

**ANNUAL TOWN MEETING
MEMORIAL TOWN HALL
MAY 1, 2008**

The Meeting was called to order at 7:16PM by Moderator, Robert B. McPherson.

Moderator announced that the Warrant was properly posted.

Peter J. Adams, a former Selectman, led the Pledge of Allegiance.

There was a moment of silence for those who passed away since last year's meeting.

Sandra J. Fritze, Deputy for Spencer Emergency Management Agency, sang the Star Spangled Banner.

Vincent P. Cloutier, Chairman of the Board of Selectmen, presented the Meritorious Service Award to Edward J. Budnik, Tree Warden and Insect and Pest Control Inspector.

Moderator reviewed procedures for Town Meeting.

The following articles were acted upon:

Article 1: Majority voted that the Town amend its Fiscal Year 2008 Operating and Capital/Special Projects Budget(s) by appropriating the sum of \$250,000 to various accounts, and renaming various accounts, as identified below, and to transfer said sum from free cash to meet said appropriation.

<u>Department</u>	<u>Account</u>	
<u>Amount</u>		
Town Counsel (Borkum Road Litigation)	11151-57000	\$
7,500		
Police Dept	11210-52000	\$
5,000		
Snow & Ice Personal Services	11423-51000	\$
52,500		
Snow & Ice Purchase of Services	11423-52000	\$
56,250		
Snow & Ice Other Charges & Expenditures	11423-57000	
	\$126,250	
CBD Investment & Promotions	60000-59105	\$
2,500		
	Total	
	\$250,000	

Moderator ruled a Motion to take up Article #22, Out of Order.

Article 2: Majority voted that the Town approve a consent agenda consisting of the following actions. 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. (Items A, B, C, D, F, G, and I were voted upon as a block and Items E and H were voted separately).

A. Receive, in writing, the reports of the Town Officers and Committees.

B. Authorize the Planning Board to establish a revolving fund in conformity with Chapter 44, Section 53E ½ of the Massachusetts General Laws for the following purposes and subject to the following conditions:

1. To be the depository for monies received from ANR Fees and Subdivision Fees.
2. To be used to fund the administrative costs of the Planning Board.
3. To have a limit on the total amount to be expended from the fund in Fiscal Year 2009 at \$5,000.
4. To have the Planning Board be the only authority empowered to expend monies from this fund.

C. Authorize the establishment of a revolving fund for the Sugden Block in conformity with Chapter 44, Section 53E ½ of the Massachusetts General Laws, for the following purposes and subject to the following conditions:

1. To be the depository for receipts of rentals and charges from the Sugden Block.
2. To pay expenses associated with the operation of the Sugden Block.
3. To have a limit on the total amount to be expended from the fund in Fiscal Year 2009 at \$63,893.
4. To have the Town Administrator be the only authority empowered to expend monies from this fund.

D. To see if the Town will vote to authorize the Office of Development & Inspectional Services to establish a revolving fund in conformity with Chapter 44, Section 53E ½ of the Massachusetts General Laws, for the following purposes and subject to the following conditions:

1. To be the depository for 80% of the fees collected for Electrical Permits.
2. To compensate the Wiring Inspector.
3. To have a limit on the total amount to be expended from the fund in Fiscal Year 2009 at \$17,250.

4. To have the Director of the Office be the only authority empowered to expend monies from this fund.

F. Authorize the SelectBoard to apply for, accept, and expend the following funds:

Community Development Block Grant funds

G. Appropriate the sum of 100% of all fines, penalties, and assessments received in FY 2009 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 & Fire Code Enforcement Fines."

I. Authorize the Town Treasurer/Collector to enter into a compensating balance agreement(s) for Fiscal Year 2009 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 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.

Article 2: Section E.

Majority voted that the Town appropriate the sum of money, received or to be received, from the Chapter 90 State Aid to Highways Program for highway construction and/or maintenance to be expended upon any state-approved road during Fiscal Year 2009, with such funds to be reimbursed 100% from such program for approved projects under the State Highway Guidelines.

Article 2: Section H.

Majority voted that the Town appropriate (1) the sum of 30% of all monies received in Fiscal Year 2009 as payment for the so-called "products," "conveyance," "roll-back" or other such tax or payment under the provisions of Massachusetts General Laws, Chapter(s) 61, 61A and 61B to the Land Acquisition Stabilization Fund and (2) 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.

