

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

Date: May 9, 2022  
Time: 6:00 p.m.  
Place: McCourt Social Hall  
Memorial Town Hall, Spencer, MA  
Present: Chairman Woodbury, Vice-Chair Howard, Clerk Grigg, Selectmen Hicks, Pepe, and Town Administrator Jeffrey Bridges  
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**

None

### **Meeting Minutes:**

#### **Review and Act on Meeting Minutes of April 19 and April 25, 2022**

*A motion to approve the minutes of April 19 and April 25, 2022 (Hicks/Howard) passed 5/0 by roll call: Grigg-yes, Hicks-yes, Howard-yes, Pepe-yes, Woodbury-yes.*

### **Citizens Input**

Sewer Commissioner Frank White: Wright Pierce detected six addresses with sump pumps going into the sewer system and are unable to investigate further due to legal issues of going into private homes. Administrator Bridges will seek Town Counsel opinion to determine legal options.

Matt Defosse, 7 Pauls Dr: 1) the Food Truck Festival at the Fairgrounds was well attended; 2) suggests a building be installed at Powdermill Park building during the Meadow Road construction project 3) there was confusion at the last Planning Board meeting relative to trees located on town property; better communication is needed.

### **Communications**

None

### **New Business:**

**Public Hearing Continued from March 28 and April 11, 2022 – 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 reported that Athanasia Snow, owner of the Black and White Restaurant requested a continuation of the public hearing until the Board's July 18<sup>th</sup> meeting. This will allow time to with a site engineer on parking and restroom facilities.

*A motion to approve the request from Athanasia Snow to continue the public hearing until July 18, 2022 (Hicks/Pepe) passed 5/0*

**6:15 p.m. Public Hearing – Review & Act on Leonard Robinson/Emerald Auto Sales for a Class II Auto Dealer License to sell used cars at 324-326 Main Street**

Mr. Woodbury recused himself. Vice-Chair Howard opened the hearing at 6:15 pm and asked if any members of the public wished to speak on the Class II License application. There were no comments from the public.

Lenard Robinson of 71 East Charlton Road was present to request Class II Auto Dealer License sell 50 used cars at 324-326 Main Street.

*A motion to close the hearing at 6:17 pm (Pepe/Grigg) passed 4/0.*

Dr. Hicks noted that cars have been sold at that location for many years.

*A motion to approve the Class II Auto Dealer application of Leonard Robinson/Emerald Auto Sales for a Class II Auto Dealer License to sell 50 used cars at 324-326 Main Street (Hicks/Grigg) passed 4/0.*

At 6:17 pm the Board adjourned the meeting to present the Boston Post Cane and 100<sup>th</sup> birthday certificate outside on the front steps of Town Hall. All were in favor.

**Boston Post Cane Presentation to Geraldine E. Donohue – Spencer's Oldest Citizen**

The Board presented the Boston Post Cane to Ms. Geraldine E. Donohue, who at 102 years of age is Spencer's oldest resident.

**100<sup>th</sup> Birthday Certificate Presentation to Marjorie L. Lapierre**

The Board presented a 100<sup>th</sup> birthday certificate to Ms. Marjorie L. Lapierre, who will celebrate her birthday on May 11, 2022.

The meeting reconvened at 6:21 pm.

**Review & Act on Request of Keith Kerrigan of Terptown Throwdown for an Entertainment License (final approval) 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. Kerrigan received the Board's preliminary approval on October 18, 2021 for an Entertainment License to hold the Terptown Throwdown event and is now seeking final approval.

Chairman Woodbury reported that the Board's concern is to reduce the noise limit as there were several complaints from neighbors over the music and loud bass at last year's event.

Rich Lapierre, who manages the sound for the event advised the Board that his plan to reduce the sound includes relocating the stage between two buildings to buffer the sound and using a software application which will allow the sound to drop off when it reaches the area of by the Prouty Booth. Reggae music consists of a lot of bass so he will reduce the subs and set the decibel level limit at 94. The sound will be monitored with a decibel meter. Dr. Hicks asked if that will be enough to reduce the sound. Mr. Lapierre said it is his best proposal and a good compromise for a concert. Last year the sound was at 100 decibels. Mr. Pepe asked what time the music will end. Mr. Kerrigan said the request is until 10:00 pm. Mr. Lapierre noted the music ended at 9:45 pm last year.

Chief Darrin said the Police Department received complaints last year, but not as many as they receive during a concert. If they receive complaints this year, they will inform callers it is an approved event.

*A motion to approve request of Keith Kerrigan of Terptown Throwdown for an Entertainment License for a Live Music, Arts & Awards Festival at the Spencer Fairgrounds on August 19 from 3 pm to 10 pm and on August 20 from 11 am to 10 pm, with sound limitation of 94 decibels (Pepe/Grigg) passed 5/0*

### **Review & Act on Request to Waive Permit Fees for the Wastewater Treatment Plant Project**

Commissioner Frank White asked the Board to waive the permit and inspection fees for the upcoming Wastewater Treatment Plant project, which could be substantial.

Superintendent Laplante said a fee waiver would take some of the burden off the rate payer; he continues to apply for assistance through grants and is in contact with Senator Gobi's Office to request additional funding assistance.

Mr. Bridges relayed that the Building and Plumbing Inspectors are not opposed to a fee waiver and the Electrical Inspector is open to a negotiated fee. He suggests ODIS and Sewer staff work together to determine a reasonable fee.

