

**SPECIAL TOWN MEETING
MEMORIAL TOWN HALL
OCTOBER 29, 2009**

The Meeting was called to order at 7:07 PM by Moderator, Peter J. Adams.

Return of the Warrant was posted according to legal requirements.

Moderator led Pledge of Allegiance.

Moderator thanked Richard Lapierre (Sounds By Rich) for volunteering his services for the sound system at Town Meetings.

The Moderator introduced the members of the Board of Selectmen, Town Counsel, Town Administrator, Administrative Assistant, Town Clerk and members of the Finance Committee.

Procedures for Town Meeting were explained by Moderator.

Moderator encouraged residents to become involved in Town Government. Numerous vacancies on boards and committees.

Donald Berthiaume, Jr. Chairman of the Board of Selectmen, congratulated Ernest (Lefty) Beland on his 100th Birthday. Mr. Beland is the oldest listed resident in Spencer.

The following articles were acted upon:

**ARTICLE 1 – AUTHORIZATION TO AMEND
SECTION 2.2 OF THE ZONING BYLAW**

Unanimously voted that the Town amend its Zoning ByLaw by amending Section 2.2, (Definitions), so as to amend the definition of "Structure".

Copies of the current Zoning Bylaw and the proposed amendments are on file and available to the public at the Office of the Town Clerk and the Office of Development and Inspectional Services, Memorial Town Hall, 157 Main Street, at the Richard Sugden Public Library, 8 Pleasant Street, during normal business hours, and on the Town of Spencer Website: www.spencerma.gov. For additional information, please contact (508) 885-7500, extension 180.

**ARTICLE 2 – AUTHORIZATION TO AMEND
SECTION 4.8.1.H.
OF THE ZONING BYLAW**

Unanimously voted that the Town amend its Zoning ByLaw as follows, by amending Section 4.8.1.H., Accessory Apartments, so as to clarify living area requirements.

Copies of the current Zoning Bylaw and the proposed amendments are on file and available to the public at the Office of the Town Clerk and the Office of Development and Inspectional Services, Memorial Town Hall, 157 Main Street, at the Richard Sugden Public Library, 8 Pleasant Street, during normal business hours, and on the Town of Spencer Website: www.spencerma.gov. For additional information, please contact (508) 885-7500, extension 180.

**ARTICLE 3 – AUTHORIZATION TO AMEND
SECTION 4.8.5.L.9.
OF THE ZONING BYLAW**

Unanimously voted that the Town amend its Zoning ByLaw as follows, by amending Section 4.8.5.L.9., Wireless Data Transfer Facilities, General Requirements, so as to edit reference to the former bylaw.

Copies of the current Zoning Bylaw and the proposed amendments are on file and available to the public at the Office of the Town Clerk and the Office of Development and Inspectional Services, Memorial Town Hall, 157 Main Street, at the Richard Sugden Public Library, 8 Pleasant Street, during normal business hours, and on the Town of Spencer Website: www.spencerma.gov. For additional information, please contact (508) 885-7500, extension 180.

**ARTICLE 4 – AUTHORIZATION TO AMEND
SECTION 6.5.3.E.4.
OF THE ZONING BYLAW**

Unanimously voted that the Town amend its Zoning ByLaw by amending Section 6.5.3.E.4. Signage, Commercial and Industrial Districts, so as to add language for multi-tenant building free standing signs.

Copies of the current Zoning Bylaw and the proposed amendments are on file and available to the public at the Office of the Town Clerk and the Office of Development and Inspectional Services, Memorial Town Hall, 157 Main Street, at the Richard Sugden Public Library, 8 Pleasant Street, during normal business hours, and on the Town of Spencer Website: www.spencerma.gov. For additional information, please contact (508) 885-7500, extension 180.

**ARTICLE 5 – AUTHORIZATION TO AMEND
SECTION 7.4.3.H
OF THE ZONING BYLAW**

Unanimously voted that the Town amend its Zoning ByLaw by amending Section 7.4.3.H., Site Plan Review Procedure, so as to edit reference to "Zoning Board of Adjustment".

