

ANNUAL TOWN MEETING  
MAY 6, 2004  
MEMORIAL TOWN HALL

Prior to the official opening of the Annual Town Meeting, William R. Shemeth, III, presented H. Warren Ramsey, Jr., whose drawing won the contest for a new town seal, a certificate of appreciation. An official citation was presented by Elizabeth (Beth) Charron from the State Senate and another by Representatives, Anne Gobi and Mark Carron.

Emile Gaucher was presented with a certificate of appreciation for his graphic artwork on the town seal. Elizabeth (Beth) Charron presented an official citation from the U. S. Senate.

Ralph Hicks, former Selectman, congratulated Mr. Ramsey and stated that he had a wish of his fulfilled, with the new town seal.

The Meeting was called to order at 7:30 PM by Moderator, Robert B. McPherson.

The Spencer Fire Brigade Pipe and Drum performed for the first time.

H. Warren Ramsey, III and Emile Gaucher led the Pledge of Allegiance.

Aaron Keyes sang the Star Spangled Banner.

Donald Lacaire was presented with the Meritorious Service Award by Selectman, Gary P. Herl.

The following articles were acted upon:

**Article 1:** Majority 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, including the First Report of the Capital Improvement Planning By-Law Committee.

**B.** Authorize the following committees and/or boards to appoint any of its members to a position under its jurisdiction as authorized by Section 4A, Chapter 41 and Section 21A, Chapter 268A of the Massachusetts General Laws:

Zoning Board of Appeals  
Planning Board  
Finance Committee  
Conservation Commission

**C.** Authorize the Police Department to establish a revolving fund in conformity with Chapter 44, section 53E ½ of the Massachusetts General Laws, for the following purposes and subject to the following conditions:

1. To be the depository for donations and other amounts received (other than State grant amounts) in connection with D.A.R.E. and other community policing programs.
2. To pay expenses associated with D.A.R.E. and other community policing programs (other than full-time salaries).
3. To have a limit on the total amount to be expended from the fund in fiscal year 2005 at \$2,000.00.
4. To have the Police Department be the only authority empowered to expend monies from this fund.

**D.** Authorize the Planning Board to establish a revolving fund in conformity with Chapter 44, Section 53E ½ of the Massachusetts General Laws for the following purposes:

1. To be the depository for monies received from ANR Fees and Subdivision Fees.
2. To be used 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 2005 at \$5,000.00
4. To have the Planning Board the only authority empowered to expend monies from this fund.

**E.** Authorize the Wiring Inspection Department to establish a revolving fund in conformity with Chapter 44, Section 53E ½ of the Massachusetts General Laws, for the following purposes and subject to the following conditions:

1. To be the depository for 80% of the collected fees of the Wiring Inspector.
2. To compensate the Wiring Inspector.
3. To have the limit on the total amount to be expended from the fund in Fiscal Year 2005 at \$15,000.00
4. To have the Wiring Inspection Department to be the only authority empowered to expend monies from this fund.

**F.** Authorize the establishment of a revolving fund for the Sugden Block in conformity with Chapter 44, Section 53E ½ of the Massachusetts General Laws, for the following purposes and subject to the following conditions:

1. To be the depository of 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 2005 at \$53,288.
4. To have the Town Administrator 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 for highway construction and/or maintenance to be expended upon any State approved road during Fiscal Year 2005, with such funds to be reimbursed 100% from such program for approved projects under the State Highway Guidelines.

**H.** Authorize the Board of Selectmen to apply for, accept and expend the following funds:  
Community Development Block Grant funds

**I.** Authorize the Tax Collector and Treasurer to enter into a compensating balance agreement or agreements for Fiscal Year 2005 pursuant to Massachusetts General Laws, Chapter 44, section 53F, and further vote to authorize the Treasurer to borrow such sums of money as they 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 2:** Majority voted that the Town authorize the establishment of a revolving fund for the Council on Aging in conformity with Chapter 44, Section 53E ½ of the Massachusetts General Laws, for the following purposes and subject to the following conditions:

1. To be the depository for donations, charges, fees and monies received in connection with programming offered by the Council on Aging.
2. To pay expenses associated with programs offered by the Council on Aging (except salaries).
3. To have a limit on the total amount to be expended from the fund in Fiscal Year 2005 at \$2,000.00.
4. To have the Council on Aging the only authority empowered to expend monies from this fund.