Article 3: Majority voted that the Town authorize the Parks & Recreation Commission to establish a revolving fund in conformity with Chapter 44, Section 53E ½ of the Massachusetts General Laws, for the following purposes and subject to the following conditions:

1. To be the depository for monies received for park rentals, sticker fees, and fees charged for program offerings.
2. To be used to fund the costs of part-time personnel, utilities, and supplies and expenses related to program offerings.

3. To have a limit on the total amount to be expended from the fund in Fiscal Year 2009 at \$90,000.
4. To have the Parks & Recreation Commission be the only authority empowered to expend monies from this fund.

Article 4: Majority voted, as a block, that the Town:

A. Fix the salaries of the elected officials or employees for Fiscal Year 2009 as follows:

Board of Selectmen	\$2,070.00	yearly
Moderator	\$131.00	yearly
Board of Assessors	\$925.00	yearly
Town Treasurer / Collector	\$54,000.00	yearly
Town Clerk	\$51,500.00	yearly
Water Commissioners	\$700.00	yearly
Sewer Commissioners	\$700.00	yearly
Board of Health	\$700.00	yearly

B. Authorize the Town Administrator to transfer funds from the Fiscal Year 2009 General Fund (Account #11123-56000), Water Fund (Account #15000-31510), and Sewer Fund (Account #20000-31510) as required to meet the additional expense, if any, thereof.

Article 5: Majority voted, as a block, that the Town:

A. Amend the Personnel By-Laws by:

(Informational Note: These rates all generally go up 2.5%.)

1. Substituting the following new compensation schedule:

Section 7, Schedule B
Weekly Salary Schedule

	I	II	III	IV	V
Grade S-2	\$337.54	\$359.64	\$387.23	\$414.96	\$442.59
Grade S-3	\$387.23	\$414.96	\$442.59	\$470.26	\$499.27
Grade S-4	\$442.59	\$470.26	\$499.27	\$525.62	\$553.22
Grade S-5	\$499.27	\$525.62	\$553.22	\$580.99	\$608.51
Grade S-6	\$553.22	\$580.99	\$608.51	\$635.46	\$677.76
Grade S-7	\$608.51	\$635.46	\$677.76	\$719.21	\$760.76
Grade S-8	\$677.76	\$719.21	\$760.76	\$802.26	\$843.78
Grade S-9	\$760.76	\$802.26	\$843.78	\$881.38	\$933.93
Grade S-9A	\$802.25	\$844.88	\$884.68	\$933.93	\$987.09

Grade S-10	\$843.78	\$881.38	\$933.93	\$985.21	\$1,039.40
Grade S-10A	\$892.00	\$931.82	\$987.19	\$1,041.42	\$1,098.69
Grade S-11	\$933.93	\$985.21	\$1,039.40	\$1,096.57	\$1,157.58
Grade S-12	\$1,039.40	\$1,096.57	\$1,157.58	\$1,197.07	\$1,287.60
Grade S-13	\$1,157.58	\$1,197.07	\$1,287.60	\$1,358.41	\$1,433.80
Grade S-14	\$1,287.60	\$1,358.41	\$1,433.80	\$1,512.65	\$1,596.62

2. Substituting the following new compensation schedule:

Section 7, Schedule D

<i>Class Title</i>	<i>Compensation</i>	
Administrative Intern / Co-op Student	\$8.25	hourly
Animal Control & Inspection Officer	\$11,275.00	yearly
Animal Control & Inspection Officer-Alternate	\$615.00	yearly
COA Director	\$16.20	hourly
Election Inspectors	\$9.35	hourly
Election Wardens / Clerks	\$10.35	hourly
Engineering Aide	\$10.25	hourly
Facilities Maintenance Worker	\$10.95	hourly
Finance Committee Clerk	\$350.00	yearly
Fluoride Coordinator	\$11.00	hourly
Gas Inspector	\$3,450.00	yearly
Laborer (Seasonal/Intermittent)	\$10.25	hourly
Library Childhood Literacy Coordinator	\$97.68	weekly
Library Page	\$8.25	hourly
Light Equipment Operator (LEO) - Seasonal	\$15.84	hourly
Parks & Rec Adven. Prog. Director	\$15.65	hourly
Parks & Rec Adven. Prog. Head Counselor	\$11.25	hourly
Parks & Rec Adven. Prog. Counselor	\$9.25	hourly
Parks & Rec Waterfront Director	\$14.25	hourly
Parks & Rec Lifeguard	\$11.25	hourly

