

COMMONWEALTH OF MASSACHUSETTS
TOWN OF SPENCER
SPECIAL TOWN MEETING WARRANT
November 9, 2023

WORCESTER, SS.

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

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 Spencer Town Hall, 157 Main Street, Spencer, MA 01562 on Thursday, November 9, 2023, at 7:00 PM in the evening then and there to act on the following articles:

Article 1:

INCREASE APPROPRIATION FOR FY 2024 SMITH REGIONAL VOCATIONAL AND AGRICULTURAL SCHOOL DISTRICT TRANSPORTATION EXPENSES

To see if the Town will vote to amend the vote taken under Article 16 of the May 4, 2023 Annual Town Meeting warrant increasing the amount to be raised and appropriated in the amount of an additional Three Thousand Two Hundred Forty Dollars and No Cents (\$3,240.00) for the Transportation Assessment Account (#11300-52100) for Fiscal Year 2024, and, in turn, to increase by said sum the total appropriation for Fiscal Year 2024 for the total appropriation of Thirty-Four Thousand Two Hundred Forty Dollars and No Cents (\$34,240.00); or take any action in relation thereto. *(Sponsored by the Town Administrator)*

The Town received notice of the increase in the annual cost after the adoption of the budget (at the May Town Meeting). The cost increased \$17.00 per day. This additional \$3,240.00 represents the increase in the transportation contract. Said amount is included in the budget adjustments contained in Article 3.

Finance Committee Recommendation: approve article as written, voted unanimously.

Motion – Article 1

I move to waive the reading and approve Article 1 as printed in the warrant.

Vote Required: Majority

Motion Made By:

Motion Seconded By:

Article 2:

INCREASE THE FY 2024 APPROPRIATION FOR TANTASQUA REGIONAL SCHOOL DISTRICT TRANSPORTATION EXPENSES

To see if the Town will vote to amend the vote taken under Article 17 from the May 4, 2023 Annual Town Meeting warrant by increasing the amount to be raised and appropriated by Four Hundred Dollars and No Cents (\$400.00) to increase the total amount needed for Tantasqua Regional High School Transportation Assessment (\$7,400.00 Account # 11300-52100) for Fiscal Year 2024; or take any action in relation thereto. *(Sponsored by the Town Administrator)*

The estimated expenses for transportation for attendance at Tantasqua Regional School District are less than estimated in the adopted FY 2024 Town Budget. The amounts in the budget are being increased accordingly. Said amount is included in the budget adjustments contain in Article 3.

Finance Committee Recommendation:

Motion – Article 2

I move to waive the reading and approve Article 2 as printed in the warrant.

Vote Required: Majority

Motion Made By:

Motion Seconded By:

Article 3:

INCREASE APPROPRIATION FOR FY 2024 GENERAL GOVERNMENT OPERATING BUDGET

To see if the Town will vote to amend the vote taken under Article 18 of the May 4, 2023 Annual Town Meeting warrant to increase the Fiscal Year 2024 Operating Budget by raising and

appropriating an additional One Hundred Seven Thousand Eighty-Three Dollars and No Cents (\$107,083.00) to the following accounts and reducing appropriations for other accounts in the amounts and for the purposes specified below; or take any action in relation thereto. *(Sponsored by the Town Administrator)*