**Article 3:** Majority voted that the Town establish a new Town Seal in accordance with Chapter 40, § 47, as recommended by the Committee on the Town's 250<sup>th</sup> celebration, and rescind any previous conflicting actions.

**Article 4:** Majority voted that the Town fix the salaries of the elected officials or employees effective July 1, 2004:

Board of Selectmen (Per Officer or Member)	\$2,020.00
Board of Assessors (Per Officer or Member)	13,307.00
Town Clerk	42,250.00
Town Collector	42,250.00
Treasurer	20,250.00
Moderator	128.00
Water Commission (Per Officer or Member)	685.00
Sewer Commission (Per Officer or Member)	685.00
Board of Health (Per Officer or Member)	685.00

And further vote to authorize the Town Administrator to transfer funds from FY 2005 General Fund Account #11123-56000, Water Fund Account #15000-31510 and Sewer Fund Account #20000-31510 as required to meet the additional expense thereof.

**Article 5:** Majority voted that the Town amend Section 7, Schedule B of the Personnel By laws by substituting the following weekly salary schedule

Section 7  
Schedule B  
General Weekly Salary Schedule

Compensation

Grade	I	II	III	IV	V
S-2	296.44	315.85	340.08	364.44	388.71
S-3	340.08	364.44	388.71	413.01	438.48
S-4	388.71	413.01	438.48	461.62	485.86
S-5	438.48	461.62	485.86	510.25	534.43
S-6	485.86	510.25	534.43	558.09	595.23
S-7	534.43	558.09	595.23	631.64	668.14
S-8	595.23	631.64	668.14	704.58	741.04
S-9	668.14	704.58	741.04	774.06	820.22
S-10	741.04	774.06	820.22	865.26	912.85
S-11	820.22	865.26	912.85	963.06	1,016.64
S-12	912.85	963.06	1,016.64	1,051.33	1,130.83
S-13	1,016.64	1,051.33	1,130.83	1,193.01	1,259.23
S-14	1,130.83	1,193.01	1,259.23	1,328.48	1,402.22

And further vote to authorize the Town Administrator to transfer funds from FY 2005 General Account #11123-5600, Water Fund Account #15000-56000 and Sewer Fund Account #20000-56000, as required to meet the additional expense thereof.

Majority voted that the Town amend Article 6 by substituting the figure of \$10.85 per hour in place of the figure of \$10.02 per hour on the line for COA Director.

**Article 6:** Majority voted that the Town amend Section 7, Schedule D of the Personnel By laws by substituting the following salary schedule:

CLASS TITLE	COMPENSATION
Animal Inspector	\$ 2781.00
Town Accountant	24.50/hr
Gas Fitting Inspector	3008.00
Plumbing Inspector	4000.00

Sealer Of Weights And Measures	3392.00
Wiring Inspector	80% Of Collected Fees
Dog Officer	8359.00
Alternate Dog Officer	500.00
Part-Time Dispatcher	12.23/hr
Veterans Agent	8828.00
Registrars	1069.00
Monitor #1-Transfer Station	Use S-4 Rates
Monitor #2-Transfer Station	Use S-3 Rates
Police Station Custodian	9.59/hr
Election Wardens And Clerks	9.10/hr
Inspectors	8.19/hr
Planning Board/ Per Member	874.00
Appeals Board/ Per Member	874.00
Appeals Board/ Per Associate Member	412.00
Appeals Board/Clerk	Use S-3 Rates
Beach Supervisor (Seasonal)	12.99/hr
Caretaker (Seasonal)	Use S-3 Rates
Lifeguard (Seasonal)	10.26/hr
Water Safety Instructor (Seasonal)	11.62/hr
Home Delivery – Library	10.34/hr
Tree Warden Department:	
Warden	17.64/hr
Climber	15.04/hr
Groundman	12.99/hr
Computer System Coordinator	Use S-4 Rates
Fluoride Coordinator	3841.00
Finance Committee Secretary	334.00
Childhood Literacy Coordinator	85.99/wk
COA Director	10.85/hr

