

May 4th 2023 Annual Town Meeting

Quorum was called at 7:07 pm

Meeting was called to order at 7:10 pm

Police Chief Michael Befford was called to lead the Pledge of Allegiance

Town Clerk Sandy Fritze was called to sing the National Anthem

Moderator William Shemeth III announced Promotions in the Police and Fire Departments, Retirements and Deaths of former Town employees.

Moderator William Shemeth III announced the list of Board & Committee Vacancies

Moderator William Shemeth announced a list of goings on in the Town.

Gary Woodbury, Chairman of the Board of Selectmen introduced the Select Board

Mary Braney, Chairman of the Finance Committee introduced the members of the Finance Committee.

ARTICLE 1

Article 1: To see if the Town will vote to transfer within the Fiscal Year 2023 Budget the amounts specified in the below chart; or take any action in relation thereto. *(Sponsored by the Town Administrator)*

Amount	From Account	To Account
\$26,825.00	Snow & Ice Salaries and Wages (#11423-51000)	Snow & Ice Expenses (#11423-57000)
\$32,512.00	Highway Expenses (#11522-5700)	Snow & Ice Expenses (#11423-57000)
\$10,000.00	Employee Benefits (#11800-57000)	Fire Department Expenses (#11220-57000)
\$15,000.00	Employee Benefits (#11800-57000)	Town Counsel (#11151-57000)
\$4,300.00	Tree Warden Salaries and Wages (#11494-51000)	Tree Warden Expenses (#11494-57000)
	TOTAL	

Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous Vote.

Board of Selectmen approved

Motion – Article 1

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

Vote Required: Majority Passed 125/6

Motion Made By: Gary Woodbury

Motion Seconded By: Tony Pepe

ARTICLE 2

Article 2: To see if the Town will vote to appropriate the sum of Nine Hundred Twelve Dollars and Fifty Cents (\$912.50) to the General Stabilization Account from previously certified and available free cash to reimburse the General Stabilization Fund from an appropriation made at the November 10, 2022, Special Town Meeting, or to take any action in relation thereto. *(Sponsored by the Town Administrator)*

Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.

Board of Selectmen approves

Motion – Article 2

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

Vote Required: Majority Passes 147/6

Motion Made By: Gary Woodbury

Motion Seconded By: Ralph Hicks

ARTICLE 3

Article 3: To see if the Town will vote to appropriate the sum of One Thousand Two Hundred Twenty-One Dollars and Eighty-Nine Cents (\$1,221.89) to the General Stabilization Account from previously certified and available Free Cash to reimburse the General Stabilization Fund for an appropriation made at the November 10, 2022, Special Town Meeting to pay a bill from a prior fiscal year, or to take any action in relation thereto. *(Sponsored by the Town Administrator)*.

Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.

Board of Selectmen approves

Motion – Article 3

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

Vote Required: Majority Passes 146/6

Motion Made By: Gary Woodbury

Motion Seconded By: John Howard

ARTICLE 4

Article 4: 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 2024, 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 2024 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 2024 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 2024 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*)

**Finance Committee Recommendation: The Finance Committee Recommends Approval;
Unanimous vote.
Board of Selectmen Approves**

Motion – Article 4

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

Vote Required: Majority Passes 135/14

Motion Made By: John Howard

Motion Seconded By: Jared Grigg

ARTICLE 5

Article 5. To see if the Town will vote to appropriate the sum of One Hundred Fifty Dollars and No Cents (\$150.00) to pay a prior fiscal year's expense related to continuing disclosure services for the filing of the Fiscal Year 21 Final Audit and to meet said appropriation by transferring said sum from previously certified and available Free Cash; or to take any action in relation thereto. (*Sponsored by the Town Administrator*)

**Finance Committee Recommendation: The Finance Committee Recommends Approval;
Unanimous vote.
Board of Selectmen Approves**

Motion – Article 5

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

Vote Required: 4/5 Vote Required Passes 141/9

Motion Made By: Gary Woodbury

Motion Seconded By: Ralph Hicks

ARTICLE 6

Article 6: 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 2024 as shown below:

Fund	Spending Limit
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)*

**Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.
Board of Selectmen Approves**

Motion – Article 6

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

Vote Required: Majority Passes 142/6

Motion Made By: Ralph Hicks

Motion Seconded By: John Howard

ARTICLE 7

Article 7: To see if the Town will vote, as a block, to fix or maintain the salaries of the elected officials for Fiscal Year 2024 as follows:

Board of Selectmen	\$ 0.00	Annually
Moderator	\$ 200.00	Annually
Board of Assessors	\$ 1,000.00	Annually
Town Treasurer/Collector	\$ 79,240.00	Annually
Town Clerk	\$ 76,930.00	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)*

**Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.
Board of Selectmen Approves**

Motion – Article 7

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

Vote Required: Majority Passes 137/12

Motion Made By: John Howard

Motion Seconded By: Jared Grigg

ARTICLE 8

Article 8: 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 are increased by 2.85% for FY 2024)

Schedule A

<u>Schedule A</u>		
Administrative Clerk (part time)	\$18.05	hourly
Animal Control & Inspection Officer	\$40,501.30	yearly
Animal Control On-Call (per diem basis)	\$109.02	daily
Clerk-of-the-Works I	\$20.57	hourly
Clerk-of-the-Works II	\$22.52	hourly
Clerk-of-the-Works III	\$25.15	hourly
Clerk-of-the-Works IV	\$28.34	hourly
Clerk-of-the-Works V	\$33.48	hourly
COA Outreach Worker	\$20.26	hourly
Election Inspectors	\$15.43	hourly
Election Wardens / Clerks	\$15.94	hourly
Engineering Aide I	\$19.18	hourly
Engineering Aide II	\$21.70	hourly
Facilities Maintenance Worker	\$20.26	hourly
Gas Inspector	\$6,222.43	yearly
Harbormaster	\$1,134.44	yearly
Laborer (Seasonal)	\$16.46	hourly
Library Page	\$15.43	hourly

Parks & Rec Waterfront Director	\$23.66	hourly
Parks & Rec Water Safety Instructor	\$18.36	hourly
Parks & Rec Head Lifeguard	\$18.36	hourly
Parks & Rec Lifeguard	\$16.46	hourly
Parks & Rec Parking Attendant	\$15.43	hourly
Parks & Rec Coordinator/Clerk	\$19.70	hourly
Plumbing Inspector	\$6,222.43	yearly
Police Dispatcher	\$21.91	hourly
Recording Secretary (ODIS)	\$17.33	hourly
Registrars	\$1,497.50	yearly
Sealer of Weights & Measures	\$5,181.58	yearly
SEMA, Director of Operations	\$2,727.58	yearly
SFD Deputy Chief	\$10,490.70	yearly
SFD Captain - On-Call	\$22.47	hourly
SFD Lieutenant - On-Call	\$20.78	hourly
SFD Firefighter - On-Call	\$19.18	hourly
SFD Captain - Full Time	\$57,045.75	yearly
SFD Lieutenant - Full Time	\$55,926.74	yearly
SFD Firefighter - Full Time	\$54,829.34	yearly
Transfer Station Monitor	\$18.56	hourly
Transfer Station Senior Monitor	\$20.78	hourly

Schedule B

Compensation Grade	Job Title
Grade 1	Library Associate
Grade 1	Administration Clerk
Grade 2	Tree Warden
Grade 2	Planning Assistant
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
Grade 4	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 7	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
1	20.08	20.48	20.89	21.51	22.16	22.82	23.75	24.92
2	22.07	22.51	22.97	23.66	24.38	25.10	26.11	27.40
3	24.30	24.79	25.26	26.03	26.80	27.63	28.73	30.16
4	26.72	27.28	27.80	28.62	29.49	30.38	31.60	33.18
5	29.40	29.98	30.58	31.50	32.43	33.41	34.74	36.49
6	35.27	35.98	36.70	37.80	38.93	40.09	41.70	43.78
7	42.33	43.18	44.04	45.35	46.71	48.11	50.05	52.54
8	50.79	51.81	52.83	54.44	56.06	57.74	60.05	63.06

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

Finance Committee Recommendation: The Finance Committee Recommends Approval; 6 in favor, 1 opposed.

Board of Selectmen Approves

Motion – Article 8

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

Vote Required: Majority Passes 140/10

Motion Made By: John Howard

Motion Seconded By: Ralph Hicks

ARTICLE 9

Article 9: To see if the Town will vote to appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to the fund known as the Post Employment Benefit Trust Fund (OPEB) and to meet said appropriation by transferring said sum from previously certified and available Free Cash; or to take any action in relation thereto. *(Sponsored by the Town Administrator)*

**Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.
Board of Selectmen Approves**

Motion – Article 9

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

Vote Required: Majority Passes 137/12

Motion Made By: Ralph Hicks

Motion Seconded By: Jared Grigg

ARTICLE 10

Article 10: To see if the Town will vote to appropriate the sum of Ten Thousand Two Hundred Eighty Dollars and No Cents (\$10,280.00) from previously certified and available Free Cash for codification services of the Town General Bylaws, Zoning Bylaws, and other regulations, including all incidental and related expenses; or take any other action in relation thereto. *(Sponsored by the Spencer Town Clerk)*

**Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.
Board of Selectmen Approves**

Motion – Article 10

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

Vote Required: Majority Passes 143/7

Motion Made By: Jared Grigg

Motion Seconded By: Tony Pepe

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 53F¾, One Hundred Twenty-One Thousand Two Hundred Ninety-Six Dollars and Seventy-Eight Cents (\$121,296.78) 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)*

**Finance Committee Recommendation: The Finance Committee Recommends Approval; 6 in favor, 1 abstention.
Board of Selectmen Approves**

Motion – Article 11

I move the Town transfer from the PEG Access and Cable Related Fund authorized by General Laws Chapter 44, Section 53F¾, the amount of One Hundred Twenty-One Thousand Two Hundred Ninety-Six Dollars and Seventy-Eight Cents (\$121,296.78) as a grant to the Spencer Cable Access and PEG Channels.

