

**SPECIAL TOWN MEETING
OCTOBER 16, 2008
MEMORIAL TOWN HALL**

The Meeting was called to order at 7:09 PM by Moderator, Robert B. McPherson.

The Pledge of Allegiance was led by Jean M. Mulhall, Town Clerk.

The Moderator announced that the Warrant for this Meeting was posted in accordance with the law.

The following Articles were acted upon:

**ARTICLE 1 - AUTHORIZATION TO TRANSFER FREE CASH
TO STABILIZE THE FISCAL YEAR 2009 TAX RATE**

Majority voted that the Town transfer the sum of Fifty Thousand Three Hundred Eighty Three Dollars and No Cents (\$50,383.00) from available, certified Free Cash to stabilize the Fiscal Year 2009 Tax Rate for the purpose of funding the Fiscal Year 2008 deficit of the Water Enterprise Fund; and further to require that the Board of Water Commissioners take action to have the Water Enterprise Fund reimburse the General Fund for said amount of money.

**ARTICLE 2 – AUTHORIZATION TO ESTABLISH
A MUNICIPAL BUILDING STABILIZATION FUND AND APPROPRIATION
TO
THE MUNICIPAL BUILDING STABILIZATION FUND**

Majority voted (Declared vote by Moderator) that the Town:

- A. under the provisions of Massachusetts General Laws, Chapter 40, Section 5B, establish a Municipal Building Stabilization Fund for the purpose of funding the expenses related to the construction, demolition, repair, rehabilitation, restoration, expansion, or modernization of municipal buildings, including related land acquisition, legal, project design and management, and debt service expenses; and further

- B. appropriate the sum of Three Hundred Thousand Dollars and No Cents (\$300,000.00) from available Free Cash to the Municipal Building Stabilization Fund.

Declared vote by Moderator: 120 In Favor and 2 Opposed.

**ARTICLE 3 – AUTHORIZATION TO AMEND ACTION TAKEN AT THE
MAY 4, 2004, ANNUAL TOWN MEETING RELATIVE TO THE CAPITAL
RESERVE STABILIZATION FUND**

Unanimously voted that the Town amend the action taken under Article 29 of the May 4, 2004 Annual Town Meeting establishing the Capital Reserve Stabilization Fund so that the purpose of said Capital Stabilization Reserve Fund established under Massachusetts General Laws, Chapter 40, Section 5B, is for the funding of expenses related to the purchase, repair and upgrade of capital equipment, vehicles, computer systems and networks, and non-building related capital projects.

**ARTICLE 4 – AUTHORIZATION TO APPROPRIATE MONEY FOR THE
EXPENSES OF THE PARKS AND RECREATION COMMISSION**

Majority voted that the Town appropriate the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) from available Free Cash to be expended by the Parks and Recreation Commission for the expenses relating to operation and maintenance of the parks and the programs authorized by the Parks and Recreation Commission, including, but not limited to: the costs of part-time personnel, utilities, supplies, recreation programs, as well as parks and fields maintenance and repair.

**ARTICLE 5 – AUTHORIZATION TO APPROPRIATE MONEY FOR BENEFIT
BUYBACK PAYMENT FOR AN EMPLOYEE REQUIRED TO RETIRE DUE TO
A WORK-RELATED INJURY**

Majority voted that the Town appropriate the sum of Eighteen Thousand Dollars and No Cents (\$18,000.00) from available certified Free Cash to the Fiscal Year 2009 Highway Personal Service Budget Account, Line Item #010-11422-5100 for the purpose of paying severance and retirement benefits in conformity with the collective bargaining agreement to the employee forced to take a disability retirement due to a work-related injury.

