

Minutes of the Meeting of the Board of Selectmen

Date: March 28, 2022
Time: 6:00 p.m.
Place: McCourt Social Hall
Memorial Town Hall, Spencer, MA
Present: Chairman Woodbury, Member Hicks and Pepe and Town Administrator Jeffrey Bridges
Clerk Grigg arrived at 6:06 pm and Vice-Chair Howard was absent

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

None

A moment of silence was observed for Norma Cormier, Jack Gordon, Reginald Girouard, and Dave Ingalls.

Meeting Minutes:

Review and Act on Meeting Minutes of March 14, 2022

A motion to approve the minutes of March 14, 2022 (Hicks/Pepe) passed 3/0

Citizens Input

Matt Defosse 7 Pauls Drive: asked about and a building envelope study for the Library.
Mr. Bridges: U & F Superintendent Bill Cundiff will create an RFP for a building envelope study and more information will be available at that time.

Communications

The Board received a notice from Syncrarpa Palmer relative to planned maintenance by National Grid which resulted in lost KW hours and force majeure of the contract during that time.

New Business:

6:00 P.M. Public Hearing – Review & Act on an Alcohol Beverages License Application from Miguel A. Perez for a transfer of an All-alcoholic Beverages Pouring License from Mexicali Grille to Tulence, Inc., (d/b/a Mexicali Grille) located at 117 Main Street

Mr. Grigg arrived at 6:06 pm.

The hearing was called to order at 6:06 pm. Miguel Perez was present to request approval for a transfer of an all-alcoholic beverages pouring license from Mexicali Grille to Tulence, Inc. Mr. Perez is planning to take possession of Mexicali via the license transfer and no other changes are being made at this time.

Lucy White, 5 Wall St. spoke in favor of the restaurant.

A motion to close the hearing at 6:09 pm (Pepe/Hicks) passed 5/0.

The Board originally approved this transfer in April of 2021 and the ABCC investigator reviewed and determined that additional financial documentation was required, therefore the applicant determined the best course of action was submit a new application.

A motion to approve the application from Miguel A. Perez for a transfer of an All-alcoholic Beverages Pouring License from Mexicali Grille to Tulence, Inc., (d/b/a Mexicali Grille) located at 117 Main Street (Hicks/Pepe) passed 5/0.

6:00 P.M. Public Hearing – Review & Act on an Alcohol Beverages License Amendment Application from Athanasia Snow for an Amendment of an All-alcoholic Beverages Pouring License for Black & White Restaurant, LLC, 206 N. Spencer Road to include permanent outdoor dining

Mr. Bridges referenced a letter from Evelyn Flavin, 202 N. Spencer Road, an abutter to the Black and White Restaurant.

A motion to open the hearing at 6:11 pm (Grigg/Pepe) passed 5/0.

Athanasia Snow, Owner of Black and White Restaurant was present to request permanent approval for the outdoor dining structure.

Chairman Woodbury read a letter from Ms. Flavin which outlined her concerns over increased parking, traffic, and loud music, which is affecting her quiet enjoyment of her home. She is opposed to an expansion of the Black and White's Entertainment License to the outdoor dining area. She said she holds Ana Snow in high regard, nevertheless, is not in favor of parking or entertainment expansion to outdoors.

Dr. Hicks asked Ms. Snow if there was a way to have additional parking on the left side when facing the building. Ms. Snow said she did add some spaces in that area and hopes to add more in the future. She is also considering a parking attendant on busy nights.

Ms. Flavin pointed out that there are currently 75 lined parking spaces for 175 seats and is at capacity now and they are looking to add seats outside, which will increase to 200 seats.

Dr. Hicks asked if additional parking can be added to on the left side facing the building. Ms. Snow said it is possible if she can work something out with the property owner.

Mr. Grigg asked if bathrooms have been added. Ms. Snow said not yet, though it is being planned and is a requirement for additional outdoor dining.

Mr. Bridges said Building Inspector Duane Amos advised that the requirement is one parking space per 100 square feet of dining space.

Jonathon Viner, Donnelly Cross Road, called in to say that the addition of outdoor dining and additional parking is considered a change of use and requires a site plan review from the Planning Board.