<u>Department</u>	<u>Account #</u>	<u>Original Appropriation</u>	<u>Increase</u>	<u>Total Appropriation</u>
Town Counsel General Expenses	11151-57000	\$ 60,000.00	\$10,000.00	\$ 70,000.00
Town Clerk Salaries and Wages	11161-51000	\$157,884.00	\$ 187.00	\$158,072.00
Town Clerk General Expenses	11161-57000	\$ 35,700.00	\$ 770.00	\$ 36,470.00
Elections and Registrars Salaries & Wages	11162-51000	\$ 18,142.00	\$ 4,446.00	\$ 22,588.00
Elections and Registrars General Expenses	11162-57000	\$ 20,600.00	\$ 2,779.00	\$ 23,379.00
Fire Department General Expenses	11220-57000	\$634,525.00	\$44,460.00	\$678,985.00
ODIS Salaries & Wages	11250-51000	\$283,367.00	\$ 5,000.00	\$288,367.00
Utilities and Facilities Salaries & Wages	11405-51000	\$109,750.00	\$13,801.00	\$123,551.00
Utilities and Facilities General Expenses	11405-57000	\$ 71,120.00	\$12,000.00	\$ 83,120.00
Snow and Ice General Expenses	11423-57000	\$252,148.00	\$10,000.00	\$262,148.00
Vocational School Transportation	11300-52100	\$ 38,000.00	\$ 3,640.00	\$ 41,640.00

These are adjustments to the Fiscal Year 2024 Budget to account for an unpaid bills of a prior year in the Town Clerk's Office which are being paid through the budget, budget adjustments due to increased costs (vocational transportation, Utilities and Facilities Salaries and Wages, ODIS Salaries and Wages, Snow and Ice control expenses, additional election expenses and for the Pine Grove Cemetery operational assistance override election, Town Counsel, and consultant services. These additional appropriations are offset by an increase in the amount (\$50,000.00 estimate in the adopted FY 24 Budget, \$132,539.00, and increase is state aid of approximately \$31,442.00. The \$44,460.00 increase in the Fire Department's General Expense line is to replace eleven (11) sets of bunker gear. The original Fiscal Year 2024 budget contained \$20,000.00 for that purpose, however pricing for these items has increased exponentially.

Finance Committee Recommendation:

Motion – Article 3

I move to waive the reading and approve Article 3 as printed in the warrant.

Vote Required: Majority

Motion Made By:

Motion Seconded By:

Article 4:

AUTHORIZATION TO PAY BILL OF A PRIOR FISCAL YEAR

To see if the Town will vote to appropriate the sum of Five Thousand One Hundred Sixty-Two Dollars and No Cents (\$5,162.00) to the Town Hall Maintenance General Expense Account (#11192-57000) to pay a prior fiscal year's expense related to a repair to the Town Hall boiler from May of 2022, and to meet said appropriation by transferring said sum from previously certified and available free cash; or to take any action in relation thereto. *(Sponsored by the Town Administrator)*

This is a remaining invoice from a FY 2023 for repairs to the boiler at Town Hall.

Finance Committee Recommendation:

Motion – Article 4

I move to waive the reading and approve Article 4 as printed in the warrant.

Vote Required: 9/10ths

Motion Made By:

Motion Seconded By:

Article 5:

AUTHORIZATION TO PAY BILL OF A PRIOR FISCAL YEAR

To see if the Town will vote to appropriate the sum of One Thousand Three Hundred Sixty-Seven Dollars and Seventy-Five Cents (\$1,367.75) to the Spencer Police Department General Expense Account (#11210-57000) to pay a prior fiscal year's expenses related to feeding of prisoners in the custody of the Town in Fiscal Year 2023, and to meet said appropriation by transferring said sum from previously certified and available Free Cash; or to take any action in relation thereto. *(Sponsored by the Town Administrator)*

This is a remaining bill for prisoner food for the Spencer Police Department from FY 2023.

Finance Committee Recommendation:

Motion – Article 5

I move to waive the reading and approve Article 5 as printed in the warrant.

Vote Required: 9/10ths

Motion Made By:

Motion Seconded By:

Article 6:

AUTHORIZATION TO PAY BILL OF A PRIOR FISCAL YEAR

To see if the Town will vote to raise and appropriate to the Town Clerk's General Expense Account (#11161-57000) the sum of Two Hundred Forty Dollars and No Cents (\$240.00) to pay a prior fiscal year's expense for the purchase of preprinted forms for the Town Clerk's Office; or to take any action in relation thereto. *(Sponsored by the Town Clerk)*

A bill for preprinted forms was received after the close of the fiscal year. This amount is contained in the Fiscal Year 2024 budget adjustments contained in Article 3.