Vote Required: Majority Passes 122/26

Motion Made By: Tony Pepe

Motion Seconded By: Gary Woodbury

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) to 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)*

**Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.
Board of Selectmen Approves**

Motion – Article 12

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

Vote Required: Majority Passes 138/9

Motion Made By: Tony Pepe

Motion Seconded By: Jared Grigg

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 FY2024 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)*

Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.

Board of Selectmen Approves

Motion – Article 13

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

Vote Required: Majority Passes 136/15

Motion Made By: Ralph Hicks

Motion Seconded By: Tony Pepe

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 2024 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 Ten Million Two Hundred Seventy-Nine Thousand Twenty Eight Dollars and No Cents (\$10,279,028.00) for Fiscal Year 2024 for the following purposes:

Spencer-East Brookfield Regional School District Minimum Contribution
Account #11300-56000

\$8,474,712.00

Spencer-East Brookfield Regional School District Additional Assessment

Account #11300-56000 \$0.00

Spencer-East Brookfield Regional School District Transportation Assessment
Account #11300-56000 \$1,380,299.00

Spencer-East Brookfield Regional High School Debt Service & Capital Assessment
Account #11300-56010 \$424,017.00

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

Finance Committee Recommendation: The Finance Committee voted to defer their recommendation. The Finance Committee will make a recommendation at a meeting prior to the Annual Town Meeting and announce the recommendation on the Town Meeting floor.

Finance Committee voted 7/1 to approve
Board of Selectmen Approves

Motion – Article 14

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

Vote Required: **Majority Passes 120/30**

Motion Made By: **Jared Grigg**

Motion Seconded By: **John Howard**

ARTICLE 15

Article 15: To see if the Town will vote to raise and appropriate One Million Three Hundred Thirty-One Thousand One Hundred Forty Dollars and No Cents (\$1,331,140.00) for Fiscal Year 2024 for the following purposes:

Bay Path Regional Vocational Technical High School Minimum Contribution
Account #11300-52000 \$1,190,547.00

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 \$15,047.00

Bay Path Regional Vocational Technical High School Debt Serv. & Capital Assessment
Account #11300-52000 \$125,546.00

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

**Finance Committee Recommendation: The Finance Committee Recommends Approval;
Unanimous vote.
Board of Selectmen Approves**

Motion – Article 15

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

Vote Required: Majority Passes 135/12

Motion Made By: Jared Grigg

Motion Seconded By: Gary Woodbury

ARTICLE 16

Article 16: To see if the Town will vote to raise and appropriate Seventy-Five Thousand Dollars and No Cents (\$75,000.00) for Fiscal Year 2024 for the following purposes:

Smith Vocational High School Non-Resident Tuition Account #11300-52000	\$44,000.00
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Smith Vocational High School Non-Resident Transportation Account #11300-52100	\$31,000.00
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or take any other action in relation thereto. *(Sponsored by the Board of Selectmen)*

**Finance Committee Recommendation: The Finance Committee Recommends Approval;
Unanimous vote.
Board of Selectmen Approves**

**Spoke on Article: Gary Picard, Buteau Road
Jeffrey Bridges, Town Administrator**

Motion – Article 16

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

Vote Required: Majority 107/41

Motion Made By: Jared Grigg

Motion Seconded By: Ralph Hicks

ARTICLE 17

Article 17: To see if the Town will vote to raise and appropriate Thirty-Four Thousand Dollars and No Cents (\$34,000.00) for Fiscal Year 2024 for the following purposes:

Tantasqua Regional School District Non-Resident Tuition	
Account #11300-52000	\$27,000.00

Tantasqua Regional School District Non-Resident Transportation	
Account #11300-52100	\$7,000.00

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

**Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous Vote.
Board of Selectmen Approves**

Motion – Article 17

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

Vote Required: Majority Passes 117/31

Motion Made By: Ralph Hicks

Motion Seconded By: Gary Woodbury

ARTICLE 18

Article 18: To see if the Town will vote to raise and appropriate Thirteen Million Three Hundred Seventeen Thousand Three Hundred Forty-Five Dollars and No Cents (\$13,317,345.00) to pay for the operations of the General Government expenses for Fiscal Year 2024; or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

Note: The proposed Fiscal Year 2024 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.

