

ANNUAL TOWN MEETING
MAY 6, 2010
MEMORIAL TOWN HALL

The Meeting was called to order by Moderator, Peter J. Adams, at 7:25PM.

The Warrant for this Meeting was properly posted.

Pledge of Allegiance.

The National Anthem was sung by Sandra J. Fritze.

Moment of Silence for those who passed away since the last Annual Town Meeting.

Moderator thanked Rich Lapierre (Sounds by Rich) for donating his time and equipment for Town Meetings.

Moderator introduced to attendees, himself, Town Clerk, Members of the Board of Selectmen,

Town Administrator, Administrative Assistant, Town Counsel and Mary Braney of the Finance

Committee introduced the FinComm members present.

Chairman of the BOS thanked Paul Guida, former Town Administrator and current Town Administrator, Adam Gaudette for their efforts on the budget. He also thanked Anthony J. Bove, Jr. and Joseph E.DeCoff, II for their service to the Town as Selectmen.

Peter Durant, Selectman, presented the Meritorious Service Award to Albert Shedyak.

The following Articles were acted upon:

Article 1: Unanimously voted that the Town amend its Fiscal Year 2010 Operating Budget by appropriating the sum of \$142,165.85 to the following various accounts, and further to transfer said sum from certified free cash to meet said appropriation:

<u>Department</u>	<u>Account</u>	<u>Amount</u>
Pathfinder Tuition	11300-52100	\$2,362.66
Snow and Ice General Expenses	11423-57000	\$109,803.19
Transfer Station Salaries & Wages	11433-51000	\$5,000.00
Street Lighting General Expenses	11424-57000	\$10,000.00
Veterans' Department General Expenses	11543-57000	\$5,000.00
Debt Service Administration Fees	11710-57000	<u>\$10,000.00</u>
		\$142,165.85

Article 2: Unanimously voted, as a block, 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.

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 53E½ 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 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 2011 at Five Thousand Dollars and No Cents (\$5,000.00); and
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 53E½ 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 2011 at Sixty-two Thousand Nine Hundred Eighty-seven Dollars and No Cents (\$62,987.00); and
4. to have the Town Administrator be the only authority empowered to expend monies from this fund.

D. Authorize the Office of Development and Inspectional Services (ODIS) to establish a revolving fund in conformity with Chapter 44, Section 53E½ 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 2011 at Seventeen Thousand Seven Hundred Thirty-three Dollars and No Cents (\$17,733.00); and
4. to have the Director of the Office, subject to the approval of the Town Administrator be the only authority empowered to expend monies from this fund.

E. Authorize the Parks and Recreation Commission to establish a revolving fund in conformity with Chapter 44, Section 53E½ 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, 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 2011 at Ninety Thousand Dollars and No Cents (\$90,000.00); and
4. to have the Parks & Recreation Commission be the only authority empowered to expend monies from this fund.

F. Authorize the Board of Selectmen to establish a Celebrations Revolving Fund in conformity with Chapter 44, Section 53E½ of the Massachusetts General Laws, for the following purposes and subject to the following conditions:

1. to be the depository for donations, gifts and fees collected for community celebrations, including, but not limited to the Fourth of July (Independence Day), Halloween, and Christmas;
2. to transfer the sum of Two Thousand, Four Hundred, Forty Dollars and Eight Cents (\$2,440.08) from the Central Business District (CBD) Investment and Promotions Account #60000-59105 to said Celebrations Revolving Fund;
3. to have a limit on the total amount to be expended from the fund in Fiscal Year 2011 at Thirty Thousand Dollars and No Cents (\$30,000.00); and
4. to have the Town Administrator, subject to the approval of the Board of Selectmen, be the only authority empowered to expend monies from this fund.

G. Appropriate the sum of money received or to be received from the Chapter 90 State Aid to Highways Program to be expended for construction and/or maintenance upon any state approved road, or for any other authorized purpose, for Fiscal Year 2011, with such funds to be reimbursed 100% from such Program.

H. Authorize the Board of Selectmen to apply for, accept, and expend the following funds:

Community Development Block Grant funds;
Federal American Recovery and Reinvestment Act funds;
Massachusetts Recovery and Reinvestment Plan funds; and
Other State and Federal grant-in-aid assistance, as appropriate and necessary.