Finance Committee Recommendation:

Motion – Article 6

I move to waive the reading and approve Article 6 as printed in the warrant.

Vote Required: 9/10ths

Motion Made By:

Motion Seconded By:

Article 7:

AUTHORIZATION TO PAY BILL OF A PRIOR FISCAL YEAR

To see if the Town will vote to appropriate to the Employee Benefits General Expense Account (#11800-57000) the sum of Ninety-Seven Thousand Dollars and No Cents (\$97,000.00) to pay a prior fiscal year's expense for the payment of unemployment benefits to the Commonwealth of Massachusetts, and to meet said appropriation by transferring said sum from previously certified and available Free Cash; or to take any action in relation thereto. *(Sponsored by the Town Administrator)*

The Town is self-insured for unemployment compensation expenses. This means as employees file for unemployment with the Massachusetts Department of Unemployment Assistance (DUA), the employee receives compensation and a bill for that compensation comes from DUA to the Town to pay. The Town, until this summer, had not paid DUA since 2012. The Department of Unemployment Assistance (DUA) only sends the bills through email. The bills from DUA were getting caught in the spam filters. The bill was discovered when our unemployment assistance administration was switched to UTMC through our insurance carrier MIAA. This amount represents the original claims amounts of roughly \$58,000.00 and the remainder is accumulated interest. The Town requested an appeal of the interest from DUA was denied.

Finance Committee Recommendation:

Motion – Article 7

I move to waive the reading and approve Article 7 as printed in the warrant.

Vote Required: 9/10s

Motion Made By:

Motion Seconded By:

ARTICLE 8

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, Site Plan, Special Permit	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 \$80,000	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	Fees collected	Program Expenses	\$50,000	FY 2018 and subsequent years
Council on Aging	Council on Aging	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

And further, to see if the Town will vote to confirm the increase in the amount permitted to be expended from the Town's ODIS-Wiring Inspections Revolving Fund from \$50,000.00 to \$80,000.00, as previously approved by the Board of Selectmen and Finance Committee in accordance with the provisions of G.L. c. 44, § 53E1/2; or to take any other action in relation thereto. *(Sponsored by the Town Administrator)*

The David Prouty High School Renovation project will require the wiring inspector to perform more inspections than previous fiscal years.

Finance Committee Recommendation:

Motion – Article 8

I move to waive the reading and approve Article 8 as printed in the warrant.

Vote Required: Majority

Motion Made By:

Motion Seconded By:

Article 9:

To see if the Town will vote, to amend portions of the Personnel Bylaws identified below by amending Schedule A as approved by the May 4, 2023, Town Meeting, under “Section 2: Compensation” and substituting the following updated salaries in Schedule A only for the positions identified below; or to take any action in relation thereto. (*Sponsored by the Parks and Recreation Commission*)

Position	Approved May 4, 2023 (Per Hour)	Requested Amendment, November 9, 2023 (Per Hour)
Waterfront Director	\$23.66	\$24.50
Instructor	\$18.66	\$22.00
Head Lifeguard	\$18.36	\$22.00
Lifeguard	\$16.46	\$19.50
Parking Attendant	\$15.43	\$16.50
Clerk	\$19.70	\$20.00

The Parks and Recreation Commission would like to amend the salaries for their aquatic program employees to be more competitive in recruiting.

Parks and Recreation Commission Recommendation: approve the article as written.

Finance Committee Recommendation:

Motion – Article 9

I move to waive the reading and approve the Article as printed in the warrant.

Article 10:

AUTHORIZATION TO TRANSFER MONIES TO THE OTHER POST EMPLOYMENT BENEFIT (OPEB) TRUST FUND

To see if the Town will vote to appropriate Fifty Thousand Dollars and No Cents (\$50,000.00) to the Other Post Employment Benefit Trust Account (#83000-39825) and to meet said appropriation by transferring from previously certified and available Free Cash; or take any action relating thereto. (*Sponsored by the Town Administrator*).

