

**ANNUAL TOWN MEETING
MAY 7, 2009
MEMORIAL TOWN HALL**

The Meeting was called to order at 7:13 PM by Jean M. Mulhall, Town Clerk.
The Warrant was properly posted.

The Town Clerk announced that Robert B. McPherson, Moderator, resigned in February. Therefore, the Meeting would have to elect a Moderator.

A Motion was made to nominate Peter J. Adams for the position of Moderator.
Majority voted to elect Peter J. Adams as Moderator for this Meeting.
The Oath of Office was administered to Mr. Adams by the Town Clerk.

Announcements:

A "Thank You" to Rich Lapierre for setting up his sound system (Sounds by Rich) for use at the Town Meeting.

Knox Trail Jr. High School – Art Display in Rotunda

Historical Commission – Selling cookbooks in Rotunda (Favorite Recipes of the Spencer Monday Club).

David Prouty High School Band Boosters had a Concession Stand.

Rain Barrels for Sale – Display in Great Hall with ordering information.

Water Department Open House on Saturday, May 9th from 11 AM to 1 PM.

The Pledge of Allegiance was led by former Moderator, Robert B. McPherson.

The National Anthem was sung by James Pervier, resident of Spencer and Charlton Police Chief.

Moment of Silence for those who passed away since last year's meeting.

The Meritorious Service Award was presented by Peter J. Durant, Chairman of the Board of Selectmen, to Mary, Queen of the Rosary Food Pantry.

Presentation by Gary D. Suter, Executive Director of the Spencer Emergency Squad to Russell Rhoades, Spencer Police Officer, for saving a resident's life.

Peter J. Adams, Moderator, thanked, former Moderator, Robert B. McPherson for his many years of service to the Town.

The following articles were acted upon:

Article 1: Majority voted that the Town amend its Fiscal Year 2009 Operating Budget by appropriating the following sums of money to various accounts, and further to transfer said sums from certified Free Cash to meet said appropriation in the amount Two Hundred Fifty-one Thousand Dollars and No Cents (\$251,000.00).

<u>Department</u>	<u>Account</u>	<u>Amount</u>
Reserve Fund	11131-56000	\$ 50,000

Annual Town Meeting, May 7, 2009

Snow and Ice Personal Service	11423-51000	\$ 29,050
Snow and Ice Purchase of Services	11423-52000	\$ 59,700
Snow and Ice Other Charges and Expenditures	11423-57000	\$ 94,500
Veterans' Department Other Charges and Expenditures	11543-57000	\$ 16,000
Police Department Other Charges and Expenditures	11210-57000	\$ <u>1,750</u>
	Total	\$251,000

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 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 2010 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 2010 at Sixty-four Thousand Seven Hundred Seventy-four Dollars and No Cents (\$64,774.00); 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 2010 at Seventeen Thousand Two Hundred Fifty Dollars and No Cents (\$17,250.00); and

4. To have the Director of the Office 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 2010 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. 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 2010, with such funds to be reimbursed 100% from such Program.

G. 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.

H. Appropriate the sum of 100% of all fines, penalties, and assessments received in FY 2010 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".

I. Appropriate the sum of 50% of all monies received in Fiscal Year 2010 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.

J. Authorize the Town Treasurer/Collector to enter into a compensating balance agreement(s) for Fiscal Year 2010 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 the salaries of the elected officials for Fiscal Year 2010 as follows:

Board of Selectmen	\$ 1,000.00	Yearly
Moderator	\$ 0.00	Yearly
Board of Assessors	\$ 925.00	Yearly
Town Treasurer / Collector	\$55,159.00	Yearly
Town Clerk	\$53,159.00	Yearly
Water Commissioners	\$ 700.00	Yearly
Sewer Commissioners	\$ 700.00	Yearly
Board of Health	\$ 700.00	Yearly

The work hours of the Town Clerk and the Treasurer/Tax Collector will increase from 37 hours weekly to 38 hours weekly.

Article 4: Unanimously voted that the Town accept the provisions of Massachusetts General Laws, Chapter 32B, Section 18, authorizing the transfer of all retirees to Medicare Part A at no cost to the retiree, upon eligibility; and the transfer of their spouse or dependents to Medicare health benefits supplemental plan or group health plans offered by the town.