Fire Department & Emergency Management:

Deputy Chief	6888.00
SEMA, Director of Operations	1772.00
Truck Engineer Front Line	459.00
Truck Engineer Back Line	346.00
Custodian Sr.	682.00
Custodian Jr.	459.00
Fire Science Instructor	15.75/hr
Captain	14.47/hr
Lieutenant	13.36/hr
Firefighter (over 10 years)	12.25/hr
Firefighter (5-10 years)	11.13/hr
Firefighter (under 5 years)	10.02/hr
Firefighter (sub.)	7.51/hr

And further vote to authorize the Town Administrator to transfer funds from the FY 2005 General Fund Account #11123-56000, Water Fund Account #15000-56000 and Sewer Fund Account #20000-56000, as required to meet the additional expense thereof.

**Article 7:** Majority voted that the Town amend Section 8 of the Personnel By Laws by substituting the following hourly salary schedule:

Section 8  
Part-Time Positions occupied by Library Staff  
and Clerical employees

Compensation Grade	I	II	III	IV	V
S-1	\$7.34	\$7.81	\$8.32	\$8.83	\$9.46
S-2	\$8.32	\$8.83	\$9.46	\$10.26	\$10.86
S-3	\$9.46	\$10.26	\$10.86	\$11.62	\$12.16
S-4	\$10.86	\$11.62	\$12.16	\$12.99	\$13.57
S-5	\$12.16	\$12.99	\$13.57	\$14.34	\$14.97
S-6	\$13.57	\$14.34	\$14.97	\$15.72	\$16.76
S-7	\$14.97	\$15.72	\$16.76	\$17.67	\$18.66
S-8	\$16.76	\$17.59	\$18.47	\$19.40	\$20.36
S-9	\$18.47	\$19.40	\$20.36	\$21.37	\$22.44
S-10	\$20.36	\$21.37	\$22.44	\$23.56	\$24.73
S-11	\$22.44	\$23.56	\$24.73	\$25.98	\$27.28
S-12	\$24.73	\$25.98	\$27.28	\$28.63	\$30.07

And further to authorize the Town Administrator to transfer funds from the FY 2005 General Fund Account #11123-56000, the Water Fund Account #15000-56000, the Sewer Fund Account #20000-56000 as required to meet the additional expense thereof.

**Article 8:** Majority voted that the Town appropriate the sum of \$9,530 to fund various departments in accord with the Agreement reached between the Town of Spencer and Local 888 SEIU for the permanent full time employees of the Highway/Sewer Unit, and further to authorize the Town Administrator to transfer within the approved FY 2005 budgets the required sums from the Town Administrator's Intergovernmental Account #11123-56000 and the Sewer Fund Intergovernmental Account #20000-56000 as required to meet said Agreement and this appropriation.

**Article 9:** Majority voted that the Town appropriate the sum of \$27,750 to fund the Agreement reached between the Town of Spencer and the Spencer Police Association (Massachusetts Coalition of Police, Local #175), and further to authorize the Town Administrator to transfer within the approved FY 2005 budgets the required sums from the Town Administrator's

Intergovernmental Account #11123-56000 as required to meet said Agreement and this appropriation.

An amendment in regards to Article 10 was ruled Out Of Order by the Moderator, upon advice of Town Counsel.

**Article 10:** Majority (declared) voted that the Town vote, as a block, to:

**A.** Authorize the SelectBoard to sell or lease, for a term of no less than 5 years, upon such terms and conditions as it shall deem to be reasonable, appropriate and in the best interests of the Town, the property know as David Prouty Intermediate School, together with a parcel or parcels of land of 75,000+/- square feet on Main and Pope Street(s) provided however that the minimum sale price shall not be less than \$50,000 or the minimum total lease payments shall not be less than \$5.00.

