

Annual Town Meeting started immediately after the Special Town Meeting.

WORCESTER, SS.

To either of the Constables of the Town of Spencer in the County of Worcester,

Greetings.

IN THE NAME OF THE Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in the Annual Town Election to vote at Precincts 1, 2, 3 and 4 and in Town Affairs, to meet at Memorial Hall, 157 Main Street, Spencer, MA 01562, on Tuesday, the Tenth day of May 2022 from 7:00 AM to 7:00 PM for the following purposes:

To cast their votes in the Annual Town Election for the election of candidates for the following offices:

Moderator (One Seat)	3 Years
Selectman (Two Seats)	3 Years
Assessor (One Seat)	3 Years
SEBRSD Spencer Rep (Two Seats)	3 Years
SWCRVSD (One Seat)	3 Years
Water Commissioner (One Seat)	3 Years
Park Commissioner (One Seat)	3 Years
Library Trustee (One Seat)	3 Years
Board of Health (One Seat)	3 Years
Sewer Commissioner (One Seat)	3 Years
Constable (Three Seats)	3 Years

And you are further required to notify and warn the inhabitants of the Town of Spencer who are qualified to vote in Town affairs to meet at Great Hall, Spencer Town Hall, 157 Main Street in said Town of Spencer on Thursday, May 5, 2022, at 7:00 PM, then and there to act on the following articles:

## **ARTICLE 1**

**Article 1:** To see if the Town will vote to amend its Fiscal Year 2022 Operating Budget by appropriating the sum of Two Hundred Twenty-Eight Thousand Eight Hundred Dollars and No Cents (\$228,800.00) to the following various accounts to cover additional expenses and further to transfer said sum from previously certified and available Free Cash to meet said appropriation:

Department	Account #	Amount
Snow and Ice Control Expenses (Materials)	11423-57000	\$129,000.00
Snow and Ice Control Expenses (Labor)	11423-51000	\$ 7,300.00
Fire Department	11220-57000	\$ 35,000.00
Police	11210-57000	\$ 7,500.00
Town Counsel	11151-57000	\$ 50,000.00
<b>TOTAL</b>		\$228,800.00

or take any action in relation thereto. (*Sponsored by the Town Administrator*)

**The Finance Committee had recommended approval of this article and subsequently the amount in the article increased. The Finance Committee will reconsider the article prior to Town Meeting with the new requested totals.**

### **Motion – Article 1**

**I move to waive the reading and approve Article 1 as printed in the warrant.**

**Vote Required:** Majority **Article 1 Passed**

**Motion Made By:** Vice Chairman Howard

**Motion Seconded By:** Selectman Hicks

## **ARTICLE 2**

**Article 2:** To see if the Town will vote to approve a consent agenda consisting of the following actions or take any action in relation thereto. Such items may be voted as a block, or singly, or in any combination but however voted, will be treated for accounting and legislative purposes as if each item voted were voted as a separate article.

- A. Receive, in writing, the reports of the Town Officers and Committees.
- B. Appropriate the sum of money received or to be received from the Chapter 90 State Aid to Highways Program to be expended for construction and/or maintenance upon any

state approved road, or for any other authorized purpose, for Fiscal Year 2023, with such funds to be reimbursed 100% from such Program.

- C. Authorize the Board of Selectmen to apply for, accept, and expend the following funds:  
Community Development Block Grant funds;  
Community Innovation Challenge Grant funds;  
District Local Technical Assistance Grant funds; and  
Other State and Federal grant-in-aid assistance, as appropriate and necessary.
- D. Appropriate the sum of 100% of all fines, penalties, and assessments received in Fiscal Year 2023 as payment under the provisions of Massachusetts General Laws, Chapter 148A, as amended by Chapter 304 of the Acts of 2004, to an account entitled "Building and Fire Code Enforcement Fines."
- E. Appropriate the sum of 50% of all monies received in Fiscal Year 2023 as payment for the so-called "products," "conveyance," "roll-back" or other such tax or payment, other than real estate taxes and related payments-in-lieu-of-taxes, under the provisions of Massachusetts General Laws, Chapter(s) 61, 61A, and 61B to the Land Acquisition Stabilization Fund and the sum of 100% of all monies received from the Commonwealth of Massachusetts as payments from the Forest Products Trust Fund to the Land Acquisition Stabilization Fund.
- F. Authorize the Town Treasurer/Collector to enter into a compensating balance agreement(s) for Fiscal Year 2023 pursuant to Massachusetts General Laws, Chapter 44, Section 53F, and further vote to authorize the Town Treasurer/Collector to borrow such sums of money as he/she may deem necessary, with the consent of the Finance Committee, in anticipation of revenue and/or reimbursements and to issue notes of the Town payable thereof in accordance with applicable law.
- G. Authorize the Board of Selectmen, in conformance with Section 11(m) of the Spencer Governmental Act and Chapter 40, Section 4 of Massachusetts General Laws, to enter into and negotiate the terms thereof, all contracts for the exercise of its corporate powers.

or take any other action in relation thereto. (*Sponsored by the Town Administrator*)

**The Finance Committee Recommends Approval. Unanimous vote.**

## **Motion – Article 2**

**I move to waive the reading and approve Article 2 as printed in the warrant.**

**Vote Required:** Majority *Article 2 Passed*

**Motion Made By:** Chairman Woodbury

**Motion Seconded By:** Selectman Pepe

### **ARTICLE 3**

#### **Article 3.**

#### **AUTHORIZATION TO AMEND THE TOWN'S GENERAL BYLAWS ARTICLE 2, SECTION 15 REVOLVING FUNDS**

To see if the Town will vote to amend Article 2, Section 15 of the Town's General Bylaws, entitled Departmental Revolving Funds, **with deletions in strikethrough as set forth below; and further that any amounts in said funds to remain therein until expended consistent with the Bylaw;**

<b>Revolving Fund</b>	<b>Department, Board, Committee, Agency or Officer Authorized to spend from Fund</b>	<b>Fees, Charges or Other Receipts Credited to the Fund</b>	<b>Program or Activity Expenses Payable from Fund</b>	<b>Cap of Fund</b>	<b>Fiscal Years</b>
Planning Board	Planning Board	ANR, Subdivision, Site Plan, Special Permit	Administrative Costs, other Expense	\$50,000	FY 2018 and subsequent years
ODIS – Wiring Inspections	ODIS Director	Depository of 80% of electrical permit fees collected	Compensate the Wiring Inspector	\$50,000	FY 2018 and subsequent years
Parks & Recreation	Parks & Recreation Commission	Park rentals, sticker fees, program fees	Program costs such as personnel, utilities, supplies, and other expenses	\$100,000	FY 2018 and subsequent years
Celebrations Committee	Town Administrator	<del>Donations, gifts and fees collected</del>	Program Expenses	\$50,000	FY 2018 and subsequent years
Council on Aging	Council on Aging	<del>Donations, gifts, and fees collected</del>	Program Expenses	\$20,000	FY 2018 and subsequent years
Stormwater Management	Town Administrator	Stormwater Fees and fines collected	Stormwater Management Activities such as programs or projects	\$100,000	FY 2018 and subsequent years

or take any action in relation thereto. *(Sponsored by the Town Administrator and the Council on Aging).*

**The Finance Committee Recommends Approval. Unanimous vote.**

### **Motion – Article 3**

**I move to waive the reading and approve Article 3 as printed in the warrant.**

**Vote Required:**                      **Majority Article 3 Passed**

**Motion Made By:**                **Vice Chairman Howard**

**Motion Seconded By:**         **Selectman Grigg**

### **ARTICLE 4**

**Article 4:**      To see if the Town will vote pursuant to the provisions of Chapter 44, Section 53E½ of the Massachusetts General Laws, as most recently amended, to establish fiscal year limitations on expenditures from the revolving funds established by the Town of Spencer General Bylaws “Departmental Revolving Funds”, Article 2, Section 15, approved under Article 7 of the May 4, 2017 Annual Town Meeting, with such expenditure limitations for Fiscal Year 2023 as shown below:

<b>Fund</b>	<b>Spending Limit</b>
Planning Board	\$50,000
ODIS - Wiring Inspector	\$50,000
Parks & Recreation	\$100,000
Council on Aging	\$20,000
Celebrations Committee	\$50,000
Stormwater Management	\$100,000

or take any other action in relation thereto. *(Sponsored by the Town Administrator)*

**The Finance Committee Recommends Approval. Unanimous vote.**

### **Motion – Article 4**

**I move to waive the reading and approve Article 4 as printed in the warrant.**

**Vote Required:**                      **Majority Article 4 Passed**

**Motion Made By:**                **Vice Chairman Howard**

**Motion Seconded By:**         **Selectman Pepe**

## **ARTICLE 5**

**Article 5:** To see if the Town will vote, as a block, to fix or maintain the salaries of the elected officials for Fiscal Year 2023 as follows:

Board of Selectmen	\$ 0.00	Annually
Moderator	\$ 200.00	Annually
Board of Assessors	\$ 950.00	Annually
Town Treasurer/Collector	\$ 77,044.00	Annually
Town Clerk	\$ 74,798.00	Annually
Water Commissioners	\$ 725.00	Annually
Sewer Commissioners	\$ 725.00	Annually
Board of Health	\$ 725.00	Annually

or take any other action in relation thereto. *(Sponsored by the Town Administrator)*

**The Finance Committee Recommends Approval. Unanimous vote.**

## **Motion – Article 5**

**I move to waive the reading and approve Article 5 as printed in the warrant.**

**Vote Required:** Majority **Article 5 Passed**

**Motion Made By:** Selectman Hicks

**Motion Seconded By:** Selectman Grigg

## **ARTICLE 6**

**Article 6:** To see if the Town will vote, as a block, to amend the Personnel Bylaws by deleting Schedule A, Schedule B, and Schedule C, under “Section 2: Compensation” and substituting the following Schedule A, Schedule B and Schedule C;

(Informational Note: The rates in Schedule A generally increase by 2% each year)

### **Schedule A**

Administrative Clerk (part time)	\$17.55	hourly
Animal Control & Inspection Officer	\$39,379.00	yearly
Animal Control On-Call (per diem basis)	\$106.00	daily
Clerk-of-the-Works I	\$20.00	hourly
Clerk-of-the-Works II	\$21.90	hourly

Clerk-of-the-Works III	\$24.45	hourly
Clerk-of-the-Works IV	\$27.55	hourly
Clerk-of-the-Works V	\$32.55	hourly
COA Outreach Worker	\$19.70	hourly
Election Inspectors	\$15.00	hourly
Election Wardens / Clerks	\$15.50	hourly
Engineering Aide I	\$18.65	hourly
Engineering Aide II	\$21.10	hourly
Facilities Maintenance Worker	\$19.70	hourly
Gas Inspector	\$6,050.00	yearly
Harbormaster	\$1,103.00	yearly
Laborer (Seasonal)	\$16.00	hourly
Library Page	\$15.00	hourly
Parks & Rec Waterfront Director	\$23.00	hourly
Parks & Rec Water Safety Instructor	\$17.85	hourly
Parks & Rec Head Lifeguard	\$17.85	hourly
Parks & Rec Lifeguard	\$16.00	hourly
Parks & Rec Parking Attendant	\$15.00	hourly
Parks & Rec Coordinator/Clerk	\$19.15	hourly
Plumbing Inspector	\$6,050.00	yearly
Police Dispatcher	\$21.30	hourly
Recording Secretary (ODIS)	\$16.85	hourly
Registrars	\$1,456.00	yearly
Sealer of Weights & Measures	\$5,038.00	yearly
SEMA, Director of Operations	\$2,652.00	yearly
SFD Deputy Chief	\$10,200.00	yearly
SFD Captain - On-Call	\$21.85	hourly
SFD Lieutenant - On-Call	\$20.20	hourly
SFD Firefighter - On-Call	\$18.65	hourly
SFD Captain - Full Time	\$55,465.00	yearly
SFD Lieutenant - Full Time	\$54,377.00	yearly
SFD Firefighter - Full Time	\$53,310.00	yearly
Transfer Station Monitor	\$18.05	hourly
Transfer Station Senior Monitor	\$20.20	hourly

**Schedule B**

<b>Compensation Grade</b>	<b>Job Title</b>
Grade 1	Library Associate
Grade 1	Administration Clerk
Grade 2	Tree Warden

Grade 3	Fire Dept Office Manager
Grade 3	Conservation Agent
Grade 3	Reference/Circulation Librarian
Grade 4	Executive Assistant - TA/BoS
Grade 4	Children's Librarian / Assistant Director
Grade 4	Veteran Services Officer
Grade 5	Building Inspector / ZEO
Grade 5	Council on Aging Director
Grade 5	Health Agent
Grade 5	Town Planner
Grade 5	Chief Operator - Water Facility
Grade 6	ODIS Director / Town Planner
Grade 6	Library Director
Grade 6	Principal Assessor
Grade 6	Superintendent - WWTP
Grade 6	Town Accountant
Grade 7	Superintendent - Utilities & Facilities
Grade 8	Fire Chief
Grade 8	Police Chief
Elected	Town Clerk
Elected	Town Treasurer/Collector

**Schedule C**

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
<b>1</b>	\$19.52	\$19.91	\$20.31	\$20.91	\$21.55	\$22.19	\$23.09	\$24.23
<b>2</b>	\$21.46	\$21.89	\$22.33	\$23.00	\$23.70	\$24.40	\$25.39	\$26.64
<b>3</b>	\$23.63	\$24.10	\$24.56	\$25.31	\$26.06	\$26.86	\$27.93	\$29.32
<b>4</b>	\$25.98	\$26.52	\$27.03	\$27.83	\$28.67	\$29.54	\$30.72	\$32.26
<b>5</b>	\$28.59	\$29.15	\$29.73	\$30.63	\$31.53	\$32.48	\$33.78	\$35.48
<b>6</b>	\$34.29	\$34.98	\$35.68	\$36.75	\$37.85	\$38.98	\$40.54	\$42.57
<b>7</b>	\$41.16	\$41.98	\$42.82	\$44.09	\$45.42	\$46.78	\$48.66	\$51.08
<b>8</b>	\$49.38	\$50.37	\$51.37	\$52.93	\$54.51	\$56.14	\$58.39	\$61.31

or take any other action in relation thereto. *(Sponsored by the Town Administrator)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 6**

**I move to waive the reading and approve Article 6 as printed in the warrant.**

**Vote Required:** Majority *Article 6 Passed*

**Motion Made By:** Selectman Hicks

**Motion Seconded By:** Vice Chairman Howard

**ARTICLE 7**

**Article 7:** To see if the Town will vote to transfer within the FY 2022 Budget, Ten Thousand Dollars and No Cents (\$10,000.00) from the Parks and Recreation Salaries (Account #11640-51000) to Parks and Recreation Expenses (Account #11640-57000); or take any other action in relation thereto. *(Sponsored by the Parks and Recreation Commission and the Town Administrator)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 7**

**I move to waive the reading and approve Article 7 as printed in the warrant.**

**Vote Required:** Majority *Article 7 Passed*

**Motion Made By:** Selectman Pepe

**Motion Seconded By:** Vice Chairman Howard

**ARTICLE 8**

**Article 8:** To see if the Town will vote to transfer within the FY 2022 Budget, Three Thousand Dollars and No Cents (\$3,000.00) from Treasurer / Collector's Tax Title Expense Account 11158-57000 to the Treasurer / Collector Expense Account 11145-57000; or take any other action in relation thereto. *(Sponsored by the Treasurer / Collector and Town Administrator)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 8**

**I move to waive the reading and approve Article 8 as printed in the warrant.**

**Vote Required:** Majority *Article 8 Passed*

**Motion Made By:** Selectman Pepe

**Motion Seconded By:** Selectman Woodbury

**ARTICLE 9**

**Article 9:** To see if the Town will vote to transfer within the FY 2022 Budget, Five Thousand Dollars and No Cents (\$5,000.00) from Tree Warden Salaries (Account #11494-51000) to Tree Warden Expenses (Account #11494-57000); or take any other action in relation thereto.