Parks & Rec Water Safety Instructor	\$12.75	hourly
Parks & Rec Parking Attendant	\$8.00	hourly
Parks & Rec Chair	\$360.00	yearly
Parks & Rec Clerk	\$360.00	yearly
Planning Board	\$925.00	yearly
Planning Board - Alternate	\$435.00	yearly
Plumbing Inspector	\$4,650.00	yearly
Police Dispatcher	\$13.95	hourly
Registrars	\$1,106.00	yearly
Sealer of Weights & Measures	\$3,870.00	yearly
SEMA, Director of Operations	\$2,020.00	yearly
SFD Deputy Chief	\$7,840.00	yearly
SFD Captain	\$16.50	hourly
SFD Lieutenant	\$15.25	hourly
SFD Fire Science Instructor	\$17.95	hourly
SFD Firefighter (over 10 years)	\$13.95	hourly
SFD Firefighter (5-10 years)	\$12.70	hourly
SFD Firefighter (under 5 years)	\$11.45	hourly
SFD Firefighter (sub)	\$8.60	hourly
SFD Truck Engineer Back Line	\$395.00	yearly
SFD Truck Engineer Front Line	\$525.00	yearly
Tree Climber	\$17.12	hourly
Tree Groundman	\$14.76	hourly
Tree Warden	\$20.09	hourly
Veteran Agent	\$10,050.00	yearly
Wiring Inspector (80% of collected fees)	\$17,250.00	(max/yr)
Zoning Board of Appeals	\$925.00	yearly
Zoning Board of Appeals - Alternate	\$435.00	yearly

3. Substituting the following new compensation schedule:

Section 8
Hourly Rate Schedule

	I	II	III	IV	V
Grade H-1	\$8.36	\$8.90	\$9.47	\$10.05	\$10.77
Grade H-2	\$9.47	\$10.05	\$10.77	\$11.68	\$12.36
Grade H-3	\$10.77	\$11.68	\$12.36	\$13.23	\$13.85
Grade H-4	\$12.36	\$13.23	\$13.85	\$14.80	\$15.45
Grade H-5	\$13.85	\$14.80	\$15.45	\$16.33	\$17.04
Grade H-6	\$15.45	\$16.33	\$17.04	\$17.90	\$19.08

Grade H-7	\$17.04	\$17.90	\$19.08	\$20.12	\$21.24
Grade H-8	\$19.08	\$20.03	\$21.03	\$22.09	\$23.19
Grade H-9	\$21.03	\$22.09	\$23.19	\$24.33	\$25.55
Grade H-10	\$23.19	\$24.33	\$25.55	\$26.83	\$28.16
Grade H-11	\$25.55	\$26.83	\$28.16	\$29.58	\$31.07
Grade H-12	\$28.16	\$29.58	\$31.07	\$32.60	\$34.24

B. Authorize the Town Administrator to transfer funds from the FY 2009 General Fund (Account #11123-56000), the Water Fund (Account #15000-56000), and the Sewer Fund (Account #20000-56000) as required to meet the additional expense, if any, thereof.

Article 6: Majority voted that the Town amend the present Personnel By-Law of the Town of Spencer, Schedule A, by adding the following positions:

- H 8 Director, Recreation and Cultural Services
- H 9 Alternate Building Inspector

Article 7: Majority voted that the Town amend its FY 2009 Operating Budget by appropriating the sum of \$33,300 to fund the agreement reached between the Town of Spencer and Massachusetts Coalition of Police Local #175 and to authorize the Town Administrator to transfer said \$33,300 from the Fiscal Year 2008 General Fund Account #11123-56000 to the Fiscal Year 2009 Police Personal Service Account #11210-51000.

Article 8: Unanimously voted 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 acquire (1) a parcel of land of 3.32+/- acres on Meadow Road (and being land generally identified as Map U23 Parcel 2 on the records of the Board of Assessors) and (2) a parcel of land of 5,000+/- s.f. on Meadow Road (generally identified as Map U21 Parcel 33 on the records of the Board of Assessors), and to further authorize the SelectBoard to negotiate, execute, deliver, and accept such deed and other documents it deems necessary to effectuate the purposes of this article, and to raise and appropriate \$100 to meet said expense.

Article 9: Majority voted that the Town accept M.G.L. Chapter 148 § 26G, which allows for a more rigorous requirement for automatic sprinklers in certain new building construction and/or additions.

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

A. Amend Article 7, Section 11.5 of its General Bylaws by adding the following to the beginning of the section: “Any person who knowingly violates any provisions of this bylaw or any Order of Conditions issued thereunder shall be punished by a fine as provided in Article 11 of the General Bylaws of the Town of Spencer, Section 5, CONSERVATION COMMISSION.”

