

**Town of Spencer
Annual Town Meeting
May 7, 2015
Memorial Town Hall**

The Meeting was called to order at 7:11 p.m. by Moderator, Peter J. Adams following the announcement of a quorum by Registrar Elizabeth McPherson.

The Reading of the Return of the Warrant was waived. The meeting was posted in accordance with the law. A moment of silence was observed in honor of those residents who had passed away in the past year.

The Moderator led the attendees in the Pledge of Allegiance and the National Anthem was sung by Police Chief James Pervier.

Moderator Peter Adams shared the following history:

“After the onset of the Revolutionary War in 1775, the Continental Congress urged each of the colonies to adopt constitutions. Dutifully, each colony proceeded to adopt and approve governmental charters, except for Massachusetts, which was the last to adopt a constitution. In our state, a proposed constitution for the State of Massachusetts Bay as drafted by the General Court was rejected statewide because of the failure to provide a declaration of individual rights and a separation of powers. On May 4, 1778, adjourned to May 20th, the Spencer Town Meeting unanimously rejected the proposed charter and in so doing, helped set the stage in the 80 year drama of reason, hatred and blood which was the death of slavery in America.

Following the 1779 rejection, the General Court appointed a committee to draft a further constitution to be submitted to the towns. The new constitution, crafted singlehandedly by John Adams, first and foremost declared in Article 1 of the Rights of the Inhabitants of the Commonwealth of Massachusetts the bedrock principle that ‘All men are born free and equal, have natural essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property;...that of seeking and obtaining safety and happiness.’ On May 22, 1780, your forebears convened at Town Meeting unanimously approving this most basic expression of our freedoms, and by October, 1780, it was the law of the land.

In 1781, Elizabeth Freeman, a black slave in Great Barrington sued her master for her freedom on the basis of Article 1. The jury agreed that slavery was inconsistent with the Massachusetts constitution and awarded her freedom. Later, another black slave, Quock Walker, successfully brought suit under Article 1 that slavery was false imprisonment. As a result, slavery, standing without legal protection, was effectively abolished in the Commonwealth.

In the end, thought the first was last, the last was to be first. Even though Massachusetts and the men of this town were the first to offer their lives, fortunes and sacred honor for the right to be free, they

were the last to adopt a constitution. But, the principles of government ultimately approved in this town 235 years ago this month, our State Constitution, which first declared the equality of all people, became the model for the United States Constitution, and remains the oldest functioning written constitution in continuous effect in the world.”

The Moderator thanked Spencer Cable Access for filming the Annual Town Meeting.

The Moderator introduced himself, the Board of Selectmen, Town Administrator, Town Counsel and Town Clerk. Mary Braney, Chair of the Finance Committee, introduced those members of the Committee present.

The Meritorious Service Award was presented by Board of Selectmen Anthony Pepe and Robert Fritze to Marjorie LaPierre and Helen Cardin for their many years of service on the Council on Aging.

The Moderator informed the attendees that the meeting would follow the procedures outlined in “Town Meeting Time, A Handbook of Parliamentary Law.”

The following articles were acted upon:

Article 1: The Moderator Declared a Majority Vote to amend its Fiscal Year 2015 Operating Budget by appropriating the sum of Four Hundred Sixteen Thousand Dollars and No Cents (\$416,000.00) to the following various accounts to cover additional expenses and further to transfer said sum from previously certified and available Free Cash to meet said appropriation:

<u>Department</u>	<u>Account</u>	<u>Amount</u>
Police Department Salaries & Wages	11210-51000	\$ 25,000.00
Police Department Expenses	11210-57000	\$ 6,000.00
Fire Department Salaries & Wages	11220-57000	\$ 10,000.00
Snow & Ice Salaries & Wages	11423-51000	\$30,000.00
Snow & Ice Expenses	11423-57000	\$320,000.00
Transfer Station Expenses	11433-57000	\$ 15,000.00
Veterans Services Expenses	11543-57000	\$ 10,000.00
Total		\$416,000.00

Article 2: The Moderator Declared a Majority Vote to transfer the sum of Twenty-Five Thousand Dollars and No Cents (\$25,000.00) from FY2015 Account #11135-57000 (Town Accountant Expenses) to FY2015 Account #11135-51000 (Town Accountant Salaries & Wages).

Article 3: The Moderator Declared a Majority Vote to appropriate the sum of Eight Thousand Dollars and No Cents (\$8,000.00) 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.

Article 4: The Moderator Declared a Majority Vote to appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) for the FY2015 Account #20000-51000 (Sewer Department Salaries & Wages) and to meet said appropriation by transferring from previously certified and available Retained Earnings.