*(Sponsored by the Town Administrator)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 9**

**I move to waive the reading and approve Article 9 as printed in the warrant.**

**Vote Required:** Majority *Article 9 Passed*

**Motion Made By:** Selectman Grigg

**Motion Seconded By:** Selectman Hicks

**ARTICLE 10**

**Article 10:** To see if the Town will vote to appropriate the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) from previously certified and available Free Cash for matching funds for a Massachusetts Historical Commission Preservation Planning Grant for the preparation of a Community Preservation Plan by the Spencer Historical Commission; or take any other action in relation thereto. *(Sponsored by the Spencer Historical Commission and the Town Administrator)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 10**

**I move to waive the reading and approve Article 10 as printed in the warrant.**

**Vote Required:** Majority *Article 10 Passed*

**Motion Made By:** Selectman Hicks

**Motion Seconded By:** Selectman Grigg

**ARTICLE 11**

**Article 11:** To see if the Town will vote to raise and appropriate and/or transfer from the PEG Access and Cable Related Fund authorized by General Laws Chapter 44, Section 53F<sup>3</sup>/<sub>4</sub>, One Hundred Seventeen Thousand One Hundred Eighty-Three Dollars and 20 Cents (\$117,183.20) as a grant to the Spencer Cable Access and PEG Channels; or take any other action in relation thereto. (*Sponsored by the Board of Selectmen*)

**The Finance Committee Recommends Approval. 6 in favor, 2 abstentions.**

**Motion – Article 11**

**I move the Town transfer from the PEG Access and Cable Related Fund authorized by General Laws Chapter 44, Section 53F<sup>3</sup>/<sub>4</sub>, One Hundred Seventeen Thousand One Hundred Eighty-Three Dollars and 20 Cents (\$117,183.20) as a grant to the Spencer Cable Access and PEG Channels.**

**Vote Required:** Majority *Article 11 Passed*

**Motion Made By:** Selectman Grigg

**Motion Seconded By:** Vice Chairman Howard

**Spoke on Article:** Inese Benks 37 Highland St  
Mary Braney- SCA

**ARTICLE 12**

**Article 12:** To see if the Town will vote to appropriate the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) for the Sick Leave Buy Back Fund (Account #83000-39800) and to

meet said appropriation by transferring said sum from previously certified and available Free Cash; or take any other action in relation thereto. *(Sponsored by the Town Administrator)*

**The Finance Committee Recommends Approval. Unanimous vote.**

### **Motion – Article 12**

**I move to waive the reading and approve Article 12 as printed in the warrant.**

**Vote Required:** Majority *Article 12 Passed*

**Motion Made By:** Selectman Pepe

**Motion Seconded By:** Selectman Hicks

### **ARTICLE 13**

**Article 13:** To see if the Town will vote to appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to fund the FY2023 valuation update and certification, and to meet said appropriation by transferring said sum from previously certified and available Free Cash; or take any other action in relation thereto. *(Sponsored by the Town Administrator and the Board of Assessors)*

**The Finance Committee Recommends Approval. Unanimous vote.**

### **Motion – Article 13**

**I move to waive the reading and approve Article 13 as printed in the warrant.**

**Vote Required:** Majority *Article 13 Passed*

**Motion Made By:** Vice Chairman Howard

**Motion Seconded By:** Chairman Woodbury

### **ARTICLE 14**

**Article 14:** To see if the Town will vote, as a block, provided that any amount stated herein shall be for the use of the Spencer-East Brookfield Regional School District for Fiscal Year 2023 in accordance with any conditions stated herein and further provided that any stated amount shall be reduced to any lesser amount which shall subsequently be certified by the school committee and certified to the Town to raise and appropriate the sum of Nine Million

Six Hundred Forty Two Thousand Eight Hundred Forty Five Dollars and No Cents (\$9,642,845.00) for Fiscal Year 2023 for the following purposes:

Spencer-East Brookfield Regional School District Minimum Contribution Account #11300-56000	\$8,017,952.00
Spencer-East Brookfield Regional School District Additional Assessment Account #11300-56000	\$0.00
Spencer-East Brookfield Regional School District Transportation Assessment Account #11300-56000	\$1,441,689.00
Spencer-East Brookfield Regional High School Debt Service & Capital Assessment Account #11300-56010	\$183,204.00

or take any other action in relation thereto. *(Sponsored by the Board of Selectmen)*

**The Finance Committee Recommends Approval. Unanimous vote.**

#### **Motion – Article 14**

**I move to waive the reading and approve Article 14 as printed in the warrant.**

**Vote Required:** Majority *Article 14 Passed*

**Motion Made By:** Selectman Pepe

**Motion Seconded By:** Selectman Hicks

#### **ARTICLE 15**

**Article 15:** To see if the Town will vote to raise and appropriate the sum of One Million Three Hundred Three Thousand Six Hundred Seventy-Seven Dollars and No Cents (\$1,303,677.00) for Fiscal Year 2023 for the following purposes:

Bay Path Regional Vocational Technical High School Minimum Contribution Account #11300-52000	\$1,118,243.00
Bay Path Regional Vocational Technical High School Additional Assessment Account #11300-52000	\$0
Bay Path Regional Vocational Technical High School Transportation Assessment Account #11300-52000	\$55,599.00

Bay Path Regional Vocational Technical High School Debt Serv. & Capital Assessment  
Account #11300-52000 \$129,835.00

or take any action in relation thereto. *(Sponsored by the Board of Selectmen)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 15**

**I move to waive the reading and approve Article 15 as printed in the warrant.**

**Vote Required:** Majority *Article 15 Passed*

**Motion Made By:** Chairman Woodbury

**Motion Seconded By:** Selectman Grigg

**ARTICLE 16**

**Article 16:** To see if the Town will vote to raise and appropriate the sum of Fifty Thousand Five Hundred Ninety-Eight Dollars and No Cents (\$50,598.00) for Fiscal Year 2023 for the following purposes:

Smith Vocational High School Non-Resident Tuition  
Account #11300-52000 \$19,707.00

Smith Vocational High School Non-Resident Transportation  
Account #11300-52100 \$30,891.00

or take any other action in relation thereto. *(Sponsored by the Board of Selectmen)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 16**

**I move to waive the reading and approve Article 16 as printed in the warrant.**

**Vote Required:** Majority *Article 16 Passed*

**Motion Made By:** Selectman Grigg

**Motion Seconded By:** Selectman Pepe

### **ARTICLE 17**

**Article 17:** To see if the Town will vote to raise and appropriate the sum of Forty-Two Thousand Seven Hundred Sixteen Dollars and No Cents (\$42,716.00) for Fiscal Year 2023 for the following purposes:

Tantasqua Regional School District Non-Resident Tuition	
Account #11300-52000	\$25,463.00

Tantasqua Regional School District Non-Resident Transportation	
Account #11300-52100	\$17,253.00

or take any other action in relation thereto. *(Sponsored by the Board of Selectmen)*