**Finance Committee Recommendation: The Finance Committee Recommends Approval;
Unanimous vote.
Board of Selectmen Approves**

Motion – Article 18

I move that the Town raise and appropriate Thirteen Million Three Hundred Seventeen Thousand Three Hundred Forty-Five Dollars and No Cents (\$13,317,345.00), to pay for the operations of the General Government expenses for Fiscal Year 2024.

Vote Required: Majority Passes 140/10

Motion Made By: John Howard

Motion Seconded By: Tony Pepe

ARTICLE 19

Article 19: To see if the Town will vote:

1. to appropriate One Million Seven Hundred Eighteen Thousand One Hundred Four Dollars and No Cents (\$1,718,104.00) for the use of the Water Department for Fiscal Year 2024, 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 Fiscal Year 2024 revenues, for Fiscal Year 2024 One Hundred Eighty-Five Thousand Six Hundred Fifty-Seven Dollars and No Cents (\$185,657.00); and,
3. to have the Board of Water Commissioners set the Fiscal Year 2024 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)*

**Finance Committee Recommendation: The Finance Committee Recommends Approval;
Unanimous vote.
Board of Selectmen Approves**

Motion – Article 19

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

Vote Required: Majority Passes 130/12

Motion Made By: Tony Pepe

Motion Seconded By: John Howard

ARTICLE 20

Article 20: To see if the Town will vote:

1. to appropriate Two Million One Hundred Thirteen Thousand Six Hundred Eighty-Seven Dollars and No Cents (\$2,113,687.00) for the use of the Sewer Department for Fiscal Year 2024, 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 Fiscal Year 2024 revenues Costs for Fiscal Year 2024 at One Hundred Seventy-Five Thousand Five Hundred Seventy-Four Dollars and No Cents (\$175,074.00); and,
3. to have the Board of Sewer Commissioners set the Fiscal Year 2024 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)*

Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.

Board of Selectmen Approves

Jeffrey Bridges corrected a typo

Motion – Article 20

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

Vote Required: Majority Passes 130/12

Motion Made By: Tony Pepe

Motion Seconded By: Gary Woodbury

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)*

Capital Improvement Planning Committee Recommendation: The Capital Improvement Planning Committee Recommends Approval.

**Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.
Board of Selectmen Approves**

Motion – Article 21

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

Vote Required: Majority Passes 131/9

Motion Made By: Tony Pepe

Motion Seconded By: John Howard

ARTICLE 22

Article 22: To see if the Town will vote to appropriate Eighty Thousand Dollars and No Cents (\$80,000.00) for the purchase of a front-end loader / tractor for the Spencer Sewer Department; 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 Spencer Sewer Commissioners)*

Capital Improvement Advisory Committee Recommendation: The Capital Improvement Planning Committee Recommends Approval.

**Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.
Board of Selectmen Approves**

Motion – Article 22

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

Vote Required: Majority Passes 124/22

Motion Made By: Ralph Hicks

Motion Seconded By: Jared Grigg

ARTICLE 23

Article 23: To see if the Town will vote to appropriate Four Hundred Fifty-Seven Thousand Dollars and No Cents (\$457,000.00) to the Water Capital Efficiency Plan Program Account (#15000-58860) for the following capital projects, including all incidental and related expenses, as approved by the Capital Improvements Planning Committee; and to meet said appropriation by transferring said sum from previously certified and available retained earnings of the Water Enterprise Fund; or taken any other action in relation thereto. *(Sponsored by the Board of Water Commissioners)*

Improvement	Amount
Water Filtration Tank / Lining Design	\$250,000.00
SCADA Computer System Upgrade	\$21,000.00
Bemis St. Water Main Repair	\$100,000.00
2 WD Ford Ranger or Equal	\$36,000.00
System Operational Repairs	\$50,000.00

Capital Improvement Planning Committee Recommendation: The Capital Improvement Planning Committee Recommends Approval.

Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.

Board of Selectmen Approves

Motion – Article 23

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

Vote Required: Majority Passes 134/12

Motion Made By: Jared Grigg

Motion Seconded By: Gary Woodbury

ARTICLE 24

Article 24: 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 of a Self-Contained Breathing Apparatus Air Compressor for the Spencer Fire Department and other incidental and related expenses, and to raise and appropriate Twenty Eight Thousand Dollars and No Cents (\$28,000.00) 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*)

Capital Improvement Planning Committee Recommendation: The Capital Improvement Planning Committee Recommends Approval.

Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.

Board of Selectmen Approves

Motion – Article 24

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 a Self-Contained Breathing Apparatus Air Compressor for the Spencer Fire Department including all other incidental and related expenses, and to raise and appropriate Twenty Eight Thousand Dollars and No Cents (\$28,000.00), said funds included in the amount raised and appropriated in Article 18, for the first fiscal year of such agreement.