Mr. Bridges asked how contractors are bidding permit and inspection fees. Mr. Laplante said he believes the information on fees are included within the packet. Chairman Woodbury said confirmation is needed on is included in the packet. Mr. Laplante said if fees are waived, an addendum to the bid packet would be submitted prior the May 25<sup>th</sup> closing date. Dr. Hicks wants to ensure the Town will not incur extra expense for additional staff hours.

*A motion to authorize the Administrator to work with staff to determine a reasonable fee (Pepe/Hicks) passed 4/0. Selectman Howard abstained.*

### **Update and Possible Action on the Proposed Clean-up of U24-17, Meadow Road**

Gary Magnuson, with CMG Environmental informed the Board that after two site visits to U24-17 Meadow Road, his opinion is the debris is surface debris which consists of tires, metal, toilets, and other trash and does not trigger DEP notification.

Glenn Krevosky of EBT Environmental Consultants said they looked at an abandoned dumping ground in the riverfront area at 10 Meadow Road. The bulk of that debris consists mainly of tires. If the Board approves of the cleanup, he will increase the area to include 10 Meadow Road and take responsibility for removal, insurance, and ensure compliance.

Mr. Grigg asked who is responsible if something unsafe is found. Mr. Magnuson said he believes the cleanup can be made without any exposure to the Town.

*A motion to approve the clean-up of U24-17 Meadow Road (Hicks/Grigg) passed 4/0. Mr. Howard abstained.*

Mr. Bridges said a written arrangement will be drafted with the Conservation Commission.

### **Consider Reduction of the Annual Town Meeting Quorum**

Moderator Shemeth deferred to the Administrator for the purpose of this discussion.

Mr. Bridges explained that if the Board would like to reduce the Annual Town Meeting quorum from 100 to a lower number, they can provide notice to the public and vote at their May 23<sup>rd</sup> meeting, if the Moderator agrees. Dr. Hicks pointed out that over 80 people came to the Town Meeting and waited for over an hour for 20 of their fellow citizens to attend and he does not want to put folks in that position again. Mr. Grigg asked if the quorum reduction is only for the June 23<sup>rd</sup> meeting. Mr. Bridges confirmed it is only for that meeting. Mr. Shemeth said he would not agree to anything beyond that. Chairman Woodbury said there were several events happening that evening and many folks had other commitments, including Cinco de Mayo, Bingo, and an event at the Fish and Game Club. Mr. Grigg said it makes sense to post the notice and make a decision at the May 23<sup>rd</sup> meeting. Mr. Bridges pointed out that the intent is not to limit the number of people who can participate, rather it is to set a limit at which the Town can conduct business.

*A motion to post a notice to consider a reduction in the quorum for the June 23<sup>rd</sup> Annual Town Meeting (Grigg/Howard) passed 4/1. Chairman Woodbury was opposed.*

### **Old Business**

### **Review & Act on Police Department Policy for Body Worn Cameras**

*A motion to approve the Police Department Policy for Body Worn Cameras (Pepe/Grigg) passed 5/0*

## **COVID-19**

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

Chairman Woodbury reported there were eighteen new Covid-19 cases from April 27 through May 4, and four new cases the week prior. 69% of residents are fully vaccinated and 39% have received boosters.

Dr. Hicks noted the increase in cases from four to eighteen within one week.

### **ARPA Update**

Administrator Bridges anticipates an ARPA Report on public suggestions for use of the ARPA funds will be complete by the end of May. \$100,000 has been spent to date and 98 % of funds remain available.

Mr. Pepe indicated that a method to analyze the criteria and spending limits needs to be developed. Mr. Bridges said federal guidelines will be provided.

## **Town Administrator's Report**

### **Annual Town Meeting Wrap-up**

The Board passed over this item since the Town Meeting was continued until June 23<sup>rd</sup> at 6:00 pm.

Mr. Bridges:

- The pedestrian signal at the intersection of Pleasant and Main has been reprogramed to a single phase.
- The Election will take place from 7 am to 7 pm tomorrow, May 10<sup>th</sup>.
- Clarification on the summer paving program: Paxton Road, Duggan Street, Gold Nugget Road, Brown Street, Brooks Pond Cross Road, and Donnelly Cross Road are scheduled to be paved. There is \$6 million in funds available for road projects.

## **Citizen's Input**

Matt Defosse: Terptown Throwdown event is a minor inconvenience for residents. If conditions are not adhered to, the event will be stopped.

## **Board Member and Staff Comments**

Dr. Hicks: attended the Food Truck Festival and was impressed by the large crowd, variety of food and vendors.

The DPHS building project price was estimated at \$95 million and has since increased to \$119 million. The Building Committee was able to reduce \$5 million by removing some items, including the ramp and steps on the hill to the sports field, HVAC in the gymnasium and parking lot installation between upper and lower fields. The MSBA will not reimburse the two additional classrooms as they will be used for a Chapter 74 program and will be reimbursed from Chapter 74 funds. The goal is for a Special Town Meeting in late fall and a 2 ½ debt exclusion question.

### **Adjournment**

The meeting adjourned at 7:57 pm.

Respectfully submitted,

Brenda Savoie  
Executive Assistant

Referenced documents: Public Hearing Alcohol License Amendment Application; Class II Auto Dealer Application; Entertainment License Application; Memo on fees for the WWTP Project; Quorum Reduction Notice, Police Dept. Body Worn Cameras Policy