

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 the Annual Town Election to vote at Precincts 1, 2, 3 and 4 and in Town Affairs, to meet at the Memorial Town Hall, 157 Main Street, Spencer, MA 01562, on Tuesday, May 14, 2024 from 7:00 AM to 7:00 PM for the following purposes.

To cast their votes in the Annual Town Election for the election of candidates for the following offices:

<b><u>Office</u></b>	<b><u>Term of Office</u></b>
Selectman	3
Town Clerk	3
Assessor	3
SEBRSD Spencer Rep (2 seats)	3
SEBRSD East Brookfield Rep	3
Water Commissioner	3
Park Commissioner	3
Library Trustee	3
Board of Health	3
Sewer Commissioner	3
Housing Authority	5

And you are further required to notify and warn the inhabitants of the Town of Spencer who are qualified to vote in Town affairs to meet at the Memorial Town Hall, 157 Main Street in said Town of Spencer on Thursday, May 2, 2024, at 7:00 PM, then and there to act on the following articles:

**ARTICLE 1**

**Article 1:** To see if the Town will vote to transfer within the Fiscal Year 2024 Budget the amounts specified in the below chart; or take any action in relation thereto. *(Sponsored by the Town Administrator)*

<b>Amount</b>	<b>From Account</b>	<b>To Account</b>
\$ 9,075.00	Gas & Diesel (Account #11496-57000)	Vocational Ed. Trans. (Account # 11300-52100)
\$10,000.00	Transfer Station (Account #11433-57000)	Vocational Ed. Trans. (Account #11300-52100)

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**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**

**Article 2:** To see if the Town will vote to appropriate Forty Thousand Dollars and No Cents (\$40,000.00) to the Fiscal Year 2024 Budget for Town Counsel General Expenses (Account #11151-57000) 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)*

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**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

**Article 3:** To see if the Town will vote to approve a consent agenda consisting of the following actions or take any action in relation 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. 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 2025, with such funds to be reimbursed 100% from such Program.
- C. 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.
- D. Appropriate the sum of 100% of all fines, penalties, and assessments received in Fiscal Year 2025 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."
- E. Appropriate the sum of 50% of all monies received in Fiscal Year 2025 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.
- F. Authorize the Town Treasurer/Collector to enter into a compensating balance agreement(s) for Fiscal Year 2025 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.
- G. Authorize the Board of Selectmen, in conformance with Section 11(m) of the Spencer Governmental Act and Chapter 40, Section 4 of Massachusetts General Laws, to enter into and negotiate the terms thereof, all contracts for the exercise of its corporate powers.

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

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**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**

**Article 4:** To see if the Town will vote pursuant to the provisions of Chapter 44, Section 53E½ of the Massachusetts General Laws, as most recently amended, to establish fiscal year limitations on expenditures from the revolving funds established by the Town of Spencer General Bylaws “Departmental Revolving Funds”, Article 2, Section 15, approved under Article 7 of the May 4, 2017 Annual Town Meeting, with such expenditure limitations for Fiscal Year 2025 as shown below:

<b>Fund</b>	<b>Spending Limit</b>
Planning Board	\$50,000.00
ODIS - Wiring Inspector	\$80,000.00
Parks & Recreation	\$100,000.00
Council on Aging	\$20,000.00
Celebrations Committee	\$50,000.00
Stormwater Management	\$100,000.00

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

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**Motion – Article 4**

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

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 5**

**Article 5:** To see if the Town will vote, as a block, to fix or maintain the salaries of the elected officials for Fiscal Year 2025 as follows:

Board of Selectmen	\$ 0.00	Annually
Moderator	\$ 200.00	Annually
Board of Assessors	\$ 1,000.00	Annually
Town Treasurer/Collector	\$ 82,142.00	Annually
Town Clerk	\$ 79,776.00	Annually
Water Commissioners	\$ 725.00	Annually
Sewer Commissioners	\$ 725.00	Annually
Board of Health	\$ 725.00	Annually

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

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**Motion – Article 5**

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

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 6**

**Article 6:** To see if the Town will vote, as a block, to amend the Personnel Bylaws by deleting Schedule A, Schedule B, and Schedule C, under “Section 2: Compensation” and substituting the following Schedule A, Schedule B and Schedule C;