I. Appropriate the sum of 100% of all fines, penalties, and assessments received in FY 2011 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 and Fire Code Enforcement Fines."

J. Appropriate the sum of 50% of all monies received in Fiscal Year 2011 as payment for the so-called "products," "conveyance," "roll-back" or other such tax or payment, other than real estate taxes and related payments-in-lieu-of-taxes, under the provisions of Massachusetts General Laws, Chapter(s) 61, 61A, and 61B to the Land Acquisition Stabilization Fund and 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.

K. Authorize the Town Treasurer/Collector to enter into a compensating balance agreement(s) for Fiscal Year 2011 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 he/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 3: Unanimously voted, as a block, that the Town fix or maintain the salaries of the elected officials for Fiscal Year 2011 as follows:

Board of Selectmen	\$ 1,000.00	Yearly
Moderator	\$ 0.00	Yearly
Board of Assessors	\$ 925.00	Yearly
Town Treasurer / Collector	\$56,703.00	Yearly
Town Clerk	\$54,645.00	Yearly
Water Commissioners	\$ 700.00	Yearly
Sewer Commissioners	\$ 700.00	Yearly
Board of Health	\$ 700.00	Yearly

Article 4: Majority voted, as a block, that the Town amend the Personnel By-laws by substituting new compensation schedules for Section 7- Schedule B, Section 7- Schedule D and Section 8 reflecting the Personnel Board's recommendation of a 2.8% increase.

**Section 7, Schedule B
Weekly Salary Schedule**

	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>
Compensation Grade S-2	\$346.99	\$369.71	\$398.08	\$426.58	\$454.99
Compensation Grade S-3	\$398.08	\$426.58	\$454.99	\$483.43	\$513.25
Compensation Grade S-4	\$454.99	\$483.43	\$513.25	\$540.34	\$568.71
Compensation Grade S-5	\$513.25	\$540.34	\$568.71	\$597.26	\$625.55
Compensation Grade S-6	\$568.71	\$597.26	\$625.55	\$653.25	\$696.73
Compensation Grade S-7	\$625.55	\$653.25	\$696.73	\$739.35	\$782.06
Compensation Grade S-8	\$696.73	\$739.35	\$782.06	\$824.72	\$867.40
Compensation Grade S-9	\$782.06	\$824.72	\$867.40	\$906.06	\$960.08
Compensation Grade S-9A	\$824.72	\$868.54	\$909.45	\$960.08	\$1,014.73
Compensation Grade S-10	\$867.40	\$906.06	\$960.08	\$1,012.79	\$1,068.50
Compensation Grade S-10A	\$916.97	\$957.91	\$1,014.83	\$1,070.58	\$1,129.45
Compensation Grade S-11	\$960.08	\$1,012.79	\$1,068.50	\$1,127.28	\$1,189.99
Compensation Grade S-12	\$1,068.50	\$1,127.28	\$1,189.99	\$1,230.59	\$1,323.65
Compensation Grade S-13	\$1,189.99	\$1,230.59	\$1,323.65	\$1,396.44	\$1,473.94
Compensation Grade S-14	\$1,323.65	\$1,396.44	\$1,473.94	\$1,555.01	\$1,641.32

Section 7, Schedule D

Board of Selectmen	\$1,000.00	yearly
Moderator	\$0.00	yearly
Board of Assessors	\$925.00	yearly
Town Treasurer / Collector	\$56,703.00	yearly

