



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 17, 2016

Memorial Town Hall

The meeting was called to order at 7:04 p.m. by Moderator William R. Shemeth, III after determining a quorum was present.

Reading of the Return of the Warrant was waived and the moderator noted that the meeting was posted in accordance with the law. The Moderator led the attendees in the Pledge of Allegiance followed by a moment of silence in honor of those residents who had passed away including Kenneth R. Wheeler and John P. Desmaris, Sr., both of whom had served the town for many years. The Moderator also thanked Mary Baker-Wood for her long service to the town as Library Director and Nancy Tame for her service on the Finance Committee. The Moderator noted that there are two vacancies on the Finance Committee and asked for volunteers to serve.

The Moderator noted two historical incidents on this day in 1777, the Continental Congress submitted our first national constitution, the Articles of Confederation, to the states for ratification and approval. The nation was guided by this document until the implementation of the current US Constitution in 1789. Also on this day in 1842 in Marboro Chapel in Boston, a meeting was held to help free a fugitive slave from the efforts of slave bounty hunters to return him to slavery under the provisions of the Fugitive Slave Law. This effort helped to protect the freedoms we exercise tonight.

The Moderator introduced to attendees; himself, members of the Board of Selectmen, Town Administrator Adam Gaudette, Town Counsel Stan Weinberg, Town Clerk Laura Torti and Finance Committee Chair Mary Braney. Ms. Braney then introduced those members of the Finance Committee who were present. The Moderator thanked Spencer Cable Access for broadcasting the meeting and reviewed the ground rules and parliamentary procedure for Town Meetings. The Moderator thanked the Town Clerk and the Board of Registrars for their work on a successful early voting program for the November presidential election.

The following articles were acted upon:

Article 1:

AUTHORIZATION TO AMEND A PREVIOUSLY APPROVED ARTICLE

The moderator declared a unanimous vote to amend Article 9 from the May 5, 2016 Annual Town Meeting in order to raise and appropriate an additional sum of Three Thousand, Eight Hundred Seventy-Seven Dollars and No Cents (\$3,877.00) for additional Tantasqua Regional High School Tuition (\$1,172.00 to Account #11300-52000) and Additional Tantasqua Regional High School Transportation Assessment (\$2,705.00 to Account #11300-52100) for Fiscal Year 2017; or take any action relating thereto. (Sponsored by the Board of Selectmen and the Town Administrator)

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor.

Article 2:

AUTHORIZATION TO AMEND A PREVIOUSLY APPROVED ARTICLE

The moderator declared a majority vote to amend Article 10 from the May 5, 2016 Annual Town Meeting in order to raise and appropriate an additional sum of One Thousand, Eight Hundred Dollars and No Cents (\$1,800.00) for additional Norfolk County High School Transportation Assessment (Account #11300-52100) for Fiscal Year 2017; or take any action relating thereto. (Sponsored by the Board of Selectmen and the Town Administrator)

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor.

Article 3:

AUTHORIZATION TO RESCIND THE PREVIOUSLY APPROVED ARTICLE FOR THE FY2017 GENERAL GOVERNMENT OPERATING BUDGET

The moderator declared a majority vote to rescind Article 11 from the May 5, 2016 Annual Town Meeting for the purposes of voting to approve the following Article #4 that will adjust the Fiscal Year 2017 General Government Operating Budget; said rescission is contingent upon the approval of Article #4; or take any action relating thereto. (Sponsored by the Board of Selectmen and the Town Administrator)

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor.

Article 4:

AUTHORIZATION TO APPROPRIATE THE REVISED FY2017 GENERAL GOVERNMENT OPERATING BUDGET

The moderator declared a majority vote to raise and appropriate the sum of Eight Million, Eight Hundred Eighty-Nine Thousand, Eight Hundred Thirty-Two Dollars and No Cents (\$8,889,832.00) to pay for the operations of the General Government expenses for Fiscal Year 2017, and to meet said appropriation from a transfer of Ten Thousand Dollars and No Cents (\$10,000.00) from the Wetlands Account, and from taxation, from available funds in the Treasury, and anticipated receipts as may be needed or decided necessary; or take any action relating thereto. (Sponsored by the Board of Selectmen and the Town Administrator)

Town Administrator Adam D. Gaudette spoke on this article.

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor.