Copies of the current Zoning Bylaw and the proposed amendments are on file and available to the public at the Office of the Town Clerk and the Office of Development and Inspectional Services, Memorial Town Hall, 157 Main Street, at the Richard Sugden Public Library, 8 Pleasant Street, during normal business hours, and on the Town of Spencer Website: www.spencerma.gov. For additional information, please contact (508) 885-7500, extension 180.

**ARTICLE 6 – AUTHORIZATION TO AMEND
SECTION 7.4.5.K.
OF THE ZONING BYLAW**

Majority voted (Declared Vote by Moderator) to amend its Zoning ByLaw by amending Section 7.4.5.K., Site Plan

Review, so as to amend requirements for Community Impact Analysis.

Moderator Declared: 71 In Favor
1 Opposed

Copies of the current Zoning Bylaw and the proposed amendments are on file and available to the public at the Office of the Town Clerk and the Office of Development and Inspectional Services, Memorial Town Hall, 157 Main Street, at the Richard Sugden Public Library, 8 Pleasant Street, during normal business hours, and on the Town of Spencer Website: www.spencerma.gov. For additional information, please contact (508) 885-7500, extension 180.

**ARTICLE 7 – AUTHORIZATION TO AMEND
SECTION 6.2.
OF THE ZONING BYLAW**

Unanimously voted that the Town Pass Over this Article and bring it back in revised form at the Annual Town Meeting.

(To see if the Town will vote to amend Section 6.2., Common Driveways, of the Zoning Bylaw so as to add standards for all driveways.)

Copies of the current Zoning Bylaw and the proposed amendments are on file and available to the public at the Office of the Town Clerk and the Office of Development and Inspectional Services, Memorial Town Hall, 157 Main Street, at the Richard Sugden Public Library, 8 Pleasant Street, during normal business hours, and on the Town of Spencer Website: www.spencerma.gov. For additional information, please contact (508) 885-7500, extension 180.

**ARTICLE 8 – AUTHORIZATION TO AMEND
SECTION 4.8.
OF THE ZONING BYLAW**

Majority voted (Declared Vote by Moderator) that the Town amend its Zoning ByLaw by amending Section 4.8., Special Use Regulations, of the Zoning Bylaw so as to add Section 4.8.6. Earth Removal.

Moderator Declared: 69 In Favor
3 Opposed

Copies of the current Zoning Bylaw and the proposed amendments are on file and available to the public at the Office of the Town Clerk and the Office of Development and Inspectional Services, Memorial Town Hall, 157 Main Street, at the Richard Sugden Public Library, 8 Pleasant Street, during normal business hours, and on the Town of Spencer Website: www.spencerma.gov. For additional information, please contact (508) 885-7500, extension 180.

**ARTICLE 9 – AUTHORIZATION TO AMEND
SECTION 4.8.
OF THE ZONING BYLAW**

Majority voted (Declared Vote by Moderator) that the Town amend its Zoning ByLaw by amending Section 4.8., Special

Use Regulations of the Zoning Bylaw so as to add Section 4.8.7. Wind Energy Conversion Facilities.

Moderator Declared: 71 In Favor
1 Opposed

Copies of the current Zoning Bylaw and the proposed amendments are on file and available to the public at the Office of the Town Clerk and the Office of Development and Inspectional Services, Memorial Town Hall, 157 Main Street, at the Richard Sugden Public Library, 8 Pleasant Street, during normal business hours, and on the Town of Spencer Website: www.spencerma.gov. For additional information, please contact (508) 885-7500, extension 180.

**ARTICLE 10 – AUTHORIZATION TO AMEND
ARTICLE 7 – WETLANDS PROTECTION OF
THE GENERAL BYLAWS**

Majority voted that the Town amend Article 7 – Wetlands Protection of the General Bylaws by adopting the proposed amendments on file at the Town Clerk’s Office, ODIS, Richard Sugden Library and as distributed this evening.

Copies of the current General Bylaws, including Article 7 – Wetlands Protection, and the proposed amendments are on file and available to the public at the Office of the Town Clerk and the Office of Development and Inspectional Services, Memorial Town Hall, 157 Main Street, at the Richard Sugden Public Library, 8 Pleasant Street, during normal business hours, and on the Town of Spencer Website: www.spencerma.gov. For additional information, please contact (508) 885-7500, extension 180.