**B.** Authorize the SelectBoard to accept on behalf of the Town a gift from the First Congregational Church of Spencer of a parcel of real estate of approximately 1,600 square feet (Worcester County Registry of Deeds Book 356 Page 192) contained within the bounds of the land currently occupied by said David Prouty Intermediate School, and a second gift of an area of land adjacent to the David Prouty Intermediate School, in the vicinity of the existing basketball courts, and to negotiate and enter into a boundary line agreement with the said First Congregational Church of Spencer to define the property lines generally thought to be the eastern boundary of Parcels 67 & 73 on the Assessors Map U-14 and to further authorize the SelectBoard to convey town property to said Church in accordance with said boundary line agreement.

**C.** Authorize the SelectBoard to negotiate, execute and deliver such deeds, leases, and other documents it deems necessary to carry out the purposes of this article.

**D.** Authorize the SelectBoard, should they so determine it necessary to effectuate the purposes of this article, to petition the Massachusetts Legislature, in accordance with the Home Rule Amendment, for special legislation authorizing the lease of the David Prouty Intermediate School in accordance with the terms of this article, as the SelectBoard shall determine necessary, notwithstanding any statutory limitations on the term of lease of town buildings and property.

**E.** Amend its action under Article 27 of the 1998 Annual Town Meeting (adjourned session of May 28, 1998) to add the following words

“...and the interim costs of holding and the eventual costs of disposing by sale or leasing of said David Prouty Intermediate School to another party.”

140 Voted in Favor and 11 Voted Opposed, as declared by Moderator.

**Article 11:** Majority voted that the Town, vote as a block, to:

**A.** Authorize the SelectBoard to lease, for a term of years, not to exceed 25, together with an option to extend for a term of years not to exceed 10, upon such terms and conditions as it shall deem to be reasonable, appropriate and in the best interests of the Town, the property commonly known as the Spencer Fairgrounds which is a parcel of approximately 28 acres of land, together with improvements thereon, located on Smithville and Smithville Cross Road, generally identified as Parcel 28 on the Assessors Map R-32, provided however that the minimum total lease payments shall be not less than \$10,000.

**B.** Authorize the SelectBoard to negotiate, execute and deliver such leases, and other documents it deems necessary to carry out the purposes of this article.

**C.** Authorize the SelectBoard to petition the Massachusetts Legislature, in accordance with the Home Rule Amendment, for special legislation authorizing the lease of the Spencer Fairgrounds, in accordance with the terms of this article, as the SelectBoard shall determine necessary, notwithstanding any statutory limitations on the term of lease of town buildings and property.

**Article 12:** Majority voted that the Town amend Article 5, Section 5 of its general bylaws by deleting the current text, except the heading, and inserting instead the following language:

The Inspector of Buildings shall be appointed for a term of three years.

**Article 13:** Majority voted (YES) that the Town vote, as a block, by ballot, yes or no using the checklist, to

**A.** Revoke its acceptance of Chapter 154 of the Acts of 1882, entitled “An Act Authorizing Towns and Cities to Lay Out Public Parks Within Their Limits.” which had been accepted by its action under Article 16 of a Town Meeting held on April 4, 1887 and

**B.** Revoke its establishment of the Athletic Field Committee under Article 17 of the Special Town Meeting of September 26, 1966 and

**C.** Amend the General Bylaws by addition of a new Section 7 to Article 5 to be entitled:

Parks and Recreation Department

1. Establishment, Composition, and Terms:

There shall be established in the Town of Spencer, a Parks and Recreation Department which shall operate under the oversight of a Parks and Recreation Commission, subject to the provisions of the Spencer Governmental Act. The Commission shall consist of nine members who shall serve for a term of three years. A term shall run from July 1 of a year to June 30 of an ending year. Members shall be eligible to serve successive terms.

Three (3) of the members shall be elected at the Town’s annual general election. The initial filling of these positions shall be from those persons holding the office of Park Commissioner on the effective date of this by-law, and for such terms as originally voted, subject to extension of a term to June 30 of the calendar year in which it was to have expired.

If a vacancy occurs in any of these elected positions, the remaining members of the Commission shall give written notice thereof, within 30 days of said vacancy, to the Town Administrator who shall schedule a joint meeting of the Board of Selectmen and all of the remaining members of the Commission to fill such vacancy by roll call vote. A majority of the votes of all the officers entitled to vote shall be necessary to fill such vacancy. The person so elected shall be a registered voter of the Town and shall serve until the next general election. At such a general election, the position shall be listed on the ballot for the balance of the unexpired term. As used in this paragraph, the term “vacancy” includes a failure to elect.