Article 5: Majority voted that the Town amend the General By-Laws of the Town of Spencer by adopting a new By-Law, entitled, Article 14 – Stormwater Management By-Law, copies of which are available for inspection during normal business hours at the Office of the Town Clerk, Memorial Town Hall, 157 Main Street, Spencer, Massachusetts and at the Richard Sugden Public Library, 8 Pleasant Street, Spencer, Massachusetts and on-line at www.spencerma.gov.

Article 6: Majority voted that the Town make the following amendments to the Town of Spencer Personnel By-Law:

A. Amend Schedule A of the Personnel By-Law by adding the following position to Schedule A:

H 7 Human Resource Director.

B. Amend Schedule A of the Personnel By-Law by removing the following position from Schedule A:

H 9 Assistant Water Superintendent

C. Amend Schedule A of the Personnel By-Law by eliminating the position of Chief Operator - Water, and further amend Schedule A by replacing that position with the following:

S 12 Chief Water System Operator

Article 7: Majority voted that the Town appropriate the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) to fund an 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; said program shall be subject to the following conditions in addition to any and all eligibility requirements promulgated by the Board of Selectmen, upon receiving the recommendations of the Council-On-Aging:

- A. Participation in the program shall be limited to elderly residents of the town who own property and are willing and able to provide services to the town;
- B. Program participants shall receive compensation at the hourly minimum wage rate established for the Commonwealth of Massachusetts for each hour of service rendered for a total not to exceed One Thousand Dollars and No Cents (\$1,000.00) in any calendar year;
- C. Program participants shall agree in writing prior to participating in the program to receive compensation in the form of a voucher to be presented to the Treasurer/Collector to be applied to the real estate obligations of the participant for the property in which the participant resides;
- D. The Treasurer/Collector shall comply with the wage, tax, and payroll deduction requirements of the State Department of Revenue and the Federal Internal Revenue Service, prior to compensating program participants or applying the net amount of wages earned to the real estate tax obligations of the participants;
- E. Program participants who meet the eligibility guidelines established for the program by the Board of Selectmen shall be selected for participation in the program on a first-come-first-serve basis;
- F. And further, to meet said appropriation by transferring Fifteen Thousand Dollars and No Cents (\$15,000.00) from the Overlay Fiscal Year 2004 Account as approved by the Board of Assessors

Article 8: Majority voted that the Town authorize the Treasurer/Collector, as the tax title property custodian, subject to the approval of the Board of Selectmen, upon such terms and conditions as the custodian and the board deems reasonable, appropriate, and in the best interest of the Town, to sell the following parcels of land at public auction:

<u>Map</u>	<u>Parcel</u>	<u>Location</u>
U27	47	Wildwood Avenue
U27	48	Wildwood Avenue
U27	49	Wildwood Avenue
U28	84	Wilson Avenue
U29	76-1	Wilson Extension
U33	5	Pine Drive
R55	5	McCormick Road Off
R45	3	Waite Road-Paxton Road Off
R5	9	Hammond Road
R14	37	Clark Road

And to further authorize the Select Board to negotiate, execute, deliver, and accept such deeds and other documents it deems necessary to carry out the purposes of this article.

Article 9: Majority voted that the Town discontinue a portion of East Road, also known as Alta Crest Cross Road, said partial discontinuance being shown as "Parcel A," a 266 square foot parcel, on a plan prepared by Donald A. Para, Land Surveyor, Inc., and dated March 31, 2009.

Article 10: Unanimously voted that the Town authorize the Board of Selectmen to sell a portion of town owned real estate commonly known as the abandoned East Road, also known as Alta Crest Cross Road, located adjacent to 134 Northwest Road, of approximately 266 square feet, to the owners of the property located at 134 Northwest Road, Spencer, and generally described as Parcel 3, Map R59-3 in the records of the Board of Assessors, on such terms, conditions, and consideration as the said Board of Selectmen deem to be reasonable, appropriate and in the best interests of the Town, provided that the sale price of the land not to exceed Six Hundred Dollars and No Cents (\$600.00), and further that all appropriate legal and surveying costs be paid by the buyer, and further to authorize the Board of Selectmen to negotiate, execute, and deliver such deeds and other documents as may be necessary to carry out the purpose of this article.