**ARTICLE 6 – AUTHORIZATION TO APPROPRIATE FUNDS FOR SEWER
DEPARTMENT CAPITAL IMPROVEMENTS**

Unanimously voted that the Town appropriate the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) to be expended by the Sewer Department to:

- fund design, bidding, and construction administration and inspection services for influent pumping, mechanical bar screen and grit classifier upgrades at the wastewater treatment plant, and
- to meet said appropriation by authorizing the Town Treasurer/Collector to borrow a sum of money; to issue bonds or notes of the Town therefor, under the provisions of Massachusetts General Laws, Chapter 44, Section 9, subject to the approval of the Board of Selectmen, and to pay all necessary legal and bond

preparation costs associated with the issuance of said bonds or notes as authorized under the provisions of Massachusetts General Laws, Chapter 44, Section 20; and further

- to require that the Board of Sewer Commissioners take action to have the Sewer Enterprise Fund reimburse the General Fund for said money associated with this appropriation and authorization to be repaid from revenues of the Sewer Department. (Board of Sewer Commissioners)

ARTICLE 7 – AUTHORIZATION TO SUBDIVIDE AND DISPOSE OF PROPERTY LOCATED AT 117 MAIN STREET TO THE ABUTTING PROPERTY FOR THE PURPOSE OF CONSTRUCTING AN ACCESSIBLE ENTRANCE TO THE BUILDING LOCATED AT 125 MAIN STREET

Majority voted (Declared vote by Moderator) that the Town subdivide and dispose of the property located at 117 Main Street to the abutting property for the purpose of constructing an accessible entrance to the building located at 125 Main St.

Declared vote by Moderator: 120 In Favor and 1 Opposed.

A Motion was made to amend Article 8 (Main Motion) to read that the Sugden Block not be sold for less and one million, five hundred thousand dollars (\$1,500,000.00).

Majority voted that the Town amend Article 8 to include that the Sugden Block not be sold for less than one million, five hundred thousand dollars (\$1,500,000.00).

ARTICLE 8 – AUTHORIZATION TO SELL THE SUGDEN BLOCK

Majority voted (counted vote) that the Town authorize the Board of Selectmen to sell, for not less than one million, five hundred thousand dollars (\$1,500,000.00), the town owned real estate commonly known as the Sugden Block, located at 117 Main Street, Spencer, and generally described as Parcel 119, Map U13 in the records of the Board of Assessors, including the land, buildings, structures and fixtures thereon, on such terms, conditions, and consideration as the said Board of Selectmen deem to be reasonable, appropriate and in the best interests of the Town, and further to authorize the Board of Selectmen to negotiate, execute, and deliver such deeds and other documents as may be necessary to carry out the purpose of this article.

105 voted In Favor and 33 voted Opposed.

ARTICLE 9 – AMENDMENT TO GENERAL BYLAW RELATIVE TO TERMS OF OFFICE OF ELECTED OFFICIALS

Majority voted that the Town amend Article 1. Section 1 of the General Bylaws of the Town of Spencer as follows.

Delete:

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 second 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.

Insert:

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 second Tuesday in May of each year. The term of the Town Clerk and the Treasurer/Collector shall commence on the July 1st of the year so elected and expire on June 30th in the year for which the term at issue was warned. The term of all other Town Officers shall commence as soon as the Town Officer is qualified for office by the Town Clerk, after the Annual Election, and shall continue until the successor for the office is qualified in the year for which the term at issue was warned. The Town Clerk shall notify all Town Officers of any amendments to this by-law;

And further, that the revised by-law shall take effect with the Annual Election in May, 2009.

ARTICLE 10 – AMENDMENT TO THE GENERAL BYLAW RELATIVE TO AUTHORIZATION TO ENTER INTO AN EMPLOYMENT CONTRACT WITH THE TOWN ACCOUNTANT AND INSPECTOR OF BUILDINGS

Majority voted that the Town amend Article 2. Section 12 of the General Bylaws of the Town of Spencer to read as follows:

Section 12. Employment Contracts

The Town Administrator may negotiate and execute an employment contract for a period of time not to exceed three years to provide for the performance standards, salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties of office, liability insurance, performance standards, and leave for all department heads, the Town Accountant, and the Inspector of Buildings. Such employment contract shall be subject to Board of Selectmen action under the procedures set forth in Section 8 of the Spencer Governmental Act and an appropriation of funds. Such employment contract shall be in accordance with and subject to the provisions of the Spencer Governmental Act and shall prevail over any conflicting provisions of any town personnel by-law, rule, or regulation.

