

**SPECIAL TOWN MEETING  
NOVEMBER 18, 2004  
MEMORIAL TOWN HALL**

**The Meeting was called to order at 7:13 PM by Moderator, Robert B. McPherson.**

**The Pledge of Allegiance was led by the Moderator.**

**Article 1:** Majority voted that the Town make a supplemental appropriation of \$65,000 to the Fiscal Year 2005 Capital and Operating Budget(s), as illustrated below, and to transfer the sum(s) of \$4,166 from an account entitled Defibrillator (#60000-59042), \$834 from an account entitled Municipal Waterways Maintenance and Improvement Fund (#83000-39000), \$5,000 from an account entitled Wetlands Protection Fund (#24000-24350), and \$55,000 from Overlay Surplus, to meet this appropriation.

<u>Dept.</u>	<u>Account</u>	<u>Amount</u>
Tree Warden	11294-57000	\$2,500
Police	11210-52000	5,000
Development & Inspectional Services	11240-56000	30,000*
Fire Department	11220-52000	2,500
West Main School/Cherry FS	60000-59066	15,000
Rescue/Patrol Boat (SFD/SPD)	60000-59067	5,000
Cable Advisory Committee	60000-59068	5,000
	TOTAL	\$65,000

\*(Transferable by Town Admin. to Personal Service & Other Charges/Expenses within the Department and to Insurance Benefits Account)

**Article 2:** Unanimously voted that the Town authorize the Planning Board to pay late bills for member stipends for FY 2004.

**Article 3:** Unanimously voted that the Town vote, as a block, to

A. Adopt a program of utilizing certain one-time funds from the state to payback those who bore the burden of the original 9C cuts of FY 2003 by making a voluntary and supplementary additional contribution to the Spencer – East Brookfield School District and taking certain other actions, stimulate the local economy, and reserve funds for future such difficult financial times by appropriating the sum of \$179,684 for a 9C Payback and Investment Program, as illustrated below, and

B. To meet said appropriation by an application of said amount received as so-called “one-time municipal relief” contained in the Massachusetts FY 2004 supplemental budget, and

C. Authorize the Town Administrator, notwithstanding the provisions of any Collective Bargaining Agreement or the Personnel By-law to the contrary, a) to process a one time payment to persons, except the Town Administrator, who were in the permanent/non-probationary employ of the Town, on a regularly scheduled basis, on February 10, 2003, and remain in the employ of the Town as of this date, according to the following schedule:

- Full Time	\$100.00
- Part Time	35.00

and b) to transfer any funds so appropriated to accounts within the FY 2005 General Fund entitled Personal Services (#51000) as required to meet the intent of this article and c) to transfer a sum not to exceed \$500.00 and \$400.00, respectively, within the FY 2005 budgets for the Sewer and Water funds to carry out the provisions of this article, and provided further that, shall there be funds insufficient to carry out the purposes of this article, that the Town Administrator shall be authorized to proportionately reduce the schedule above (in even \$5.00 amounts) to meet such insufficiency.

School District Supplemental Contribution	\$30,000
Debt Repayment	5,000
Richard Sugden Library	3,500
Employee Loyalty	6,750
“Need A Ride? - Say RTA” Campaign	5,000
Town Hall	22,500
Sugden Façade (Advance to Building Fund)	10,000
Recreation & Culture Promotions	5,000
Stabilization (Operations)	46,934
Stabilization (Capital)	45,000
Total...	\$179,684

**Article 4:** Majority voted (Declared vote by Moderator) that the Town vote, as block, to

A. Establish a fund to be known as the Land Acquisition Stabilization Fund, a fund created pursuant to MGL Ch. 40 §5B, which fund shall be used for the purchase, and associated purchase costs, of improved and unimproved land when such purchase is deemed to be in the public interest for the purposes of conservation, active and/or passive recreation, and the preservation of open space and scenic and historic sites and landmarks. and

B. Appropriate the sum of \$10,000 to said fund and to meet said appropriation by a transfer of \$7,450 from a capital account entitled Conservation Commission (#60000 59055) and an application of \$2,550 received from the Massachusetts so-called “one-time municipal relief” contained in the state FY 2004 supplemental budget.

Moderator declared 75 voted In Favor and 1 voted Opposed.

**Article 5:** Majority voted that the Town amend Article 1 of the General By-laws by deleting Section 1 in its entirety and inserting instead the new section:

Section 1: Town Meetings; Elections; and Terms of Office

Town Meetings and elections shall be held at the call of the Board of Selectmen unless otherwise specified herein or in state statute.

The Annual Town Meeting shall be held on the first Thursday of May of each and every year.