Article 5: The Moderator Declared a Majority Vote to approve a consent agenda consisting of the following actions, or take any action relating thereto. 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 53E1/2 of the Massachusetts General Laws for the following purposes and subject to the following conditions:
 - 1. to be the depository for monies received from ANR Fees and Subdivision Fees;
 - 2. to fund the administrative costs of the Planning Board;
 - 3. to limit the total amount to be expended from the fund in Fiscal Year 2016 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 53E1/2 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 limit the total amount to be expended from the fund in Fiscal Year 2016 at Eighty-One Thousand, Eight Hundred Dollars and No Cents (\$81,800.00); 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 53E1/2 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 limit the total amount to be expended from the fund in Fiscal Year 2016 at Forty-Five Thousand Dollars and No Cents (\$45,000.00); and
 - 4. to have the Director of the Office, subject to the approval of the Town Administrator, be the only authority empowered to expend monies from this fund.

- E. Authorize the Parks and Recreation Commission to establish a revolving fund in conformity with Chapter 44, Section 53E1/2 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 limit the total amount to be expended from the fund in Fiscal Year 2016 at Ninety Thousand Dollars and No Cents (\$90,000.00); and
 4. to have the Parks and Recreation Commission be the only authority empowered to expend monies from this fund.
- F. Authorize the Board of Selectmen to establish a Celebrations Revolving Fund in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for the following purposes and subject to the following conditions:
1. to be the depository for donations, gifts and fees collected for community celebrations, including, but not limited to, the Fourth of July (Independence Day), Halloween, and Christmas;
 2. to limit the total amount to be expended from the fund in Fiscal Year 2016 at Fifty Thousand Dollars and No Cents (\$50,000.00); and
 3. to have the Town Administrator, subject to the approval of the Board of Selectmen, be the only authority empowered to expend monies from this fund.
- G. Authorize the Board of Selectmen to establish a Council on Aging Revolving Fund in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for the following purposes and subject to the following conditions:
1. to be the depository for donations, gifts and fees collected for Council on Aging programs;
 2. to limit the total amount to be expended from the fund in Fiscal Year 2016 at Ten Thousand Dollars and No Cents (\$10,000.00); and
 3. to have the Council on Aging be the only authority empowered to expend monies from this fund.
- H. Authorize the Board of Selectmen to establish a Stormwater Management Revolving Fund in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for the following purposes and subject to the following conditions:
1. to be the depository for stormwater fees and fines collected to be used for Stormwater Management (MS4) related programs;
 2. to limit the total amount to be expended from the fund in Fiscal Year 2016 at One Hundred Thousand Dollars and No Cents (\$100,000.00); and
 3. to have the Town Administrator be the only authority empowered to expend monies from this fund.

- I. 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 2016, with such funds to be reimbursed 100% from such Program.

- J. Authorize the Board of Selectmen to apply for, accept, and expend the following funds:
 - Community Development Block Grant funds;
 - Community Innovation Challenge Grant funds;
 - District Local Technical Assistance Grant funds; and
 - Other State and Federal grant-in-aid assistance, as appropriate and necessary.

- K. Appropriate the sum of 100% of all fines, penalties, and assessments received in Fiscal Year 2016 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.”

- L. Appropriate the sum of 50% of all monies received in Fiscal Year 2016 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.

- M. Authorize the Town Treasurer/Collector to enter into a compensating balance agreement(s) for Fiscal Year 2016 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.

- N. Authorize the Board of Selectmen, in conformance with Section 11(m) of the Spencer Governmental Act and MGL c. 40, Section 4, to enter into and negotiate the terms thereof, all contracts for the exercise of its corporate powers.

Article 6: Majority voted, as a block, to fix or maintain the salaries of the elected officials for Fiscal Year 2016 as follows:

Board of Selectmen	\$ 0.00	Yearly
Moderator	\$ 200.00	Yearly
Board of Assessors	\$ 950.00	Yearly
Town Treasurer/Collector	\$ 65,687.00	Yearly
Town Clerk	\$ 63,424.00	Yearly
Water Commissioners	\$ 725.00	Yearly
Sewer Commissioners	\$ 725.00	Yearly
Board of Health	\$ 725.00	Yearly

Article 7: The Moderator Declared a Majority Vote, as a block, to amend the Personnel Bylaws by substituting the following new compensation schedule, Section 2-Schedules B, C, and D:

(Informational Note: These rates all generally go up 2.0%)

