

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

Date: August 16, 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, and  
Interim Town Administrator Bill Ross  
Mr. Pepe was absent

Chairman Woodbury called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

### **Request for Executive Session under Mass General Laws, Chapter 30A, 21(a) (3), to discuss strategy with respect to potential litigation if an open meeting may have a detrimental effect on the litigation position of the Town and the Chair so declares: Massachusetts Broken Stone**

*A motion to enter into executive session at 6:01 pm under Mass General Laws, Chapter 30A, 21(a) (3), to discuss strategy with respect to potential litigation if an open meeting may have a detrimental effect on the litigation position of the Town and the Chair so declares: Massachusetts Broken Stone (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes, Woodbury-yes*

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

The Board reconvened from Executive Session at 6:25 pm.

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

Chairman Woodbury announced that no members were participating remotely.

### **Review and Act on Meeting Minutes of July 12, July 16. & July 19, 2021**

*A motion to approve the minutes of July 12<sup>th</sup> (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

*A motion to approve the minutes of July 16<sup>th</sup> as amended (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

*A motion to approve the minutes of July 19<sup>th</sup> (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

### **Review and Act on Executive Session Minutes of June 14 & July 12, 2021**

*A motion to approve the Executive Session Minutes of June 14 and July 12, 2021, not to be released at this time (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

### **Introduction of New Council on Aging Director (COA), April Caruso**

Retired COA Director Pamela Woodbury introduced incoming Director April Caruso. Ms. Woodbury noted that Ms. Caruso was an to the Town in her previous role as COA Outreach Worker and was instrumental in ensuring homebound residents were fully vaccinated. Ms. Woodbury also thanked Chief Parsons for coordinating vaccine clinics for Spencer residents through the Town of Rutland.

### **Citizens Input**

None

### **New Business**

#### **6:00 p.m. Public Hearing – FY2021 Spencer Community Development Block Grant (CDBG) Program Application - John O’Leary from PVPC**

*A motion to open the public hearing at 6:35 pm (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

PVPC representative John O’Leary reported that they would like to submit a CDBG application on behalf of Spencer for the Valley and Mill Street infrastructure improvement project which will improve outdated infrastructure and the proposed replacement of water lines on Valley Street, installation of new fire hydrants, and connection of a new water line to adjoining streets to allow future improvements. Proposed surface improvements include roadway reconstruction, new or reset curb, sidewalks, and signage. The grant funding is for up to \$800,000 with the total estimated cost of \$1 million. The hope is for the Town to fund the difference, or phase in the additional amount of time.

Dr. Hicks asked why sewer infrastructure is not part of the project. Mr. O’Leary did not have the details on why sewer was excluded. Utilities & Facilities Superintendent Bill Cundiff pointed out that both the Sewer and Water Department were asked to provide feedback on this project. Mr. Grigg asked if sewer could be included in the next phase. Mr. O’Leary said it would depend upon the condition of the sewer infrastructure.

The hearing was opened to the public. Sewer Commissioner Frank White stated that there are issues with groundwater and not just the sewer pipes in the street. There were no other comments from the public.

*A motion to close hearing at 6:46 pm (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

*A motion to authorize PVPC to submit the proposed FY21 Community Development Fund grant application to DHCD in an amount not to exceed \$800,000 to include construction of the Valley & Mill Street Improvement Project and for the Chair of the Board of Selectmen to sign all required forms, documents and authorizations pertaining to the proposed FY21 Spencer Community Development Fund grant application (Grigg/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

**6:15 p.m. National Grid Pole Hearing – Act on Request of National Grid to Install (1) SO Pole on Paxton Road, Plan #30079035**

*A motion to open the public hearing at 6:47 pm (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

National Grid representative Laura Napolitano indicated that the request is for a new SO Pole at the intersection of Paxton Road and Lambs Grove to provide service to a new house at 155 Paxton Road.

Chairman Woodbury pointed out that there is service underground from pole #64 and asked about continuing that across to service 155 Paxton Road. Ms. Napolitano said it was addressed by the designer and the homeowner and this is the result of the final design.

Mr. Ross asked why the new pole was not going on private property. Ms. Napolitano said that primary service cannot be installed on private property and that legal questions were addressed in letter to Highway Foreman Eben Butler. There was some discussion on whether a private electric line will show up on dig safe reports. Mr. Butler said he does not object to the pole location since National Grid owns the line.

*A motion to close the public hearing at 7:01 pm (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

*Motion to approve Request of National Grid to Install (1) SO Pole on Paxton Road, (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

**Police Dept. Badge Pinning Ceremony for Sergeant Patrick Waugh**

Chief Darrin reported that Patrick Waugh was the top candidate from a list of seven applicants and was appointed to sergeant in June. Ms. Waugh received his bachelor's degree and has been a fulltime police officer for nine years.

Mr. Waugh's mother, Debbie Waugh pinned her son's badge and the Board congratulated him.