Town Clerk	\$54,645.00	yearly
Water Commissioners	\$700.00	yearly
Sewer Commissioners	\$700.00	yearly
Board of Health	\$700.00	yearly
Administrative Intern / Co-op Student	\$8.50	hourly
Animal Control & Inspection Officer	\$11,590.00	yearly
Animal Control & Inspection Officer-Alternate	\$632.00	yearly
COA Director	\$16.65	hourly
Election Inspectors	\$9.60	hourly
Election Wardens / Clerks	\$10.60	hourly
Engineering Aide	\$10.55	hourly
Facilities Maintenance Worker	\$11.25	hourly
Finance Committee Clerk	\$350.00	yearly
Fluoride Coordinator	\$11.30	hourly
Gas Inspector	\$3,545.00	yearly
Laborer (Seasonal/Intermittent)	\$10.55	hourly
Library Childhood Literacy Coordinator	\$100.40	weekly
Library Page	\$8.50	hourly
Light Equipment Operator (LEO) - Seasonal	\$16.30	hourly
Parks & Recreation Adventure Program Director	\$16.10	hourly
Parks & Recreation Adventure Program Head Counselor	\$11.55	hourly
Parks & Recreation Adventure. Program Counselor	\$9.50	hourly
Parks & Recreation Waterfront Director	\$14.65	hourly
Parks & Recreation Lifeguard	\$11.55	hourly
Parks & Recreation Water Safety Instructor	\$13.10	hourly
Parks & Recreation Parking Attendant	\$8.25	hourly
Parks & Recreation Chair	\$360.00	yearly
Parks & Recreation Clerk	\$360.00	yearly
Planning Board	\$925.00	yearly
Planning Board - Alternate	\$435.00	yearly
Plumbing Inspector	\$4,780.00	yearly
Police Dispatcher	\$14.35	hourly
Registrars	\$1,106.00	yearly
Sealer of Weights & Measures	\$3,975.00	yearly
SEMA, Director of Operations	\$2,075.00	yearly
SFD Deputy Chief	\$8,060.00	yearly
SFD Captain	\$16.95	hourly
SFD Lieutenant	\$15.70	hourly
SFD Fire Science Instructor	\$18.45	hourly
SFD Firefighter (over 10 years)	\$14.35	hourly
SFD Firefighter (5-10 years)	\$13.05	hourly
SFD Firefighter (under 5 years)	\$11.80	hourly
SFD Firefighter (sub)	\$8.85	hourly
SFD Truck Engineer Back Line	\$406.00	yearly
SFD Truck Engineer Front Line	\$540.00	yearly

Tree Climber	\$17.60	hourly
Tree Groundman	\$15.15	hourly
Tree Warden	\$20.65	hourly
Veteran Agent	\$10,331.00	yearly
Wiring Inspector (80% of collected fees)	\$17,733.00	yearly (max)
Zoning Board of Appeals	\$925.00	yearly
Zoning Board of Appeals - Alternate	\$435.00	yearly

**Section 8
Hourly Rate Schedule**

	I	II	III	IV	V
Compensation Grade H-1	\$8.59	\$9.14	\$9.73	\$10.34	\$11.07
Compensation Grade H-2	\$9.73	\$10.34	\$11.07	\$12.01	\$12.71
Compensation Grade H-3	\$11.07	\$12.01	\$12.71	\$13.60	\$14.23
Compensation Grade H-4	\$12.71	\$13.60	\$14.23	\$15.21	\$15.88
Compensation Grade H-5	\$14.23	\$15.21	\$15.88	\$16.79	\$17.52
Compensation Grade H-6	\$15.88	\$16.79	\$17.52	\$18.40	\$19.61
Compensation Grade H-7	\$17.52	\$18.40	\$19.61	\$20.68	\$21.84
Compensation Grade H-8	\$19.61	\$20.59	\$21.62	\$22.71	\$23.84
Compensation Grade H-9	\$21.62	\$22.71	\$23.84	\$25.02	\$26.27
Compensation Grade H-10	\$23.84	\$25.02	\$26.27	\$27.58	\$28.95
Compensation Grade H-11	\$26.27	\$27.58	\$28.95	\$30.41	\$31.94
Compensation Grade H-12	\$28.95	\$30.41	\$31.94	\$33.51	\$35.20

Article 5: Unanimously voted that the Town transfer the sum of Fifty-seven Thousand, Four Hundred and Two Dollars and No Cents (\$57,402.00) from the Sewer Enterprise Fund's retained earnings to the Fiscal Year 2010 Sewer Expense Account #20000-57000 to cover shortfalls for electricity and pump repairs.

Article 6: Unanimously voted that the Town transfer the sum of Thirty-one Thousand, Fifty-seven Dollars and No Cents (\$31,057.00) from the Sewer Capital Account #20000-58570 to the Fiscal Year 2010 Sewer Expense Account #20000-57000 to cover sewer construction work at Elm Street.

Article 7: Unanimously voted that the Town appropriate the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) from the Overlay Surplus Account to fund the Elder Community Services Program to be administered by the Council-On-Aging and the Town Administrator for the purpose of providing a payment voucher for services rendered for the departments, boards, and committees of the municipality to resident property owners who have attained the age of sixty-two (62) years, to be used to reduce the real estate property taxes for the property in which the elderly owner resides.