Schedule B

	I	II	III	IV	V
Compensation Grade S-2	\$392.27	\$406.57	\$437.76	\$469.10	\$500.34
Compensation Grade S-3	\$437.76	\$469.10	\$500.34	\$531.62	\$564.41
Compensation Grade S-4	\$500.34	\$531.62	\$564.41	\$594.20	\$625.40
Compensation Grade S-5	\$564.41	\$594.20	\$625.40	\$656.79	\$687.91
Compensation Grade S-6	\$625.40	\$656.79	\$687.91	\$718.37	\$766.18
Compensation Grade S-7	\$687.91	\$718.37	\$766.18	\$813.05	\$860.02
Compensation Grade S-8	\$766.18	\$813.05	\$860.02	\$906.93	\$953.87
Compensation Grade S-9	\$860.02	\$906.93	\$953.87	\$996.37	\$1,055.78
Compensation Grade S-9A	\$906.93	\$955.11	\$1,000.10	\$1,055.78	\$1,115.88
Compensation Grade S-10	\$953.87	\$996.37	\$1,055.78	\$1,113.75	\$1,175.01
Compensation Grade S-10A	\$1,008.38	\$1,053.39	\$1,115.99	\$1,177.30	\$1,242.03
Compensation Grade S-11	\$1,055.78	\$1,113.75	\$1,175.01	\$1,239.65	\$1,308.61
Compensation Grade S-12	\$1,175.01	\$1,239.65	\$1,308.61	\$1,353.26	\$1,455.60
Compensation Grade S-13	\$1,308.61	\$1,353.26	\$1,455.60	\$1,535.64	\$1,620.87
Compensation Grade S-14	\$1,455.60	\$1,535.64	\$1,620.87	\$1,710.01	\$1,804.93

Schedule C

Administrative Intern / Co-op Student	\$9.35	hourly
Animal Control & Inspection Officer	\$12,745.00	yearly
Animal Control & Inspection Officer-Alternate	\$695.00	yearly

COA Director	\$18.35	hourly
Election Inspectors	\$10.55	hourly
Election Wardens / Clerks	\$11.65	hourly
Engineering Aide	\$11.60	hourly
Facilities Maintenance Worker	\$12.50	hourly
Finance Committee Clerk	\$402.00	yearly
Fluoride Coordinator	\$12.40	hourly
Gas Inspector	\$3,900.00	yearly
Laborer (Seasonal/Intermittent)	\$11.60	hourly
Library Childhood Literacy Coordinator	\$110.40	weekly
Library Page	\$9.35	hourly
Light Equipment Operator (LEO) - Seasonal	\$17.95	hourly
Parks & Rec Adven. Prog. Director	\$17.70	hourly
Parks & Rec Adven. Prog. Head Counselor	\$12.70	hourly
Parks & Rec Adven. Prog. Counselor	\$10.45	hourly
Parks & Rec Waterfront Director	\$16.10	hourly
Parks & Rec Water Safety Instructor	\$14.40	hourly
Parks & Rec Lifeguard	\$12.70	hourly
Parks & Rec Parking Attendant	\$9.00	hourly
Parks & Rec Chair	\$413.30	yearly
Parks & Rec Clerk	\$413.30	yearly
Planning Board	\$1,060.00	yearly
Planning Board - Alternate	\$498.50	yearly
Plumbing Inspector	\$5,256.00	yearly
Police Dispatcher	\$15.80	hourly
Registrars	\$1,268.50	yearly

Sealer of Weights & Measures	\$4,370.50	yearly
SEMA, Director of Operations	\$2,281.75	yearly
SFD Deputy Chief	\$8,863.80	yearly
SFD Captain	\$18.65	hourly
SFD Lieutenant	\$17.30	hourly
SFD Fire Science Instructor	\$20.30	hourly
SFD Firefighter (over 10 years)	\$15.80	hourly
SFD Firefighter (5-10 years)	\$14.35	hourly
SFD Firefighter (under 5 years)	\$13.00	hourly
SFD Firefighter (sub)	\$9.75	hourly
SFD Truck Engineer Back Line	\$446.50	yearly
SFD Truck Engineer Front Line	\$593.80	yearly
Tree Climber	\$19.35	hourly
Tree Groundman	\$16.65	hourly
Tree Warden	\$22.75	hourly
Veteran Agent	\$19.40	hourly
Zoning Board of Appeals	\$1,060.80	yearly
Zoning Board of Appeals - Alternate	\$498.75	yearly