**Review & Act to Authorize the Veteran's Agent to begin the Process for Spencer to become a Purple Heart Community**

Veteran's Agent Scott Connor reported that there is a lack of recognition for a purple heart community in Spencer and he would like to change that. The home-based program involves submitting a Proclamation to the State and placing signage in areas around Town. The target date for completion is November 10<sup>th</sup> and a reading of the Proclamation will be done Veteran's Day, November 11, 2021.

*A motion to approve the Process for Spencer to become a Purple Heart Community (Hicks/Grigg) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

Mr. Connor said it will cost \$750.00 to fund.

### **Update on Ambulance Service from the Spencer Rescue Squad**

Pat George and Arnie Arsenault Jr. were present to provide an update on the Spencer Rescue Squad (SRS). Mr. George commended the SRS for their work during the pandemic noting that the organization is held in high esteem. He reported that activity over the past two years includes the purchase of two new ambulances and ongoing equipment and facility upgrades. There are approximately 2,000 calls for ambulance service each year. Mr. George said that the SRS is prepared to continue to the next contract period at the current rate of \$225,000 annually. Mr. Ross noted that the current SRS agreement runs through 2022 and both parties may mutually extend for an additional three years.

### **Review & Act on Request from the Spencer Agricultural Association for a License to Hold the Spencer Fair from September 3 through September 6, 2021**

Robert Knight, representing the Spencer Agricultural Association requested the annual license to hold the Spencer Fair.

*A motion to approve the request from the Spencer Agricultural Association for a License to Hold the Spencer Fair from September 3 through September 6, 2021 (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

### **Review & Act on Request from the Spencer Agricultural Association for a one-way traffic pattern on Smithville Road and Smithville Cross Road for the Spencer Fair from September 3 through September 6, 2021**

*A motion to approve the request from the Spencer Agricultural Association for a one-way traffic pattern on Smithville Road and Smithville Cross Road for the Spencer Fair from September 3 through September 6, 2021 (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

### **Review & Act on Request from the Spencer Agricultural Association for a Sunday Entertainment License on September 5, 2021**

*A motion to approve the request from the Spencer Agricultural Association for a Sunday Entertainment License on September 6, 2021 (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

**Review & Act on Request from Matt Zarif of Timberyard Brewery for a One-day Wine & Malt License for the Spencer Fair from September 3 through September 6, 2021  
Review & Act on Request of Philip Stoddard to Release the CDBG Affordable Housing Restriction for 63 Main Street and to Authorize the Interim Town Administrator to Sign the Discharge of Affordable Housing Restriction**

Matt Zarif with Timberyard Brewing was present to request a One-day Wine & Malt License during the Spencer Fair.

Mr. Woodbury said a drunken brawl at the Fairgrounds in the early 1990's created serious issues and since that time, there has been a commitment not to serve alcohol during the Fair and he is not in favor of issuing this license.

Mr. Zarif said he would have a cordoned off beer garden area, check identification, provide , wristbands and allow only two drinks per person. He pointed out that beer is an agricultural item and said he would take whatever measures the Board deems appropriate to ensure all are safe. Mr. Grigg asked if Mr. Zarif would be willing to hire a police detail to remain in the beer garden. Mr. Zarif said he would.

Chief Darrin said he is opposed to alcohol at the Fair noting that it is a family event and alcohol is not a good mix, however if the Board approves, he will have security in place.

Dr. Hicks mentioned that the Board recently approved alcohol at a child's dance recital, which he opposed and questioned why this event is different. There was some discussion on limiting hours. Chief Darrin pointed out the significant number of people attending the Fair in comparison to other events.

*Mr. Grigg made a motion to approve a 1-day Malt License from 12 to 6 pm; it was not seconded.*

*A motion to deny the request for a 1-day Malt License (Howard/Hicks) passed 3/1 with a roll call vote: Grigg-no, Hicks-yes, Howard-yes Woodbury-yes*

**Review & Act on Request of Philip Stoddard to Release the CDBG Affordable Housing Restriction for 63 Main Street and to Authorize the Interim Town Administrator to Sign the Discharge of Affordable Housing Restriction**

Mr. Ross reported that the property owned by Mr. Stoddard at 63 Main Street has an Affordable Housing Restriction and the tenant wants to purchase the property and keep as a single-family home, therefore the Restriction needs to be discharged and the balance remaining on the loan needs to be repaid.

*A motion to authorize the Interim Town Administrator to Sign the Discharge of Affordable Housing Restriction (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

### **Review & Act on Use of COVID Rescue Funds to Complete the Inflow and Infiltration Study for the Sanitary Sewer System**

Mr. Ross is recommending the use of up to \$260,000 from the COVID Rescue Funds to complete an Inflow and Infiltration Study for the Sanitary Sewer System. This will expedite the process which can be completed within six months. The Sewer Commissioners will authorize and manage all expenditures.

