement Any members that are participating remotely in accordance with Regulation 940, CMR 29.10 of the Open Meeting Law**

Chairman Woodbury announced that Mr. Pepe is participating remotely in accordance with Regulation 940, CMR 29.10 of the Open Meeting Law, and as such all votes will be by roll call.

### **100<sup>th</sup> Birthday Certificate Presentation to Marguerite Hayes**

Marguerite Hayes was not able to attend the meeting. Chairman Woodbury and the Board wished her a happy 100<sup>th</sup> birthday.

### **Review and Act on Meeting Minutes of June 14, 2021**

*A motion to approve the minutes of June 14<sup>th</sup> (Hicks/Howard) passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Pepe -yes, Woodbury-yes*

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

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

### **Citizens Input**

Kurt Nordquist Gale Drive asked about the cost of work being done on sewer drains and said it will not allow for new customers or improve the system.

Bill Shemeth offered his thanks to the fire department and that recognizing their service is overdue. He suggests offering a bonus to all who served during Covid-19, including public safety, Council on Aging Director and Board of Health Agent. He also acknowledged that fees would increase for sewer users and asked the Board to work to obtain federal support to assist residents with their bills.

### **New Business**

## **Fire Department - Badge Pinning & Swearing-in Ceremony for Deputy Chief Corey Lacaire, Captain Brian Mathon, and Lieutenant Thomas Parsons**

Chief Parsons reported that Captain Lacaire was the number one candidate for the Deputy Chief position.

Deputy Chief Corey Lacaire was officially sworn-in by Town Clerk Sandra Fritze. His father, retired District Chief Donald Lacaire pinned his badge.

Captain Brian Mathon was officially sworn-in by Town Clerk Sandra Fritze. His wife, Meghan Mathon pinned his badge.

Lieutenant Parsons was officially sworn-in by Town Clerk Sandra Fritze. His mother, Darlene Parsons pinned his badge.

## **Review and Act on Request from Colin Foley Widowmaker Brewery for a 1-day Malt Beverages License for the Terptown Throwdown Event on August 20 and August 21 at the Spencer Fairgrounds**

*A motion to approve the request of Colin Foley, Widowmaker Brewery for a 1-day Malt Beverages License for the Terptown Throwdown Event on August 20 and August 21, 2021 at the Spencer Fairgrounds (Pepe/Howard) passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Pepe -yes, Woodbury-yes*

## **Review and Act on Request from David Shepard for a 1-day Malt Beverages License for the Rice-O-Rama Motorcycle Show & Swap on September 12, 2021, at the Spencer Fairgrounds**

*A motion to approve the request of David Shepard for a 1-day Malt Beverages License for the Rice-O-Rama Motorcycle Show & Swap on September 12, 2021, at the Spencer Fairgrounds (Hicks/Howard) passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Pepe -yes, Woodbury-yes*

## **Community Paradigm Associates, LLC – Update on Town Administrator Recruitment**

A special meeting will be held on July 19<sup>th</sup> with Community Paradigm Associates.

## **Review & Act on Next Steps for Town Administrator Search Process**

Discussion will take place on July 19<sup>th</sup>.

## **Discussion with Sewer Commissioners Regarding Meeting with Congressional Delegation on Wastewater Treatment System**

Superintendent James LaPlante, Frank White, and Larry Dufault were present.

Wright Pierce created an Inflow & Infiltration report. Mr. Default noted that the increased rain into the sewer system flowed in and out quickly and Mr. White said that sump pumps in over 200 household contributed to the large amount of inflow resulting in the need to treat clean water going into the sewer drains. There are 1,600 sewer users.

Chairman Woodbury said in addition to groundwater being treated as wastewater, the \$38 million dollar upgrade for the treatment system is insufficient and will not allow additional users to connect to the sewer system. Mr. Dufault said a 4-bedroom home can be connected, however large projects cannot be connected due to the sewer moratorium

Dr. Hicks said the plan is to meet with the Congressional Delegation virtually on July 17<sup>th</sup> to discuss potential federal assistance for rate payers and inflow and infiltration issues.

Mr. Ross noted that a portion of the COVID relief funds could go a long way to completing work on the sewer system.

After some discussion on the Wastewater Treatment Plant Upgrades, it was agreed that the meeting with the Congressional Delegation will include discussion on:

1. Inflow and Infiltration Reduction
2. Plant Renovation
3. Improve Aging Sewer Infrastructure

Mr. LaPlant and Mr. Dufault will create an information packet, including numbers to provide to the Congressmen.

### **Review & Act to Authorize the Interim Town Administrator to Notify the Women's Institute for Housing and Economic Development of Expiration of Option to Lease Agreement for Lake Street School**

Mr. Ross discussed the expiration of the lease agreement with the Women's Institute for Housing and Economic Development for the Lake Street School property with Town Counsel who advised that the Board authorize the Administrator to give notice of the expiration.

*A motion to authorize the Interim Town Administrator to notify the Women's Institute for Housing and Economic Development of the Expiration of Option to Lease Agreement for Lake Street School and to see if they have any further interest (Hicks/Grigg) passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Pepe -yes, Woodbury-yes*

### **Review & Act on FY2022 Board Liaison Assignments**

The Board reviewed the draft Liaison Assignment sheet for FY2022. Changes will be made as discussed and a final document emailed to the Board on July 13<sup>th</sup>.