Schedule D

	I	II	III	IV	V
Compensation Grade H-1	\$9.45	\$10.06	\$10.70	\$11.37	\$12.17
Compensation Grade H-2	\$10.70	\$11.37	\$12.17	\$13.21	\$13.97
Compensation Grade H-3	\$12.17	\$13.21	\$13.97	\$14.95	\$15.65
Compensation Grade H-4	\$13.97	\$14.95	\$15.65	\$16.73	\$17.47
Compensation Grade H-5	\$15.65	\$16.73	\$17.47	\$18.46	\$19.27

Compensation Grade H-6	\$17.47	\$18.46	\$19.27	\$20.23	\$21.57
Compensation Grade H-7	\$19.27	\$20.23	\$21.57	\$22.75	\$24.02
Compensation Grade H-8	\$21.57	\$22.64	\$23.78	\$24.97	\$26.21
Compensation Grade H-9	\$23.78	\$24.97	\$26.21	\$27.51	\$28.89
Compensation Grade H-10	\$26.21	\$27.51	\$28.89	\$30.33	\$31.84
Compensation Grade H-11	\$28.89	\$30.33	\$31.84	\$33.44	\$35.12
Compensation Grade H-12	\$31.84	\$33.44	\$35.12	\$36.85	\$38.70

Article 8: The Moderator Declared a Majority Vote to amend the Personnel Bylaws, Table of Contents, and Section 1. (Authorization) A. and B., by striking any reference to “Personnel Board” or “Board” and replacing them with the term “Town Administrator”, and further to delete Section 1.C. (Personnel Board), and to renumber Section 1. Paragraphs accordingly.

Article 9: The Moderator Declared a Majority Vote, as a block, provided that any amount stated herein shall be for the use of the Spencer-East Brookfield Regional School District for Fiscal Year 2016 in accordance with any conditions stated herein and further provided that any stated amount shall be reduced to any lesser amount which shall subsequently be certified by the school committee and certified to the Town, to:

1. raise and appropriate the sum of Five Million, Nine Hundred Seven Thousand, Eight Hundred Thirty-Nine Dollars and No Cents (\$5,907,839.00) for the Operating Assessment Account #11300-56000 which represents the amount required for Minimum Local Contribution;
2. raise and appropriate the sum of One Million, Two Hundred Four Thousand, One Hundred Ninety-Five Dollars and No Cents (\$1,204,195.00) for the Operating Assessment Account #11300-56000 which represents the amount required for Transportation;
3. raise and appropriate the sum of Two Hundred Forty-Five Thousand, Three Hundred Ninety-Four Dollars and No Cents (\$245,394.00) for the purposes of paying the costs of Debt Service and Capital Assessments Account #11300-56010 for previously approved building and design projects;
4. raise and appropriate the sum of Four Hundred Eighty-Five Thousand, Five Hundred Thirty Dollars and No Cents (\$485,530.00) for the Operating Assessment Account #11300-56000 which represents the amount required for Additional Local Assessment,

The following people spoke on this article: William R. Shemeth, III; Dr. N. Stacy Crowe, Kevin A. Hayes, Gary D. Suter, Gary E. Woodbury.

Article 10: The Moderator Declared a Majority Vote to raise and appropriate the sum of One Million, One Hundred Thirty-Four Thousand, Thirty-Eight Dollars and No Cents (\$1,134,038.00) for Fiscal Year 2016 for the following purposes:

Bay Path Vocational Regional Technical High School Operating Assessment Account #11300-52000	\$872,978.00
Bay Path Vocational Regional Technical High School Transportation Assessment Account #11300-52000	\$82,414.00
Bay Path Vocation Regional Technical High School "Buy In" Debt Assessment Account #11300-52500	\$34,130.00
Bay Path Vocation Regional Technical High School Capital Debt Assessment Account #11300-52500	\$144,516.00

Article 11: The Moderator Declared a Majority Vote to raise and appropriate the sum of Forty-Six Thousand, Forty Six Dollars and No Cents (\$46,046.00) for Fiscal Year 2016 for the following purposes:

Smith Regional Agricultural High School Non-resident Vocational Assessment Account #11300-52000	\$21,746.00
Smith Regional Agricultural High School Non-resident Vocational Transportation Account #11300-52100	\$24,300.00

The following people spoke on this article: William R. Shemeth, III, Adam D. Gaudette, Mary E. Braney, Susan Terkaniean, Dean Iacobucci.

