

Minutes of the Meeting of the Board of Selectmen

Date: October 18, 2021
Time: 6:00 p.m.
Place: McCourt Social Hall
Memorial Town Hall, Spencer, MA
Present: Chairman Woodbury, Vice-Chair Howard, Clerk Grigg, Members Hicks and Pepe, and Interim Town Administrator Bill Ross
Remote: None

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 will be participating remotely in accordance with Regulation 940, CMR 29.10 of the Open Meeting Law.

Meeting Minutes: Review and Act on Meeting Minutes of September 13, September 27 and October 4, 2021

A motion to approve the meeting minutes of September 27 and October 4, 2021 (Hicks/Howard) passed 5/0 passed with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

The September 13th meeting minutes were not available and will be on the next agenda for approval.

Citizens Input

Jonathon Viner, Donnelly Cross Road: asked about the status of his request for a joint meeting between the Planning Board and Select Board relative to Building Inspector enforcement concerns; he also said he is waiting for information on the accounting for the FMPC Roads project.

New Business

Review & Act on Request from Spencer Exchange Club for Permission to Hold a Toll Booth at the Transfer Station and the intersection of Route 31 North & Route 9 on Nov. 6 2021, with a rain date of Nov. 13, 2021

A motion to approve the request of the Spencer Exchange Club for Permission to Hold a Toll Booth at the Transfer Station and the intersection of Route 31 North & Route 9 on Nov. 6 2021, with a rain date of Nov. 13, 2021 (Pepe/Hicks) passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Issue Proclamation to declare November 29 through December 5, 2021 as “Exchange Club Week” in Spencer

Chairman Woodbury announced that the Exchange Club hit a milestone with their upcoming 75th Anniversary. Vice Chair Howard presented Pat George with a Proclamation declaring November 29 through December 5, 2021 as “Exchange Club Week” in Spencer.

Mr. George invited the Board to a cocktail hour hosted by the Exchange Club on December 2nd and suggested the Proclamation be officially presented at that time.

A motion to declare November 29 through December 5, 2021 as “Exchange Club Week” in Spencer (Hicks/Pepe) passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Review & Act on the Request of Keith Kerrigan of Terptown Throwdown for an Entertainment License to Hold a Live Music, Arts & Awards Festival at the Spencer Fairgrounds on August 19 from 3 pm to 10 pm and August 20 from 11 am to 10 pm

Mr. Ross reported that a meeting was held with Mr. Kerrigan, the Police, Fire, and Building Departments and the Board of Health to review issues resulting from the Terptown event held at the Spencer Fairgrounds in August. The following items were raised during the discussion:

Police Department: Noise issues from the neighbors, the main concern was the loud bass of the music; the control of the beer tent needs to be improved.

Mr. Kerrigan will place the stage in a direction facing away from the residential area for the 2022 event and is working with the sound crew to reduce the level of bass. The one-day Malt license will be limited to a designated area surrounded by fencing and will have one entrance with a police officer present. No camping will be allowed during the 2022 event.

Fire Department: EMS is a concern. An emergency action plan needs to be prepared for the event designating persons responsible. The Fire Chief, Police Chief and Fairgrounds Manager will meet to develop a plan.

Health Department: If there is food served, permits and inspections will be required. If there are any propane tanks associated with the food service, the Fire Department will issue a permit and inspect the tanks and the appliances utilizing the propane. The Health Department will issue port-a-potty permits if any porta-potties are placed on the grounds.

Building department: the buildings are inspected before any events are held in order to assure conditions are safe. The Building Inspector and Fairgrounds Manager agreed to meet in April to complete the inspections. If a portable stage is utilized, an inspection of the stage is required before the event is held.

Fairgrounds Manager: Mr. Knight agrees that an SOP for events is a good idea and will work with the appropriate staff to develop one.

Keith Kerrigan said he appreciated the feedback.

Mr. Ross advised the Board to issue a preliminary event approval to allow Mr. Kerrigan to move forward lining up bands.