B. Amend Article 11, Section 5, of the General Bylaws of the Town of Spencer to amend the following under CONSERVATION COMMISSION:

1. Delete item 1, "Failure to File Notice of Intent" in its entirety.
2. Modify items 2, 3, and 4 to delete "Fine Allowed" and to change the fine for the first offense to \$50, the second offense to \$100, and add a third offence at \$300.
3. Renumber items 2, 3, 4, and 5 to 1, 2, 3, and 4.

Article 11: Majority voted that the Town Pass Over this Article.

Article was to amend Section 4.4.1 of the Zoning Bylaw by adding a new Section I to read:

I. The raising or keeping of four or more dogs three months or more in age as pets or for use by the residents of the premises but not for commercial purpose is permitted by special permit on parcels where the principal use is residential as follows:

1. In the Rural Residential or Suburban Residential districts, all accessory structures housing or sheltering such dogs must comply with the minimum dimensional requirements of Article 5 of the Zoning Bylaw and must be located a minimum of 75 feet from any residence on abutting property.
2. In the Village Residential and Lakefront Residential districts, all accessory structures housing or sheltering such dogs must comply with the minimum dimensional requirements of Article 5 of the Zoning Bylaw and must be located a minimum of 25 feet from any residence on abutting property.
3. This accessory use is permitted subject to the granting of a special permit by the Zoning Board of Appeals, who shall impose such conditions as are necessary to minimize potential visual and nuisance conditions for any abutter.

Article 12: Majority voted that the Town accept the provisions of Massachusetts General Laws Chapter 41, Section 81U, paragraph 12, to give the Planning Board the authority to use the proceeds of a monetary surety for the purpose of completing the construction of roads and infrastructure so secured, under the provisions of the Subdivision Control Law and the Spencer Subdivision Regulations, for a subdivision duly approved by the Planning Board. If the amount of the surety is less than \$100,000, the Planning Board may use such funds upon a favorable vote of the Board of Selectmen.

Article 13: Majority voted that the Town appropriate the sum of \$29,633.26 (or the balance of the account at the time it is withdrawn) from Account #024-24199-57178, Planning Board Sullivan Street Surety, for the purpose of completing the construction of the roadway and infrastructure in the Sullivan Estates subdivision off School Street in Spencer. Said subdivision was approved by the Planning Board in May 2004, and construction in compliance with the approved plan has been left incomplete. A public

hearing will be held by the Planning Board in accordance with state law to determine if the developer, Ridgemont Properties of Sutton, MA, is in default prior to any withdrawals being made from said account.

Article 14: Majority voted that the Town appropriate the sum of \$814,730, including an Indirect Cost Payment to the General Fund of the Town of Spencer of \$70,000, as proposed in the Town Administrator’s budget message for the use of the Sewer Department for Fiscal Year 2009, and to fund said appropriation with a transfer of \$31,608 from an account on the books of the Sewer Department entitled Retained Earnings and the balance of \$783,122 from the receipts and revenue collected by the Sewer Department for said Fiscal Year.

Article 15: Unanimously voted that the Town appropriate the sum of \$499,999 for the use of the Sewer Department for a capital program as generally illustrated below and to authorize the borrowing of such sum with the debt service to be repaid from the future revenues of said department.

A.

Maple Street Sewer Repairs	\$499,999
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Unanimously voted that the Town appropriate the sum of \$495,000 for the use of the Sewer Department for a capital program as generally illustrated below and to authorize the borrowing of such sum with the debt service to be repaid from the future revenues of said department.

B.

Grit Classifier Replacement	\$ 70,000
Solids Building Boiler	\$ 25,000
Mechanical Bar Screen	\$100,000
Influent Pumping	\$200,000
Plant Water System Repairs	\$ 50,000
Chemical Manhole	\$ 50,000

Article 16: Majority voted that the Town appropriate the sum of \$884,086, including an Indirect Cost Payment to the General Fund of the Town of Spencer of \$65,128 as proposed in the Town Administrator’s budget message, for the use of the Water Department for Fiscal Year 2009 and to fund said appropriation with a transfer of \$61,794 from an account on the books of the Water Department entitled Retained Earnings and the balance of \$822,292 from the receipts and revenue to be collected by the Water Department for said Fiscal Year.

Article 17: Majority voted (as declared by Moderator) that the Town appropriate the sum of \$140,000 for the use of the Water Department for a capital program as generally

illustrated below and to authorize the borrowing of such sum with the debt service to be repaid from the future revenues of said department.