Article 12: The Moderator Declared a Majority Vote to raise and appropriate the sum of Forty-Four Thousand, Four Hundred Eighteen Dollars and No Cents (\$44,418.00) for Fiscal Year 2016 for the following purposes:

Tantasqua Regional High School Non-resident Vocational Tuition Assessment Account #11300-52000	\$28,218.00
Tantasqua Regional High School Non-resident Vocational Transportation Account #11300-52100	\$16,200.00

Article 13: The Moderator Declared a Majority Vote to raise and appropriate the sum of Thirty-Nine Thousand, Ninety-Four Dollars and No Cents (\$39,094.00) for Fiscal Year 2016 for the following purposes:

Norfolk County Regional Agricultural High School Non-resident Vocational Tuition Assessment Account #11300-52000	\$21,094.00
Norfolk County Regional Agricultural High School Non-resident Vocational Transportation Account #11300-52100	\$18,000.00

Article 14: The Moderator Declared a Majority Vote to raise and appropriate the sum of Eight Million, Six Hundred Twelve Thousand, Thirty-Five Dollars and No Cents (\$8,612,035.00) to pay for the operations of the General Government expenses for Fiscal Year 2016, and to meet said appropriation from a transfer of Ninety-Nine Thousand Dollars and No Cents (\$99,000.00) from the Overlay Surplus Account, a transfer of Ten Thousand Dollars and No Cents (\$10,000.00) from the Wetlands Protection Fund, from taxation, from available funds in the Treasury, and anticipated receipts as may be needed or decided necessary.

Mr. William R. Shemeth, III spoke on this article.

Article 15: The Moderator Declared a Majority Vote:

1. to appropriate the sum of One Million, Three Hundred Seventy-Seven Thousand, Three Hundred Thirty Dollars and No Cents (\$1,377,330.00) for the use of the Water Department for Fiscal Year 2016, and to fund said appropriation with a transfer from the receipts and revenue of the Water Enterprise Fund collected by the Water Department for said Fiscal Year;
2. authorize Indirect Costs for Fiscal Year 2016 at One Hundred Twenty-Nine Thousand, Forty-Six Dollars and No Cents (\$129,046.00); and
3. to have the Board of Water Commissioners set the Fiscal Year 2016 rates and fees to meet said appropriation and level of Indirect Costs.

Article 16: The Moderator Declared a Majority Vote:

1. to appropriate the sum of One Million, Two Hundred Thirty-Four Thousand, Three Hundred Twelve Dollars and No Cents (\$1,234,312.00) for the use of the Sewer Department for Fiscal Year 2016, and to fund said appropriation with a transfer of One Hundred Sixty-One Thousand, Four Hundred Fifty-Three Dollars and No Cents (\$161,453.00) from previously certified and available Retained Earnings of the Sewer Enterprise Fund, and the balance of said sum from the receipts and revenue of the Sewer Enterprise Fund collected by the Sewer Department for said Fiscal Year;
2. to authorize Indirect Costs for Fiscal Year 2016 at One Hundred Fifty-Eight Thousand, Eight Hundred Twenty-Seven Dollars and No Cents (\$158,827.00); and
3. to have the Board of Sewer Commissioners set the Fiscal Year 2016 rates and fees to meet said appropriation and level of Indirect Costs.

Article 17: The Moderator Declared a Majority Vote to appropriate the sum of Two Hundred Fifteen Thousand Dollars and No Cents (\$215,000.00) for a Water Department capital project, as approved by the Capital Improvements Planning Committee (CIPC), as generally illustrated below and to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Water Enterprise Fund;

1. \$170,000 for Replacement of Cold Storage Building at Meadow Well
2. \$45,000 for a New Utility Truck with Plow

Article 18: The Moderator Declared a Majority Vote to appropriate the sum of Three Hundred Seventy Six Thousand, Three Hundred One Dollars and Seventy-Three Cents (\$376,301.73) for a capital program of equipment purchases and improvements, as generally illustrated below, and to meet said appropriation by transferring the following sums from the following accounts; Three Hundred Seventy-Five

Thousand, Four Hundred Eighty-One Dollars and Ninety-Four Cents (\$375,481.94) from previously certified and available Free Cash, Three Hundred Seventy Dollars and Eighty-Six Cents (\$370.86) from the Fire Department Computers Account (#60000-59208), Three Hundred Eighty Dollars and No Cents (\$380.00) from the Transfer Station Roof/Gutter Project Account (#60000-59218), and Sixty-Eight Dollars and Ninety-Three Cents (\$68.93) from the Emergency Siren Project Account (#60000-59218);