The Fiscal Year 2023 contained a \$50,000.00 appropriation in the General Fund's Employee Benefit Account to the Other Post Employment Benefit (OPEB) Account. The transfer was not made at year end and the funds lapsed to Free Cash. This transfer takes the funds from Free Cash and places them in the OPEB Trust Fund.

Finance Committee Recommendation:

Motion – Article 10

I move to waive the reading and approve Article 10 as printed in the warrant.

Vote Required: Majority

Motion Made By:

Motion Seconded By:

Article 11:

AUTHORIZATION TO TRANSFER MONIES TO THE SENIOR CENTER IMPROVEMENT ACCOUNT

To see if the Town vote to appropriate the amount of One Hundred Thirty-Eight Thousand Four Hundred Eight Dollars and Thirteen Cents (\$138,408.13) to the Senior Center Capital Improvement Account (#60000-59358) and to meet said appropriation transfer said sum from previously certified and available Free Cash; or to take any other in relation thereto. *(Sponsored by the Town Administrator)*

The revenues from the rent of the third floor of the Spencer Senior Center to the Court were deposited into the General Fund as required by law. The stated intent of the Town was that these funds would be used for improvements to the Senior Center. This transfer takes the rent paid by the Commonwealth and places it in a separate fund for improvements.

Finance Committee Recommendation:

Motion – Article 11

I move to waive the reading and approve Article 11 as printed in the warrant.

Vote Required: Majority

Motion Made By:

Motion Seconded By:

Article 12:

TRANSFER A SUM OF MONEY TO THE GENERAL STABILIZATION ACCOUNT

To see if the Town will vote to appropriate Two Hundred Thousand Dollars and No Cents (\$200,000.00) to the General Stabilization Account (#83000-39900) for reimbursement to the fund from the Water Department; and, to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Water Enterprise Fund; or take any action in relation thereto. *(Sponsored by the Town Administrator)*

Board of Water Commissioners Recommendation: approve article as written, unanimous vote.

Finance Committee Recommendation:

The Water Department received a transfer of \$200,000.00 from the General Stabilization Account at the November 10, 2022, Town Meeting to undertake certain capital improvements. The original request was to transfer the funds from the Certified Retained Earnings of the Water Enterprise Fund, but certification of those funds had not been received by the Department of Revenue as of the date of the Town Meeting. Therefore, to meet the capital program of the Water Department, General Stabilization Funds were transferred with the requirement that the Water Department return those funds from Retained Earnings. This transfer returns the \$200,000.00 to the General Stabilization Fund from the Water Department Retained Earnings.

Motion – Article 12

I move to waive the reading and approve Article 12 as printed in the warrant.

Vote Required: Majority Vote

Motion Made By:

Motion Seconded By:

Article 13:

TO INCREASE THE APPROPRIATION FOR THE WATER DEPARTMENT

To see if the Town will vote to amend the vote taken under Article 19 of the May 4, 2023, Annual Town Meeting warrant to:

1. increase the appropriation to the Water Department to the total amount of One Million Seven Hundred Twenty-Eight Thousand Nine Hundred Nine Dollars and No Cents (\$1,728,909.00) for the use of the Water Department for Fiscal Year 2024, 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. to authorize Indirect Costs, from Fiscal Year 2024 revenues, for Fiscal Year 2024 of One Hundred Eighty-Eight Thousand Four Hundred Seventy-Two Dollars and No Cents (\$188,472.00); and,
3. to have the Board of Water Commissioners set the Fiscal Year 2024 rates and fees to meet said appropriation and level of Indirect Costs;

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

Board of Water Commissioners Recommendation: approve article as written, unanimous vote.

Finance Committee Recommendation:

The adjustment in the Utilities and Facilities salaries and wages budget influences the indirect costs from the Water Department. The costs are increasing by \$2,805.00.

Motion – Article 13

I move to waive the reading and approve Article 13 as printed in the warrant.