Mr. Bridges advised that Mr. Amos did not indicate a site plan review was required for the outdoor dining and approved the zoning as compliant with the requested use. The only additional requirement was to increase the number of restrooms.

Mr. Grigg asked to table the discussion and vote to allow him to conduct a site visit and decide at the next meeting. Mr. Woodbury agreed.

Ms. Snow indicated that she created temporary outdoor dining in accordance with state requirements at the time and is seeking approval by the Board so she can obtain final approval from the ABCC to serve alcohol outdoors after the temporary dining approval expires.

Ms. Flavin said she is in favor of the Black and White, though she does not want it to expand. Mr. Woodbury pointed out that outdoor entertainment is not allowed at this time.

The Board agreed to continue the hearing until the April 11th meeting. In the meantime, answers to questions can be obtained.

A motion to continue the public hearing until April 11th at 6 pm (Hicks/Grigg) passed 5/0

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 May 7, 2022 & August 6, 2022 from 9 am to 5 pm

Mark Gallant was present to request an Entertainment License to hold a Food Truck Festival and Craft Fair on May 7 and August 6, 2022 at the Spencer Fairgrounds.

A motion to approve the request from Dogfather Vending, LLC for an Entertainment License to hold a Food Truck Festival & Craft Fair at the Spencer Fairgrounds on May 7, 2022 & August 6, 2022 from 9 am to 5 pm (Pepe/Hicks) passed 4/0

Review & Act to Appoint Member(s) to the Housing Production Plan Steering Committee

A motion to appoint Lauren Trifone as a member of the Housing Production Plan Steering Committee (Hicks/Pepe) passed 5/0

A motion to appoint Michelle Sweeney as a member of the Housing Production Plan Steering Committee (Hicks/Pepe) passed 5/0

COVID-19

Update on Coronavirus / COVID-19 Cases

Mr. Bridges reported that there were two new COVID cases last week and four the week prior. 68% of Spencer residents have been fully vaccinated and 38% have received a booster.

Update on American Rescue Plan Act (ARPA)

Administrator Bridges announced that a public comment session will be held on March 30th. to gather information from the public for the use of ARPA funds. A full report on the comments will be provided to the Board to assist in their decision on the best use of ARPA funds.

Town Administrator's Report

FY2023 Budget Update

Mr. Bridges reported that the Sewer Department readjusted some budget numbers based on changes in the marketplace. He is also working with Chief Parsons to accommodate a request to reduce the overtime threshold for fulltime firefighters from 56 hours to 48 hours, which will cost approximately \$10,000.

Review Draft Warrant for the May 5, 2022 Annual Town Meeting

The draft Warrant was reviewed. Several of the Articles are placeholders at this time and will be finalized in the coming weeks. Mr. Bridges highlighted some of the Articles which include Article 3 – to remove “gifts” from the departmental revolving funds for the Council on Aging and Celebrations Committee; Article 4 - establishes limitations on expenditures from departmental revolving funds; Article 34 - outlines revisions to the Animal Control Bylaw; Article 36 - seeks to amend the General Bylaws for the Council on Aging. Articles 38 & 39 - are citizen petitions for senior tax exemptions for cost-of-living increase and exemptions, the cost will need to be calculated.

The final draft will be reviewed at the next meeting.

Citizen's Input

Matt Defosse, Pauls Drive: A company based in Connecticut called Kloter Farms will deliver storage/garage buildings.

Board Member and Staff Comments

Dr. Hicks: would like Mr. Amos to weigh in on comments raised by Mr. Viner to determine if a Planning Board Site Plan Review is required.

Mr. Pepe: wants the Economic Development Committee and FMPC to begin meeting after budget season.

March Meeting Dates

The Board reviewed their March meeting dates.

Adjournment

The meeting adjourned at 7:03 pm.

Respectfully submitted,

Brenda Savoie
Executive Assistant

Referenced documents: License Applications for Tulence and Black and White Restaurant; Letter from Eleanor Flavin; Entertainment License Application for Dogfather Vending; FY23 Budget & Capital documents