

# COMMONWEALTH OF MASSACHUSETTS

## TOWN OF SPENCER

### SPECIAL TOWN MEETING WARRANT

November 17, 2021

WORCESTER, SS.

To either of the Constables of the Town of Spencer in the County of Worcester,  
Greetings.

IN THE NAME OF THE Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the Memorial Town Hall, 157 Main Street, Spencer, MA 01562 on Wednesday, November 17, 2021 at 7:00 PM in the evening, then and there to act on the following articles:

**Article 1:**

To see if the Town will vote to amend its Fiscal Year 2022 Operating Budget by appropriating the total sum of fifty-seven thousand four hundred seventy-two Dollars and No Cents (\$57,472) to the following accounts to cover additional expenses and, to meet said appropriation by transferring said sum from previously certified and available Free Cash:

<b>Department</b>	<b>Account #</b>	<b>Original Appropriation</b>	<b>Additional Amount</b>	<b>Total Appropriation</b>
Tree Warden Expenses	11494-57000	\$37,150	\$35,000	\$72,150
Tantasqua Regional School District Non-Resident Transportation	11300-52000	\$18,768	\$13,269	\$32,037
Smith Vocational High School District Non-Resident Transportation	11300-52000	\$28,417	\$ 9,203	\$37,620
<b>TOTAL</b>		<b>\$84,335</b>	<b>\$57,472</b>	<b>\$141,807</b>

or take any other action in relation thereto. *(Sponsored by the Town Administrator)*

**Article 2:**

**AUTHORIZATION TO TRANSFER A SUM OF MONEY FROM POLICE DEPARTMENT ACCOUNTS**

To see if the Town will vote to transfer \$5,323.03 from the Police Department Mobile Data Terminal Account (Account #60000-58012) as a result of an account surplus and to transfer the amount to Police Department Cruiser Account (Account #60000-58011) to meet an increase in cost of the cruiser; or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 3:**

**AUTHORIZATION TO TRANSFER A SUM OF MONEY TO THE WATER CAPITAL EFFICIENCY ACCOUNT**

To see if the Town will vote to appropriate Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00) to the Water Capital Efficiency Plan Program Account (#15000-58860) for capital projects as approved by the Capital Improvements Planning Committee; and, to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Water Enterprise Fund; or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Board of Water Commissioners)*

**Article 4:**

**AUTHORIZATION TO TRANSFER A SUM OF MONEY TO THE SEWER RETAINED EARNINGS ACCOUNT**

To see if the Town will vote to transfer the sum of Sixty Thousand Dollars and No Cents (\$60,000.00), previously appropriated in Article 27 of the May 6, 2021 Town Meeting from the Sewer Capital Account (#20000-58870), to the previously approved Sewer Department Treatment Plant Upgrade OPM (Owners Project Manager) Services Account or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Board of Sewer Commissioners)*

**Article 5:**

**AUTHORIZATION TO TRANSFER MONIES TO SEWER ENTERPRISE FUND**

To see if the Town will vote to appropriate the sum of Sixty-five Thousand Dollars and No Cents (\$65,000.00) for Sewer Department Wastewater treatment plant upgrade OPM (Owners Project Manager) Services Account and to meet said appropriation by transferring said sum from previously approved Capital Planning Committee expenditures from FY2021, ATM Article 20 from previously certified and approved retained earnings (Account #20000-58870); or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Board of Sewer Commissioners)* Majority vote for passage in accord with G.L. c.44, §33B(b)

**Article 6:**

**AUTHORIZATION TO AMEND THE TOWN'S GENERAL BYLAWS ARTICLE 2, SECTION 15 REVOLVING FUNDS**

To see if the Town will vote to amend Article 2, Section 15 of the Town's General Bylaws, entitled Departmental Revolving Funds, **with deletions in strikethrough and additions in bold underline all as set forth below; and further that any amounts in said funds to remain therein until expended consistent with the Bylaw;**

Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to spend from Fund	Fees, Charges or Other Receipts Credited to the Fund	Program or Activity Expenses Payable from Fund	Cap of Fund	Fiscal Years
Planning Board	Planning Board	ANR, Subdivision, <del>Other Permit Fees</del> <u>Site Plan, Special Permit</u>	Administrative Costs, other Expense	\$50,000	FY 2018 and subsequent years
ODIS – Wiring Inspections	ODIS Director	Depository of 80% of electrical permit fees collected	Compensate the Wiring Inspector	\$50,000	FY 2018 and subsequent years
Parks & Recreation	Parks & Recreation Commission	Park rentals, sticker fees, program fees	Program costs such as personnel, utilities, supplies, and other expenses	\$100,000	FY 2018 and subsequent years
Celebrations Committee	Town Administrator	Donations, gifts and fees collected	Program Expenses	\$50,000	FY 2018 and subsequent years
Council on Aging	Council on Aging	Donations, gifts, and fees collected	Program Expenses	\$20,000	FY 2018 and subsequent years
Stormwater Management	Town Administrator	Stormwater Fees and fines collected	Stormwater Management Activities such as programs or projects	\$100,000	FY 2018 and subsequent years

Or take any other action in relation thereto.