Article 11: Majority voted (Declared Vote by Moderator) that the Town authorize the Board of Selectmen to sell, upon such terms and conditions as it deems reasonable, appropriate, and in the best interest of the Town, the Pleasant Street School, town property located at 54 Pleasant Street, land and building generally described as Parcel 57, Map U20 in the records of the Board of Assessors

Declared Vote By Moderator: 115 In Favor and 9 Opposed.

Article 12: Unanimously voted that the Town authorize the Board of Selectmen to sell, upon such terms and conditions as it deems reasonable, appropriate, and in the best interest of the Town, the town property located at 15 Bixby Road land generally described as Parcel 6-1, Map U09 in the records of the Board of Assessors.

Article 13: Majority voted (Declared Vote by Moderator) that the Town authorize the Board of Selectmen and the Town Administrator to seek any and all State and/or Federal Economic Stimuli Grant funds, and to appropriate and accept any and all grant-in-aid assistance for the below listed projects, and to authorize short-term revenue anticipation note financing for any and all of the below listed projects for which requests for funds have been filed and a commitment of grant funds received:

- Town Hall Rehabilitation and Restoration \$1,500,000
- Town Hall Site Work and Heating Fuel Conversion Project \$ 900,000
- Drinking Water Distribution System Improvements \$6,613,000
- New Fire Station Construction Project \$8,125,000
- O'Gara Park Improvement Project \$ 605,000
- North Brookfield Road Replacement and Related Work \$ 300,000
- Charlton Road (Route 31) Pavement Replacement \$ 129,542

(December 11, 2008 Ice Storm Damage) and Related Work	
• Chickering Road Culvert Replacement	\$ 124,013
(December 11, 2008 Ice Storm Damage) and Related Work	
• Elm Street Culvert and Replacement Work	\$ 251,149
• Maple Street (Route 31) Reconstruction Project	\$2,391,054
• Wastewater Treatment Plant Upgrade Project	\$3,388,500
• Luther Hill Park Restoration Project	\$ 244,000

And to separately authorize the Town Treasurer/Collector to borrow a sum of money for each of the above projects; to issue bonds or notes of the Town therefore under the provisions of Massachusetts General Laws, Chapter 44, subject to the approval of the Board of Selectmen, and to pay all necessary legal and bond preparation costs associated with the issuance of said bonds or notes as authorized under the provisions of Massachusetts General Laws, Chapter 44, Section 20

Declared Vote by Moderator: 107 In Favor and 1 Opposed.

Article 14: Majority voted that the Town Pass Over this Article.

Article was to see if the Town will vote to appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) 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 Fifty Thousand Dollars and No Cents (\$50,000.00) from the MTBE Settlement Fund Account #10001-48430.

Article 15: Majority voted that the Town Pass Over this Article.

Article was to see if the Town will vote to appropriate the sum of Twenty-five Thousand Dollars and No Cents (\$25,000.00) to the Unemployment Reserve Trust Fund and to meet said appropriation by transferring said amount from available, certified Free Cash.

Article 16: Majority voted that the Town Pass Over this Article.

Article was to see if the Town will vote to appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to the Sick Leave Buy-Back Reserve Trust Fund, and to meet said appropriation by transferring said sum of Twenty Thousand Dollars and No Cents (\$20,000.00) from the available, certified Free Cash.

Article 17: Majority voted that the Town transfer the sum of Five Thousand Dollars and No Cents (\$5,000.00) from the Noise Meter Purchase and Training Account #60000-59144 to the Identification Card Maker Machine Account #60000-59164 to be expended by the Town Administrator to purchase a new Identification Card Maker Machine.

Article 18: Majority voted (Counted Vote) that the Town appropriate the following sums of money to be expended by the Town Administrator, subject to the approval of the Board of Selectmen, and authorize the following debt related thereto:

- A. Appropriate the sum of One Million, Two Hundred Thousand Dollars and No Cents (\$1,200,000.00) for the expenses related to the Memorial Town Hall Rehabilitation and Restoration Project, located at Memorial Town Hall, 157 Main Street, including, but not limited to: architectural and engineering services, project management services required under the provisions of Massachusetts General Laws, Chapter 149, Section 44A½, restoration, reconstruction, demolition, repairs to the existing building, furnishings and equipment;
- B. To meet said appropriations by authorizing the Town Treasurer/Collector to borrow a sum of money for the above project; to issue bonds or notes of the town therefor under the provisions of Massachusetts General Laws, Chapter 44, Section 7(3), (3A), (9), (14) and (21), subject to the approval of the Board of Selectmen, and to pay all necessary legal and bond preparation costs associated with the issuance of said bonds or notes as authorized under the provisions of Massachusetts General Laws, Chapter 44, Section 20, and further to appropriate the sum of Two Hundred Ninety-five Thousand One Hundred Twenty-nine Dollars and No Cents (\$295,129.00) from the following accounts: Two Hundred Forty Thousand Seven Hundred Fifty Dollars and No Cents (\$240,750.00) from the Sale of the West Main Street School Account #24000-57784 and Fifty-four Thousand Three Hundred Seventy-nine Dollars and No Cents (\$54,379.00) from the Building Renovation Fund Account #30000-57110 to fund short-term and long-term debt and interest payments and other project expenses, said payments to be approved by the Treasurer/Collector, and;
- C. To authorize the Board of Selectmen and the Town Administrator to seek and accept any and all State or Federal grant-in-aid assistance or reimbursement, and/or State or Federal subsidized public facility development loan, as appropriate and necessary, to lower local project costs and expenses.

Counted Vote: 62 Voted In Favor and 25 Opposed.

Article 19: Majority voted (Declared Vote by Moderator) that the Town appropriate the sum of Six Million Six Hundred Thirteen Thousand Dollars and No Cents (\$6,613,000.00) for the purposes of financing the design, bidding, construction, and inspectional services of a two-zone pressure system including water storage tank, booster pump station, well station and water distribution system improvements, a Supervisory Control and Data Acquisition (SCADA) computer system, and distribution system improvements including the elimination of dead ends and removal of asbestos pipe; including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by the St. 1998, c.78; that to meet this appropriation the Treasurer/Collector with the approval of the Board of Selectmen is authorized to borrow Six Million Six Hundred Thirteen Thousand Dollars and No Cents (\$6,613,000.00) and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78 or pursuant to any other enabling authority; that such bonds or notes shall be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78, or as general obligations of the Town as determined by the Treasurer/Collector, with the approval of the Board of Selectmen, should funds not be available under the Water Pollution Abatement Revolving Loan Program; and further that the Treasurer/Collector with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust

established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen and/or the Board of Water Commissioners is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; and further to authorize the Board of Selectmen and the Town Administrator to seek and accept any and all state or federal grant-in-aid assistance or reimbursement, as appropriate and necessary, to lower local project costs and expenses.

Declared Vote by Moderator: 95 In Favor and 5 Opposed.

Article 20: Majority voted that the Town appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to be expended by the Board of Water Commissioners for the purpose of undertaking engineering and design work required to meet the Town of Spencer's obligations to undertake water distribution system improvements under the Department of Environmental Protection (DEP) Administrative Consent Order (ACO) dated September 4, 2007 and amended on March 6, 2008 and February 25, 2009, and to meet said appropriation by transferring said sum from available, certified Free Cash; and further to require that the Board of Water Commissioners take action to have the Water Enterprise Fund reimburse the General Fund for said amount of money.

Article 21: Majority voted that the Town:

A. Appropriate the sum of One Million One Hundred Thirty-three Thousand Nine Hundred Thirty-four Dollars and No Cents (\$1,133,934.00) for the use of the Water Department for Fiscal Year 2010, 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;

B. To authorize Indirect Costs for Fiscal Year 2010 at Ninety-eight Thousand Two Hundred Thirty-three Dollars and No Cents (\$98,233.00); and

C. To have the Board of Water Commissioners set the Fiscal Year 2010 rates and fees to meet said appropriation and level of Indirect Costs.

Majority voted to defeat a Motion to reduce indirect costs from \$103,586.00 to \$71,000.00 in the Sewer Department's 20120 Budget.

Article 22: Majority voted that the Town:

A. Appropriate the sum of Eight Hundred Thousand Nine Hundred Forty-four Dollars and No Cents (\$800,944.00) for the use of the Sewer Department for Fiscal Year 2010, and to fund said appropriation with a transfer of Fifty-six Thousand Dollars and No Cents (\$56,000.00) 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;

- B.** To authorize Indirect Costs for Fiscal Year 2010 at One Hundred Three Thousand Five Hundred Eighty-six Dollars and No Cents (\$103,586.00); and
- C.** To have the Board of Sewer Commissioners set the Fiscal Year 2010 rates and fees to meet said appropriation and level of Indirect Costs.