Article 8: Unanimously voted that the Town appropriate the sum of One Hundred and Three Thousand Dollars and No Cents (\$103,000.00) from the Overlay Surplus Account

to be expended by the Board of Assessors for the following purposes:

1. Four Thousand Dollars and No Cents (\$4,000.00) for Fiscal Year 2011 personal property appraisal and evaluation services;
2. Three Thousand Dollars and No Cents (\$3,000.00) for the Fiscal Year 2012 interim property revaluation appraisal work; and
3. Ninety-six Thousand Dollars and No Cents (\$96,000.00) for Fiscal Years 2011-2013 triennial revaluation as required by the Massachusetts State Department of Revenue.

Article 9: Unanimously voted that the town appropriate the sum of One Thousand Dollars and No Cents (\$1,000.00) for the purpose of establishing a Retiree Health Benefit Liability Trust Fund to fund the costs of retiree and surviving spouses group health plan premiums paid by the Town of Spencer, and to meet said appropriation by transferring said sum of One Thousand Dollars and No Cents (\$1,000.00) from the MTBE Settlement Fund Account #10001-48430.

Article 10: Unanimously voted that the Town appropriate the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) to the Unemployment Reserve Trust Fund and to meet said appropriation by transferring said sum of Thirty Thousand Dollars and No Cents (\$30,000.00) from the MTBE Settlement Fund Account #10001-48430.

Article 11: Unanimously voted that the Town transfer the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from the H1N1 Vaccination Expense Account #11510-57800 to the Board of Health Site Clean Up Expense Account #60000-59145 to cover the securing of abandoned properties.

Article 12: Unanimously voted that the Town authorize the Board of Selectmen to transfer and convey the property acquired by the town as a result of a foreclosure for unpaid real estate taxes located on Dewey Street, shown as parcel 4-1 on Assessors' Map U10 to JMN Realty Associates. Said conveyance is given to ratify and confirm a prior deed of the property by the Town to JMN Realty Associates dated January 28, 1985 and recorded with the Worcester district Registry of Deeds in Book 8952, Page 34.

Article 13: Unanimously voted that the Town accept as a public way a certain parcel of land commonly known as Paul's Drive and any associated easements.

Article 14: Unanimously voted that the town raise and appropriate the sum of Four Thousand Dollars and No Cents (\$4,000.00) to install portable toilet facilities at Powdermill Park.

Article 15: Unanimously voted that the Town transfer from the Betterment Fund Account #40000-48000 the sum of Three Thousand Three Hundred Forty Dollars and No Cents (\$3,340.00) for purposes of the necessary survey, legal and related work for the

Dale Street Betterment in accordance with the provisions of Chapter 1 of the Acts of 2004, special legislation that authorized the Town of Spencer Betterment Fund.

Article 16: A Motion was made to amend Article 16, Item 2, to authorize indirect costs for FY 2011 at \$95,234.00.

Defeated by a majority vote a Motion to amend Article 16, Item 2, to authorize indirect costs for FY 2011 at \$95,234.00.

Article 16: Majority voted that the Town:

1. appropriate the sum of One Million Four Hundred Forty-One Thousand, Nine Hundred Eighty-two Dollars and No Cents (\$1,441,982.00) for the use of the Water Department for Fiscal Year 2011, and to fund said appropriation with a transfer from the receipts and revenue of the Water Enterprise Fund collected by the Water Department for said Fiscal Year;
2. authorize Indirect Costs for Fiscal Year 2011 at One Hundred Thirty-three Thousand, Six Hundred Seventy-three Dollars and No Cents (\$133,673.00); and
3. have the Board of Water Commissioners set the Fiscal Year 2011 rates and fees to meet said appropriation and level of Indirect Costs.

Article 17: A Motion was made to amend Article 17, Item 2, to authorize indirect costs for FY 2011 at \$93,735.00.

Defeated by a majority voted a motion to amend Article 17, Item 2, to authorize indirect costs for FY 2011 at \$93,735.00.