Vote Required: Majority

Motion Made By:

Motion Seconded By:

Article 14:

AMEND THE TOWN'S ZONING BYLAWS

To see if the Town will vote to amend the Town's Zoning Bylaw by deleting in its entirety the text of Article 4.8.10: Temporary Moratorium on the Construction of Large-Scale Ground Mounted Solar Photovoltaic Installations, and insert new text in its place, as follows:

ARTICLE 4.8.10: Temporary Moratorium on the Construction of Large-Scale Ground Mounted Solar Photovoltaic Installations

A. Authority and Purpose

The Town of Spencer currently has twenty-one (21) approved large-scale ground mounted solar photovoltaic installations, commonly referred to as “solar farms”, completed or under construction, and another two (2) that are in the permitting process. Pursuant to the Zoning Bylaw, large scale ground mounted solar photovoltaic installations are allowed pursuant to site plan review and special permit in all zoning districts in the Town except the Town Center Mixed Use district. The emphasis being placed on the development of solar energy to reduce dependence on fossil fuels, coupled with the potential availability of large areas of open space in the Town, indicates that applications to site large scale solar facilities in the Town will continue unabated. The high demand for large scale solar facilities has demonstrated the potential for rapidly changing the face of the Town, thereby raising novel legal, planning, and economic issues and creating an urgent need to regulate the use.

Together with the increase in demand, the law concerning the ability of municipalities to regulate solar energy facilities through its zoning bylaws has evolved substantially by way of recent court decisions and Attorney General review of proposed amendments to those bylaws. The Town’s recent attempts to address the impact of large-scale solar facilities through amendments to its Zoning Bylaw have been only partially successful, due in large part to the changes in the law. The Town needs time to study the impact of this evolution on its current regulation of solar facilities and adjust that regulation as necessary to ensure that it conforms to legal requirements while adequately addressing the impact of large-scale solar facilities on the Town and its planning goals. Imposition of a temporary moratorium on the Construction of Large-Scale Ground Mounted Solar Photovoltaic Installations will allow sufficient time to assess these issues and amend the Zoning Bylaw to conform to legal requirements and address the impact of these facilities on the Town's environmental resources and its planning goals.

B. Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Large Scale Ground Mounted Solar Photovoltaic Installations. The moratorium shall be in effect through May 3, 2024, or the date on which the Town adopts amendments to the Zoning Bylaw concerning Large Scale Ground Mounted Solar Photovoltaic Installations and Energy Storage Systems, whichever occurs earlier. A solar project must be in existence or have a building permit or special permit in hand before November 9, 2023, in order to be exempt from the moratorium. During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address what revisions to the Zoning Bylaw relative to Large Scale Ground Mounted Solar Photovoltaic Installations are needed or desirable to allow for and regulate such use consistent with applicable law while protecting the Town's environmental resources and furthering its planning goals. No applications for large scale ground mounted solar photovoltaic generating installations will be accepted by the Town of Spencer during the duration of the moratorium.

or take any other action in relation thereto. (*Sponsored by the Planning Board*).

The Planning Board is recommending a temporary moratorium on further development of large scale commercial solar facilities. Several of the amendments adopted at the November 10, 2022, were rejected by the Attorney General due to conflicts with the laws of the Commonwealth regarding regulation of solar facilities and the most recent court case (Tracer Lane II, 489 Mass. at 781). This moratorium will allow the Planning Board to review the existing Bylaw and address concerns such as concentration of solar facilities in certain zoning districts, loss of prime agricultural land, decommissioning costs, loss of open space, visual impacts, deforestation, among other concerns.

Planning Board Recommendation: approve the article as written, unanimous vote.

Finance Committee Recommendation:

Motion – Article 14

I move to waive the reading and approve Article 14 as printed in the warrant.