Mr. Pepe was concerned that the bands are scheduled until 10 pm, which is when the event ends. Mr. Kerrigan said changing the ending time would be a huge undertaking due to time allotments for each band.

A motion to approve the request of Keith Kerrigan of Terptown Throwdown for an Entertainment License to hold a Live Music, Arts, & Awards Festival at the Spencer Fairgrounds on August 19 from 3 pm to 10 pm and August 20 from 11 am to 10 pm, 2022 for preliminary approval (Grigg/Hicks/) passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Mr. Kerrigan will be back in April for the final approval.

Review & Act to Renew the Agreement with the Spencer Rescue Squad (SRS) for FY2023 through FY2025

Pat George, President of the SRS Board of Directors was present to request renewal of the SRS agreement with the Town for the period of FY2023 through FY2025. He reported that it is basically the same contract from the previous term, with no increase in cost to the Town.

Mr. Grigg asked that the Board table approval of the Contract to allow him time to review the SRS audits, which he did not receive.

Mr. George explained that holding off on approval would delay the ability for the SRS to order a third ambulance.

A motion to Renew the Agreement with the Spencer Rescue Squad for FY2023 through FY2025 (Howard/Hicks) passed 4/1 with a roll call vote: Grigg-no, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Policy Revision Introduction: Police Department Policy for Internal Affairs

Chief Darrin reported that the revision for the Internal Affairs Policy is in conjunction with the State's police reform legislation. The Police Chief must email Internal Affairs within three days after a complaint is filed to ensure procedures are followed. The Police Department will continue to hold the final disposition on any complaints.

Policy Introduction: Police Department Policy for School Resource Officer (SRO)

Chief Darrin reported that the School Resource Officer (SRO) has been working in the community and is prepared to move forward with a policy.

Mr. Pepe asked if the SRO can be pulled from the School to assist with a Town emergency. Chief Darrin said yes and indicated that the SRO has been utilized by the Department on several occasions. There is an MOU in place with the School and he will provide a copy to the Board and the Administrator.

Policy Introduction: Police Department Policy for Pandemic Response

Chief Darrin noted that this Pandemic Response Policy will prepare the Department if a pandemic event occurs in the future.

The Board will make final approvals on the policies at their November 8th meeting.

Town Administrator's Report

Review & Act on the Final Draft of the 11/17/2021 Fall Special Town Meeting Warrant

Bill reported that the Warrant has been finalized and the initial review by Town Counsel has been complete. After the Board closes the Warrant, the Town Administrator, Town Clerk, and Moderator will meet with Town Counsel to review procedural matters.

The Administrator reviewed the STM Warrant which consists of eight Articles.

There was some discussion on the request by the Planning Board to have their Revolving Account cap increased from \$50,000 to \$100,000. Mr. Ross indicated that the reason for the request is for the Planning Board to pay for the Master Plan and he explained it is not appropriate to raise and accumulate money in an account which is funded through fees for the purpose of funding the Master Plan. Fees cannot be higher than the service provided.

Planning Board Chair Jonathan Viner said that the cost of the Master Plan is \$150,000 and it makes sense for the Planning Board to pay for it.

Chairman Woodbury noted that a correction has been made to ensure the appropriate fees are now being deposited into the Revolving Account and at this time it makes sense to wait to see how that impacts the Account going forward. He has an issue holding \$100,000 in this Account and said it will be necessary for the Master Plan to be voted at Town Meeting due to the cost.

Dr. Hicks asked if the CARES Act funds could be used to pay for the Master Plan. Mr. Ross said he does not believe so, nevertheless, there may be other funds available for non-structural items.

Chairman Woodbury said the best way to handle this is to wait to see the movement going into the Account with the adjustment in new fees going into that Account.

Mr. Shemeth recommends the Board hold a Workshop to dig deep into how to make the Master Plan happen.

Mr. Grigg believes the best way to fund the Master Plan is through Town Meeting appropriation and not through the Planning Board Revolving Account.