**The Finance Committee Recommends Approval. Unanimous vote.**

### **Motion – Article 17**

**I move to waive the reading and approve Article 17 as printed in the warrant.**

**Vote Required:** Majority *Article 17 Passed*

**Motion Made By:** Vice Chairman Howard

**Motion Seconded By:** Selectman Hicks

### **ARTICLE 18**

**Article 18:** To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury the sum of Twelve Million Eight Hundred Ninety-Five Thousand Three Hundred Twenty-Two Dollars and No Cents (\$12,895,322.00) to pay for the operations of the General Government expenses for Fiscal Year 2023; or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

*Note: The proposed Fiscal Year 2023 Operating Budget can be found after the text of the Annual Town Meeting Warrant. The budget format contains the appropriation figures for each department and the Town Administrator's recommendations.*

**The Finance Committee Recommends Approval. Unanimous vote.**

### **Motion – Article 18**

**I move that the Town raise and appropriate or transfer from any available funds in the Treasury the sum of Twelve Million Eight Hundred Ninety-Five Thousand Three Hundred Twenty-Two Dollars and No Cents (\$12,895,322.00), to pay for the operations of the General Government expenses for Fiscal Year 2023.**

**Vote Required:** Majority *Article 18 Passed*

**Motion Made By:** Selectman Pepe

**Motion Seconded By:** Selectman Grigg

### **ARTICLE 19**

**Article 19:** To see if the Town will vote:

1. to appropriate the sum of One Million Six Hundred Ninety Thousand Two Hundred Ninety-Three Dollars and No Cents (\$1,690,293.00) for the use of the Water Department for Fiscal Year 2023, and to fund said appropriation with a transfer from the receipts and revenue of the Water Enterprise Fund collected by the Water Department for said Fiscal Year;
2. to authorize Indirect Costs, from FY 2023 revenues, for Fiscal Year 2023 at One Hundred Seventy Thousand Nine Hundred Five Dollars and No Cents (\$170,905.00); and,
3. to have the Board of Water Commissioners set the Fiscal Year 2023 rates and fees to meet said appropriation and level of Indirect Costs;

or take any other action in relation thereto. (*Sponsored by the Board of Water Commissioners*)

**The Finance Committee Recommends Approval. Unanimous vote.**

### **Motion – Article 19**

**I move to waive the reading and approve Article 19 as printed in the warrant.**

**Vote Required:** Majority *Article 19 Passed*

**Motion Made By:** Chairman Woodbury

**Motion Seconded By: Vice Chairman Howard**

**ARTICLE 20**

**Article 20:** To see if the Town will vote:

1. to appropriate the sum of One Million Four Hundred Forty-Four Thousand Fifty Dollars and No Cents (\$1,444,050.00) for the use of the Sewer Department for Fiscal Year 2023, and to fund said appropriation with the receipts and revenue of the Sewer Enterprise Fund collected by the Sewer Department for said Fiscal Year;
2. to authorize Indirect Costs, from FY 2023 revenues Costs for Fiscal Year 2023 at One Hundred Fifty-Three Thousand Six Hundred Ninety-Five Dollars and No Cents (\$153,695.00); and,
3. to have the Board of Sewer Commissioners set the Fiscal Year 2023 rates and fees to meet said appropriation and level of Indirect Costs;

or take any other action in relation thereto. *(Sponsored by the Board of Sewer Commissioners)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 20**

**I move to waive the reading and approve Article 20 as printed in the warrant.**

**Vote Required: Majority Article 20 Passed**

**Motion Made By: Vice Chairman Howard**

**Motion Seconded By: Selectman Pepe**

**ARTICLE 21**

**Article 21:** To see if the Town will vote to appropriate the sum of Five Hundred Thousand Dollars and No Cents (\$500,000.00) for the purpose of making repairs or improvements to the Sewer Department's Collection System, including all incidental and related expenses; and to meet said appropriation by transferring said sum from previously certified and available retained earnings of the Sewer Enterprise Fund; or take any other action in relation thereto.

*(Sponsored by the Capital Improvement Planning Committee and the Board of Sewer Commissioners)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 21**

**I move to waive the reading and approve Article 21 as printed in the warrant.**

**Vote Required:** Majority *Article 21 Passed*

**Motion Made By:** Selectman Grigg

**Motion Seconded By:** Selectman Hicks

**ARTICLE 22**

**Article 22:** To see if the Town will vote to appropriate the sum of Seventy Thousand Dollars and No Cents (\$70,000.00) for the purpose of repairing the screw pumps at the Sewer Department's wastewater treatment plant, including any incidental and related expenses; and to meet said appropriation by transferring said sum from previously certified and available retained earnings of the Sewer Enterprise Fund; or take any other action in relation thereto. *(Sponsored by the Capital Improvement Planning Committee and the Board of Sewer Commissioners)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 22**

**I move to waive the reading and approve Article 22 as printed in the warrant.**

**Vote Required:** Majority *Article 22 Passed*

**Motion Made By:** Vice Chairman Howard

**Motion Seconded By:** Selectman Pepe

**ARTICLE 23**

**Article 23:** To see if the Town will vote to appropriate the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) for aeration system maintenance at the Sewer Department's

wastewater treatment plant, including any incidental and related expenses; and to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Sewer Enterprise Fund; or take any action in relation thereto. *(Sponsored by the Capital Improvement Planning Committee and the Board of Sewer Commissioners)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 23**

**I move to waive the reading and approve Article 23 as printed in the warrant.**

**Vote Required:** Majority

**Motion Made By:** Selectman Hicks

**Motion Seconded By:** Chairman Woodbury

**ARTICLE 24**

**Article 24:** To see if the Town will vote to appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) for a storage garage located at the Sewer Department's wastewater treatment plant, including any incidental and related expenses; and to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Sewer Enterprise Fund; or take any action in relation thereto. *(Sponsored by the Capital Improvement Planning Committee and the Board of Sewer Commissioners)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 24**

**I move to waive the reading and approve Article 24 as printed in the warrant.**

**Vote Required:** Majority **Article 24 Passed**

**Motion Made By:** Selectman Hicks

**Motion Seconded By:** Vice Chairman Howard

**ARTICLE 25**

**Article 25:** To see if the Town will appropriate One Hundred Thirty Thousand Dollars and No Cents (\$130,000.00) from the Transfer Station Upgrade Fund (Account # 60000-59169) for

the acquisition and equipping of a new recycling trailer, including all other incidental and related expenses, at the Spencer Transfer Station; or take any action in relation thereto. *(Sponsored by the Capital Improvement Planning Committee and the Town Administrator)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 25**

**I move to waive the reading and approve Article 25 as printed in the warrant.**

**Vote Required:** Majority *Article 25 Passed*

**Motion Made By:** Selectman Pepe

**Motion Seconded By:** Chairman Woodbury

**ARTICLE 26**

**Article 26:** To see if the Town will appropriate Twenty-Five Thousand Dollars and No Cents (\$25,000.00) from the Waterways Improvements Fund (Account # 083-83000-39000) for the acquisition and equipping of a boat for the Spencer Police Department, including all other incidental and related expenses; or take any action in relation thereto. *(Sponsored by the Capital Improvement Planning Committee and the Town Administrator)*

**The Finance Committee Recommends Approval. Unanimous vote.**

**Motion – Article 26**

**I move to waive the reading and approve Article 26 as printed in the warrant.**

**Vote Required:** Majority *Article 26 Passed*

**Motion Made By:** Selectman Hicks

**Motion Seconded By:** Vice Chairman Howard

**ARTICLE 27**

**Article 27:** To see if the Town will vote to authorize the Board of Selectmen to enter into lease purchase financing agreements, pursuant to General Laws, Chapter 44, Section 21C, for a period of up to or in excess of three years, for the acquisition and equipping of Two (2) Police Cruisers for the Police Department, including all other incidental and related expenses, and to

raise and appropriate or transfer from available funds the sum of Forty Thousand Dollars and No Cents (\$40,000.00) for the first fiscal year of such agreements; or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**The Finance Committee Recommends Approval provided the CIPC makes a recommendation. Unanimous vote.**