Article 23: Unanimously voted that the Town appropriate the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) to be expended by the Sewer Department to:

- A.** Fund design, construction and the purchase of a screenings washer/compactor and to add contingencies to funding for upgrades at the wastewater treatment plant;
- B.** To meet said appropriation by authorizing the Town Treasurer/Collector to borrow a sum of money; to issue bonds or notes of the Town therefore, under the provisions of Massachusetts General Laws, Chapter 44, Section 9, subject to the approval of the Board of Selectmen, and to pay all necessary legal and bond preparation costs associated with the issuance of said bonds or notes as authorized under the provisions of Massachusetts General Laws, Chapter 44, Section 9; and
- C.** To require that the Board of Sewer Commissioners take action to have the Sewer Enterprise Fund reimburse the General Fund for said money associated with this appropriation and authorization to be repaid from revenues of the Sewer Department.

Article 24: Majority voted that the Town transfer the sum of Twenty-five Thousand Dollars and No Cents (\$25,000.00) from the Sewer Department's Retained Earnings to the Sewer Department's Capital Outlay Account #20000-58000 to pay for the installation of a new heating system boiler and controls at the wastewater treatment plant.

Article 25: Majority voted that the Town transfer the sum of Thirty-three Thousand Dollars and No Cents (\$33,000.00) from the Sewer Department's Retained Earnings to the Sewer Department's Capital Outlay Account #20000-58000 to pay for the emergency pump rental and repairs to influent screw pump P-11 at the wastewater treatment plant.

Article 26: Unanimously voted that the Town appropriate the sum of One Million Dollars and No Cents (\$1,000,000.00) to pay costs associated with the Ice Storm of December 11, 2008, and to meet said appropriation. The Treasurer/Collector, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(9) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Article 27: Majority voted that the Town appropriate the sum of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00) for the purpose of funding expenses associated with the December 11, 2008 Ice Storm not eligible for state or federal emergency management assistance, and to meet said appropriation by transferring the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) from available, certified Free Cash, and One Hundred Thousand Dollars and No Cents (\$100,000.00) from the MTBE Settlement Fund Account #10001-48430.

Article 28: Majority voted (Declared Vote by Moderator) that the Town appropriate the sum of One Hundred Fifty-nine Thousand Five Hundred Dollars and No Cents (\$159,500.00) for the purchase of the following capital purchases and projects, as approved by the Capital Improvement Planning Committee (CIPC), and to meet said appropriation by transferring the amount of One Hundred Thirty Thousand Dollars and No Cents (\$130,000.00) from the FLEXcon Donation Account #24510-57550 for the purchase of the two Trash Trailers, and by transferring the sum of Twenty-nine Thousand Five Hundred Dollars and No Cents (\$29,500.00) from the Capital Reserve Stabilization Fund Account #83000-39910 to fund the other purchases and projects:

<u>Department</u>	<u>Item</u>	<u>Amount</u>
Info Technology	Technology Upgrade and Replacement	\$ 17,000
Highway	Highway Hose Machine	\$ 12,500
Transfer Station	Two (2) Trash Trailers	<u>\$130,000</u>
Total		<u>\$159,500</u>

Declared Vote by Moderator: 96 In Favor and 4 Opposed.

Article 29: Majority voted that the Town appropriate the sum of Six Million Eight Hundred Ninety-nine Thousand Eight Hundred Seventy-three Dollars and No Cents (\$6,899,873.00) to pay for the operations of Municipal Government for Fiscal Year 2010, including the expenses of General Government, Public Safety, Streets and Parks, Debt Service, Employee Benefits, and other costs and to meet said appropriation as follows:

Raise and appropriate the sum of Six Million Seven Hundred Thirty-Nine Thousand Eight Hundred Seventy-Three dollars and No Cents (\$6,739,873.00).

Transfer the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) from available Certified Free Cash; and

Ten Thousand Dollars and No Cents (\$10,000.00) from the Wetland Protection Fund.