Six (6) of the members shall be appointed. They shall serve until their successor is appointed and duly qualified. A vacancy in an appointed position shall be filled for the balance of the unexpired term of the vacant position.

The initial appointments shall be drawn from those willing to accept appointment from among the current members of the Athletic Field Committee, Youth Commission and Recreation Commission. No more than three persons may come from each of these three entities being incorporated into the Commission. Vacant positions remaining after this process may then be filled from new applicants.

The initial appointments shall be staggered such that one third of the appointed members shall serve for one year or portion thereof, one third of the appointed members shall serve for two years or portion thereof, and one third of the appointed members shall serve for three years or portion thereof, such that each term shall end on the 30<sup>th</sup> day of June.

## 2. Purpose:

The Commission shall be a policy-making board responsible for providing year-round high quality indoor and outdoor recreation activities for children and adults with varying interests and physical abilities. It shall deliver diverse culturally, socially, mentally and physically based programs. The Commission shall establish suitable policies, and guidelines, relating to the programs it shall offer, and the use, maintenance, and improvement of the facilities under its oversight.

## 3. Organization and Staffing:

Upon its creation, and annually at its first business meeting in July thereafter, the Commission shall elect a Chairman and Clerk from among its members. The Clerk shall act as Chairman in his or her absence. The Commission shall oversee such supervisory and programmatic staff as the Town shall provide for by appropriation.

## 4. Facilities:

It shall have oversight of the following facilities:

Luther Hill Park

O’Gara Park  
Powder Mill Park  
Ralph Warren Park  
Bemis Memorial Park  
Isaac Prouty Park  
South Spencer Rail Trail

together with such facilities which may subsequently be assigned to it by action of the Town Meeting, Board of Selectmen or Town Administrator in keeping with their statutory authority. It shall advise the Board of Selectmen and Town Administrator on properties which should be acquired to further the mission of the Department.

It shall also have the power to conduct programs and activities at places other than such specifically designated facilities.

Such facilities are dedicated for the purposes of parks, playgrounds and recreation, consistent with any conditions or restrictions specified in the grant or acquisition of the property. With this dedication, the Commission is charged with exercising the highest level of land stewardship and protection while utilizing the historic, natural and man-made features of the facilities for the additional purposes of education, cultural activity and as tools of community and economic development on behalf of the community at large. The Commission shall consult, as deemed advisable and appropriate, with other local, state, federal and public interest groups to ensure such responsibility is met.

5. Other Authority:

The Commission shall be authorized to accept grants and gifts of funds and other real and personal property and expend the same, in the name of the Town subject to the approval of the Board of Selectmen, for the purposes of laying out, improving, ornamenting, and maintaining the facilities and providing programs consistent with the purposes it is charged with herein.

The Commission shall be deemed to be a Youth Commission, as established by M.G.L. Ch. 40 §8E, and a Recreation Commission, as established by M.G.L. Ch. 45 §14, with all powers and duties as established therein.

The Commission shall subsequently perform such other statutory roles as assigned to it by action of the Town Meeting, Board of Selectmen or Town Administrator in keeping with their statutory authority.

6. Repeal of Inconsistent Town Actions & Abolition of Other Agencies:

Any previous conflicting action relating to the assignment of oversight responsibility for the facilities in section (d) above is hereby repealed.

7. Effective Date:

This Bylaw shall be effective upon approval of the Massachusetts Attorney General and its posting in accordance with M.G.L. Ch. 40 §32; and

**D.** Authorize the Recreation Coordinating Council, so called, to establish a revolving fund in conformity with Chapter 44, section 53E ½ of the Massachusetts General Laws, for the following purposes and subject to the following conditions:

1. To be the depository for charges and fees received in connection with programs and activities offered in accordance with its authority.
2. To pay expenses associated with the same, and the costs of rental or maintenance of facilities utilized for the same, but excepting wages and salaries for full time employees.
3. To have a limit on the total amount to be expended from the fund in Fiscal Year 2005 at \$10,000.00.
4. To have the Recreation Coordinating Council be the only authority empowered to expend monies from this fund with such revolving fund and further to have the Parks and Recreation Department assume control and authority over such fund upon the establishment of such Department; and

**E.** Authorize the Parks and Recreation Commission to appoint any of its members to a position under its jurisdiction as authorized by Section 4A, Chapter 41 and Section 21A, Chapter 268A of the Massachusetts General Laws.