#### **Motion – Article 27**

**I move the Town vote to authorize the Board of Selectmen to enter into a lease purchase financing agreement, pursuant to General Laws, Chapter 44, Section 21C, for a period of up to or in excess of three years, for the acquisition and equipping of two (2) police cruisers including all other incidental and related expenses, and to raise and appropriate the sum of Forty Thousand Dollars, and No Cents (\$40,000.00), said funds included in the amount raised and appropriated in Article 18, for the first fiscal year of such agreement.**

**Vote Required: 2/3rds Article 27 Passed 220/1**

**Motion Made By: Chairman Woodbury**

**Motion Seconded By: Selectman Hicks**

#### **ARTICLE 28**

**Article 28:** To see if the Town will vote to appropriate Six Hundred Nine Thousand Five Hundred Dollars and No Cents (\$609,500.00) for a capital program of equipment purchases and improvements, including equipping of vehicles, and all incidental and related expenses for all other purchases, as generally described below, and to meet said appropriation by transferring said sum from previously certified and available Free Cash as shown:

<u>Department</u>	<u>Item</u>	<u>Amount</u>
Town Hall	Computer Server Replacement	\$ 25,000
Town Hall	Carpet Replacement	\$ 16,000
Fire Department	Replace Emergency Generator	\$100,000
Parks and Recreation	Luther Hill Tree Project	\$ 70,000
Parks and Recreation	Luther Hill Skate Park Cameras	\$ 9,500
Parks and Recreation	Replace Skate Park Fence	\$ 15,000
Parks and Recreation	Removal of Building at O’Gara Park	\$ 10,000
Library	Moisture Remediation	\$ 75,000
Utilities & Facilities	Repave Senior Center Parking Lot	\$125,000
Utilities & Facilities	Repave Town Hall Parking Lot	\$120,000
Highway Department	Mower Head	\$ 14,000
Highway Department	Dry Storage Shed	\$ 30,000
<b>TOTAL:</b>		<b>\$609,500</b>

or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Capital Improvements Planning Committee)*

**The Finance Committee did not take a vote because it has no information at this time on Capital items. It will make a recommendation at a meeting prior to the ATM and announce it on the Town Meeting floor.**  
**Finance Committee approved on 5/5/2022**

#### **Motion – Article 28**

**I move to waive the reading and approve Article 28 as printed in the warrant.**

**Vote Required:** Majority **Article 28 Passed**

**Motion Made By:** Selectman Grigg

**Motion Seconded By:** Selectman Pepe

#### **ARTICLE 29**

**Article 29.** To see if the Town will vote to authorize the Board of Selectmen to enter into lease purchase financing agreements, pursuant to General Laws, Chapter 44, Section 21C, for a period of up to or in excess of three years, for the acquisition and equipping of a One Ton Pick Up with Plow, Six Wheel Dump Truck, Sidewalk Tractor, and Street Sweeper for the Highway Department, including all other incidental and related expenses, and to raise and appropriate and transfer from available funds the sum of One Hundred Ninety Eight Thousand One Hundred Eighty One Dollars and No Cents (\$198,181.00) for the first fiscal year of such agreements; or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**The Finance Committee did not take a vote because is awaiting CIPC action and will make a recommendation at a meeting prior to the ATM and announce it on the Town Meeting floor.**

Finance Committee approved on 5/5/2022

### **MOTION – ARTICLE 29**

**I move the Town vote to authorize the Board of Selectmen to enter into a lease purchase financing agreement, pursuant to General Laws, Chapter 44, Section 21C, for a period of up to or in excess of three years, for the acquisition and equipping of a One Ton Pick Up with Plow, Six Wheel Dump Truck, Sidewalk Tractor, Street Sweeper for the Highway Department including all other incidental and related expenses, and to raise and appropriate and transfer from available funds the total sum of One Hundred Ninety Eight Thousand One Hundred Eighty One Dollars and No Cents (\$198,181.00) (to Raise and Appropriate \$178,300.00, said amount included in the amount to be raised and appropriated in Article 18, and to transfer \$8,082.00 from the Highway Roadside Mower Account #6000-59312, transfer \$6,799.00 from the Highway Truck Account # 6000-58013, and transfer \$5,000.00 from previously certified Free Cash) for the first fiscal year of such agreement.**

**Vote Required: 2/3rds Article 29 passed 198/1**

**Motion Made By: Vice Chairman Howard**

**Motion Seconded By: Selectman Grigg**

### **ARTICLE 30**

**Article 30:** To see if the Town will appropriate the sum of Fifteen Thousand Three Hundred Dollars and No Cents (\$15,300.00) for the purpose of purchasing poll pads, including all incidental and related expenses and to meet said appropriations by transferring said sum from the following unexpended capital accounts:

Account	Item	Amount
60000-59276	Voting Machine Replacement	\$ 1,350.00
60000-59357	Voting Booths	\$14,000.00

or take any other action in relation thereto: (Sponsored by the Town Clerk)

**The Finance Committee did not take a vote because is awaiting CIPC action and will make a recommendation at a meeting prior to the ATM and announce it on the Town Meeting floor.**

**Finance Committee approved 5/5/2022**

### **Motion – Article 30**

**I move to waive the reading and approve Article 30 as printed in the warrant.**

**Vote Required:** Majority Article 30 Passed

**Motion Made By:** Selectman Hicks

**Motion Seconded By:** Selectman Pepe

**Spoke on Article:** Mark Dukes 24 Woodside Rd, Sandra Fritze Town Clerk

### **ARTICLE 31**

**Article 31:** To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, permanent and temporary easements in certain parcels of land within, adjacent to and/or contiguous to Pleasant Street, Smithville Road, and intersecting streets in the locations more or less depicted on a plan entitled "Town of Spencer, Massachusetts Highway Department Proposed Improvements To Pleasant Street and Smithville Road in the City/Town of Spencer, Worcester County, Preliminary Right of Way Plans," prepared by Bayside Engineering, as it may be amended, a copy of which has been placed on file with the Town Clerk, for all purposes incidental to the establishment, use and improvement of public ways in the Town, including, without limitation, drainage, utility, slope, grading and construction of improvements, and, further, to **raise and appropriate, transfer** from available funds, borrow or otherwise provide a sum of money for the purpose of providing for such acquisition and paying all costs and expenses associated therewith, or take any other action in relation thereto.

**The Finance Committee Recommends Approval. Unanimous vote.**

### **MOTION – ARTICLE 31**

**I move the Town vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, permanent and temporary easements in certain parcels of land within, adjacent to and/or contiguous to Pleasant Street, Smithville Road, and intersecting streets in the locations more or less depicted on a plan entitled "Town of Spencer, Massachusetts Highway Department Proposed Improvements To Pleasant Street and Smithville Road in the City/Town of Spencer, Worcester County, Preliminary Right of Way Plans," prepared by Bayside Engineering, as it may be amended, a copy of which has been placed on file with the Town Clerk, for all purposes incidental to the establishment, use and improvement of public ways in the Town, including, without limitation, drainage, utility, slope, grading and construction of improvements, and, further, to **transfer** Thirteen Thousand Seven Hundred Dollars and No Cents (\$13,700.00) from**

**Commented [JDE1]:** The warrant article includes an appropriation of monies to pay damages to those persons who do not donate the easements. A sum certain will need to be provided in the motion. You can adjust the appropriation language in the article to be consistent with Town practice.