Vote Required: 2/3rds

Motion Made By:

Motion Seconded By:

ARTICLE 15:

AUTHORIZATION TO AMEND THE TOWN'S ZONING BYLAW

To see if the Town will vote to amend the Town's Zoning Bylaw to insert a new section, Article 4.8.11, as follows:

ARTICLE 4.8.11: Temporary Moratorium on the Construction of Energy Storage Systems as a Principal Use

A. Authority and Purpose

The Town of Spencer currently has twenty-one (21) approved large-scale ground mounted solar photovoltaic installations, commonly referred to as "solar farms", completed or under construction, and another two (2) that are in the permitting process. Pursuant to the Zoning Bylaw, large scale ground mounted solar photovoltaic installations are allowed pursuant to site plan review and special permit in all zoning districts in the Town except the Town Center Mixed Use district. Many of these installations now rely or intend to rely on the use of

independent Energy Storage Systems, as that term is currently defined in the Zoning Bylaw, to store energy produced by the solar facilities.

The use of independent Energy Storage Systems to store energy produced by solar facilities, which must be located near large scale solar facilities, has recently expanded beyond expectations, and the Town's current bylaw contains no regulation of such facilities when those facilities are not accessory to a permitted solar photovoltaic generating installation. These systems raise significant and evolving environmental and planning issues for the Town, thereby creating an urgent need to adopt regulations addressing this use. In addition, the law concerning the ability of municipalities to regulate energy storage systems serving solar energy facilities is rapidly evolving. The Town needs time to consider and study the future implications and impact of these facilities upon the Town as a whole, and on the Town's current and future planning goals. Imposition of a temporary moratorium on Energy Storage Systems as a principal use will allow sufficient time to assess these issues and amend the Zoning Bylaw to address the impact of these facilities on the Town's environmental resources and its planning goals.

B. Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Energy Storage Systems as a principal use. The moratorium shall be in effect through May 3, 2024, or the date on which the Town adopts amendments to the Zoning Bylaw concerning Energy Storage Systems as a principal use, whichever occurs earlier. An independent energy storage system project must be in existence or have a building permit or special permit in hand before November 9, 2023, in order to be exempt from the moratorium. During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address what revisions to the Zoning Bylaw relative to Energy Storage Systems as a principal use are needed or desirable to allow for and regulate such use consistent with protecting the Town's environmental resources and furthering its planning goals. No applications for an independent energy storage system project will be accepted by the Town of Spencer during the duration of the moratorium.

or take any other action in relation thereto.

The Planning Board is recommending a temporary moratorium on the installation of commercial energy storage systems to develop Zoning Bylaws to provide regulations on these systems. The Attorney General has rejected the outright ban on these stand-alone energy storage systems as inconsistent with Commonwealth Law supporting the development of solar energy and finds that these large-scale energy storage systems are integral elements to the solar energy systems in the Commonwealth. The Planning Board has concerns regarding thermal overload, leak containment, fire suppression, and appropriate zoning district among other concerns. The Attorney General has stated that various codes will be amended to provide for an pre-empt local regulations on such facilities. However, those codes have not been adopted at the Commonwealth level yet.

Planning Board Recommendation: approve the article as written unanimous vote.

Finance Committee Recommendation:

Motion – Article 15

I move to waive the reading and approve Article 15 as printed in the warrant.

Vote Required: 2/3rds

Motion Made By:

Motion Seconded By:

ARTICLE 16:

AUTHORIZATION TO ACQUIRE EASEMENTS

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, permanent and temporary easements in certain parcels of land within, adjacent to and/or contiguous to the Route 31 Bridge, Bridge No. S-23-012 in the locations more or less depicted on a plan entitled “Plan and Profile of St 31 (North Spencer Road) Bridge No. S-23-012 in the Town of Spencer, Worcester County, Preliminary Right of Way Plans,” prepared by Bayside Engineering, last rev. June 6, 2023 (the “Plan”), as it may be amended, a copy of which has been placed on file with the Town Clerk, and permanent and temporary easements in parcels of land located within 200 feet of said parcels, as such additional areas may be shown on said Plan, as hereinafter revised, for public way and public way construction purposes and otherwise for general municipal purposes sufficient to carry out the Route 31 Bridge Replacement Project as depicted on the Plan, which purposes shall include, without limitation, grading, sloping, drainage, installation and relocation of utilities, landscaping, and other roadway improvements, and, further, to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money for the purpose of providing for such acquisition and paying all costs and expenses associated therewith, and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, enter into all agreements, execute any and all documents, and take all action necessary to carry out the vote taken hereunder, or take any other action in relation thereto. *(Sponsored by the Board of Selectmen)*

