

**SPECIAL TOWN MEETING
NOVEMBER 17, 2005**

The Meeting was called to order at 7:10PM by Moderator, Robert B. McPherson. He stated that the Warrant had been properly posted.

The following Articles were acted upon:

Article 1: Majority voted that the Town transfer the sum of \$8,200 from the Town Clerk's Personal Service Account (#11161-51000) to the Information Technology Personal Services Account (#11155-51000).

Article 2: Majority voted that the Town authorize the SelectBoard to enter into an intermunicipal agreement, for a term not to exceed 25 years, pursuant to MGL Ch. 40 §4A, to join the Community Software Consortium under such terms and conditions as it deems reasonable, appropriate, and in the best interests of the Town, provided, however, that the maximum financial liability of the Town under such agreement shall not exceed \$5,000 per fiscal year.

Article 3: Voted unanimously that the Town authorize the Superintendent of Utilities & Facilities to pay FY 2005 Late Bills, not to exceed \$2,800, in the Street Lighting account (#11424-52000).

Article 4: Majority voted that the Town rescind the following authorized and unissued debt:

<u>Purpose</u>	<u>Date & Article Authorized</u>	<u>Unissued Amount</u>
Town Hall Historic Grant	05/28/98 ATM #28	\$230,000

Article 5: Majority voted that the Town appropriate the sum of \$38,500 to fund the Agreement reached between the Town of Spencer and the Spencer Police Association (MCOPS Local #175), and to transfer said sum from free cash to meet this appropriation.

<u>Dept.</u>	<u>Account #</u>	<u>Amount</u>
Police	11210-51000	\$38,000
Police	11210-54000	\$500

Article 6: Voted unanimously that the Town authorize the SelectBoard for consideration of less than \$100.00 and upon such terms and conditions as it deems reasonable, appropriate and in the best interests of the Town, to grant an easement of 2,500+/- s.f. to the estate of Constance M. Stoddard over certain land on Clark Street (identified as Map U-7 Lot 155 on the records of the Board of Assessors) and to further authorize the SelectBoard to negotiate, execute, deliver, and accept such deeds and other documents it deems necessary to carry out the purposes of this article.

Article 7: Voted unanimously, as a block, that the Town authorize the SelectBoard, for consideration of less than \$100.00 per transaction and upon such terms and conditions as it deems reasonable, appropriate and in the best interests of the Town, to:

- A.** Acquire a utility easement of 5,250+/- s.f. from Donald L. and Marie S. Fontaine over certain land located on Franklin and Sampson Street(s) (identified as Map U-13 Lot 42 on the records of the Board of Assessors).
- B.** Acquire a utility easement of 500+/- s.f. from Edward C. Jardus over certain land located on Sullivan Street (identified as Map U-13 Lot 30-2 on the records of the Board of Assessors).
- C.** Further authorize the SelectBoard to negotiate, execute, deliver, and accept such deeds and other documents it deems necessary to carry out the purposes of this article.

Article 8: Majority voted, as a block, that the Town:

- A.** Appropriate the sum of \$165,000 for an account entitled Mechanic Street Acquisition for the acquisition and the additional sum of \$10,000 for an account for associated costs related thereto, of land thereon and to meet said appropriation from a borrowing.
- B.** Authorize the SelectBoard, upon such terms and conditions as it deems reasonable, appropriate and in the best interests of the Town, to acquire a parcel of land of 10,000+/- s.f. from Reginald L. Girouard, Sr., and Sandra L. Girouard located on Mechanic Street (identified as Map U-7 Lot 37 on the records of the Board of Assessors).
- C.** Authorize the SelectBoard to apply for, accept, and expend without further authorization such grants as it may deem necessary to improve the acquired property as parking.
- D.** Authorize the SelectBoard to lease a portion or all thereof, upon such terms and conditions as it shall deem reasonable, appropriate and in the best interests of the Town, said premises to the United States Postal Service, for a term of not more than 10 years.
- E.** Authorize the SelectBoard to negotiate, execute, deliver and accept such deeds, leases, and other documents it deems necessary to carry out the purposes of this article.

Moderator declared the vote as 120 voted in Favor and 9 voted Opposed.

Article 9: Majority voted that the Town authorize the SelectBoard to utilize the process of eminent domain under Chapter 79 of the Massachusetts General Laws for the acquisition of said property as specified in the preceding Article #8 and to use the monies appropriated under said Article #8 to effectuate the purpose of this article.

Moderator declared the vote as 120 voted in Favor and 10 voted Opposed.

Article 10: Majority voted, as a block, that the Town:

A. Appropriate the sum of \$315,000 for an account entitled Burncoat Pond Land Acquisition for the acquisition and related costs of land thereon and to meet said appropriation by a borrowing.

B. Authorize the SelectBoard, upon such terms and conditions as it deems reasonable, appropriate and in the best interests of the Town, to acquire a conservation restriction as defined in Section 31 of Chapter 184 of the Massachusetts General Laws, on certain property located on Greenville Street, now or formerly of Green, consisting of approximately 60 acres, more or less, as shown on a sketch plan titled "July 2005 Sketch Proposed Conservation Restriction – Plan of Property Surveyed for David H. & Richard H. Green, Greenville Street, Spencer, Massachusetts" on file with the Town Clerk, (being a portion of land identified as Map R26 Lot 4 on the records of the Board of Assessors) and to further authorize the SelectBoard to negotiate, execute, deliver, and accept such deeds and other documents it deems necessary to carry out the purposes of this article.