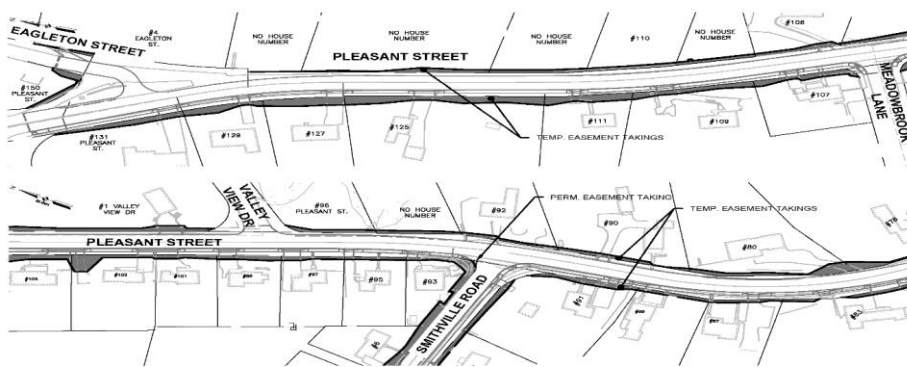
**Commented [JDE2]:** The warrant article includes an appropriation of monies to pay damages to those persons who do not donate the easements. A sum certain will need to be provided in the motion. You can adjust the appropriation language in the article to be consistent with Town practice.

previously certified Free Cash for the purpose of providing for such acquisition and paying all costs and expenses associated therewith

Vote Required: 2/3rds Article 31 Passed Unanimously

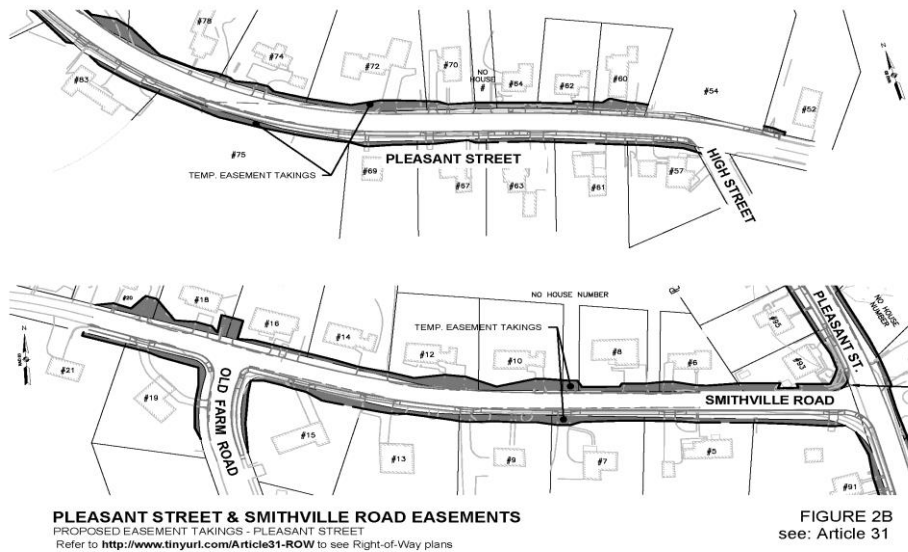
Motion Made By: Selectman Pepe

Motion Seconded By: Vice Chairman Howard



**PLEASANT STREET & SMITHVILLE ROAD EASEMENTS**  
PROPOSED EASEMENT TAKINGS - PLEASANT STREET  
Refer to <http://www.tinyurl.com/Article31-ROW> to see Right-of-Way plans

FIGURE 2A  
see: Article 31



## **ARTICLE 32**

**Article 32:** To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, permanent and temporary easements in certain parcels of land within, adjacent to and/or contiguous to Hastings Road and Wire Village Road (Lower) in the locations more or less depicted on a plan entitled “Easement Plan of Land, Hastings Road & Wire Village Road at Turkey Hill Brook in Spencer, Massachusetts (Worcester County),” prepared by BSC Group, dated October 27, 2021 (rev. 1/24/2022), as it may be amended, a copy of which has been placed on file with the Town Clerk, for all purposes incidental to the establishment, use and improvement of public ways in the Town, including, without limitation, replacement of an existing bridge, drainage, utility, slope, grading and construction of improvements, and, further, to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money for the purpose of providing for such acquisition and paying all costs and expenses associated therewith, or take any other action in relation thereto.

**The Finance Committee Recommends Approval. Unanimous vote.**

## **MOTION ARTICLE 32**

**I move the Town vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, permanent and temporary easements in certain parcels of land within, adjacent to and/or contiguous to**

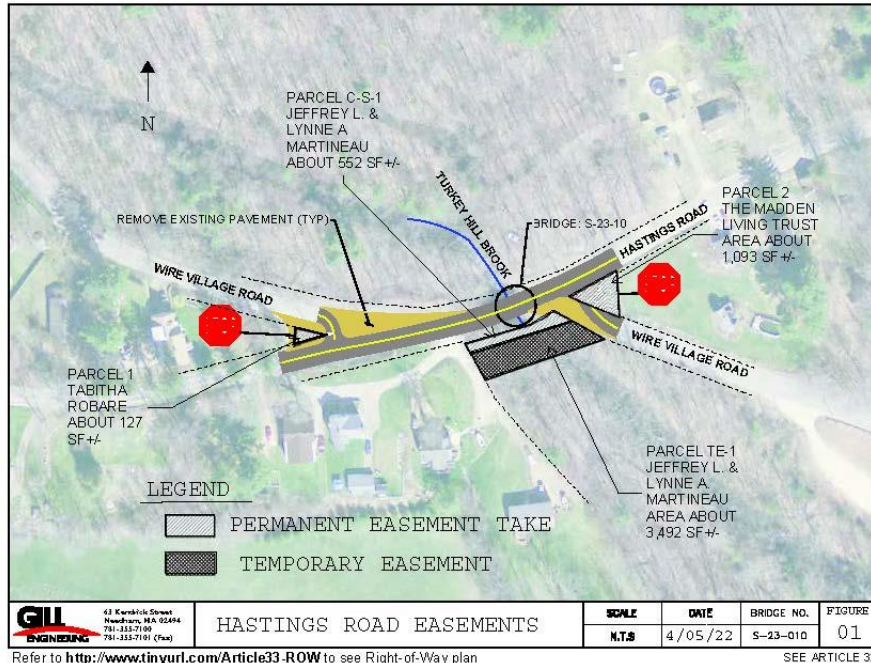
Hastings Road and Wire Village Road (Lower) in the locations more or less depicted on a plan entitled “Easement Plan of Land, Hastings Road & Wire Village Road at Turkey Hill Brook in Spencer, Massachusetts (Worcester County),” prepared by BSC Group, dated October 27, 2021 (rev. 1/24/2022), as it may be amended, a copy of which has been placed on file with the Town Clerk, for all purposes incidental to the establishment, use and improvement of public ways in the Town, including, without limitation, replacement of an existing bridge, drainage, utility, slope, grading and construction of improvements, and, further, to transfer from previously certified Free Cash Two Thousand Three Hundred Dollars and No Center (\$2,300.00) the purpose of providing for such acquisition and paying all costs and expenses associated therewith, or take any other action in relation thereto.

Vote Required: 2/3rds Article 32 Passed Unanimously 219/1

Motion Made By: Vice Chairman Howard

Motion Seconded By: Selectman Hicks

Spoke on Article: Jeffrey Martineau 222 Charlton Rd  
Alan Martineau 222 Charlton Rd  
William Cundiff Utilities and Facilities Superintendent



## **ARTICLE 33**

### **Article 33:**

### **AUTHORIZATION TO AMEND THE TOWN'S GENERAL BYLAWS ARTICLE 9**

#### **Animal Control**

To see if the Town will vote to amend Article 9, of the Town's General Bylaws, entitled Animal Control, with deletions in strikethrough and additions in bold underline all as set forth below; or take any other action relative thereto.