*(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 7:**

**AUTHORIZATION TO AMEND THE TOWN’S GENERAL BYLAWS ARTICLES 9 and 9A  
Animal Control**

To see if the Town will vote to amend the Town’s General Bylaws by deleting Article 9 “Animal Control” and Article 9A, “Vicious Dogs”, and replacing them with the new Section 9 “Animal Control”, as set forth below; or take any other action relative thereto.

**TOWN’S GENERAL BYLAWS ARTICLE 9  
Animal Control**

In addition to the requirements set forth in this Bylaw, the licensing, keeping and control of animals shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited-to the provisions of G.L. c. 140, §§136A to 174E, inclusive, as may be amended from time-to-time.

The Town Administrator shall annually appoint an Animal Control Officer who shall be sworn in by the Town Clerk. The Animal Control Officer and/or his or her assistants are not required to be a resident of the Town. The Animal Control Officer may be a salaried employee of the Town. The Animal Control Officer shall receive such compensation as agreed upon by the Animal Control Officer and the Town Administrator.

Annual dog and kennel licenses, as required by G.L. c. 140, §§137 and 137A, must be obtained from the Office of the Town Clerk by January 1 for a licensing period of January 1 through December 31. When licensing a dog for the first time, proof of spay or neutering should be presented in order to be eligible for neutered or spayed license fee. There will be a late fee per dog for licensing after March 1.

Applications for kennel licenses shall include the name, breed, age, proof of fixing (if applicable), proof of rabies vaccinations, a photograph of each dog, and the telephone number where the licensee can be reached at all times.

No kennel license shall be issued unless the applicant demonstrates that the use of the subject property as a kennel is permitted under the Town’s Zoning bylaws.

The annual fee for individual and kennel licenses shall be as follows:

- a. Individual Dog, fixed . . . . . \$----
- b. Individual Dog, intact . . . . . \$----
- c. Kennel, 2-8 dogs . . . . . \$----
- d. Kennel, 9 or more dogs . . . . . \$----
- e. Late fee . . . . . \$----

No person shall permit any dog, whether licensed or unlicensed, to wander on private property without permission of the owner thereof, or on any public property within the Town, including but not limited to public ways, school grounds, recreation areas and cemeteries, unless the dog is properly restrained. A dog is under restraint for purposes of this Bylaw if it is accompanied by its owner or other person responsible for the dog, who is in full control of such dog, or unless the dog is held firmly on a leash of not more than six (6) feet.

Unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town, and impounded pursuant to G.L. c. 140, §§151A and 167.

Nothing in this Bylaw shall be deemed to prohibit the use of dogs for hunting, sporting or working purposes as long as said dogs are properly restrained.

The owner or keeper of any dog impounded under the provisions of G.L. c. 140, §167, this Bylaw or any other applicable law, may claim such dog, provided he or she first procures from the Town Clerk a license and tag for any such dog that is not licensed and pays the sum of \$15.00 per day for the care of the dog during the period of impoundment; provided, however, that nothing in this section shall prohibit the Animal Control Officer from disposing of or retaining custody of any dog as may be authorized by law.

No person shall fail to promptly remove and properly dispose of any feces left by any dog owned, kept or controlled by them on the property of another, including but not limited to any public property within the Town.

Whoever having the charge or custody of any member of the animal kingdom, including, but not limited to, any mammal, bird, reptile or amphibian, other than a dog, willfully suffers or permits them to enter or remain on or pass over the land of another, shall be subject to a fine in accordance with Section 5. The Animal Control Officer may apprehend any animal found in violation and impound such animal in a suitable place. Impoundment Fees and Boarding Rates set forth in this Bylaw shall apply in regards to the enforcement of this section.

The Animal Control Officer or any police officer of the Town shall be empowered to enforce provisions of this Bylaw.