Vote Required: 2/3rds Passes 135/7

Motion Made By: Jared Grigg

Motion Seconded By: Tony Pepe

ARTICLE 25

Article 25: To see if the Town will vote to appropriate One Million One Ninety Thousand Seven Hundred Ten Dollars and No Cents (\$1,090,710.00) 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 in the chart below:

<u>Department</u>	<u>Item</u>	<u>Amount</u>
Fire	Forestry 2	\$29,000.00
Fire	Second Floor Egress Design	\$75,000.00
Police	NexGen CAD /RMS	\$164,282.00

Police	Cruiser SUV - Hybrid	\$68,326.00
Police	4WS Drive Cruiser	\$64,192.00
Transfer Station	Waste Oil Storage	\$5,000.00
Transfer Station	Electric for Shelter Building	\$13,910.00
Transfer Station	Forklift	\$36,000.00
Transfer Station	Field Shelter Building	\$18,000.00
Highway	Salt Storage Shed	\$250,000.00
Highway	6-Wheel Dump Truck	\$66,000.00
Highway	Electric Panel Replacement	\$51,000.00
Parks and Rec.	O’Gara Grandstand Project	\$25,000.00
Parks and Rec.	O’Gara Field Lights	\$100,000.00
Library	Building Repairs	\$125,000.00

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

Capital Improvement Planning Committee Recommendation: The Capital Improvement Planning Committee Recommends Approval.

Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.

Board of Selectmen Approves

Motion – Article 25

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

Vote Required: Majority Passes 122/19

Motion Made By: John Howard

Motion Seconded By: Ralph Hicks

ARTICLE 26

Article 26. 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 Forestry Truck for the Spencer Fire Department and Six Wheel Dump Truck for the Spencer Highway Department, including all other incidental and related expenses, and to transfer from available and previously certified Free Cash the sum of Ninety Five Thousand Dollars and No Cents (\$95,000.00) said funds included in the amount transferred in Article 25, 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)*

Capital Improvement Planning Committee Recommendation: The Capital Improvement Planning Committee Recommends Approval.

Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.

Board of Selectmen Approves

MOTION – ARTICLE 26

I move Town 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 Forestry Truck for the Spencer Fire Department and Six Wheel Dump Truck for the Spencer Highway Department, including all other incidental and related expenses, and to transfer from available and previously certified Free Cash the sum of Ninety Five Thousand Dollars and No Cents (\$95,000.00) said funds included in the amount transferred in Article 25, for the first fiscal year of such agreements; or take any other action in relation thereto.

Vote Required: 2/3rds 125/14

Motion Made By: Gary Woodbury

Motion Seconded By: Tony Pepe

ARTICLE 27

Article 27: To see if the Town vote to appropriate the sum of Four Hundred Fifteen Thousand One Hundred Thirty Three Dollars and No Cents (\$415,133.00) for renovation and rehabilitation including all incidental and related expenses to the Richard Sugden Library and to meet said appropriation by transferring the following sums from the following accounts: Two Hundred Fifty-Seven Thousand Eight Hundred Seventy-Eight Dollars and No Cents (\$257,878.00) from the Library HVAC Account (#60000-58006), One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) from the Library AC/Control Upgrade Account (#60000-59339), and Seven Thousand Two Hundred Fifty Five Dollars and No Cents (\$7,255.00) from the Library HVAC Design Account (#60000-59315); or take any action in relation thereto. *(Sponsored by the Capital Improvement Advisory Committee).*

Capital Improvement Advisory Committee Recommendation: The Capital Improvement Planning Committee Recommends Approval.

Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.

Board of Selectmen Approves

Motion – Article 27

I move to waive the reading and approve Article 27 as printed in the warrant.

Vote Required: Majority Passes 124/15

Motion Made By: Ralph Hicks

Motion Seconded By: John Howard

ARTICLE 28

Article 28: To see if the Town will vote to:

1. Initiate a municipal aggregation program to aggregate the electrical load of interested consumers within the boundaries of the Town pursuant to M.G.L. c. 164, § 134, or any other enabling legislation; and
2. Authorize the Board of Selectmen to (i) enter into one or more agreements with one or more consultants to assist the Town with the development, implementation and administration of such aggregation program for a term of 20 years or more, (ii) enter into one or more agreements with one or more electricity suppliers for terms of 20 years or more for the purchase of electricity for the aggregation program, and (ii) take any actions and execute any other documents and agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the aggregation program and consultant/electricity supply agreements, which agreements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town; or take any action in relation thereto. (*Sponsored by the Board of Selectmen*)

Finance Committee Recommendation: The Finance Committee Recommends Approval; Unanimous vote.

Board of Selectmen Approves

**Spoke on Article: Jeffrey Bridges, Town Administrator
Ralph Hicks, Selectman
Susan Joritsma, 63 Northwest Road**

Motion – Article 28

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

Vote Required: Majority Passes 136/11

Motion Made By: John Howard

Motion Seconded By: Ralph Hicks

ARTICLE 29

Article 29. To see if the Town will vote to adopt a new General Bylaw, Article 19, to establish flow neutral regulations applicable to present and future wastewater treatment systems and sewer service areas in the Town, as follows, or take any other action in relation thereto.