Article 5:

AUTHORIZATION TO TRANSFER MONIES TO A RESERVE FUND

The moderator declared a majority vote to appropriate the sum of Ten Thousand Dollars and No Cents (\$10,000.00) for the Sick Leave Buy Back Fund (Account #083-83000-39800) and to meet said appropriation by transferring from previously certified and available Free Cash; or take any action relating thereto. (Sponsored by the Board of Selectmen and the Town Administrator)

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor.

Article 6:

AUTHORIZATION TO TRANSFER MONIES TO FUND CAPITAL EXPENDITURES

The moderator declared a majority vote to appropriate the sum of Five Thousand Dollars and No Cents (\$5,000.00) for Sewer Department consultant services, and to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Sewer Enterprise Fund; or take any action relative thereto. (Sponsored by the Board of Sewer Commissioners)

Sewer Commissioner Lawrence H. Dufault and Sewer Superintendent James LaPlante spoke on this article.

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor.

Article 7:

AUTHORIZATION TO TRANSFER MONIES TO FUND CAPITAL EXPENDITURES

The moderator declared a majority vote to appropriate the sum of Three Hundred Five Thousand Dollars and No Cents (\$305,000.00 for Water Department capital projects and purchases, as approved by the Capital Improvements Planning Committee (CIPC), as generally illustrated below and to meet said appropriation by transferring the sum of One Hundred Sixteen Thousand, Two Hundred Sixteen Dollars and Sixty-One Cents (\$116,216.61) from the Water Department Capital Efficiency Plan Program Account (15000-58860), One Hundred Thirty-Four Thousand, Three Hundred Ten Dollars and Nineteen Cents (\$134,310.19) from the Water Department Capital Improvement Account (15000-58870), and transferring Fifty-Four Thousand, Four Hundred Seventy-Three Dollars and Twenty Cents (\$54,473.20) from previously certified and available Retained Earnings of the Water Enterprise Fund;

1. \$65,000 for a New One-ton Truck with Dump Body
2. \$240,000 for Main Street TIP Water Infrastructure Upgrades

Or take any action relative thereto. (Sponsored by the Board of Water Commissioners and the Capital Improvements Planning Committee)

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor. The moderator noted that per Town Bylaw the Capital Improvements Planning Committee had met and recommended in favor of this article.

Article 8:

AUTHORIZATION TO TRANSFER MONIES TO FUND CAPITAL EXPENDITURES

The moderator declared a majority vote to appropriate the sum of Seventy-Five Thousand, Six Hundred Fifty Dollars and No Cents (\$75,650.00) for capital equipment purchases and capital improvements, as generally illustrated below, and to meet said appropriation by transferring the sum of Fifty Thousand, Six Hundred Fifty Dollars and No Cents (\$50,650.00) from previously certified and available Free Cash and by transferring the sum of Twenty Five Thousand Dollars and No Cents (\$25,000.00) from the Sugden Block Reserve Account (29000-39500); or take any action relative thereto. (Sponsored by the Capital Improvements Planning Committee, Board of Selectmen, and the Town Administrator)

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor. The moderator noted that per Town Bylaw the Capital Improvements Planning Committee had met and recommended in favor of this article.

<u>Dept.</u>	<u>Item</u>	<u>Amount</u>
Sugden Block	Step & Façade Repairs	\$ 25,000.00
Police Dept.	HVAC Repairs (60000-59272)	\$ 650.00
Town Hall	Landfill Solar Feasibility (60000-59261)	\$ 10,000.00
Highway Dept.	Main Street TIP Associated Repairs	\$ 15,000.00
Town Hall	Development Feasibility Study (Lake St)	\$ 25,000.00
Total:		\$75,650.00

Article 9:

AUTHORIZATION TO TRANSFER MONIES TO FUND CAPITAL EXPENDITURES

The moderator declared a majority vote to appropriate the sum of Three Hundred Twenty Thousand Dollars and No Cents (\$320,000.00) to fund Main Street TIP non-participatory capital improvements (street lighting), and to meet said appropriation by transferring One Hundred Thousand Dollars and No Cents (\$100,000.00) from the Community Development Fund (25000-35900) and transferring Two Hundred Twenty Thousand Dollars and No Cents (\$220,000.00) from previously certified and available Free Cash; or take any action relative thereto. (Sponsored by the Capital Improvements Planning Committee, Board of Selectmen, and the Town Administrator)

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor. The moderator noted that per Town Bylaw the Capital Improvements Planning Committee had met and recommended in favor of this article.