Article 17: Majority voted that the Town:

1. appropriate the sum of Nine Hundred Thirty-seven Thousand Fifty-four Dollars and No Cents (\$937,054.00) for the use of the Sewer Department for Fiscal Year 2011, and to fund said appropriation with a transfer from the Retained Earnings of the Sewer Enterprise Fund and the balance of said sum from the receipts and revenue of the Sewer Enterprise Fund collected by the Sewer Department for said Fiscal Year;
2. authorize Indirect Costs for Fiscal Year 2011 at One Hundred Thirty-five Thousand, Six Hundred Twenty-one Dollars and No Cents (\$135,621.00); and
3. have the Board of Sewer Commissioners set the Fiscal Year 2011 rates and fees to meet said appropriation and level of Indirect Costs.

Article 18: Unanimously voted that the Town Pass Over this Article.

(To see if the Town will vote to raise and appropriate, and or transfer and appropriate from available funds, including Free Cash, or any combination of the foregoing, the sum

of Two Hundred Forty Thousand Three Hundred Five Dollars and No Cents (\$240,305.00) to offset the Budget and reduce the tax rate for FY11).

Article 19: A Motion was made to amend the Article to raise and appropriate the full \$7,348,231.00, without using free cash.

Majority voted that the Town amend Article 19 to raise and appropriate the full \$7,348,231.00, without using free cash.

Article 19: Unanimously voted that the Town raise and appropriate the sum of Seven Million Three Hundred Forty-eight Thousand Two Hundred Thirty-one Dollars and No Cents (\$7,348,231.00) to pay for the operations of Municipal Government for Fiscal Year 2011, including the expenses of General Government, Public Safety, Streets and Parks, Debt Service, Employee Benefits, and other costs.
(See Attached Budget)

Article 20: Unanimously 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 2011 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:

1. raise and appropriate the sum of Six Million Six Hundred Fifty-one Thousand Eighty Dollars and No Cents (\$6,651,080.00) for the Operating Assessment Account #11300-56000;
2. raise and appropriate the sum of Four Hundred One Thousand Four Hundred Sixty-seven Dollars and No Cents (\$401,467.00) for the purposes of paying the costs of debt service and capital assessment Account #11300-56010 for previously approved building projects.

Article 21: Unanimously voted that the Town raise and appropriate the sum of Five Hundred Seventy-Two Thousand Eight Hundred Sixty Dollars and No Cents (\$572,860.00) for Fiscal Year 2011 for the following purposes:

Bay Path Vocational Regional Technical High School Assessment
\$538,730.00
Account #11300-52000

Bay Path Vocational Regional Technical High School "Buy In" Debt \$
34,130.00
Account #11300-52500

Article 22: Majority voted that the Town raise and appropriate the sum of Thirty-seven Thousand One Hundred Dollars and No Cents (\$37,100.00) for Fiscal Year 2011 for the following purposes:

Smith Vocational Regional Agricultural High School Assessment \$
14,100.00
Account #11300-52000

Smith Vocational Regional Agricultural High School Transportation \$
23,000.00
Account #11300-52100

Article 23: Majority voted that the Town disapprove the debt authorization in the sum of Six Hundred Thirty Thousand Dollars and No Cents (\$630,000.00) for the purpose of undertaking a feasibility study for the potential repair or replacement of David Prouty High School, as voted by the Regional School District Committee on April 13, 2010.

Article 24: A Motion was made to amend Article 24 by meeting said appropriation from available Free Cash instead of the Capital Building Stabilization Fund.

Majority voted to amend Article 24 by meeting said appropriation from available Free Cash instead of from the Capital Building Stabilization Fund.

Article 24: Majority voted that the Town appropriate the sum of Thirty-nine Thousand Two Hundred Fifty Dollars and No Cents (\$39,250.00) for the capital project of replacing the front and rear garage doors at the Fire Station, as approved by the Capital Improvement Planning Committee (CIPC), and to meet said appropriation by transferring said sum from available Free Cash.

Article 25: Unanimously voted that the town accept a permanent drainage easement from Jeffrey Bishop and Lisa Bishop on their property located at 232 1/2 Charlton Road, Spencer, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town.

Article 26: Unanimously voted that the Town transfer from available Free Cash the sum of \$100,000.00 to the Stabilization Operation Reserve Fund and \$91,055.00 to the Building Stabilization Fund.

A Motion was made to dissolve the Meeting.
Majority voted at 9:35AM to dissolve this Meeting.

126 Registered Voters attended this Meeting.

Jean M. Mulhall, Town Clerk