(See Attached Budget)

Article 30: Majority voted, as a block, that the Town, provided that any amount stated herein shall be for the use of the Spencer-East Brookfield Regional School District for Fiscal Year 2010 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:

- A. Raise and appropriate the sum of Six Million, Five Hundred Eighteen Thousand, Four Hundred Fifty Dollars and No Cents (\$6,518,450.00) for the Operating Assessment Account #11300-56000;

- B.** Raise and appropriate the sum of Four Hundred Forty-seven Thousand Seven Hundred Five Dollars and No Cents (\$447,705.00) for the purposes of paying the costs of debt service and capital assessment Account #11300-56010 for previously approved building projects.

Article 31: Majority voted that the Town raise and appropriate the sum of Five Hundred Twenty-six Thousand Five Hundred Sixty-five Dollars and No Cents (\$526,565.00) for Fiscal Year 2010 for the following purposes:

Bay Path Vocational Regional Technical High School Assessment Account #11300-52000	\$ 492,435
---------------------------------------------------------------------------------------	------------

Bay Path Vocational Regional Technical High School "Buy In" Debt Account #11300-52500	\$ 34,130
------------------------------------------------------------------------------------------	-----------

Article 32: Majority voted that the Town rescind the authorization to borrow for unissued debt in the amount of Ninety-nine Thousand Two Hundred Ninety-four Dollars and No Cents (\$99,294.00) approved by voters under Article 16 of the May 3, 2007 Annual Town Meeting for the Water Meter Replacement Project.

Article 33: Majority voted that the Town Pass Over this Article.
Article was to see if the Town will vote to accept Dale Street as a Town Road, and/or a public way.

Article 34: Majority voted that the Town Pass Over this Article.
Article was to see if the Town of Spencer will vote to transfer from the betterment fund the amount of Eight Thousand Five Hundred Dollars and No Cents (\$8,500.00) for the purposes of Dale Street Betterment for the public improvement involving necessary survey, legal work, and related expenses.

Article 35: Majority voted that the Town appropriate the sum of Eight Thousand Five Hundred Dollars and No Cents (\$8,500.00) 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, and to meet said appropriation by transferring the sum of \$8,500.00 from the Betterment Fund Account, #40000-48000.

Article 36: Majority voted that the Town amend its General By-Law by adding a new Section 8 to Article 5 (Other Committees, Commissions, Officers) as set forth below:

"Section 8. Assistant Constables

The Town Administrator may from time to time appoint for terms not exceeding three years, as many as two assistant constables or such other number of assistant constables as the Board of Selectmen may deem necessary. Assistant constables are appointed for the sole purpose of providing assistance to the Town's elected constables upon their request.

Any United States citizen desiring to be appointed as aforesaid shall make a written application

therefor to the appointing authority stating the reasons for desiring such appointment and such other information as may be reasonably required by the appointing authority relative to the applicant's fitness for said office. Such application shall also contain a statement as to the moral character of the applicant signed by at least five reputable citizens of the town where the applicant resides, one of whom shall be an attorney-at-law. The appointing authority shall also investigate the applicant's reputation, character and fitness for said office. The chief of police shall upon request give the appointing authority all possible assistance in making such investigation. The office of assistant constable shall be filled only by appointment of an applicant hereunder who is found by the appointing authority, after investigation as aforesaid, to be a person of good repute and character and qualified to hold said office.

Assistant constables appointed hereunder shall have the authority only to assist, upon request, an elected constable of the Town in the execution of the elected constable's duties. Assistant constables shall be subject to all requirements and provisions of the Massachusetts General Laws regarding constables.”

Article 37: Majority voted that the Town authorize the Board of Selectmen to file a petition with the General Court under the provisions of Section 8 of Article 89 of the amendments to the Constitution of the Commonwealth of Massachusetts, to adopt a special act of legislation as follows: Notwithstanding any special or general law to the contrary, the Spencer Board of Assessors is authorized to grant, retroactive to Fiscal Year 2010, real and personal property tax abatements, up to 100% of the total tax assessed, to our "citizen soldiers" of the Massachusetts National Guard and Reservists on active duty and serving in foreign countries, for the fiscal year in which said military personnel is on active service and serving in foreign countries, subject to eligibility criteria developed by the Board of Assessors. The authority to grant abatements under this act shall expire after fiscal year 2020, unless specifically extended by a vote of Spencer's Board of Selectmen. Further, the General Court may make clerical and editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and further, to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition.

Majority voted at 10:45 PM to dissolve this Meeting.
128 Registered Voters attended this Meeting.

Jean M. Mulhall, Town Clerk