Article 10:

AUTHORIZATION TO AMEND THE PERSONNEL BYLAWS

The moderator declared a majority vote to amend the Personnel Bylaws, becoming effective January 1, 2017, by amending Schedule C (Miscellaneous Compensation Schedule for Seasonal and Part-time Positions) by inserting the position “Harbormaster” and inserting the coinciding compensation of “\$1,000 yearly”; or take any action relative thereto. (Sponsored by the Town Administrator)

Harry Hatch of 63 Lake Ave. Stiles, Police Chief David Darrin, and Jonathan W. Ely of 10 Wildwood Lane all spoke on this article.

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor.

Article 11:

AUTHORIZATION TO AMEND THE PERSONNEL BYLAWS

The moderator declared a majority vote to amend the Personnel Bylaws, becoming effective January 1, 2017, by amending Schedule C (Miscellaneous Compensation Schedule for Seasonal and Part-time Positions) by inserting the position “Animal Control & Inspection Officer – On-call Alternate ” and inserting the coinciding compensation of “\$50.00 per day”; or take any action relative thereto. (Sponsored by the Town Administrator)

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor.

Article 12:

AUTHORIZATION TO AMEND THE ZONING BYLAWS

The moderator declared a majority vote of 47 in favor and 3 against to amend the Zoning Bylaws, by amending Article 2 Definitions (2.2- Utility, Major) and Article 4.2 (Use Table – Solar Uses), and by adding new Article 4.8.9 (Solar); or take any action relating thereto. (Sponsored by the Planning Board)

Michael F. Dow of 97 North Spencer Road and Nancy Nowak of 37 Woodside Road spoke on this article.

Finance Committee chair Mary Braney announced that the Finance Committee deferred to the recommendation of the Planning Board. The moderator announced that the Planning Board had held a public hearing on this article and their report which had been received had recommended in favor of this article.

Article 13:

AUTHORIZATION TO AMEND THE ZONING BYLAWS

The moderator declared a unanimous vote to amend the Zoning Bylaws, by inserting new Section 7.1 (Zoning Determination) and renumbering the following sections accordingly; or take any action relating thereto. (Sponsored by the Planning Board)

Finance Committee chair Mary Braney announced that the Finance Committee deferred to the recommendation of the Planning Board. The moderator announced that the Planning Board had held a public hearing on this article and their report which had been received had recommended in favor of this article.

Article 14:

AUTHORIZATION TO AMEND THE ZONING BYLAWS

The moderator declared a unanimous vote to amend the Zoning Bylaws, by amending Sections 3.4 (Overlay District), 4.1 (Use Designations), 4.2 (Use Table, Principal Uses), 4.3 (Performance Standards), 4.4 Accessory Uses), 4.5 (Temporary Uses), 5.2 (Interpretation notes for area), 5.3 (Specific provisions for area requirements), 6.1 (Off Street Parking & Loading Requirements), 6.5 (Signage), 7.2 (Special Permits), and 7.4 (Site Plan Review); or take any action relating thereto. (Sponsored by the Planning Board)

Finance Committee chair Mary Braney announced that the Finance Committee deferred to the recommendation of the Planning Board. The moderator announced that the Planning Board had held a public hearing on this article and their report which had been received had recommended in favor of this article.

Article 15:

AUTHORIZATION TO ACCEPT A PERMANENT DRAINAGE EASEMENT

The moderator declared a unanimous vote to accept a permanent drainage easement from Judith Marmont on her property located at 238 Charlton Road, Spencer, Assessors Map R08, Lot 42, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town, or take any action relative thereto. (Sponsored by Town Administrator)

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor.

Article 16:

AUTHORIZATION TO ACCEPT A PERMANENT DRAINAGE EASEMENT

The moderator declared a unanimous vote to accept a permanent drainage easement from David Lacroix on his property located at 138 Charlton Road, Spencer, Assessors Map R23, Lot 37, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town, or take any action relative thereto. (Sponsored by Town Administrator)

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor.

Article 17:

AUTHORIZATION TO ACCEPT A PERMANENT DRAINAGE EASEMENT

The moderator declared a unanimous vote to accept a permanent drainage easement from Scott Woods, James Woods, and Nancy Woods on their property located at 106 Charlton Road, Spencer, Assessors Map R23, Lot 20, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town, or take any action relative thereto. (Sponsored by Town Administrator)

Finance Committee chair Mary Braney announced that the Finance Committee had recommended in favor.

A motion was made and seconded to dissolve the Meeting.

Majority voted at 7:45 p.m. to dissolve this Meeting.

A total of 59 registered voters attended.

Laura J. Torti
Town Clerk