C. Authorize the SelectBoard to file applications, to enter into agreements, and to execute any and all instruments as may be necessary on behalf of the Town of Spencer to seek reimbursement and effectuate said purchase using Self-Help Grant funding under Section 11 of Chapter 132A of the Massachusetts General Laws and any other grant or reimbursement sources.

D. Enter into such cooperating agreements with Massachusetts Audubon Society as it shall deem reasonable, appropriate and in the best interests of the Town, to accept a grant of funds from said society and to apply the proceeds thereof to the purchase price or costs of indebtedness incurred in connection with this article.

E. That said conservation restriction is being acquired for conservation and passive outdoor recreation purposes and will be in the care and control of the Spencer Conservation Commission under the provisions of Massachusetts General Laws Chapter 40, Section 8C, as it may hereafter be amended, and other Massachusetts statutes relating to Conservation.

Moderator declared the vote as 125 voted in Favor and 1 voted Opposed.

Article 11: Majority voted, as a block, that the Town amend its General By-Laws by:

A. Amending Article 1, Section 1 by striking the word "third" in the second line of Paragraph 3 and inserting instead the word "second" to read as follows:

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 second Tuesday in May of each year.

B. Amending the effective date of this entire section as amended to January 1, 2007.

Effective Date: This by-law amendment shall be effective upon approval of the Massachusetts Attorney General and its posting in accordance with M.G.L. Ch. 40 §32.

Article 12: Majority voted that the Town amend its General By-Laws by adding a section to Article 2 – Town Administration to be entitled and read as follows:

Section 13: Utility Fund Establishment and Maintenance

Funds received and expended on behalf of the Water Fund and the Sewer Fund shall be accounted for in a Utility “Enterprise Fund” in accordance with M.G.L. Ch. 44 §53F ½, Generally Accepted Accounting Practices and such regulations and accounting standards as may from time to time be established by the Town Accountant and Massachusetts Department of Revenue.

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

Article 13: Majority voted that the Town amend its General By-Laws by:

A. Amending Article 9 of its General By-Laws by adding the following section:

Section 11. Other Animals

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 in Section 4 and Boarding Rates in Section 8 shall apply in regards to the enforcement of this section.

B. Amending its General By-Laws, Personnel By-Laws, budgets, and all relevant references by striking the phrase “Dog Officer” and inserting instead the phrase “Animal Control Officer.”

Moderator declared vote as 95 voted in Favor and 25 voted Opposed.

Article 14: Majority voted, as a block, that the Town amend its Personnel By-Laws by amending Section 13(a) by:

A. Striking the words “6 months but” in column *Length of Employment as of July 1*.

B. Striking the words “1 week” and inserting instead the words “1 day per month (not to exceed 10 days).”

C. Adding a section to be entitled Section 25 and read as follows:

Section 25: Travel Allowances

(a) Schedule for Reimbursement & Allowances

Employees may be reimbursed their actual out-of-pocket expenses or provided an allowance for certain travel, lodging, meals, parking, and like expenses they incur in the performance of the duties but only in accordance with a policy to be set by the SelectBoard, after consultation with and upon the recommendation of the Personnel Board. Said policy shall define any approvals, documentation, and the like which employees shall be required to obtain, on either a case-by-case or blanket basis, in order to be eligible for payments hereunder.

(b) Personal Vehicle Mileage

Notwithstanding the foregoing, employees who are authorized to use their personal vehicle in the performance of their duties shall be reimbursed at the rate for such travel as established by the Federal Internal Revenue Service on January 1 of the year preceding the commencement of the fiscal year. Once set for the fiscal year, the rate shall remain in effect for the fiscal year.

D. Adding the position of Administrative Intern/Co-op Student, Utilities & Facilities, to Section 7 Schedule D of the Personnel By-Laws at \$7.50 per hour.

Effective Date: This amendment shall be effective on January 1, 2006.

Article 15: Majority voted that the Town make a supplemental appropriation of \$96,000 to the Fiscal Year 2006 Capital and Operating Budget(s), as illustrated below, and to transfer the sum(s) of \$50,000 from free cash, \$37,000 from the Sewer fund retained earnings, and \$9,000 from Overlay Surplus, to meet this appropriation.

<u>Dept.</u>	<u>Account #</u>	<u>Amount</u>
Finance Committee	11131-56000	\$20,000
Tax Title	11158-57000	\$17,500
Town Accountant	11135-51000	\$2,500
Tree Warden	11294-51000	\$1,250
Tree Warden	11294-57000	\$5,250
Sewer Fund	20000-52000	\$10,000
Sewer Fund	20000-57000	\$27,000
DPI	32000-57000	\$7,500
Cable Advisory Committee	60000-59068	\$5,000
		TOTAL \$96,000

Article 16: Majority voted that the Town transfer the sum of \$43,456 from free cash to one or more of its several Stabilization Funds as set forth below:

<u>Fund</u>	<u>Amount</u>
Operating Stabilization Reserve	\$35,000
Capital Stabilization Reserve	\$7,500
Land Acquisition Stabilization Reserve	\$956

Majority voted at 8:40PM to dissolve this Meeting.

147 Registered Voters attended this Meeting.

Jean M. Mulhall
Town Clerk