



TOWN OF SPENCER

Office of the Town Clerk

Memorial Town Hall

157 Main Street, Spencer, MA 01562

Laura J. Torti, Town Clerk

**Special Town Meeting
November 13, 2014
Memorial Town Hall**

The meeting was called to order at 7:05 p.m. by Moderator Peter J. Adams following the Registrar's announcement that a quorum was present.

Reading of the Return of the Warrant was waived. Meeting was posted in accordance with the law. The Moderator led the attendees in the Pledge of Allegiance.

The Moderator introduced to attendees; himself, members of the Board of Selectmen, Town Administrator and Town Clerk. The Moderator thanked Spencer Cable Access for broadcasting the meeting and reviewed the ground rules and parliamentary procedure for Town Meetings. He then extended congratulations to newly elected Senator Ann Gobi and Representatives Donald Berthiaume, Jr. and Peter Durant.

After informing those present that his usual historical commentary (attached herein) would be foregone due to the need to expedite the meeting in the face of the very cold temperature due to lack of heat at Town Hall, Mr. Adams recognized Chairman of the Board of Selectmen, Anthony D. Pepe, Jr. who announced the creation of the William Flannery Cup to be awarded to the winner of the best decorated float award at the annual Christmas Parade of Lights.

Tara & Brittany Flannery were present to accept the honor in the name of their husband and father. Wendy Berthiaume, Chair of the Celebrations Committee along with Donald Berthiaume and Peter Durant, presented the Flannery's with a plaque.

The following articles were acted upon:

Article 1:

AUTHORIZATION TO PAY A PRIOR FISCAL YEAR'S EXPENSE

The Moderator declared a unanimous vote to appropriate the sum of One Hundred Ninety-Three Dollars, and Six Cents (\$193.06) to pay prior year expenses (Injured on Duty Insurance) for the Police Department and to meet said appropriation by transferring said sum from certified and available Free Cash.

Article 2:

AUTHORIZATION TO PAY A PRIOR FISCAL YEAR'S EXPENSE

The Moderator declared a unanimous vote to appropriate the sum of One Thousand, Eight Hundred Thirty-Eight Dollars, and No Cents (\$1,838.00) to pay a prior year expense (Laboratory Water Quality Testing) for the Water Department and to meet said appropriation by transferring said sum from certified and available Retained Earnings.

Article 3:

AUTHORIZATION TO AMEND PREVIOUSLY APPROVED ARTICLE

The Moderator declared a vote of 49 in favor and 1 against to amend Article 12 from the May 1, 2014 Annual Town Meeting in order to raise and appropriate an additional sum of Twenty-Four Thousand, Two Hundred Sixty Dollars and No Cents (\$24,260.00) for additional Smith Regional Agricultural High School Tuition (\$22,460 to Account #11300-52000) and Transportation Assessment (\$1,800 to Account #11300-52100) for Fiscal Year 2015.

Article 4:

AUTHORIZATION TO AMEND PREVIOUSLY APPROVED ARTICLE

The Moderator declared a unanimous vote to amend Article 13 from the May 1, 2014 Annual Town Meeting in order to reduce the appropriation by the sum of Eight Thousand, Six Hundred Thirty-One Dollars and No Cents (\$8,631.00) for reduced Tantasqua Regional High School Non-resident Tuition (\$2,331 from Account #11300-52000) and Transportation Assessment (\$6,300 from Account #11300-52100) for Fiscal Year 2015.

Article 5:

AUTHORIZATION TO RESCIND THE PREVIOUSLY APPROVED ARTICLE FOR THE FY2015 GENERAL GOVERNMENT OPERATING BUDGET

The Moderator declared a unanimous vote to rescind Article 7 from the May 1, 2014 Annual Town Meeting for the purposes of voting to approve the following Article #6 that will adjust the Fiscal Year 2015 General Government Operating Budget; said rescission is contingent upon the approval of Article #6.

Article 6:

AUTHORIZATION TO APPROPRIATE THE REVISED FY2015 GENERAL GOVERNMENT OPERATING BUDGET

The Moderator declared a unanimous vote to raise and appropriate the sum of Eight Million, Five Hundred Forty-Nine Thousand, Four Hundred Five Dollars and No Cents (\$8,549,405.00) to pay for the operations of the General Government expenses for Fiscal Year 2015, and to meet said appropriation from a transfer of Sixty Thousand Dollars and No Cents (\$60,000.00) from the Overlay Surplus Account, a transfer of Ten Thousand Dollars and No Cents (\$10,000.00) from the Wetlands Protection Fund, and a transfer of Eighty Thousand Dollars and No Cents (\$80,000.00) from certified and available Free Cash, from taxation, from available funds in the Treasury, and anticipated receipts as may be needed or decided necessary.

Note: The amended Fiscal Year 2015 Operating Budget is attached is attached to this record

Article 7:

AUTHORIZATION TO APPROPRIATE GENERAL GOVERNMENT OPERATING BUDGET EXPENSES CONTINGENT ON PROPOSITION 2 ½ OVERRIDE

The Moderator declared a unanimous vote to pass over Article 7.