#### **TOWN'S GENERAL BYLAWS ARTICLE 9**

##### **Animal Control**

In addition to the requirements set forth in this Bylaw, the licensing, keeping and control of animals shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited-to the provisions of G.L. c. 140, §§136A to 174E, inclusive, as may be amended from time-to-time.

The Town Administrator shall annually appoint an Animal Control Officer who shall be sworn in by the Town Clerk. The Animal Control Officer and/or his or her assistants are not required to be a resident of the Town. The Animal Control Officer may be a salaried employee of the

Town. The Animal Control Officer shall receive such compensation as agreed upon by the Animal Control Officer and the Town Administrator.

Annual dog and kennel licenses, as required by G.L. c. 140, §§137 and 137A, must be obtained from the Office of the Town Clerk by June 30 for a licensing period of July 1 through June 30 of the following calendar year. When licensing a dog for the first time, proof of spay or neutering should be presented in order to be eligible for neutered or spayed license fee. There will be an additional late fee per license for licensing after July 1 and an additional demand fee per license for licensing after August 1. Any dog or kennel not licensed by September 1 may be subject to the issuance of tickets through the use of non-criminal disposition of the issuance of a criminal complaint, as set forth below, for each day after September 1 that the dog or kennel is not licensed. Any fees, late fees, demand fees and tickets are cumulative.

Applications for kennel licenses shall include the name, breed, age, proof of fixing (if applicable), proof of rabies vaccinations, a photograph of each dog, and the telephone number where the licensee can be reached at all times.

No kennel license shall be issued unless the applicant demonstrates that the use of the subject property as a kennel is permitted under the Town's Zoning bylaws.

The annual fee for individual and kennel licenses shall be as follows:

- a. Individual Dog, fixed ..... \$10.00
- b. Individual Dog, intact ..... \$15.00
- c. Kennel, 4 dogs ..... \$30.00
- d. Kennel, 5-10 dogs ..... \$50.00
- e. Kennel, over 10 dogs ..... \$70.00
- f. Late fee, after July.....\$15.00
- g. Demand fee after August 1.....\$25.00
- h. Ticket issued after September 1.....\$50.00

No person shall permit any dog, whether licensed or unlicensed, to wander on private property without permission of the owner thereof, or on any public property within the Town, including but not limited to public ways, school grounds, recreation areas and cemeteries, unless the dog is properly restrained. A dog is under restraint for purposes of this Bylaw if it is accompanied by its owner or other person responsible for the dog, who is in full control of such dog, or unless the dog is held firmly on a leash of not more than six (6) feet.

Unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town, and impounded pursuant to G.L. c. 140, §§151A and 167.

Nothing in this Bylaw shall be deemed to prohibit the use of dogs for hunting, sporting or working purposes as long as said dogs are properly restrained.

The owner or keeper of any dog impounded under the provisions of G.L. c. 140, §167, this Bylaw or any other applicable law, may claim such dog, provided he or she first procures from the Town Clerk a license and tag for any such dog that is not licensed and pays the sum of **\$50.00 for the impoundment** and \$15.00 per day for the care of the dog; ~~during the period of~~

~~impoundment~~; provided, however, that nothing in this section shall prohibit the Animal Control Officer from disposing of or retaining custody of any dog as may be authorized by law.

No person shall fail to promptly remove and properly dispose of any feces left by any dog owned, kept or controlled by them on the property of another, including but not limited to any public property within the Town.

**No person shall permit any dog owned, kept or controlled by them to continuously bark in excess of twenty minutes consecutive .**

**No person shall fail to cause any dog or cat, six months of age or older, owned or kept by them, to be vaccinated against rabies by a licensed veterinarian and revaccinated at intervals recommended by the vaccine manufacturer. The vaccination tag shall be secured to the collar or harness to be worn by the dog or cat.**

**The owner or keeper of a dog that has been deemed a Nuisance or Dangerous by the Board of Selectmen after a hearing, shall comply with all mitigation remedies ordered by the Board.**

Whoever having the charge or custody of any member of the animal kingdom, including, but not limited to, any mammal, bird, reptile or amphibian, other than a dog, willfully suffers or permits them to enter or remain on or pass over the land of another, shall be subject to a fine ~~in accordance with Section 5.~~ The Animal Control Officer may apprehend any animal found in violation and impound such animal in a suitable place. Impoundment Fees and Boarding Rates set forth in this Bylaw shall apply in regards to the enforcement of this section.

The Animal Control Officer or any police officer of the Town shall be empowered to enforce provisions of this Bylaw.

In addition to the remedies set forth herein and in G.L. c. 140, §§136A to 174E, inclusive, or any other applicable provision of law, this Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D. If non-criminal disposition is elected, then any person who violates any provision of this Bylaw shall be subject to the following penalties:

First Offense:	\$50 fine
Second Offense:	\$100 fine
Third and subsequent Offense	\$200 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

*(Sponsored by the Board of Selectmen)*

**The Finance Committee Recommends Approval. Unanimous vote.**

### **Motion – Article 33**

**I move to waive the reading and approve Article 33 as printed in the warrant.**

**Vote Required:**                      **Majority** *Article 33 Passed*

**Motion Made By:**                **Chairman Woodbury**

**Motion Seconded By:**        **Selectman Grigg**

**Spoke on Article: Jennifer Nolan 26 Lincoln St**  
**David Darrin Chief of Police**

### **ARTICLE 34**

**Article 34:** To see if the Town will vote to amend the Article 7 of the Town's General Bylaws in the following manner:

(1) by inserting the following new term in Section 2 (Definitions):

Basal Area shall mean the are in square feet of the cross section of a tree taken at breast height (4.5 feet above the ground).

(2) by inserting a new Section 16.6 which shall read as follows:

Tree Cutting under a Forest Cutting Permit ("FCP") in Proximity to Resource Areas – FCP holders performing work within resource areas shall comply with 302 CMR 16.05(e), including but not limited to, the five-year waiting period set forth therein. Each area where trees will be cut in a resource area must be accurately shown on the forest cutting plan map, and the forest cutting plan must state the acreage of wetlands to be cut. A copy of the forest cutting plan map shall be provided to the Commission prior to undertaking any tree removal shown on the plan.

or take any other action in relation thereto. (*Sponsored by the Conservation Commission and the Board of Selectmen*)

**The Finance Committee defers to the recommendation of the Conservation Committee. Unanimous vote.**

### **Motion – Article 34**

**I move to waive the reading and approve Article 34 as printed in the warrant.**

**Vote Required:**                      **Majority** *Article 34 Passed*

**Motion Made By:** Selectman Grigg

**Motion Seconded By:** Chairman Woodbury

### **ARTICLE 35**

**Article 35:** To see if the Town will vote to amend Article 6, Section 4 Driveway Cuts and Drainage,

#### ARTICLE XX: GENERAL BYLAW: DRIVEWAY CUTS AND DRAINAGE

Remove Article 6, Section 4 in its entirety and replace with the following:

#### **“Section 4. Driveway Opening / Curb Cuts and Drainage**

4.1 **Purpose:** The purpose of this bylaw is to ensure that new driveway-road openings do not create a safety hazard or a stormwater drainage issue for the Town, property abutters and the lot owner(s) as well as to provide suitable cornering sight distance and suitable width, grade and construction for routine access and emergency vehicle access/egress.

4.2 **Applicability:** Any alteration of an existing driveway or installation of a new driveway, or the alteration or creation of a driveway opening or curb-cut onto any public or private roadway within the Town, excluding State Highways under the jurisdiction of the Massachusetts Department of Transportation (MADOT), shall require a Driveway Opening/Curb Cut permit from the Highway Superintendent.