In addition to the remedies set forth herein and in G.L. c. 140, §§136A to 174E, inclusive, or any other applicable provision of law, this Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D. If non-criminal disposition is elected, then any person who violates any provision of this Bylaw shall be subject to the following penalties:

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First Offense:	\$50 fine
Second Offense:	\$100 fine
Third and subsequent Offense :	\$200 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

**Article 8:**

**AUTHORIZATION TO AMEND THE TOWN'S ZONING BYLAWS**

To see if the Town will vote to amend the Town of Spencer Zoning Bylaws, Section 4.8.9 Solar Photovoltaic Generating Installations, as follows:

1. Amend subsection F.14(d) to add the underlined language, as follows:

Description of financial surety for decommissioning - Proponents of Solar Electric Generating Facilities shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. The Planning Board may review the surety at any time on its own volition or upon request during the life of the Facility, and may require that the form and/or amount of surety be adjusted as required to insure that adequate security is maintained. Each new owner or operator of the Facility shall provide good evidence to the Planning Board immediately upon assuming ownership or responsibility that it is the principal for or has otherwise provided and is responsible for the required decommissioning security.

2. Delete subsections G.1(b) and G.1(c), insert the following new subsection G.1(b), and renumber existing subsection G.1(d) as G.1(c):

Setbacks: The solar installation and all appurtenant structures shall have a setback from front property lines and public ways of at least 200 feet, and a setback from side, and rear property lines and public ways of at least 100 feet. If the solar installation abuts an open field, farm, or pasture it shall have a setback from front, side, and rear property lines and public ways of at least 300 feet. This may be reduced at the discretion of the Planning Board if sufficient natural vegetation exists in the setback area, but to not less than 100 feet. No facilities are permitted between the front of the principal building and the front lot line.

3. Replace subsection G.3 with the following new subsection G.3:

Visual Impact Mitigation - The visual impact of the solar installation and all appurtenant structures shall be mitigated to the maximum extent feasible. All appurtenant structures shall be architecturally compatible with each other and joined or clustered. Structures shall be shielded from view to avoid adverse visual impacts as deemed necessary by the Planning Board, utilizing methods such as landscaping, natural features, and opaque fencing.

In natural (undeveloped) areas, existing vegetation shall be preserved to the maximum extent possible. In developed areas, the design of the installation shall consider and incorporate human-designed landscape features to the greatest extent, including contextual landscaping and landscaping amenities that complement the physical features of the site and abutting properties. All structures shall be shielded from view by a substantial sight-impervious vegetative screen. As deemed necessary by the Planning Board, the depth of the vegetative screen shall be 30 feet and shall be composed of native or naturalized trees and shrubs staggered for height and density. The landscaping shall be properly maintained and replaced as necessary by the owner/operator of the solar energy system. A diversity of plant species shall be used, with a mix of deciduous and evergreen varieties. The use of pollinator species is encouraged. In the absence of on-site irrigation, a water truck or water bags shall be used for the first three growing seasons to assure plant survival.

Vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. The mature height of the vegetated screening shall be such that the installation's structures are not apparent to a person upon any public road and viewing the installation from a height of 10 feet. This determination will be at the discretion of the Planning Board and/or Building Inspector.

Planting of the vegetative screening shall be completed prior to final approval of the photovoltaic installation by the Building Inspector.

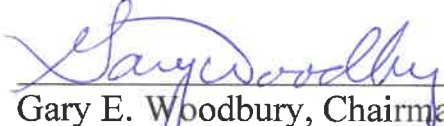
or take any other action in relation thereto.

*(Sponsored by the Board of Selectmen)*

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And you are directed to serve this warrant, by posting an attested copy in at least three places fourteen (14) days at least before the time of holding said meeting.


HEREOF FAIL NOT, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this 3rd day of November in the year of our Lord two thousand and twenty-one.

  
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Gary E. Woodbury, Chairman

  
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John J. Howard, Vice Chairman

  
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Jared J.B. Grigg, Clerk

  
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Ralph E. Hicks, Member

  
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Anthony D. Pepe, Member

Board of Selectmen

A true copy. Attest.

\_\_\_\_\_ Constable

Worcester, SS.

\_\_\_\_\_ Date

PURSUANT TO THE WITHIN WARRANT, I have posted and warned the inhabitants of the Town of Spencer by posting an attested copy in at least three places at least fourteen days before the date of the meeting, as within directed.

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Constable of Spencer

NOTICE: Persons needing a sign language interpreter or other hearing assistance device, please contact the Board of Selectmen.