Article 8:

AUTHORIZATION TO TRANSFER MONIES TO FUND CAPITAL EXPENDITURES

The Moderator declared a unanimous vote to appropriate the sum of Ninety-Six Thousand, Five Hundred Dollars and No Cents (\$96,500.00) for capital equipment purchases and capital improvements, as generally illustrated below, and to meet said appropriation by transferring Eighty-Seven Thousand Dollars and No Cents (\$87,000.00) from previously certified and available Free Cash and Nine Thousand Five Hundred Dollars and No Cents (\$9,500.00) from the Sugden Block Unreserved Balance (Account# 29000-35900).

<u>Dept.</u>	<u>Item</u>	<u>Amount</u>
Sugden Block	Ceiling and Electrical Repairs	\$ 9,500.00
Fire Department	Additional Annex Improvements	\$ 9,500.00
Town Hall	Electric Vehicle & Charging Station	\$ 27,500.00
Town Hall	Town Hall Boiler Replacement Project	<u>\$ 50,000.00</u>
	Total	

Article 9:

AUTHORIZATION TO TRANSFER MONIES TO FUND CAPITAL EXPENDITURES

The Moderator declared a unanimous vote to appropriate the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) for a Water Department Capital Efficiency Plan capital project, as approved by the Capital Improvements Planning Committee (CIPC), and to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Water Enterprise Fund.

Article 10:

AUTHORIZATION TO ADOPT A LICENSE FEE EXEMPTION

The Moderator declared a vote of 48 in favor and 2 against to adopt Massachusetts General Laws Chapter 140, Section 139, Paragraph (c), which authorizes the Town to provide an exemption for persons aged 70 years or older when applying for a dog license or renewal.

Article 11:

AUTHORIZATION TO ACCEPT DONATION FOR LAND PURCHASE

The Moderator declared a unanimous vote to accept a donation from Common Ground Land Trust in the amount of Eight Thousand, Two Hundred Fifty Dollars and No Cents (\$8,250.00) for the purposes of providing a match to the funding by the Commonwealth of Massachusetts for the purchase of an Agricultural Preservation Restriction on property known as “the Small Farm”, located at 3 Wire Village Road and North Spencer Road, currently owned by Spencer Farms, LLC and shown as Assessors Map/Lot R38-20.

Article 12:

AUTHORIZATION TO NEGOTIATE RIGHT OF WAY EASEMENTS

The Moderator declared a unanimous vote to authorize the Board of Selectmen, for consideration of less than \$1,000 per parcel and upon such terms and conditions as it deems reasonable, appropriate, and in the best interest of the Town, to purchase, accept as a gift, or take by eminent domain all interests for the proposed Main Street Reconstruction project to be funded under the Transportation Improvement Program (TIP) program, and generally taking place from its intersection with High Street to the intersection of Grove Street and further to transfer Ten Thousand Dollars and No Cents (\$10,000.00) from the Land Acquisition Stabilization Fund for said purposes, and to further authorize the Board of Selectmen to negotiate, execute, deliver, and accept such deeds and other documents it deems necessary to carry out the purposes of this article.

A motion was made and seconded to dissolve the Meeting.

Majority voted at 7:25 p.m. to dissolve this Meeting.

A total of 81 registered voters attended.

Laura J. Torti
Town Clerk

History Notes from the Moderator: November 13, 2014

On this date in 1961, a group of Brooklyn teenaged doo-woppers, released *The Lion Sleeps Tonight*. Some of you may recall the haunting melody, “In the jungle, the mighty jungle, the lion sleeps tonight” or the hypnotic refrain of “Ee-e-e-oh-mun-oh weh” and “wimwoweh.” Or, you may recall it from the Disney classic, *The Lion King*, when the warthog and the meerkat walked off into the sunset singing the song. It was a huge hit and has been re-recorded by nearly 40 artists ranging from The New Christy Minstrels to The Muppets.

What is not well known is that the song originates from a 1939 South African recording by a full time record company maintenance worker and part time singer, Solomon Linda; or, that he signed over his rights to the African production of his song to his employer for the equivalent of 87 cents.

The in 1950's that sun, *Mbube*, the Lion, which had no English words, was popularized by Pete Seeger and The Weavers as *Wimoweh*, a mishearing of the Zulu refrain on the original recording.

In 1961, Mbube was reworked on Tin Pan Alley to preserve the Zulu chant and enhancing Solomon Linda's haunting melody with the words, “In the jungle, the mighty jungle, the lion sleeps tonight.” The Tokens hit song emerged.

Overall, the song has produced over \$15,000,000 dollars in revenue from its American recordings, with virtually no royalties paid to Solomon Linda or his descendents. Solomon Linda died in 1962 with \$22 in his bank account, never having heard *The Lion Sleeps Tonight*.

In 2004, the Solomon Linda family settled their 1.5 million dollar copyright infringement law suit against Disney and now receive royalties for the song. Sadly, Solomon Linda's daughter did not live to see the largesse of her father's creation. She died of AIDS in 2001, too poor to afford the retroviral drugs necessary to keep her alive.