Flow Neutral Regulation for Present and Future Wastewater Treatment Systems/Sewer Service Areas

Section 1: Purpose

In order to manage present and future wastewater flows for the purposes of compliance with present and future water quality standards and regulatory permits and preserving the environmental qualities of the Town, the Town adopts this Flow Neutral Bylaw for Present and Future Wastewater Treatment Systems and Sewer Service Areas. This Bylaw shall be supplemental to any and all other applicable statutes, bylaws, rules, and regulations, including, without limitation, the requirements of 310 CMR 15.000: Septic Systems (Title 5), as such may be amended from time to time, or any orders or directives pursuant thereto, and nothing herein shall exempt the Owner of any property in the Town therefrom.

Section 2. Applicability

This Article shall apply to all property located in the Town which is, or shall in the future be, serviced by an onsite sewage disposal system pursuant to Title 5 or connected to a private sewage disposal/sewer system. The present and future wastewater connections shall be limited to within the Town's existing Sewer Service Area as defined on Figure 3-1 on page 3-3 in the Comprehensive Wastewater Management Plan (CWMP), Phase 1, published in September 2019 and as adopted by the Sewer Commission on April 4, 2023, at 4:00 PM. The present and future expansion of new wastewater flows to the existing collection system shall be limited to a reserve capacity of 145,400 gallons as defined in Table 3-1 on page 3-10 of Phase 2 of the CWMP. Re-allocation of flow within the existing sewer service area will be permitted as long as the result does not exceed the 145,400-gallon threshold or threshold value at the time of connection or reallocation.

Section 3. Determination of Wastewater Flow

For purposes of this Article, wastewater flow to onsite sewage disposal systems and to private/public sewage disposal systems shall be determined in accordance with either: 1) the provisions set forth in 310 CMR 15 (Title 5); or 2) water meter data provided by the Spencer Water Department, as adjusted for seasonal occupancy; or 3) any other method acceptable to the Department of Environmental Protection, the Town of Spencer, and the Spencer Sewer Commission. Any structure, legally in existence as of July 1, 2023, regardless of its flow, may by right maintain that flow or number of bedrooms. "Bedroom" is defined in 310 CMR 15.002. The number of bedrooms in the Assessor's records as of September 1, 2019, are presumed to be accurate.

Section 4. Allocation of Reserve Capacity for Expansion of Existing Facilities

The Town may by majority vote of the Board of Sewer Commissioners, subject to available reserve capacity based on the 145,000-gallon reserve, allow the expansion of existing facilities within the Sewer Service Area that will result in increased sewage flow for that facility. The design flow for the expansion of the existing facilities shall be calculated in accordance with the determination of wastewater flow set forth above. The 145,400-gallon reserve capacity shall be reduced by a like amount.

Section 5. Allocation of Reserve Capacity for Change in Use of Existing Facilities

The Town may by majority vote of the Board of Sewer Commissioners, subject to available reserve capacity, allow the change in use of existing facilities within the Sewer Service Area that will result in increased sewage flow for that facility. The design flow for the change in use of the existing facility shall be calculated as follows:

Flow = New Design Flow – Existing Flow

The existing flow is the average daily water consumption for the facility as recorded by the Spencer Water Department for the prior full calendar year or another acceptable method as outlined in 310 CMR 15.000: Septic Systems (Title 5) and the New Design Flow is the Sewage Flow calculated in accordance with this bylaw. The reserve capacity shall be reduced by a like amount.

The Owner of the facility shall reimburse the Town for the expense of maintaining the portion of the reserve capacity that has been allocated to them as set forth in this bylaw. No rebates shall be granted for change of use which reduces water consumption.

Section 6. Reserve Capacity

The Town owns any and all sewer system capacity not otherwise allocated specifically to an individual, corporation or other entity.

Section 7: Severability

If any provision of this Bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

Section 8: Violations and Penalties; Enforcement

- A. Any person found in violation of any provision of this Article shall be served by the Town with written notice stating the nature of the violation and a reasonable time to correct said violation.
- B. Any person that continues to be in violation after the time set forth in subsection A shall be subject to a fine in an amount not exceeding fifty dollars for each violation. Each day shall constitute a separate offense.
- C. The Board of Health and the Sewer Commissions, and their duly authorized agents, shall have the power and authority to enforce this Bylaw. This Bylaw shall in no way limit the Town's authority to invoke any other remedies at law to ensure compliance with this Bylaw.

or take any action in relation thereto. (*Sponsored by the Sewer Commission*).