<u>Dept.</u>	<u>Item</u>	<u>Amount</u>
Fire Department	5-ton Skid Unit	\$33,000.00
Highway Department	Fuel Pump Card Reader System	\$25,000.00
Highway Department	Used Excavator	\$35,000.00
Highway Department	Garage Roof Repair Project	\$105,819.79
Parks & Recreation	Depot Rail Trail (Ph II)	\$25,000.00
Police Department	Radio Console	\$18,000.00
Town Hall	Boiler/Heat Renovation Project	\$15,000.00
Town Hall	Kitchen Improvements (Sr. Center)	\$9,481.94
Utilities & Facilities	Landfill Cap Repairs	\$80,000.00
Utilities & Facilities	Remove Underground Storage Tanks	\$30,000.00
Total		\$376,301.73

The following people spoke on this article: Kurt A. Nordquist, Steven J. Tyler, William R. Shemeth, III, Michael Toomey, Corey H. Lacaire

Article 19: The Moderator Declared a Majority Vote to amend Article 28 from the May 7, 2009 Annual Town Meeting and eliminate the clause “Two (2) Trash Trailers” and replace with “Transfer Station Capital Projects.

Article 20: The Moderator Declared a Vote of 99 in favor and 1 against to authorize the Board of Selectmen to sell the Town owned real estate commonly known as Maple Street School, located at 68 Maple Street, Spencer, and generally described as Parcel 6, Map U02 in the records of the Board of Assessors, including the land, buildings, structures and fixtures thereon, 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, 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.

The following people spoke on this article: William R. Shemeth, III; Kurt A. Nordquist

Article 21: The Moderator declared a vote of 100 in favor and 0 against to authorize the Board of Selectmen to sell the Town owned real estate commonly known as Lake Street School, located at 17 Lake Street and 42 Highland Street, Spencer, and generally described as Parcel 1, Map U15 in the records of the Board of Assessors, including the land, buildings, structures and fixtures thereon, 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, 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 22: The Moderator declared a vote of 100 in favor and 0 against to authorize the Board of Selectmen to sell the Town owned real estate located at Stiles Avenue, Spencer, and generally described as Parcel 3, Map U29 in the records of the Board of Assessors, including the land, buildings, structures and fixtures thereon, 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, 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 23: The Moderator declared a vote of 100 in favor and 0 against to accept the gift of privately owned real estate being a parcel of land located at Clark Road, Spencer, and generally described as Parcel 33-1, Map R14 in the records of the Board of Assessors, including the land, buildings, structures and fixtures thereon, 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, 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 24: The Moderator Declared a Majority Vote to authorize the Board of Selectmen to enter into a 10-year agreement for Light Repair Service with Paxton Municipal Light Company, as required by MGL c. 30B, §12.

Article 25: The Moderator Declared a Majority Vote to amend the General Bylaws Article 8 (Law Enforcement), Section 3 (Door to Door Sales) by deleting the existing Bylaw language and replacing with the following:

“No person or persons shall solicit, canvas, or distribute with intent to sell, any item or product door-to-door within the Town of Spencer without a License from the Chief of Police.

The provisions of this bylaw shall not apply to any person engaged in the pursuit of soliciting for charitable, benevolent, fraternal, religious or political activities, nor any person exempt by general law. This bylaw shall also not be construed to prevent a route salesmen having established customers to whom they make periodic deliveries from calling upon such customers.

A solicitor or canvasser is defined as any person who, travels by foot, automobile or any other type of conveyance from place to place, from house to house, or from street to street, taking or attempting to lease or to take orders for retail sale of goods, wares, merchandise, or services.

Applicants for a license shall file with the Chief of Police, on a form issued by the Police Department, a written application signed under the penalties of perjury, containing the following information:

- (a) Name and home address of applicant
- (b) Name and address of employer
- (c) Applicant’s height, weight, eye and hair color
- (d) Applicant’s date of birth and social security number
- (e) Home, work and cellular telephone numbers
- (f) Email address
- (g) Nature of business and goods to be sold
- (h) If operating a motor vehicle: year, make, model, registration number, State of registration, vehicle’s owner and address

At the time of filing the application, each applicant shall pay a fee of \$25.00 – check or money order made payable to the Town of Spencer. Upon receipt of the application, the Chief of Police shall investigate the applicant’s reputation as to morals and integrity. Each licensee is required to possess an individual license.

A Door to Door sales person shall not be disrespectful or abusive in language or action and shall not employ unfair or deceptive practices during the course of their activities. No activities shall be conducted before 9am or after 7pm or at any time on Sundays or Holidays.