Ballot Vote: 126 voted in Favor and 0 voted Opposed.

Article 14: Majority voted that the Town amend it's General Bylaws by deleting the text of Article 5 Section 3 and inserting instead the following text:

#### CAPITAL IMPROVEMENT PLANNING COMMITTEE

1. There shall be established a committee to be known as the Capital Improvement Planning Committee (hereafter, the "Committee") composed of

- one (1) member of the Select Board,
- one (1) member of the Finance Committee,
- one (1) member of the Planning Board,
- Two (2) at-large inhabitants of the Town of Spencer,

The Town Administrator and one person to be selected by the Town Administrator from among the Board of Assessors, Town Accountant, Town Collector and Town Treasurer, will also serve on the Committee, ex-officio, without voting privileges.

Neither of the two (2) at-large inhabitants of the Town of Spencer, above designated, may be employed by the Town of Spencer or serve the Town in any other elective or appointive capacity or have members of their immediate family who are so employed or so serve. Immediate family is defined to mean the inhabitant, his or her spouse or spousal equivalent, parents, children, brothers and sisters.

The Select Board, Finance Committee and Planning Board members will serve initially until the following June 30<sup>th</sup> and thereafter for one year terms to expire on June 30<sup>th</sup> of each succeeding year. One at-large inhabitant member will serve initially until the second June 30<sup>th</sup> date following appointment and thereafter for three year terms. The second at-large inhabitant member will serve initially until the third June 30<sup>th</sup> date following appointment and thereafter for three year terms.

The committee will choose its own officers at such times as it will determine by majority vote.

2. The Committee will study the proposed capital projects and improvements involving tangible assets and projects which (1) have a useful life of not less than five years and (2) cost over \$10,000 [or such other sum which conforms with Statement #34 of the Governmental Accounting Standards Board (GASB 34) or such future equivalent capitalization schedules]. All officers, boards and committees of the Town, including the School District, Water Department, Sewer Department and any enterprise fund department, will give to the Town Administrator by November 1<sup>st</sup> of each year, on forms prescribed by the Committee, information and requests concerning all of its anticipated projects requiring Town Meeting action during the ensuing six years. On or before the following December 1<sup>st</sup>, the Town Administrator will assemble the information and requests submitted to him or her and present the same to the Committee for its deliberation and action. The Committee will consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town and thereafter render its Report and recommendations to the Town Administrator as set forth in Section 3 hereof.

No appropriation at a Town Meeting will be voted for a capital improvement purchase or project requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's Report (as set forth below) or the Committee has submitted a report to the Town Administrator explaining the omission. It is the intent of this paragraph that no capital improvement purchase or project will be made or undertaken unless the same has been previously considered by the Committee. This provision is not applicable to any capital improvements placed on the town meeting warrant by citizen petition, as governed by the Massachusetts General Laws.

In the case of an unusual, unanticipated or emergency capital improvement request that arises after the December 1<sup>st</sup> deadline, such request will be submitted to the Committee for consideration. The Committee will make its recommendation to the Town Administrator as to what further action may be necessary.

3. The Committee will prepare an annual report recommending a Capital Improvement Budget for the next fiscal year and a Capital Improvement Program, including therein its recommended capital improvements for the following five years. On or before January 15th of each year, the Report will be submitted to the Town Administrator for his or her consideration and approval, after consultation with the SelectBoard. The Town Administrator will thereafter submit his or her approved Capital Budget to the Annual Town Meeting for adoption, in whole or in part, by the Town.

4. Such Capital Improvement Program, after its approval by the Town Administrator, will permit the expenditure on projects included therein from departmental budgets for preliminary or ancillary matters relating to the project or purchase, such as for surveys, architectural or engineering advice, options or appraisals; but no such expenditure will be incurred which have not been so approved by the Town through the appropriation of sums in the current fiscal year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

5. The Committee's Report and the Town Administrator's recommended Capital Budget will be published and made available in a manner consistent with the distribution of the Finance Committee Report. The Committee will deposit its original Report with the Town Clerk.