Note: This article will adopt a General Bylaw to establish flow neutral regulations applicable to present and future wastewater treatment systems and sewer service areas in the Town of Spencer. Adoption of this bylaw enables the Town to qualify for 0% financing from the State Clean Water Trust for the current \$46 million dollar upgrade to the wastewater treatment facility and future nutrient removal projects for the facility.

(A map of the Adopted Service Area is included as Exhibit 1 and reserve capacity flow tables are included as Table 3-1)

**Finance Committee Recommendation: The Finance Committee Recommends Approval; 5 in favor, 3 opposed.
Board of Selectman Approves**

**Spoke on Article: Sewer Commissioners: Frank White, Larry Dufault and Sewer Superintendent James LaPlante
David Cole, 8 Nottingham Circle
Jared Grigg, Selectman**

Motion – Article 29

I move to waive the reading and approve Article 29 as printed in the warrant.

Vote Required: Majority Passes 134/16

Motion Made By: Tony Pepe

Motion Seconded By: Ralph Hicks

ARTICLE 30

Article 30: To see if the Town will vote to amend the Town of Spencer Zoning Bylaws by deleting the text shown in ~~strike through~~ and inserting the underlined text, as follows:

3.4.2. *Floodplain District* (Added 11/8/93 Art. 25) (Amended 5/5/11 Art. 22)

- A. Purpose. The purposes of the Floodplain District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the flood-plain, and to preserve and maintain the ground water table and water recharge areas within the floodplain.
- B. Definitions. These definitions shall only apply to this Floodplain District section of the zoning bylaw.

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, or VE or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DISTRICT means floodplain district.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

~~FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)~~

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

~~NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later. Structures for which the start of construction commenced on or after the effective date~~

of the first floodplain management code, regulation, bylaw, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.

NEW MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

ONE-HUNDRED YEAR FLOOD see BASE FLOOD

RECREATIONAL VEHICLE means a vehicle which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AR, AH, V, VO, V1-30, VE. [Base Code, Chapter 2, Section 202]

~~START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, or floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.~~

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building,

whether or not that alteration affects the external dimensions of the building.
[Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed.

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation.

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local or other data.

ZONE A1 - A30 AND ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONES B, C and X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

C. District Delineation (~~Amended 5/5/11 Art. 22~~)

1. The Floodplain District includes all special flood hazard areas within the Town of Spencer designated as Zone A and AE on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. ~~The map panels of the Worcester County FIRM that are wholly or partially within the Town of Spencer are panel numbers 25027C0566E, 25027C0567E, 25027C0568E, 25027C0569E, 25027C0590E, 25027C0757E, 25027C0759E, 25027C0767E, 25027C0780E, 25027C0786E and 25027C0787E dated July 4, 2011.~~ The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM dated June 21, 2023 and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011 June 21, 2023. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and the Office of Development and Inspectional Services.

2. ~~Within Zone A, where the 100-year flood elevation is not provided on the FIRM, the developer/applicant shall obtain any existing flood elevation data and it shall be reviewed by the Building Inspector. If the data is sufficiently detailed and accurate it shall be relied upon to require compliance with this bylaw.~~

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

D. Base Flood Elevation and Floodway Data (~~Amended 5/5/11 Art. 22~~)

1. Floodway Data. In Zone A, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- E. Notification Of Watercourse Alteration. The following entities are to be notified of any alteration or relocation of a watercourse in a riverine situation: (Amended 5/5/11 Art. 22)

1. Adjacent Communities
2. NFIP State Coordinator
3. NFIP Program Specialist

- F. Use Regulations

~~1. Reference to Existing Regulations. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:~~

- ~~a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas. (currently 780 CMR 120.G, "Flood Resistant Construction in Coastal Dunes);~~
- ~~b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 13.00);~~
- ~~c) Inland Wetlands Restriction, DEP (currently 302 CMR 6.00); (Amended 5/5/11 Art. 22)~~
- ~~d) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);~~
- ~~e) Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.~~

(Reserved for Future Use.)

2. Other Use Regulations

- ~~a) In Zones A and AE, along watercourses that have a regulatory floodway designated in the Town Of Spencer on the Worcester County FIRM, encroachments are prohibited in the regulator floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. (Amended 5/5/11 Art. 22)~~

- ~~a)-b)~~ Review all subdivision proposals to assure that:
 - 1) such proposals minimize flood damage;
 - 2) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - 3) adequate drainage is provided to reduce exposure to flood hazards.

- G. Permitted Uses. The following uses of low flood-damage potential and causing no obstructions to flood flows shall be permitted provided they do not require structures, fill, or storage of materials or equipment:

1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating, play areas, etc.
4. Conservation of water, plants, wildlife
5. Wildlife management areas, foot, bicycle, and/or horse paths
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises
7. Buildings lawfully existing prior to the adoption of these provisions.