No license shall be issued to any person having been convicted of the following: a felony; a misdemeanor punishable by imprisonment for more than two years; a violent crime; a violation of any law regulating the use or possession of weapons or ammunition; a violation of any law regulating the use or possession of a controlled substances.

After an investigation, the Chief of Police shall endorse on such application his approval or disapproval. The Chief of Police is hereby vested with the jurisdiction over issuing and revoking of licenses. If the license is disapproved or revoked, the applicant shall have the right of appeal to the Town Administrator.

Each license issued under the provisions of the bylaw shall continue in force from the date of issue until the thirty-first day of December following, unless revoked sooner.

Whoever violates any provision of this bylaw shall be punishable by a fine not to exceed \$200.00.”

The following people spoke on this article: William R. Shemeth, III; Police Chief David Darrin

Article 26: The Moderator Declared a Majority Vote to amend the General Bylaws Article 3 (Town Clerk), by inserting new Section 5., which shall state the following:

“The Town Clerk is authorized to assign appropriate numbers to by-law section, subsections, paragraphs, and subparagraphs, where none are approved by Town Meeting, and, if such are approved by Town Meeting, after consultation with the Town Administrator, to make non-substantive, editorial revisions to ensure consistent and appropriate sequencing and numbering, provided such editorial revisions shall be identified by a footnote or other convention.”

Article 27: The Moderator Declared a Majority Vote Against amending the General Bylaws Article 1 (Town Meetings and Elections), Section 4 (Quorum) by deleting the existing Section language and replacing with the following:

“For all Special Town Meetings a quorum of 50 voters and for all Annual Town Meetings a quorum of 75 voters shall be required for such meetings.”

Albert W. Atchue spoke on this article.

Article 28: The Moderator Declared a Majority Vote to amend the General Bylaws Article 14 (Stormwater Management Bylaw), Section 1A. by inserting the following new paragraphs:

- “7. Prevent and eliminate non-stormwater discharges to the Town’s municipal separate storm sewer system (MS4).
- 8. Prohibit illicit connections and unauthorized discharges to the MS4, and require the removal of all such illicit connections.”

And also amending Section 2 by inserting the following new definitions:

“**ILLICIT CONNECTION** – A surface or subsurface drain, conduit, or conveyance that allows an illicit discharge to enter the MS4, including without limitation sewage , septage, process wastewater, or wash water, and any connection from indoor drains, sinks, or toilets, regardless of whether said connection was permissible under applicable law, regulation, or custom at the time of construction.

ILLICIT DISCHARGE – Direct or indirect discharge to the MS4 that is not composed entirely of stormwater, except as exempted herein.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or manmade or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Spencer.”

Article 29: The Moderator declared a vote of 93 in favor and 7 against amending the Zoning Bylaws, Section 4.2, Subsection E.24 (Use Table) as follows:

ZONING DISTRICTS		RR	SR	LR	VR	TC	C	I
<i>E. Retail Business and Consumer Service continued</i>								
24	Tattoo parlor, body piercing studio	N	N	N	N	<u>SPN</u>	SP	N

And to also amend Section 4.3.20 (*Tattoo parlors or body piercing studios*) by striking the following language:

“A. The parcel upon which they are located is at least 400 feet from any residential zoning district or town boundary and at least 1,000 feet from any school, childcare facility, public playground, public park or recreational facility, library, church or other religious use.”

And inserting new language as follows:

“A. Tattoo parlors and body piercing studios shall provide, as part of the special permit review, proof of Board of Health Review and certification that the facility complies with all Board of Health regulations. Failure to provide such evidence shall be considered grounds for denial of the Special Permit. Revocation of Board of Health approval shall be deemed grounds for revocation of the Special Permit.”

The following people spoke on this article: James D. Whalen, Robert Emerson, William R. Shemeth, III, Michelle Buck.

Article 30: The Moderator declared a majority vote to pass over this article to amend the Zoning Bylaws Section 6.2 (Common Driveways) by deleting the existing Bylaw language and replacing with the following:

“6.2 Driveways

6.2.1 The number of driveways shall be limited to two per lot. Driveways shall be located so as to minimize conflict with traffic on public or private streets and shall conform to the Spencer Driveway Bylaw and Spencer Highway Department Driveway Permit Requirements.

6.2.2 Table of Driveway Width Requirements:

<i>Use Category</i>	<i>One-Lane Use Minimum Width (feet)</i>	<i>Two-Lane Use Minimum/Maximum Width (feet)</i>
Commercial & Multi-Family	15	20/24
Single or Two-Family Dwelling	12	18/20
Note: See Section 6.2.11 for width requirements for common driveways for single-family dwellings		

6.2.3 Driveways shall be arranged for the free flow of vehicles at all times; and the maneuvering spaces and aisles shall be so designed that all vehicles may exit from and enter onto a public street by being driven in a forward direction.