**ARTICLE 11 – AUTHORIZATION TO RAISE AND
APPROPRIATE \$2,000 TO THE FISCAL YEAR 2010
TOWN ACCOUNTANT GENERAL EXPENSE BUDGET**

Majority voted that the Town raise and appropriate the sum of Two Thousand Dollars and No Cents (\$2,000.00) to the Fiscal Year 2010 Town Accountant General Expenses Account, Budget Line Item #11135-57000, increasing said account from \$5,000 to \$7,000.

**ARTICLE 12 – AUTHORIZATION TO EXCLUDE DEBT
SERVICE PAYMENTS FOR THE FIRE DEPARTMENT
LADDER TRUCK FROM THE SO-CALLED
PROPOSITION
2 ½ LEVY LIMIT IN FISCAL YEAR 2012 AND
THEREAFTER**

Moderator Ruled Article 12 Out Of Order.
Moderator asked if voters had any questions or wanted any discussion on this Article.
Majority voted not to discuss Article.
A few brief comments were allowed by Moderator.

To see if the Town will vote to authorize the Board of Selectmen and the Board of Assessors to exclude the following long-term debt and interest payments from the so-called Proposition 2½ Levy Limit in conformity with the action taken under Question 4 of the November 4, 2008 State Election Ballot approving a Debt Exclusion for the debt required to

purchase a new ladder truck for the Spencer Fire Department as authorized under Article 21 of the October 16, 2008 Special Town Meeting as follows:

1. In Fiscal Year 2012 exclude the total Fire Department Ladder Truck long-term and interest payment from the Fiscal Year 2012 Tax Levy Limit, or approximately \$257,169.;
2. In Fiscal Year 2013 exclude the total Fire Department Ladder Truck long-term and interest payment from the Fiscal Year 2013 Tax Levy Limit, or approximately \$232,000.;
3. In Fiscal Year 2014 exclude the total Fire Department Ladder Truck long-term and interest payment from the Fiscal Year 2014 Tax Levy Limit, or approximately \$222,250.;
4. In Fiscal Year 2015 exclude the total Fire Department Ladder Truck long-term and interest payment from the Fiscal Year 2015 Tax Levy Limit, or approximately \$192,500.;
5. In Fiscal Year 2016 exclude the total Fire Department Ladder Truck long-term and interest payment from the Fiscal Year 2016 Tax Levy Limit, or approximately \$183,750.

ARTICLE 13 – AUTHORIZATION TO APPROPRIATE A SUM OF MONEY TO STABILIZE THE FISCAL YEAR 2010 TAX RATE

Majority voted that the Town:

- 1.) transfer from available, certified Free Cash, the sum Twenty-eight Thousand, Two Hundred Thirty-one and No Cents (\$28,231.00) for the purpose of funding the Fiscal Year 2009 revenue deficit of the Water Enterprise Fund; and further to;
- 2.) transfer from available, certified Free Cash, the sum of Two Hundred Thousand Dollar and No Cents (\$200,000.00) for the purpose of stabilizing the Fiscal Year 2010 Tax Rate so as to fund proposed Fiscal Year 2010 State Aid reductions.

ARTICLE 14 – AUTHORIZATION TO APPROPRIATE \$18,000 TO THE CENTRAL BUSINESS DISTRICT INVESTMENT AND PROMOTION ACCOUNT FOR EXPENSES ASSOCIATED WITH FIREWORKS DISPLAY FOR A FOURTH OF JULY CELEBRATION

Defeated by a majority vote a Motion to appropriate the sum of Eighteen Thousand Dollars and No Cents (\$18,000.00) to the Central Business District Investment and Promotion Account, Account #6000-59105 for the purpose of funding the expenses, including public safety, of a fireworks display for a Fourth of July Celebration to be held annually, and to meet said appropriation by transferring Eighteen Thousand Dollars and No Cents (\$18,000.00) from available, certified Free Cash.

ARTICLE 15 – APPROPRIATE \$900 TO THE FISCAL YEAR 2010 COUNCIL-ON-AGING OPERATING BUDGET GENERAL EXPENSES ACCOUNT

Majority voted that the Town appropriate the sum of Nine Hundred Dollars and No Cents (\$900.00) to the Fiscal Year 2010 Council-On-Aging Operating Budget General Expenses Account, Budget Line Item #11541-57000, increasing the General Expenses Account from \$10,500 to \$11,400, and to meet said appropriation by transferring Nine Hundred Dollars and No Cents (\$900.00) from the Fiscal Year 2010 Council-On-Aging Operating Budget Salaries and Expenses Account, Budget Line Item #11541-52000.