A motion to approve the final draft of the November 17th Fall Special Town Meeting Warrant (Hicks/Pepe) passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Review & Act to Close & Set the 11/17/2021 Fall Special Town Meeting Warrant

Moderator Shemeth advised the Board to decide whether to hold the STM at the DPHS or in the Great Hall. Mr. Ross said he met with the Fire Chief and Health Agent to begin the process to hold the meeting in the Great Hall.

A motion to Close the November 17th Fall Special Town Meeting Warrant and to Set the location in the Great Hall with the DPHS as a backup location (Hicks/Howard) passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Mr. Ross reported:

In follow-up to questions raised by Mr. Viner from the previous meeting:

Eben Butler was authorized to sign payment vouchers by Mr. Gregory and is authorized to sign for the Highway Department. Mr. Woodbury noted the vouchers should be signed by both the Foreman and Administrator.

Mr. Ross fully understands the Planning Board's frustration with occupancy permits and suggested the way to resolve is to require a contractual agreement for any major developments including commercial, solar, and large residential. That agreement would be signed off on by the Town Planner and the Board of Selectmen. Todd Miller has been asked to research and develop a draft procedure.

There was discussion on the Deer Run Subdivision: Conservation Commission has requirements which need to be met; the Town of North Brookfield rescinded their approval of the road in their Town; additional research and legal opinion is needed at this time.

Mr. Ross reported that interior painting will take place in Town Hall soon and quotes for new carpeting on the main level are being obtained as well.

Report on Payment for FY2020 State Exemption

Mr. Ross informed the Board that the FY2020 payment for Veterans Exemptions arrived in September. This payment typically arrives much earlier and it is unusual to receive so late in the year.

Review Fall Special Town Meeting Calendar

The Special Town Meeting calendar was reviewed.

Update on COVID-19 Cases

Health Agent Daoust reported that there has been a total of 171 cases since August 1, 2021. The Rutland vaccination clinics are open to Spencer residents and the DPHS will be offering a vaccine clinic. As of October 12th, 7,007 Spencer residents have been fully vaccinated.

Dr. Hicks noted that several residents in Spencer died of COVID recently and he is very concerned. He asked Ms. Daoust if she can provide information on Spencer deaths caused by COVID.

Citizen's Input

Matt Defosse, 7 Pauls Dr.: suggests having workshop meetings to improve communication between boards and committees; pointed out that negotiating PILOT agreements after the solar development is not good practice; alerted the Board to a pedestrian safety issue at the intersection of Pleasant and Main.

Jonathon Viner: stated that a contractual agreement with a Developer is redundant and will not accomplish more than the Zoning Bylaws, Building Inspector enforcement is necessary; requested public records for backup documents to invoices signed by the Highway Foreman. Mr. Ross asked Mr. Viner to send a written records request to the Town Clerk.

Board Member and Staff Comments

Dr. Hicks announced that an important meeting will be held at the Wire Village School on October 21st at 7 pm to review options for the at DPHS.

Mr. Grigg expressed his displeasure that Board Members did not allow him the time to perform his due diligence on the Spencer Rescue Squad contract. Dr. Hicks said holding off on the approval of the SRS contract would result in a delay in obtaining a third ambulance.

Executive Session under Mass General Laws, Chapter 30A, §21(a), ¶2, to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; (Town Administrator), not to reconvene in open session.

At 8:01 pm a motion to enter Executive Session under Mass General Laws, Chapter 30A, §21(a), ¶2, to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; (Town Administrator), not to reconvene in open session (Hicks//Grigg) passed 5/0 with a roll call vote: Grigg-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes

Adjournment

The meeting adjourned at 8:01 PM.

Respectfully submitted,

Brenda Savoie
Executive Assistant

Referenced documents: Exchange Club Proclamation; Terptown Entertainment Application; SRS FY2023-FY2025 Agreement; Police Department Policies; STM Draft Warrant