**Article 15:** Majority voted that the Town amend its actions under Article 36 of the March 8, 1962 Special Town Meeting by changing the name of the account from:

World War II and Korean Veterans Memorial Account to  
Town Hall Rotunda: War Veterans Account

**Article 16:** Majority voted that the Town amend its action under Article 28 of the 2003 Annual Town Meeting by striking the words "...and Cherry Street Fire Station..." and inserting, in lieu thereof, the words

..., "architectural study of the Dewey Street Fire Station..."

**Article 17:** Majority voted that the Town Pass Over this Article.

To see if the Town will vote, as a block, to:

**A.** Repeal, effective June 30, 2004 its action under Article 42 of the Adjourned Annual Town Meeting of May 16, 1988, accepting Chapter 59 § 21A-1/2 providing for a 10% increase in compensation, without limit, to Assessors attaining certain certifications.

**B.** Accept Chapter 59 §21A which provides additional compensation, in accordance with the conditions established therein, of 10% of regular compensation, but not more than \$1,000 per year for an Assessor or Assistant Assessor if they are employed on a full time basis and not more than \$500 per year for an Assessor or Assistant Assessor if they are employed on a part-time basis who has completed the necessary courses of study and training and has been awarded a certificate by the International Association of Assessing Officers as a certified assessment

evaluator or who has been awarded a certificate by the Association of Massachusetts Assessors as a Certified Massachusetts Assessor.

**Article 18:** Majority voted that the Town appropriate the sum of \$664,188 as proposed in the Town Administrator’s budget message and published on page 22 of the Finance Committee Recommendations, for the use of the Water Department for the Fiscal Year July 1, 2004 through June 30, 2005 and to fund said sum with \$70,894 from the Massachusetts Water Pollution Abatement Trust and the balance of \$593,500 to be reimbursed from the receipts and revenue collected by the Water Department for the period ending June 30, 2005. (-\$206 from Surplus)

**Article 19:** Majority voted that the Town appropriate the sum of \$580,306 as proposed in the Town Administrator’s budget message and published on page 23 of the Finance Committee Recommendations, for use of the Sewer Department for Fiscal year beginning July 1, 2004 to June 30, 2005 and to fund said sum by a transfer of \$9,000 from the Sewer Department Surplus Revenue Account, and the balance of \$571,377 to be reimbursed from the receipts and revenues collected by the Sewer Department for the period ending June 30, 2005. (-\$71 from Surplus)

**Article 20:** Voted unanimously that the Town vote, as a block, to:

**A.** Borrow the sum of \$370,000, for use of the Sewer Department, with the future debt service to be paid for from the receipts of said Department’s enterprise fund, to fund a capital program of constructing a new system of Ultra Violet Disinfection, a new sludge dewatering pump and making improvements to the collection system, as generally enumerated below.

**B.** Raise and appropriate the sum of \$82,500 for the Fiscal Year 2005 in line item #20000-56000 to cover the first year costs of principal and interest thereon, and to meet the same by a transfer from an account on the books of the Sewer Department entitled “Sewer Reserve Fund”.

UV Disinfection Equipment & Construction	\$200,000
Grant Street	20,000
Summit Street	51,000
Franklin Street	28,500
Starr, Pope & Jones Streets	48,000
Sludge Pump	22,250
Contingency	<u>250</u>
Total	\$370,000

**Article 21:** Majority voted (Declared by Moderator) that the Town appropriate the sum of \$5,663,109 for the operations of general government as proposed in the Town Administrator’s budget message and published on pages 38 through 48 inclusive of the Finance Committee Recommendations, provided that the date in the note at Account #11710-56000 shall be corrected to read June 30, 2005, and to fund said appropriation by a transfer of \$14,000 from State Aid to Libraries, \$297,000 from Free Cash, \$2,500 from the Town’s Trust Funds, anticipated receipts of \$42,500 from the Sewer Fund, \$50,000 from the Water Fund, \$6,101 from the Sugden Block Fund, \$35,000 from the Massachusetts Local Law Enforcement Assistance Program, and the balance of \$5,216,008 (This amount was reduced due to a mathematical error)

105 Voted in Favor and 1 Opposed.

**Article 22:** Majority voted (Declared Vote by Moderator) that the Town vote, as a block, to:

**A.** Borrow the sum of \$385,000, contingent upon passage of a debt exclusion ballot question, to fund a capital program of purchasing the streetlight system, replacing a 1977 Fire Tanker Truck and undertaking a road betterment, as generally enumerated below.