Finance Committee Recommendation:

Motion – Article 16

I move the Town vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, permanent and temporary easements in certain parcels of land within, adjacent to and/or contiguous to the Route 31 Bridge, Bridge No. S-23-012 in the

locations more or less depicted on a plan entitled “Plan and Profile of St 31 (North Spencer Road) Bridge No. S-23-012 in the Town of Spencer, Worcester County, Preliminary Right of Way Plans,” prepared by Bayside Engineering, last rev. June 6, 2023 (the “Plan”), as it may be amended, a copy of which has been placed on file with the Town Clerk, and permanent and temporary easements in parcels of land located within 200 feet of said parcels, as such additional areas may be shown on said Plan, as hereinafter revised, for public way and public way construction purposes and otherwise for general municipal purposes sufficient to carry out the bridge replacement project as depicted on the Plan (exhibit A), which purposes shall include, without limitation, replacement of the bridge and other roadway improvements and, further, to appropriate by transfer those funds provided to the Town for highway improvements pursuant to G.L. c.90 the sum of Two Thousand Dollars and No Cents (\$2,000.00) for the purpose of providing of providing for such acquisition and paying all costs and expenses associated therewith, and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, enter into all agreements, execute any and all documents, and take all action necessary to carry out the vote taken hereunder.

This article provides for the acquisition of easements necessary for the bridge replacement project on Route 31 (North Spencer Road). The easements are being donated by The Cistercian Abbey of Spencer, Inc. Exhibit A shows the location of the easements on a formal plan sheet. Exhibit B is a colored rendering of the easements.

Vote Required: 2/3rds

Motion Made By:

Motion Seconded By:

Motion Seconded By:

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SPENCER
ST 31 (NORTH SPENCER ROAD)