(Informational Note: The rates in Schedule A are increased by 2.4% for FY 2025)

**Schedule A**

Administrative Clerk (part time)	\$18.48	hourly
Animal Control & Inspection Officer	\$41,473.02	yearly
Animal Control On-Call (per diem basis)	\$111.64	daily
Clerk-of-the-Works I	\$21.06	hourly
Clerk-of-the-Works II	\$23.06	hourly
Clerk-of-the-Works III	\$25.75	hourly

Clerk-of-the-Works IV	\$29.02	hourly
Clerk-of-the-Works V	\$34.28	hourly
COA Outreach Worker	\$20.75	hourly
Election Inspectors	\$15.80	hourly
Election Wardens / Clerks	\$16.32	hourly
Engineering Aide I	\$19.64	hourly
Engineering Aide II	\$22.22	hourly
Facilities Maintenance Worker	\$20.75	hourly
Gas Inspector	\$6,372.00	yearly
Harbormaster	\$1,167.67	yearly
Laborer (Seasonal)	\$16.86	hourly
Library Page	\$15.80	hourly
Parks & Rec Waterfront Director	\$25.09	hourly
Parks & Rec Water Safety Instructor	\$22.53	hourly
Parks & Rec Head Lifeguard	\$22.53	hourly
Parks & Rec Lifeguard	\$19.97	hourly
Parks & Rec Parking Attendant	\$16.90	hourly
Parks & Rec Coordinator/Clerk	\$20.48	hourly
Plumbing Inspector	\$6,372.00	yearly
Police Dispatcher	\$22.44	hourly
Recording Secretary (ODIS)	\$17.75	hourly
Registrars	\$1,534.00	yearly
Sealer of Weights & Measures	\$5,306.00	yearly
SEMA, Director of Operations	\$2,794.00	yearly
SFD Deputy Chief	\$10,740.00	yearly
SFD Captain - On-Call	\$23.01	hourly
SFD Lieutenant - On-Call	\$21.28	hourly
SFD Firefighter - On-Call	\$19.64	hourly
SFD Captain - Full Time	\$31.31	hourly
SFD Lieutenant 1 - Full Time	\$28.47	hourly
SFD Lieutenant 2 - Full Time	\$29.31	hourly
SFD Firefighter 1 - Full Time	\$25.87	hourly
SFD Firefighter 2 - Full Time	\$26.65	hourly
Transfer Station Monitor	\$19.01	hourly
Transfer Station Senior Monitor	\$21.28	hourly

**Schedule B**

<b>Compensation Grade</b>	<b>Job Title</b>

Grade 1	Library Associate
Grade 1	Administration Clerk
Grade 2	Tree Warden
Grade 2	Planning Assistant
Grade 3	Fire Dept Office Manager
Grade 3	Conservation Agent
Grade 3	Reference/Circulation Librarian
Grade 4	Executive Assistant - TA/BoS
	Children's Librarian / Assistant
Grade 4	Director
Grade 4	Veteran Services Officer
Grade 5	Building Inspector / ZEO
Grade 5	Council on Aging Director
Grade 5	Health Agent
Grade 5	Town Planner
Grade 5	Chief Operator - Water Facility
Grade 6	ODIS Director / Town Planner
Grade 6	Library Director
Grade 6	Principal Assessor
Grade 6	Superintendent - WWTP
Grade 7	Town Accountant
Grade 7	Superintendent - Utilities & Facilities
Grade 8	Fire Chief
Grade 8	Police Chief
Elected	Town Clerk
Elected	Town Treasurer/Collector

**Schedule C**

<b>Grade</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>	<b>Step 8</b>
<b>1</b>	20.97	21.39	22.03	22.69	23.37	24.32	25.52	26.28
<b>2</b>	23.05	23.52	24.23	24.97	25.70	26.74	28.06	28.90
<b>3</b>	25.38	25.87	26.65	27.44	28.29	29.42	30.88	31.81
<b>4</b>	27.93	28.47	29.31	30.20	31.11	32.36	33.98	35.00
<b>5</b>	30.70	31.31	32.26	33.21	34.21	35.57	37.37	38.49
<b>6</b>	36.84	37.58	38.71	39.86	41.05	42.70	44.83	46.18
<b>7</b>	44.22	45.10	46.44	47.83	49.26	51.25	53.80	55.41
<b>8</b>	53.05	54.10	55.75	57.41	59.13	61.49	64.57	66.51