SCADA Design	\$ 25,000
Design High Water Pressure Mitigation	\$100,000
Water Distribution Improvements	\$ 15,000

Moderator declared vote as 300 in Favor and 1 Opposed.

Article 18: Majority voted that the Town appropriate the sum of \$6,644,091 for the operations of General Government as proposed in the Town Administrator’s budget message and published on pages 29 through 35 inclusive of the Finance Committee Recommendations, and to fund said appropriation by transfers from available funds in the Treasury, and anticipated receipts as may be needed or decided necessary, including, but limited to: \$70,000 from the Sewer Enterprise Fund for the Indirect Costs of the Sewer Department, \$65,000 from the Water Enterprise Fund for the Indirect Costs of the Water Department; \$7,500 from the Wetland Fund, and \$4,901 from the Sugden Block Fund for the Indirect Costs of the Sugden Block, and the balance from taxation. (See Attached Budget Pages)

Article 19: Unanimously voted that the Town transfer the sum of \$80,000 to the Unemployment Reserve (#083-39850) from the Stabilization – Operating Reserve Account (#083-39900) provided, however, that this vote is repealed if the Town shall (a) vote to approve Article 20 contained herein and (b) vote to approve a proposition two and one half, so called, override referendum question for the sum of \$528,371, at the Town Election of May 13, 2008.

Article 20: Majority voted that the Town raise and appropriate the sum of \$528,371 in real estate and personal property taxes for the purposes of providing sufficient personnel and expenses for the Highway and Police departments, a community notification system (commonly known by the trademark “Reverse 911”), and the Richard Sugden Library, provided, however, that this vote is contingent upon passage of a proposition two and one half, so called, override referendum question, at the Town Election of May 13, 2008.

Article 21: Majority voted that the Town appropriate the sum of \$431,500 for a capital program of equipment purchases and building improvements, as generally illustrated below, and to meet said appropriation by transferring the following sums from the following accounts; \$262,500 from free cash, \$100,000 from Sale of DPI (#024-57786), \$4,714 from Chestnut St. Demolition (#024-57781), \$15,000 from Citizen Soldier Monument (#60000-59100), \$4,177 from Cable Advisory Committee (#60000-59080), \$2,125 from 9C Payback Employee Loyalty (#60000-59075), \$395 from Sugden Architectural (#60000-59022), \$2,500 from TC Voting Machines (#60000-59023), \$272 from Access Training Seminar (#024-57867), \$999 from Town Hall Insurance Settlement (#060-59142), and then \$38,818 from Overlay Reserves.

<u>Dept.</u>	<u>Item</u>
<u>Amount</u>	

Info Technology	Technology Upgrade (1)	\$ 80,000
Assessors	Tri-Ennial Revaluation	\$ 90,000
Parks & Rec.	O’Gara Electrical Improvements	\$ 20,000
Police Dept.	Cruiser	\$ 33,000
Highway Dept.	1 Ton Dump with Plow	\$ 45,000
Utilities & Facilities	Repair Steam Traps/Insulate Steam Pipes	\$ 75,000
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Utilities & Facilities	Library Roof & Copper	\$ 25,000
	Gutters/Downspouts	
Fire Dept.	Communications Enhancements Study	\$ 25,200
Fire Dept.	Replacement Cruiser	\$ 38,000
	Contingency	\$ 300
	Total	\$431,500

A Motion was made to reduce the Spencer East Brookfield Regional School District budget by \$528,371.

Defeated by a majority vote a motion to reduce the Spencer East Brookfield Regional School District budget by \$528,371.

Article 22: Majority voted, 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 2009 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:

A. Raise and appropriate the sum of \$6,736,467 for the Operating Assessment (# 11300-56000).

B. Raise and appropriate the sum of \$412,982 for the purposes of paying the costs of debt service (#11300-56010) for previously approved building projects and \$41,717 (#11300-58000) for other previously approved capital projects.

Article 23: Majority voted that the Town raise and appropriate the sum of \$456,113 for Fiscal Year 2009 for the following purposes:

Vocational Education Assessment & Tuition (Account #11300-52000)	\$ 421,983
Vocational Education “Buy In” – Debt (Account #11300-TBD)	\$ 34,130

Article 24: Majority voted that the Town Pass Over this Article. Article was to see if the Town will vote to transfer sums of money from available funds in the Treasury to one or more of its several Stabilization Funds.

Majority voted at 10:35 PM to dissolve this Meeting.
362 Registered Voters attended this Meeting.