STATE	FILE NO. PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	02000	7	8

PROJECT FILE NO. 000179
**PRELIMINARY RIGHT-OF-WAY
 PROPERTY PLAN**



CUSTOMER AGENCY OF
 SPENCER, INC.
 197 N. SPENCER ROAD
 MAP 185 LOT 3

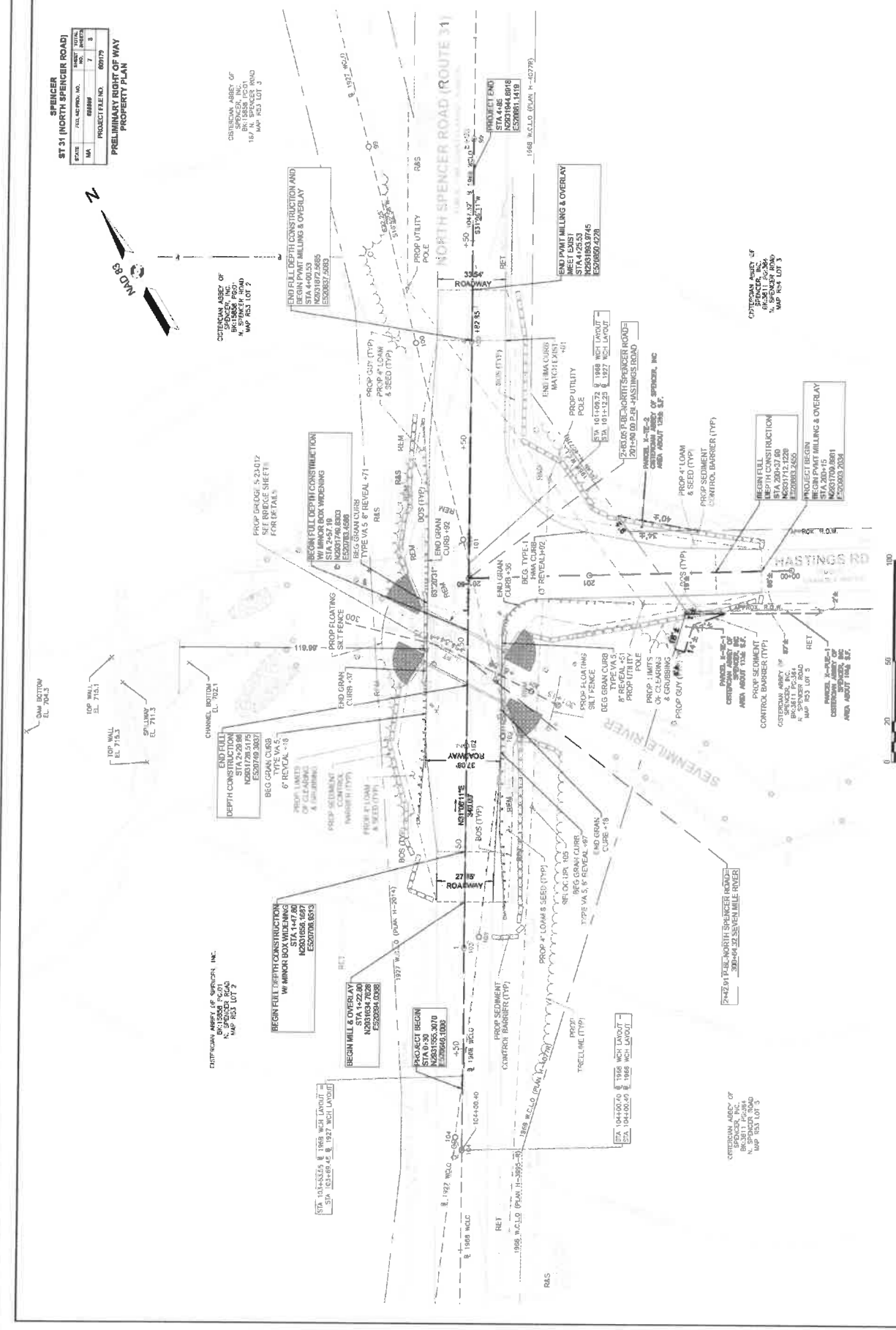
CUSTOMER AGENCY OF
 SPENCER, INC.
 197 N. SPENCER ROAD
 MAP 185 LOT 2

CUSTOMER AGENCY OF
 SPENCER, INC.
 197 N. SPENCER ROAD
 MAP 185 LOT 3

CUSTOMER AGENCY OF
 SPENCER, INC.
 197 N. SPENCER ROAD
 MAP 185 LOT 2

CUSTOMER AGENCY OF
 SPENCER, INC.
 197 N. SPENCER ROAD
 MAP 185 LOT 5

CUSTOMER AGENCY OF
 SPENCER, INC.
 197 N. SPENCER ROAD
 MAP 185 LOT 4



Town of Spencer Special Town Meeting, November 9, 2023

And you are directed to serve this warrant, by posting an attested copy in at least three (3) places fourteen (14) days at least before the time of holding said meeting.

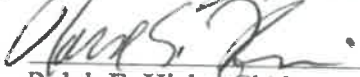
HEREOF FAIL NOT, and make do return of this warrant, with your doings thereof, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this 16th day of 2023 in the year of our Lord two thousand twenty-three.



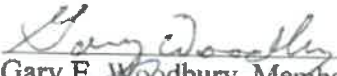
John J. Howard, Chairman



Jared J. B. Grigg, Vice Chairman



Ralph E. Hicks, Clerk



Gary E. Woodbury, Member



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 seven days before the date of the meeting, as within directed.

_____ Constable of Spencer

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