### **Old Business**

## **Review & Act on Melanson CPAs Audit Recommendations for the Planning Board Revolving Account**

Mr. Woodbury reported that the Planning Board Revolving Account audit from Melanson CPAs is complete. Findings and Recommendations include:

- Planning Board receipt turnover forms should be signed by the department head in order to be in compliance with Town policies and procedures.
- Town By-Laws should be amended to indicate where Site Plan Review Fees are to be deposited.
- Planning Board expenditures should be approved by the Planning Board in order to be in compliance with Town By-Laws.
- Planning Board application fees should be calculated from fee schedules, reviewed by the department head, and tracked for each project.
- Fee collection should be monitored by the department head. This should include matching fees collected to their postings in the appropriate revenue accounts in the general ledger. Discrepancies should be resolved with the Accounting office.

Mr. Woodbury said the Town has the right collect the additional fees for any special permits fees which were not charged the accurate amount. Specific fees should clearly state where they should be deposited and go before the Planning Board for approval. He pointed out that \$446 in vouchers for memberships to a planning organization should have been signed by the Town Administrator and should be a requirement in the future.

Interim Administrator Ross will ensure turnover forms are signed by the Department Head and inform the Treasurer not to accept if they are not. He will draft a Bylaw for the Fall Town Meeting which will improve the process. Department Heads should be reviewing their monthly budget detail reports to ensure all accounts are properly balanced.

Mr. Pepe pointed out the issues are due to improper bookkeeping and not financial maleficence and agrees that the steps as discussed will improve the process moving forward.

Jonathon Viner, 34 Donnelley Cross Road said a former employee submitted and authorized his own reimbursement. Mr. Ross said that is not illegal, however a change can be made to prevent this in the future by having the Town Administrator sign off. Mr. Woodbury indicated that the expense should have come out of the ODIS account and not from the Planning Board account. Mr. Viner said the Town Planner did not have authority to expend from the Planning Board account and questioned why it is being treated causally. Dr. Hicks said it was a legitimate planning expense and should have been approved by the Planning Board. Mr. Ross will ensure that proper procedures and a Bylaw change will be created to prevent this from occurring in the future.

*A motion to accent the Melanson CPAs Audit report and to direct the Town Administrator to implement the corrections, including a bylaw amendment (Hicks/Howard) passed 4/1 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Pepe -yes, Woodbury-no*

Chairman Woodbury noted his reservations with accepting the report is due to errors in the amounts collected for fees.

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

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

The Board reviewed the draft Pine Grove Cemetery Acquisition Study Committee Charge. Mr. Ross outlined the membership composition and responsibilities.

Chairman Woodbury said completion by December 31, 2021, is an ambitious date.

Mr. Grigg would like the Charge to include a determination on how the perpetual fund failed to meet the long-term needs of the cemetery; cost projections for larger work such as trees, gravestone maintenance and vandalism.

Mr. Pepe said the committee composition should include a U & F member relative to care and maintenance of the cemetery. Mr. Grigg suggested the addition of a member of Mary Queen of the Rosary.

*A motion to approve the Pine Grove Cemetery Acquisition Study Committee Charge with additions as discussed (Pepe/ Howard) 4/0 with a roll call vote: Grigg-yes, Howard-yes Pepe -yes, Woodbury-yes, Hicks- abstained.*

Additional membership will include representatives from the Office of Utilities & Facilities, Finance Committee, Cemetery, and Mary Queen of the Rosary, which brings the total to nine members.

### **Review & Act to Appoint Members of the Pine Grove Cemetery Acquisition Study Committee Charge**

There are currently three interested residents. Finance Committee Chair Mary Braney will ask for a volunteer from the Finance Committee.

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

Mr. Ross reported:

- He may attend an MMA meeting on July 19<sup>th</sup> and if so, will not be available to physically attend the special meeting, however he will remote in from his home.

- He will be on vacation during the first week in August.
- He continues to work on the paving issue and is making progress.
- The new Conservation Agent, Lauren Trifone began work on July 6<sup>th</sup>.
- Progress is being made on the Deer Run subdivision.

### **Citizen's Input**

Kurt. Nordquist, Gale Drive expressed his concerns with the expense of the system upgrades and said they should not be funded by residents who do not have private sewer.

Carl Kwiatkowski, 114 Meadow Rd. asked if the sewer piping for Meadow Road can be installed at the same time the road is being paved. Mr. Woodbury asked the Sewer Commissioners to repair pipes in ground now, prior to the road paving.

Bob Cirba, 23 Summit St. questioned why the Planning Board Audit was not a forensic audit since the Board voted on that. Dr. Hicks explained a forensic audit was not done due to the cost.

Jonathon Viner, Donnelly Cross Road asked about driveway work being done on Donnelly Cross Road. Mr. Ross explained that the Town changed the conditions of the road which created water to drain onto that property, therefore the Town is responsible and has worked to resolve the issue. Mr. Viner said the Contractor did not do the work correctly and asked if the Town is being reimbursed for the cost of the work. Mr. Ross explained that since the Town set the standard and directed the work it is the Town's responsibility. Mr. Viner asked if a performance bond was obtained from the Contractor. Mr. Ross said a performance bond was never received, however specs indicated one was required and he is in the process of obtaining one from the Contractor; ultimately, the Town Administrator signed the contract and is responsible to ensure all documents are in order. He will put a procedure in place to prevent this from happening again.

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

Mr. Woodbury noted that Chief Parsons and Sandra Fritze were instrumental in the Town's COVID-19 response. Dr. Hicks agreed and recognized the efforts of COA Director Pam Woodbury as well. A onetime bonus may be in order.

### **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 executive session at 9:59 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 not reconvene in open session.

## **Adjournment**

The meeting adjourned at 9:59 PM.

Respectfully submitted,

Brenda Savoie  
Executive Assistant

Referenced documents: Pine Grove Cemetery Study Committee Draft Charge; 1-day Alcohol Licenses for Rice-O-Rama and Terptown Throwdown; FY 2022 Board Liaison Assignments; Melanson CPAs Audit Report and Recommendations; Women's Institute for Housing and Economic Development Lease Agreement for Lake Street School