



Minutes of the Board of Selectmen

Date: December 5, 2022
Time: 6:00 p.m.
Place: McCourt Social Hall
Present: Chairman Woodbury Vice-Chair Howard, Clerk Grigg (arrived at 6:20 pm),
Selectman Hicks, Selectman Pepe and Administrator Bridges

Call the Meeting to Order

At 6:00 pm Chairman Woodbury called the Selectmen's meeting to order 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 & Act on the Meeting Minutes of November 14 and November 17, 2022

A motion to approve the minutes of November 14 and November 17, 2022 (Hicks/Howard) passed 3/0. Selectman Pepe abstained

Citizens Input

None

Communications

Annual Christmas Parade of Lights on 12/10 at 7 pm; Snow/Rain Date on 12/11 at 7 pm

Public Hearing - 6:00 PM - Review and Possible Action the Spectrum, LLP / Charter Communications License Renewal Ascertainment Process

A motion to open the public hearing at 6:04 pm (Hicks/Howard) passed 4/0.

Chairman Woodbury read the public hearing notice which was advertised in the November 18th edition of the New Leader.

There were no Charter/Spectrum representatives present.

Administrator Bridges thanked the Cable Advisory Committee (CAC) members for their efforts on the renewal: Aaron Keyes, Danielle Gebo, Nathaniel Malone, John Howard, Matt DeCiero, Nancy Tame, April Caruso, and Pat George. Mr. George, Mr. DeCiero, Ms. Gebo,

Mr. Keyes, and Mr. Howard were present, and Attorney Bill August was participating remotely.

Aaron Keyes, General Manager of Spencer Cable Access (SCA) noted that much of the renewal negotiations consist of PEG Access and how it is supported and carried out. He presented an overview of the SCA.

Mr. Keyes reported that SCA is a separate organization which carries out work under a Memorandum of Understanding with the Town for PEG Access. SCA regularly covers and broadcasts meetings and events on cable channels 191, 192, and 194, and live streams various town meetings. On the public interest side of SCA, Jackie Mushinsky is instrumental and also works with the DPHS on various projects. As part of the renewal process, a survey was conducted to obtain feedback from residents with respect to cable related needs and preferences.

Attorney August pointed out that the Town's license with Charter is non-exclusive and that Charter does not own the telephone poles, however they do own the infrastructure.

Mr. Keyes noted that SCA's financials for the next ten years include required operational funding; discretionary funding for the purchase of equipment, devices, subscriptions, and capital (anything over \$5,000 goes before the SCA Board for approval); compensation funding which covers taxes, insurance, wages, and contractor payments. SCA is funded by a percentage on the television portion of the Charter/Spectrum bill and is currently at three percent. They are looking to increase to five percent in the renewal to help cover capital expenses and additional programming. The increase based on a \$70 per month television bill would be less than \$2.00 per month.

Pat George, member of the CAC noted that the money provided by Charter is paid by residents who subscribe to cable TV. If subscribers cancel their service, Charter will likely raise rates and eventually the Town may be asked to fund the SCA.

Frank White, R. Jones Road asked how SCA will operate if subscribers cancel. Mr. Keyes said it is unlikely subscriber service will grow.

Matt Defosse, Paul's Drive thanked Mr. Keyes, Mr. Coolbaugh and Ms. Mushinsky for their efforts.

Matt DeCiero, member of the CAC said the Town is fortunate to have SCA and Mr. Keyes to provide a wide range of coverage for Spencer and asked the Board to contact Congress and request a percentage from internet subscribers.

Dr. Hicks noted that Verizon and Xfinity don't want to come into Spencer because there is not enough of a customer base to make it worthwhile. Chairman Woodbury said a longer cable contract will provide the Town with more financial security. Mr. Pepe noted that Mr. Keyes has done a great job with SCA programming and has provided additional coverage with Facebook and YouTube.

Attorney August thanked Mr. Bridges and Mr. Keyes for their assistance and stated that the key part of the renewal is securing a ten-year contract for continued financial support from Charter. John Mayer, Charter's Community Relations Specialist agreed to increase the subscriber percentage from three to five percent. Mr. August stated that other companies use the public way for streaming yet are not required to pay a fee, which hopefully will change in the future. Since Spectrum merged with Charter, the new license does not have as many details as the current one.