And further, that revised by-law shall take effect as of July 1, 2009.

ARTICLE 11 – AUTHORIZATION TO SELL THE TOWN PROPERTY LOCATED ON CHESTNUT STREET

Majority voted (Declared vote by Moderator) to authorize the Board of Selectmen to transfer the title of the town property located at 46-48 Chestnut Street, land generally described as Parcel 12, Map U07 in the records of the Board of Assessors, to the Spencer Housing Authority for the development of affordable housing, said disposition of property contingent upon the housing authority securing funds for the development of such affordable public housing.

Declared vote by Moderator: 120 In Favor and 2 Opposed.

ARTICLE 12 – AMENDMENT TO THE PERSONNEL BYLAW RELATIVE TO REMOVING THE TOWN ACCOUNTANT FROM THE PERSONNEL BYLAW

Majority voted that the Town amend the Personnel Bylaw by removing the following position from Compensation – Schedule A:

S – 10 Town Accountant

And further, that revised by-law shall take effect as of July 1, 2009.

ARTICLE 13 – AMENDMENT TO THE PERSONNEL BYLAW RELATIVE TO ADDING THE ADMINISTRATIVE ASSISTANT TO THE TOWN ADMINISTRATOR AND BOARD OF SELECTMEN TO THE PERSONNEL BYLAW

Majority voted that the Town amend the Personnel Bylaw by adding the following position to Compensation – Schedule A:

H – 7 Administrative Assistant to the Town Administrator and Board of Selectmen

ARTICLE 14 – APPROVAL TO RESCIND DEBT AUTHORIZATION UNUSED

Majority voted that the Town rescind the authorizations to borrow for following un-issued debt:

- A. Unissued Debt Authorization in the amount of Twenty-five Thousand Dollars and No Cents (\$25,000.00) approved by voters under Article 14 of the May 5, 2005 Annual Town Meeting for Contingencies for the Meadow Road – ReBed Filters and Cranberry Meadow – Corrosion Control Capital Projects, and
- B. Unissued Debt Authorization in the amount of Fifteen Thousand Dollars and No Cents (\$15,000.00) approved by voters under Article 15 of the May 5, 2005 Annual Town Meeting for Contingencies for the Water Distribution Flow Study and Clark Street Water Main Replacement Capital Projects.

ARTICLE 15 – AUTHORIZATION FOR A TRANSFER OF FUNDS WITHIN THE FISCAL YEAR 2009 OFFICE OF DEVELOPMENT AND INSPECTIONAL SERVICES (ODIS) OPERATING BUDGET

Majority voted that the Town transfer the sum of Eighteen Thousand Dollars and No Cents (\$18,000.00) from the Fiscal Year 2009 Office of Development and Inspectional Services (ODIS) Personal Service Budget Account, Line Item #010-11250-5100, to the Fiscal Year 2009 ODIS Purchase of Services Budget Account, Line Item #010-11250-5200.

ARTICLE 16 – AUTHORIZATION TO CHARGE A DEMAND FEE FOR DELINQUENT TAXES BY THE TREASURER/COLLECTOR

Majority voted that the Town charge for each written demand issued by the Treasurer/Collector a fee of Ten Dollars and No Cents (\$10.00) to be added to and collected as part of the tax, as authorized by Massachusetts General Laws, Chapter 60, Section 15, effective as of October 16, 2008.

ARTICLE 17 – AUTHORIZATION TO ACCEPT THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS, CHAPTER 60, SECTION 2 AUTHORIZING THE COLLECTOR TO REQUEST THE ASSESSORS ABATE A PERSONAL PROPERTY TAX THAT IS LESS THAN TEN DOLLARS

Majority voted that the Town accept the provisions of Massachusetts General Laws, Chapter 60, Section 2 to grant the Treasurer/Collector the authority to request that

Personal Property bills under Ten Dollars and No Cents (\$10.00) to be abated by the Assessors, effective as of October 16, 2008.