The Annual Election of those Town Officers required to be elected by ballot, by state statute or these by-laws, shall be held on the third Tuesday in May of each year. The term of Town Officers so elected shall run from July 1 to June 30 in the year for which the term at issue was warned. Upon this by-law taking effect, the ending date of the term of any Town Officer having been elected to a term which shall have ended earlier than said June 30th, shall be extended to coincide with this section. The Town Clerk shall so notify any Officer who has their term extended in this manner within 30 days of this section becoming effective.

Effective Date: This By-law amendment shall be effective January 1, 2006 and upon approval of the Massachusetts Attorney General and it's posting in accordance with M.G.L. Ch. 40 §32.

**Article 6:** Majority voted that the Town amend its General By-laws by deleting Section 1 of Article 4 entitled, Finance Committee in its entirety and inserting instead the following new section:

Section 1: Establishment, Terms and Conflicting Service

There shall be a Finance Committee consisting of 15 residents of the Town. They shall be appointed by the Town Moderator who shall also serve as an additional non-voting Ex Officio member. A term shall run from July 1 of a year to June 30 of an ending year. The terms shall be staggered such that one-third of the fifteen members shall have their term expire on June 30 of the ending year. Any term which shall not be in compliance with this section, as of the date of adoption of this by-law, shall be extended to June 30 of the ending year such that its term shall so comply.

Members shall serve until their successor is appointed and duly qualified. A vacancy in an appointed position shall be filled for the balance of the unexpired term of the vacant position.

Town Officers and Town employees, other than the Moderator, elected or appointed, are not eligible to be members. Any member of said committee who shall be elected or appointed to Town office, except as provided for herein, shall forthwith, upon his qualification in such office, and any other member who shall move from Town shall, upon moving, cease to be a member of said committee. Members absent from one-third of the called meetings in any fiscal year may, after notice of no less than 14 days, be removed by a two-thirds vote of the committee present and voting at the next regularly scheduled meeting after said notice has been sent. Members of the committee, except the secretary, shall serve without compensation. Said committee shall choose its own officers.

Members may serve upon the Personnel Board and any Committee for which membership is specifically provided for in these By-laws. In addition, Members may serve upon temporary ad hoc committees convened for a single purpose, such as the screening of applications for employment or appointment and examination of policy issues, when such bodies will be dissolved upon the completion of their work.

**Article 7:** Unanimously voted that the Town vote, as block, to:

**A.** Authorize the SelectBoard to sell, upon such terms and conditions as it shall deem to be reasonable, appropriate and in the best interests of the Town, a parcel of land of 175+/- square feet on Pope Street adjacent to Parcel 54 as show on Assessors Map U-14. and identified as Parcel F on a Drawing dated 06/30/04, numbered 04634, as prepared by Jalbert Engineering, Inc.

**B.** Authorize the SelectBoard to negotiate, execute and deliver such deeds, leases, and other documents it deems necessary to carry out the purposes of this article. and

**C.** Amend its action under Article 10 of the 2004 Annual Town Meeting by adding the following words after the word "...party..."

"...together with the parcel of land to be sold under the authority of Article 4 of the Fall Town Meeting of November 18, 2004."

**Article 8:** Unanimously voted that the Town vote, as a block, to:

**A.** Authorize the SelectBoard to sell, upon such terms and conditions as it shall deem to be reasonable, appropriate and in the best interests of the Town, the property known as West Main Street School, together with a parcel or parcels of land of 55,000 +/- square feet as shown on Assessor's Map U13 Parcel 1, and,

**B.** Authorize the SelectBoard to negotiate, execute and deliver such deeds, and other documents it deems necessary to carry out the purposes of this article.

**Article 9:** Unanimously voted that the Town authorize the Board of Selectmen to petition the Massachusetts Legislature to enact Special Legislation to be entitled "An Act Amending An Act Relative to the Water Commissioners of the Town of Spencer" and reading substantially as follows:

Chapter 17 of the Acts of 1928 shall be amended to add a new Section 4:

Notwithstanding the foregoing provisions, the operations of the Water Department which are under the control of said Commissioners, and the method of selection of any such Commissioners, shall be as set forth in local by-law adopted at any annual or special town meeting. This statute shall continue to be in full force and affect until such time as any such by-law shall be effective. Sections 2 and 3 of this statute shall cease to be of any force and effect upon the effective date of any such By-law duly adopted and so certified to the Secretary of State by the Town Clerk.

**Article 10:** Majority voted (Declared vote by Moderator) that the Town classify the position of Director/Town Planner in Schedule D of the Personnel By Laws at the starting rate of \$52,500 - \$55,000 and further to vote that the positions of (1) The Assistant Building/Housing Inspector and (2) The Wetland and Soil Specialist be classified as S-7 in Schedule A of the Personnel By Laws.

Moderator Declared 75 voted In Favor and 3 voted Opposed.

Majority voted at 9:01 PM to dissolve this Meeting.

83 Registered Voters Attended this Meeting.

Jean M. Mulhall, Town Clerk