H. Special Permits. No structure or building shall be erected, constructed, substantially improved, reconstructed (except as provided in Paragraph G above), or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted. All Special Permits required under this section shall be issued by the Zoning Board of Appeals except that the Planning Board shall issue them in cases where Site Plan Review and/or a Planning Board Special Permit in Section 4.2 Use Table, Principal Uses is required. Said Board may issue a special permit hereunder (subject to other provisions of this bylaw) if the application is compliant with the following provisions (Amended 11/17/16 Art. 14):

1. The proposed use shall comply in all respect to the provisions of the underlying District in which the land is located.

2. Within 10 days of the receipt of the application, the Board shall transmit one copy of the development plan to the Conservation Commission, and Board of Health. Final action shall not be taken until reports have been received from the above Boards or until 35 days have elapsed.

- ~~3. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited in the floodway unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.~~

~~(reserved for future use)~~

- ~~3~~ 4. The Board may specify such additional requirements and conditions as it finds necessary to protect the health, safety, and welfare of the public and occupants of the proposed use.

I. Designation of community Floodplain Administrator

The Town of Spencer hereby designates the position of the Town Planner/Conservation Agent to be the official floodplain administrator for the Town.

J. Permits are required for all proposed development in the Floodplain Overlay District. The Town of Spencer requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities,

fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

K. Assure that all necessary permits are obtained. The town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

M. Base flood elevation data for subdivision proposals. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

N. Recreational vehicles. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

O. Requirement to submit new technical data. If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

P. Variances to building code floodplain standards. If the State issues variances to the flood-resistant standards as found in the state building code, the community will use this text for local adoption:

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

Q. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP). A variance from these floodplain bylaws must meet the requirements set out by State law and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

R. Abrogation and greater restriction section. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, bylaws or codes.

S. Disclaimer of liability. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

T. Severability section. If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective;

or take any action in relation thereto. (Sponsored by the Spencer Planning Board)

Spencer Planning Board Recommendation:

Finance Committee Recommendation: The Finance Committee voted to defer a recommendation pending receiving the Planning Board's recommendation. The Finance Committee will make a recommendation at a meeting prior to the Annual Town Meeting and announce it on the Town Meeting Floor.

**Finance Committee recommends approval
Board of Selectmen Approves**

Spoke on Article: Lauren Vivier, Town Planner
Jeffrey Bridges Town Administrator

Motion – Article 30

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

Vote Required: 2/3rds Passes 123/19

Motion Made By: Jared Grigg

Motion Seconded By: John Howard

ARTICLE 31

Article 31: To see if the Town will vote to accept the layouts of Deer Run Road, Thornberry Circle, and Briarwood Lane as public town ways, as ordered by the Board of Selectman and depicted on plans placed on file with the Town Clerk as required by law; and further to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, such interests in land as are necessary to allow for the use and maintenance of said ways for all purposes for which public ways are used in the Town of Spencer; or take any other action in relation thereto. *(Sponsored by the Board of Selectmen)*

(The Street and Easement Layout Plans are included on the following pages)

Planning Board Recommendation: The Planning Board Recommends Approval.

Finance Committee Recommendation: The Finance Committee Recommends Approval; 7 in favor, 1 opposed.

Board of Selectmen Approves

Motion – Article 31

I move to waive the reading and approve Article 31 as printed in the warrant.

Vote Required: Majority Passes 131/18

Motion Made By: John Howard

Motion Seconded By: Ralph Hicks

ARTICLE 32 **ASSISTANCE TO PINE GROVE CEMETERY**

Article 32: To see if the town will raise and appropriate the sum of Forty Thousand Dollars and No Cents (\$40,000.00) to partially fund operation of the property known as Pine Grove Cemetery. The Cemetery Commissioners of Pine Grove Cemetery shall be responsible to submit a detailed report to the town on the expenditure of such funds, however that said appropriation is contingent upon an election approval for a so-called Proposition 2 ½ Override; or take any action in relation thereto. (*Sponsored by Carol McPherson and eighteen (18) other interested citizens*).

Finance Committee Recommendation: The Finance Committee does not recommend approval; 2 in favor of approval, 4 opposed.

Board of Selectmen

Motion:

I make a motion to see if the town will raise and appropriate the sum of Forty Thousand Dollars and No Cents (\$40,000.00) to partially fund operation of the property known as Pine Grove Cemetery. The Board of Directors of Pine Grove Cemetery shall be responsible to submit a detailed annual report to the town on the expenditure of such funds, however that said appropriation is contingent upon an election approval for a so called Proposition 2 ½ Override referendum question at the Special Election on or before September 15, 2023; or take any action in relation thereto.

Passes 89/61

Motion made by: Elizabeth McPherson

Motion Seconded by: Ralph Hicks

Motion made to Adjourn the meeting made by:
Seconded by:

Meeting was Adjourned at 8:48 pm

Meetings Submitted by:
Sandra Fritze Town Clerk