Administrator Bridges noted that the discount for seniors is no longer offered and that the five percent fee includes a \$0.50 cent per subscriber charge which goes to the Town.

The hearing is to allow the public and the Board the opportunity for comments; no action will be taken at this time. Mr. Bridges advised the Board to continue the hearing until January 23, 2023.

The Board thanked Mr. Keyes and members of the CAC for their efforts.

The hearing was closed at 7pm. All were in favor.

A motion to continue the hearing until January 23, 2023 (Hicks/Pepe) passed 5/0.

Old Business

Continued from 11/14: Request from Roberta Monette to discuss Celebrations Committee Funds

Administrator Bridges stated that Roberta Monette was unable to attend the meeting, however she relayed that she purchased garland and swags for the Library in the amount of \$130, which will be reimbursed from the donations. Mr. Bridges said there are checks and balances on how the funds were spent, though he acknowledged they were not spent the way Ms. Monette expected. Going forward, donations will be brought to the Selectmen to make the determination.

Dr. Hicks said he noticed a few payments did not have receipts and will review with Administrator Bridges offline. Mr. Bridges indicated that there are checks and balances for each expenditure and all have been processed in accordance with the Town's internal controls.

New Business:

Sewer Commissioner's Request on the Water Meter

Sewer Commissioner Frank White submitted a photo of a water meter which was installed in 2009 based on the request of the Massachusetts Department of Environmental Protection (DEP). Mr. White said the water meter was installed against his recommendation and has caused the water bill for the Sewer Department to increase to over \$3,000 per quarter,

when the typical bill was \$500 for a partial quarter. According to Mr. White, the poorly installed meter does not provide an accurate reading.

Mr. Bridges said his recommendation was for the Sewer Commissioners to discuss their concerns with the Water Commissioners, however Mr. White wants the Selectmen to make the decision. Utilities & Facilities Superintendent Bill Cundiff suggests bringing the concerns before the Water Commissioners prior to any decision.

There was discussion on each Town building paying their water usage, yet the Sewer Department has not been paying and must pay for what is being used. It was agreed that the Sewer Commissioners will meet with the Water Commissioners.

Request of Arista Development to temporarily close a portion of High Street to construct a Retaining Wall for the CVS Project

Attorney Phil Stoddard was present along with Doug Benoit and Brian Trainer from Arista Development to request approval to close an approximately 400-foot section of High Street to safely build a wall on the roadway.

Mr. Grigg asked what will be done if the work undermines the road. Mr. Trainer said the wall will be installed so it does not impact the road and is being built in twenty-to-thirty-foot sections. If any issues arise or the road starts to shear, he will immediately stop.

Mr. Bridges stated that the Town has not received stamped plans from Arista Development and the preliminary sketch which was submitted to the Building Inspector shows excavation into the roadway. If that is the case the road closure is being requested by the Building Inspector in the interest of safety. The request before the Board is to approve the closure of the road in the event it is necessary for safety.

Doug Benoit said stamped plans will be provided by December 7th and will show the work will not be done in the right-of-way.

A motion to allow the Town Administrator to close the road subject to the request of the Building Inspector (Duane Amos) and the receipt of stamped engineering plans (Grigg/Hicks) passed 4/1. Chairman Woodbury was opposed.

Town Administrator's Report

No new items to report at this time.

Presentation:

Spencer Sewer Department Sewer System Elevation Survey (SSES) Phase 2-4

Sewer Commissioners Frank White and Larry Default and Superintendent Jim LaPlante were present.

Matthew Corbin, PE with Wright-Pierce presented the results of the SSES. The evaluation was conducted to gain an understanding of the condition of the sewer system. There were thirty-eight building inspections which resulted in finding two sump pumps and two other drains connected to sewer which need to be disconnected. Half of the inflow and infiltration (I/I) originates from public sources and the other half from private sources. The estimated infiltration rate is a total of 835,000 gallons and the inflow rate is estimated at 132,000 gallons. The recommended priorities consist of immediate action, such as collapsed pipe; priority 1 include items with a likelihood of failure and should be repaired or replaced within one to three years; priority 2 should be repaired or replaced within three to five years; and priority 3 are low priority improvements which can be reassessed within the next five to ten years.

The total immediate project cost is estimated at \$471,000.