4.3 **Design / Construction Requirements:** Driveways shall be located and designed for driver safety including, but not limited to, providing best available sight lines for the property and other roadway users in accordance with American Association of State Highway Transportation Officials (AASHTO), Federal Highway Administration (FHWA) design standards. All driveways shall meet the requirements of Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.00.

If advanced roadway warning safety signage is required by the Spencer Highway Department or requested by the applicant or property owner and approved by the Highway Department, it shall be fabricated in accordance with AASHTO, Manual on Uniform Traffic Control Devices (MUTCD) and Spencer Highway Department standards and paid for by the applicant or property owner. The installation of required safety signage to be located on private roads or private property shall be the responsibility of the applicant or property owner and approved by the Spencer Highway Department. Installation shall be as directed by the Spencer Highway Department.

4.4 **Installation:** Driveway installation shall not damage the existing edge of the adjoining roadway. In locations where paved roads exist, driveway aprons shall be

**Commented [JT83]:** Please note that the Division of Highways has authority over curb cuts and driveway openings onto state highways and the Town cannot dictate the approval needed from the DH.

constructed with a minimum of 8-inches of processed gravel base and topped with at least 2-½ inches of Binder Asphalt Paving for a minimum distance of 20-feet from the existing paved road that is being used for access. Drainage patterns of the pre-driveway / curb cut condition shall be maintained.

- 4.5 **Occupancy Permits:** Applications for a Building Permit for New Home Construction, must include a Driveway/Curb Cut Permit approved by the Highway Superintendent, or his/her designee. Building Occupancy Permits for New Home Construction shall not be issued when a driveway permit construction signoff has not been obtained.

- 4.6 **Peer Review:** The Highway Superintendent may require an outside consultant Peer Review (to be selected by the Highway Superintendent) of the submittal for safety, drainage and regulatory compliance. Consultant review shall be paid by the applicant.

- 4.7 **Regulations:** The Highway Superintendent shall administer, implement and enforce this Bylaw and may develop regulations, approved by the Board of Selectmen, relating to the forms, procedures, terms, conditions, fees, surety and as otherwise may be required for enforcement of this Bylaw or as may be required for improving safety on the public or private way.

- 4.8 **Severability:** In the event that any clause, provision, or portion of this Bylaw or any part thereof shall be declared invalid, void, or unenforceable by any court having jurisdiction, such invalidity shall not affect the validity or enforceability of the remaining portions of this Bylaw.

**The Finance Committee defers to the recommendation of the Superintendent of Utilities and Facilities Department. Unanimous vote.**

**I move to waive the reading and approve Article 35 as printed in the warrant.**

**Vote Required:** Majority Article 35 Passed

**Motion Made By:** Vice Chairman Howard

**Motion Seconded By:** Selectman Pepe

### **ARTICLE 36**

**Article 36:** To see if the Town will vote to appropriate the sum of One Hundred Twenty-Five Thousand Dollars and No Cents (\$125,000.00) for the purpose of supplementing the General Stabilization Fund (Account #83000-39900), as authorized by General Laws, Chapter 40, Section 5B; or take any action in relation thereto. (Sponsored by the Town Administrator).

**The Finance Committee took no action as the article was prepared after the final meeting of the Committee before the closing of the warrant. The Finance Committee will consider the article at a meeting prior to the start of the Annual Town Meeting.**

**Commented [JTB4]:** This is already addressed in section 4.2 and 4.7

**Commented [JTB5]:** The Building official has independent authority to issue occupancy permits, the AG may find this contradicts c.143 and the building code.

**Commented [JTB6]:** Please note that G.L. c. 53G requires that in order to allow the direct depositing of funds in a special account for this purpose, the permit granting officer or board must promulgate rules for the "imposition of reasonable fees for employment of outside consultants."

I can assist in drafting rule that comply with 53G if you do not already have such rules in place.

**Commented [JTB7]:** In my opinion, the Town may charge fees for the permit but those fees must be based on the costs to the Town and revenue neutral.

### **Motion – Article 36**

**I move to waive the reading and approve Article 36 as printed in the warrant.**

**Vote Required:**                      **Majority**    *Article 36 Passed*

**Motion Made By:**                **Chairman Woodbury**

**Motion Seconded By:**         **Selectman Pepe**

### **ARTICLE 37** **SENIOR TAX EXEMPTION COST OF LIVING INCREASE**

**Article 37:** To see if the Town will vote to accept General Laws Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under General Laws, Chapter 59, Section 5 Clause 41C, but the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2022; or take any other action relative thereto. (Sponsored by petition of Jonathan Viner and nine other interested citizens).

**The Finance Committee defers making a recommendation until further information is supplied by the Petitioner. Unanimous vote.**  
**Finance Committee approved 6/23/2022**

**Vote Required:**    **Majority**    *Article 37 Passed*

**Motion Made by: Viner**

**Motion Seconded by: Grigg**

**Spoke on Article: Jonathan Viner 34 Donnelly Cross Road**

### **ARTICLE 38** **SENIOR TAX EXEMPTION OPTIONS**

**Article 38:** To see if the Town will vote to adjust, commencing with fiscal year 2023, Clause 41C (M.G.L. c.59, Section 5, Clause 41C) eligibility requirements amended by Chapter 184 Section 51 of the Acts of 2002 to;

- Reduce the eligibility age from 70 to 65 years old, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2022, and;
- Increase the exemption amount from \$500 to \$1,000, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2022, and;
- Increase the gross receipts limit from \$13,000 to \$20,000 if single and from \$15,000 to \$30,000 if married, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2022, and;
- Increase the whole estate limit from \$29,000 to \$40,000 if single and from \$30,000 to \$55,000 if married, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2022.

Or take any other action relative thereto. (Sponsored by petition of Jonathan Viner and nine other interested citizens).

**The Finance Committee defers making a recommendation until further information is supplied by the Petitioner. Unanimous vote.**

**\*\*Motion made to AMEND the AGE ELIGIBILITY (Bullet #1) to 67 and KEEP THE EXEMPTION TAX CREDIT AMOUNT at \$500.00 (Bullet #2) and keep all other bullets as written and Re-Visit this next fiscal year.\*\***

**Vote Required: Majority Article 38 Passed as Amended on the Floor**

**Motion Made By: Christopher Woodbury**

**Motion Seconded By: Jared Grigg**

**Spoke on Article: Jonathan Viner 34 Donnelly Cross Road  
Mary Braney – Finance Committee  
Robert Cirba 23 Summit St  
John Stevens 3 Thompson Pond Rd  
Mary Williams 28 School St  
Linda LeBlanc – Assessor  
Sarah DeCoteau 35 Ash St  
Ralph Hicks 21 Lyford Rd  
Gary Woodbury 219 Charlton Rd**

**Motion to Adjourn meeting: Majority Motion Passed**

**Motion Made By: Vice Chairman Howard**

**Seconded By: Selectmen Hicks**

*~Remainder of page left intentionally blank.~*

And you are directed to serve this warrant, by posting an attested copy in at least three (3) places seven (7) days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make do return of this warrant, with your doings thereof, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord two thousand twenty-two.

\_\_\_\_\_  
Gary E. Woodbury, Chairman

\_\_\_\_\_  
John J. Howard, Vice Chairman

\_\_\_\_\_  
Jared J.B. Grigg, Clerk

\_\_\_\_\_  
Ralph E. Hicks, Member

\_\_\_\_\_  
Anthony D. Pepe, Member

Board of Selectmen

A true copy. Attest.

\_\_\_\_\_ Constable

Worcester, SS

\_\_\_\_\_ Date

PURSUANT TO THE WITHIN WARRANT, I have posted and warned the inhabitants of the Town of Spencer by posting an attested copy in at least three places seven days before the date of the meeting, as within directed.

\_\_\_\_\_ Constable of Spencer

NOTICE: Persons needing a sign language interpreter or other hearing assistance device, please contact the Board of Selectmen's Office.