6.2.4 Common (shared) driveways are allowed for commercial and multi-family uses by-right. Common drives for single-family dwellings are allowed only by special permit in accordance with Section 6.2.11.

6.2.5 For structures that are not subject to Section 7.4, Site Plan Review, specifically residential structures of 3 units or less, the application for a building permit shall include a plan prepared in accordance with the Town of Spencer Driveway Bylaw and Spencer Highway Department Driveway Permit Requirements.

6.2.6 All driveways, including common driveways, shall be constructed in a manner ensuring reasonable and safe access from the street serving the premises to the building site of the structure on the premises, for all vehicles, including, but not limited to, emergency, fire and police vehicles. The Building Inspector shall not issue a building permit for the principal structure on the premises unless the applicant demonstrates conformance with Spencer Highway Department Driveway Permit Requirements and the additional requirements listed under Sections 6.2.7, 6.2.8., 6.2.9, and 6.10.

- 6.2.7 Driveways shall be surfaced with a durable, all-season nondusting material, drained and suitably maintained to the extent necessary to avoid any nuisance by reason of dust, erosion or water flow onto streets or adjoining property.
- 6.2.8 A paved apron of at least 15 feet in length shall be constructed at the driveway – street intersection, in conformance with Spencer Highway Department Driveway Permit Requirements, to ensure that dirt and debris is not tracked into the street.
- 6.2.9 The grade of each driveway shall not exceed 15% unless the Planning Board grants a special permit after a determination that said driveway will provide safe and reasonable access for vehicles.
- 6.2.10 Except in access strips for rear lots (§5.3.10) and parcels with insufficient frontage (§5.3.11), no driveway shall be located within 10 feet of any side or rear lot line except by special permit by the Planning Board after a determination that said driveway will provide safe and reasonable access for all vehicles.
- 6.2.11 For single-family dwellings, common driveways may be permitted upon granting of a special permit to service no more than two lots. The purpose of allowing common driveways is to reduce traffic hazards from numerous individual driveways, to consolidate access to the buildable areas of lots across wetland resources, and to minimize the removal of trees and other vegetation, thereby preserving the rural character. The applicant shall submit documents, plans, and profiles for approval to the Planning Board to assure compliance with the following standards for common driveways:
- A. *The maximum grade* shall be 12%. The minimum grade shall be 1%, with a 5% maximum grade within 50 feet of the driveway’s intersection with a street. The minimum centerline radius shall be 45 feet. The maximum length shall be 2,000 feet.
 - B. *The minimum width* for the durable surface shall be 15 feet and maximum width shall be 24-feet, with a 3 foot wide gravel shoulder on at least one side for any driveway of 18 feet wide or less. Driveways shall be surfaced with a durable, all season non-dusting material, drained and suitably maintained to the extent necessary to avoid any nuisance by reason of dust, erosion or water flow onto streets or adjoining property.
 - C. *The common driveway shall exit* onto the frontage street with a minimum angle of intersection of 45 degrees, and shall be located entirely within the boundaries of the lots being served.
 - D. *An easement* with a minimum width of 24 feet shall be created and recorded along with the deeds for the lots to assure maintenance, drainage, snow removal, snow storage, rubbish collection, and the like, and liability for the common driveway shall remain the responsibility of the private parties, or their successors-in-interest, in perpetuity. A copy of the draft maintenance agreement shall be submitted with the application.
 - E. *The Planning Board may grant waivers* to the requirements of these paragraphs A, B, and C if they make a finding that doing so would not have a detrimental impact on the public safety.”

And by also amending Section 7.2.1, (Special Permit Granting Authority), Paragraph 6, by string the word “common.”

Article 31: The Moderator Declared a Majority Vote in accordance with M.G.L. Chapter 41, §1B to change the position of Treasurer/Collector from an elected position to an appointed position, said vote being contingent on the affirmative vote at the Annual Town Election to be held on May 12, 2015.

The following people spoke on this article: Gary E. Woodbury, James D. Whalen, Adam D. Gaudette, Michael Toomey, Thomas F. Parker, William R. Shemeth, III

A motion to adjourn the meeting was made by William R. Shemeth, III and seconded by James D. Whalen.

Majority voted at 8:58 p.m. to dissolve the Meeting.

One hundred twenty registered voters attended.

Laura J. Torti
Town Clerk