**B.** Raise and appropriate the sum of \$85,470 for the Fiscal Year 2005 in line item #11710-56000 to cover the first year costs of principal and interest thereon.

**C.** Authorize the Board of Selectmen to enter into an agreement, pursuant to Chapter 40, Section 4 of the Massachusetts General Laws, for the servicing of the municipal street light system with another municipality, and/or its Municipal Light Department, on such terms and conditions as the Board of Selectmen deems reasonable, appropriate and in the best interest of the Town.

**D.** Authorize the Board of Selectmen to enter into an agreement, in accordance with the Uniform Procurement Act, for the servicing of the municipal street lighting system, on such terms and conditions as the Board of Selectmen deems reasonable, appropriate, and in the best interests of the Town, and to authorize such agreement to be for a term of years not to exceed ten, inclusive of options to extend.

Highway:	Street Light System	\$165,000
Fire Dept.	Tanker Truck	200,000
Highway	Street Betterment	17,500
	Contingency	<u>2,500</u>
	Total	\$385,000

110 Voted in Favor and 2 Voted Opposed.

**Article 23:** Majority voted that the Town appropriate the sum of \$105,000 to fund a Capital Budget of purchases and improvements, as generally enumerated below, and to meet the same by a transfer from Free Cash, provided that an energy audit report shall be filed with the Finance Committee before any funds be expended on energy related improvements at the Dewey Street Fire Station.

Fire Dept.	Forestry Truck	\$ 45,000
Police Dept.	Cruiser	\$ 30,000
Highway	Massasoit Parking Lot	\$ 15,000
Fire Dept.	Storm Windows & Blinds	\$ 3,500
Wgts./Msr.	Weight Kit	\$ 1,000
Recreation	Handicapped Accessibility	\$ 2,500
Recreation	O'Gara Water Line	\$ 5,000
	Contingency	<u>\$ 3,000</u>
	Total	\$105,000

**Article 24:** Majority voted that the Town raise and appropriate the sum of \$4,519,532 as the Town's share of the operating costs of the Spencer-East Brookfield Regional School District (the "District") for fiscal year 2005 and the sum of \$784,791 as the Town's share of the Capital Cost of the District; provided, however, that if the district shall recertify a lesser amount to be paid by the Town for such operating of Capital Costs then this appropriation shall automatically be reduced to such lesser amount.

**Article 25:** Majority voted that the Town amend the Regional School Agreement between the Town of Spencer and the Town of East Brookfield as follows:

By adding to Section III B Leasing, under the Town of Spencer:

Wire Village School

**Article 26:** Majority voted that the Town raise and appropriate the sum of \$1,156,558 to the Occupational Education Tuition Account for the Fiscal Year 2005.

**Article 27:** Majority voted that The Town raise and appropriate the sum of \$75,000 to the Occupational Education Transportation Account for the Fiscal Year 2005.

**Article 28:** Voted unanimously that the Town transfer the sum of \$37,303 from Free Cash to the Stabilization Fund.

Article 29: Voted unanimously that the Town establish an account to be know as the Capital Reserve Stabilization Fund, a fund created pursuant to MGL Ch. 40, § 5B, which fund shall be for capital purchases or projects and which is intended as a non-exclusive source of funding for future capital purchases or projects. Appropriations from said fund shall be for any purpose for which the Town is authorized to borrow money under MGL Ch.44 §7 or §8, provided that each said appropriation is related to an equipment lease or purchase or capital project previously approved by the Capital Improvement Planning Committee.

Majority voted at 10:10 PM to dissolve this Meeting.

186 Registered Voters attended this Meeting.

Jean M. Mulhall, Town Clerk