*A motion to authorize up to \$260,000 in COVID Rescue Funds for the Inflow and Infiltration Study for the Sanitary Sewer System (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

### **Review & Act to Authorize the Building & Property Reuse Committee to Prepare & Review Requests for Proposals for use of Lake Street School Property**

*A motion to Authorize the Building & Property Reuse Committee to Prepare & Review Requests for Proposals for use of Lake Street School Property (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

### **Policy Introduction: Review Draft Policy for Public Comment during Board of Selectmen Meetings**

Chairman Woodbury noted that a policy for public comment is needed to allow the Board to focus on the agenda. Citizen input is still encouraged and allowed as outlined in the draft policy.

Mr. Ross discussed with Town Counsel and was advised that issues occur in many communities relative to public comment. The Policy is intended to allow the Board enough time to conduct the official town business and that citizen input is not a time to debate or respond to comments. As a courtesy to other citizen's, no speaker may speak twice if others are waiting to speak. The Board will vote on the Policy at the next meeting.

### **Review & Act on Appointment for CMRPC Delegate & Alternate for FY2022**

The FY2021 Delegate was Jonathan Viner; he is not interested in continuing. Mr. Grigg is willing to be the Delegate and Mr. Howard and he is willing to continue as the Alternate member.

*A motion to appoint Mr. Grigg as the Board's Delegate and Mr. Howard as the Alternate to the CMRPC (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

## **Review Additional Workshop Meeting Dates for October 25<sup>th</sup>; November 29<sup>th</sup>; and December 20<sup>th</sup>**

The Board reviewed the dates and agreed that December 20<sup>th</sup> will not be added.

*A motion to add the workshop dates for October 25<sup>th</sup> and November 29<sup>th</sup> (Hicks/Howard) passed 4/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes Woodbury-yes*

## **Old Business**

### **Review & Act to Adopt 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 final Charge for the Pine Grove Cemetery Acquisition Study Committee.

*A motion to adopt the Pine Grove Cemetery Acquisition Study Committee Charge as presented (Grigg/Howard) 3/0 with a roll call vote: Grigg-yes, Howard-yes , Woodbury-yes, Hicks- abstained.*

*A motion to approve Mr. Grigg as the Board's representative on the Pine Grove Cemetery Study Committee (Howard/Woodbury) passed 3/0. Mr. Grigg abstained.*

## **Update on COVID-19 Cases**

Chairman Woodbury said the Board would like to be informed on COVID case numbers monthly.

Dr. Hicks would like to have Health Agent Daoust provide an update at each meeting and noted his concern with the Delta variant.

## **Town Administrator's Report**

Mr. Ross reported the following:

- The remainder of the Covid funds will arrive this week and amounts to \$1.6 million.
- Charter removed cable lines on McCormick Road and are now waiting for Verizon.
- The Financial Policies manual was distributed to department heads.
- He will work with the Town Planner on an amendment to the Bylaw to correct the Planning Board fees.
- Charles Paquette was hired as the new Senior Clerk in the Treasurer/Collector's Office.

## **Citizen's Input**

Lyn Stevens said she will deliver copies of Pine Grove Cemetery documents and title search records to Mr. Ross.

Matt Defosse, 7 Paul's Drive said he is hoping meetings continue in person and that folks can remain unmasked and stay six feet apart. He also thanked the family of Cole William Victor for their donation of a memorial pavilion at Powdermill Park.

Jonathon Viner, 34 Donnelly Cross Road requests that the Planning Board be placed on future agenda to discuss enforcement of special permits. He also noted that the Board had an executive session to discuss Mass Broken Stone and asked when the Board will take action on issues with Stantec, Howard Stein Hudson, and former Town employees. Chairman Woodbury said the Board cannot provide any information. The matter with Mass Broken Stone is being handled by Town Counsel and is confidential. Mr. Viner also asked if the Board going to discuss his public records request. Mr. Ross stated that he already provided a response to Mr. Viner and will fulfill the request upon receipt of payment or is willing to meet with Mr. Viner to discuss how to reduce the scope of the request.

Al Atchue, 98 Meadow Road spoke on the Board's Public Comment Policy and said he does not agree with placing limits on topics citizens would like to raise. Mr. Ross explained that is not the case, the public will be allowed comment, however the goal is to limit the length time to allow the Board take care of the business on their agenda.

## **Board Member and Staff Comments**

Dr. Hicks said he is having issues with delays in the delivery of the Telegram and Gazette and asked residents who are also experiencing issues to email him and he will contact the Attorney General's Office.

## **Adjournment**

The meeting adjourned at 9:10 PM.

Respectfully submitted,

Brenda Savoie  
Executive Assistant

Referenced documents: FY2021 Spencer Community Development Block Grant (CDBG); National Grid Pole Petition for Paxton Road, License Applications from Spencer Agricultural Association; Timberyard Brewery 1-day Malt License Application; Pine Grove Cemetery Committee Charge