**ARTICLE 18 – AUTHORIZATION TO APPROPRIATE MONEY FOR FUEL
AND ENERGY COSTS IN FISCAL YEAR 2009**

Majority voted that the Town appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) from available certified Free Cash to be expended by the Town Administrator with the approval of the Finance Committee for vehicular fuel, heating oil, natural gas and electricity costs that exceed the funds available in the Fiscal Year 2009 Operating Budget within the respective department budgets.

ARTICLE 19 – ZONING BYLAW AMENDMENT REGARDING SIGNAGE

Majority voted (Declared vote by Moderator) that the Town amend its Zoning Bylaw as follows: (A) by amending Section 2.2 (Definitions) by adding and replacing definitions as specified in the proposed Draft Sign Bylaw, initially prepared by The Cecil Group, as revised, and (B) by replacing Section 6.5 (Signage) in its entirety with a new Section 6.5 as specified in the proposed Draft Sign Bylaw, initially prepared by The Cecil Group, as revised; copies of said Draft Sign Bylaw as revised are available for inspection during normal business hours at the Office of the Town Clerk and the Public Library and on line at www.spencerma.gov.

Declared vote by Moderator: 100 In Favor and 19 Opposed

**ARTICLE 20 – AUTHORIZATION TO APPROPRIATE MONEY
TO REPAIR AND RESTORE MEMORIAL TOWN HALL**

Majority voted that the Town appropriate the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) from available Free Cash to be expended by the Board of Selectmen for the purpose of developing plans, specifications and cost-estimates for the rehabilitation, preservation and improvement of the Memorial Town Hall, 157 Main St; and further to have the Board of Selectmen report to the May 7th, 2009 Annual Town Meeting on the Town Hall Renovation Project.

**ARTICLE 21 – AUTHORIZATION TO PURCHASE A NEW
LADDER
TRUCK FOR THE FIRE DEPARTMENT**

Majority voted (Declared vote by Moderator) that the Town appropriate the sum of One Million Dollars and No Cents (\$1,200,000.00) to be expended by the Town Administrator and the Fire Chief, with the approval of the Board of selectmen, to:

- (1) fund the purchase of a new ladder truck for the Spencer Fire Department; and

(2) meet said appropriation by authorizing the Town Treasurer/Collector to borrow a sum of money; to issue bonds or notes of the Town therefor, under the provisions of Massachusetts General Laws, Chapter 44, Section 9, subject to the approval of the Board of Selectmen, and to pay all necessary legal and bond preparation costs associated with the issuance of said bonds or notes as authorized under the provisions of Massachusetts General Laws, Chapter 44, Section 20.

Declared vote by Moderator: 120 In Favor and 7 Opposed.

**ARTICLE 22 – AUTHORIZATION TO APPROPRIATE ADDITIONAL FUNDS
FOR THE NON-GRANT FUNDED EXPENSES OF THE MAPLE STREET
RECONSTRUCTION PROJECT**

Majority voted that the Town appropriate the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) to fund the non-participatory costs for the Massachusetts Highway Department (MHD)-funded Maple Street Reconstruction Project, the expenses not eligible for grant funding, including, but not limited to water and sewer systems work, and related engineering, paving and inspection costs; and to meet said appropriation by transferring the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) from the Fiscal Year 2009 Debt Service Intergovernmental Account, Budget Line Item #11710-56000; and further to require that the Board of Water Commissioners and Board of Sewer Commissioners take action to have the Water Enterprise Fund and the Sewer Enterprise Fund reimburse the General Fund for said money expended associated with improvements to the water and sewer systems.

A Motion was made to adjourn this Meeting.

Majority voted at 9:20PM to dissolve this Meeting.

170 Registered Voters attended this Meeting.

Jean M. Mulhall, Town Clerk