Selectman Pepe ask if any of the improvements will allow the Town to move forward with expansion and development. Kevin Olson, PE with Wright Pierce said the improvements will result in the removal of many gallons and bring the Town below State requirements.

Mr. Bridges asked how much room will be available to add new connections. Mr. White estimates 800,000 gallons will be available. The Town is currently under a Sewer Connection Moratorium. Mr. Pepe asked when the Town can expect to allow more users and businesses to the system.

Mr. Corbin said repairs or replacement of pipes will be recommended on a case-by-case basis. Mr. Dufault pointed out that work will be complete in sections, depending on the condition.

There was discussion on who enforces the removal of drains and pumps into the system. Mr. Bridges indicated the Sewer Commissioner's should handle the enforcement. Mr. Dufault said the Commissioners can ask property owners to remove anything draining into the system, however he is unsure if they have the legal authority to enforce it.

Dr. Hicks asked how other towns manage situations where sump pumps are connected to the sewer system and how enforcement is handled. Mr. Corbin said some towns have an amnesty program and pay a percentage to redirect the flow. Dr. Hicks suggests asking Town Counsel how to enforce and discuss further at a future meeting. Mr. LaPlante pointed out that septic systems require a Title 5 inspection, yet there is no inspection requirement for sewer lines.

Mr. LaPlante said he and the Sewer Commissioners will continue to work with Wright Pierce and expect to have a concrete plan in the coming weeks with a final report.

Contracts for Consideration and Approval

Grant Agreement with Mass Cultural Council – Local Cultural Program for \$11,900

A motion to approve the Grant Agreement with Mass Cultural Council (Pepe/Hicks) passed 5/0.

Interim Loan Note of \$43,463,606 and \$3,249,800 for the Spencer Wastewater Treatment Plant Upgrade

A motion to approve Interim Loan Note of \$43,463,606 and \$3,249,800 for the Spencer Wastewater Treatment Plant Upgrade (Pepe/Howard) passed 5/0.

Lease/Purchase Agreement with Community Leasing Partners (Community Leasing Bank) for the Financing of two Police Cruisers

A motion to approve the Lease/Purchase Agreement with Community Leasing Partners (Hicks/Howard) passed 5/0.

Proposal by the Central Massachusetts Regional Planning Commission (CMRPC) for the Town of Spencer Master Plan Update

Town Planner/Conservation Agent Lauren Vivier was present and requested approval of the proposal from CMRPC to update the Mater Plan and noted that they are on a tight schedule.

A motion to approve the proposal by the Central Massachusetts Regional Planning Commission (CMRPC) for the Town of Spencer Master Plan Update (Howard/Hicks) passed 5/0.

Review & Possible Action on Master Plan Advisory Committee Charge

A motion to approve Master Plan Advisory Committee Charge (Howard/Hicks) passed 5/0.

Quotes for upgrades to the Elevator at the Spencer Senior Center

A motion to approve the low bid to Worcester Elevator for the Senior Center (Hicks/Howard) passed 5/0.

Citizens Input

Matt Defosse: thankful for the Christmas decorations at Powder Mill Park and to have the Library open on Saturdays.

Jonathan Viner: asked why the Board voted to approve the Master Plan Advisory Committee and said it should be under the authority of the Planning Board according to state statute and questioned why there was no discussion by the Planning Board.

Mr. Howard: the Planning Board had discussion on the Master Plan while he was present at their meeting.

Mr. Bridges: the Board of Selectmen approved the Charge and the Planning Board will handle the details from a process perspective and develop the Master Plan. The Planning Board does not create the Charge.

Board Member and Staff Comments

Mr. Grigg would like to discuss the Pine Grove Cemetery at the next meeting. Chairman Woodbury will make the decision and provide a date.

Mr. Pepe would like to get the FMPC and the EDC back up and running.

The meeting adjourned at 9:01 pm. All were in favor.

Respectfully submitted,

Brenda Savoie
Executive Assistant

Referenced documents: Charter license renewal agreement; SSES survey; grant agreement with Mass Cultural Council; Interim Loan Note for the Spencer Wastewater Treatment Plant Upgrade; Lease/Purchase Agreement with Community Leasing Partners; CMRPC Master Plan Proposal; Master Plan Committee Charge; Quotes for upgrades to the Elevator for Senior Center