ARTICLE 16 – RAISE AND APPROPRIATE \$14,030 FOR THE EXPENSES ASSOCIATED WITH HOLDING A SPECIAL STATE PRIMARY ON DECEMBER 8, 2009 AND A SPECIAL STATE ELECTION ON JANUARY 19, 2010

Majority voted that the Town raise and appropriate the sum of Fourteen Thousand, Thirty Dollars and No Cents (\$14,030.00) to be expended by the Town Clerk for the purpose of conducting a Special State Primary on December 8, 2009, and a Special State Election on January 19, 2010.

ARTICLE 17 – APPROPRIATE \$48,000 FOR EXPENSES ASSOCIATED WITH THE H1N1 INFLUENZA VACCINE DISTRIBUTION PROGRAM

Majority voted that the Town appropriate the sum of Forty-eight Thousand Dollars and No Cents (\$48,000.00) for the purpose of funding the expenses associated with the H1N1 Influenza Vaccine Distribution Program to be expended by the Board of Health and the Town Administrator, in conformity with the requirements of the federal and state governments, and the program design approved by the Board of Health, and to meet said appropriation by transferring said sum of Forty-eight Thousand Dollars and No Cents (\$48,000.00) from the Overlay Surplus Account.

ARTICLE 18 – AUTHORIZATION TO APPROPRIATE \$20,000 TO FUND THE PURCHASE OF EQUIPMENT FOR THE FIRE DEPARTMENT LADDER TRUCK

Majority voted that the Town Pass Over This Article.

(To see if the Town will vote to raise and appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to the Fire Department for equipment for the new Ladder Truck to be expended by the Fire Chief with the approval of the Town Administrator).

ARTICLE 19 – AUTHORIZATION TO APPROPRIATE \$19,880 TO THE FISCAL 2010 VETERANS' SERVICES VETERANS' BENEFITS/GENERAL EXPENSES ACCOUNT

Unanimously voted that the Town raise and appropriate the sum of Nineteen Thousand, Eight Hundred, Eighty Dollars and No Cents (\$19,880.00) to the Fiscal Year 2010 Veterans' Services Veterans' Benefits/General Expenses Account, Budget Line Item #11543-57000, increasing said account from \$45,330 to \$65,210.

ARTICLE 20 – AUTHORIZATION TO APPROPRIATE \$75,000 FROM AVAILABLE, CERTIFIED FREE CASH TO FUND ENGINEERING AND RELATED SURVEY AND DESIGN COSTS ASSOCIATED WITH THE DEVELOPMENT OF PLANS REQUIRED BY THE STATE TO SECURE FEDERAL/STATE GRANT FUNDING FOR THE RECONSTRUCTION OF MAIN STREET IN THE CENTRAL BUSINESS DISTRICT

Majority voted that the Town appropriate Seventy-five Thousand Dollars and No Cents (\$75,000.00) from available, certified Free Cash to be used in conjunction with state Chapter 90 Highway Assistance Funds for the purpose for preparing design and construction plans and specifications, including, but not limited to engineering, surveying, legal and other related expenses, required by the federal and state governments to secure Massachusetts Highway Department (MHD) Transportation Improvement Program (TIP) funding and/or other grant-in-aid assistance program necessary for the reconstruction of Main Street in the Central Business District (CBD), the portion of Main Street between the Maple Street intersection and the Elm Street intersection.

ARTICLE 21 – AUTHORIZATION TO APPROPRIATE \$20,000 FOR THE PURCHASE OF A USED TRUCK AND PLOW

Majority voted that the Town raise and appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to be expended by the Utilities and Facilities Department – Highway Division for the purposes of purchasing a used truck with plow and making necessary repairs so as to use the truck as a sander.

A Motion was made to adjourn the Meeting.
Majority voted at 9:37PM to dissolve the Meeting.

96 Registered Voters attended this session.

Jean M. Mulhall,
Town Clerk