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

**Finance Committee Recommendation:** The Finance Committee recommends approval; voted 6 in favor, 2 opposed.

**Motion – Article 6**

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

**Vote Required:** Majority

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 7**

**Article 7:** To see if the Town will vote to appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to the fund known as the Post Employment Benefit Trust Fund (OPEB) 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)*

**Finance Committee Recommendation:** The Finance Committee recommends approval; unanimous vote.

**Motion – Article 7**

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

**Vote Required:** Majority

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 8**

**Article 8:** To see if the Town will vote to appropriate the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) from previously certified and available Free Cash for the preparation of a Community Preservation Plan, including all incidental and related expenses, by the Spencer Historical Commission; or take any other action in relation thereto. *(Sponsored by the Town Administrator)*

**Finance Committee Recommendation:** The Finance Committee recommends approval; unanimous vote.



**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**

**Article 9:** To see if the Town will vote to raise and appropriate and/or transfer from the PEG Access and Cable Related Fund authorized by General Laws Chapter 44, Section 53F<sup>3</sup>/<sub>4</sub>, One Hundred Ninety Thousand Six Hundred Thirty-Three Dollars and Thirty-One Cents (\$190,633.31) as a grant to the Spencer Cable Access and PEG Channels; or take any other action in relation thereto. *(Sponsored by the Board of Selectmen)*

**Finance Committee Recommendation: The Finance Committee recommends approval; voted 7 in favor, 0 opposed, and 1 abstention.**

**Motion – Article 9**

**I move the Town transfer from the PEG Access and Cable Related Fund authorized by General Laws Chapter 44, Section 53F<sup>3</sup>/<sub>4</sub>, the amount of One Hundred Ninety Thousand Six Hundred Thirty-Three Dollars and Thirty-One Cents (\$190,633.31) and PEG Channels.**

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 10**

**Article 10:** To see if the Town will vote to appropriate the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) to the Sick Leave Buy Back Fund (Account #83000-39800) and to meet said appropriation by transferring said sum from previously certified and available Free Cash; or take any other action in relation thereto. *(Sponsored by the Town Administrator)*

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**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**

**Article 11:** To see if the Town will vote to appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to fund the FY2025 valuation update and certification, and to meet said appropriation by transferring said sum from previously certified and available Free Cash; or take any other action in relation thereto. *(Sponsored by the Town Administrator and the Board of Assessors)*

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**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**

**Article 12:** To see if the Town will 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 2025 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 raise and appropriate Eleven Million Nine Hundred Seventy-Eight Thousand Seven Hundred Five Dollars and No Cents (\$11,978,705.00) for Fiscal Year 2025 for the following purposes:

Spencer-East Brookfield Regional School District Minimum Contribution	
Account #11300-56000	\$8,961,739.00

Spencer-East Brookfield Regional School District Additional Assessment Account #11300-56000	\$0.00
Spencer-East Brookfield Regional School District Transportation Assessment Account #11300-56000	\$1,472,689.00
Spencer-East Brookfield Regional High School Debt Service & Capital Assessment Account #11300-56010	\$1,544,277.00

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

**Finance Committee Recommendation: The Finance Committee recommends approval; voted 7 in favor, 0 opposed, and 1 abstention.**

**Motion – Article 12**

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

**Vote Required:                      Majority**

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 13**

**Article 13:** To see if the Town will vote to raise and appropriate One Million Two Hundred Sixty-Four Thousand Six Hundred Seven Dollars and No Cents (\$1,264,607.00) for Fiscal Year 2025 for the following purposes:

Bay Path Regional Vocational Technical High School Minimum Contribution Account #11300-52000	\$1,122,430.00
Bay Path Regional Vocational Technical High School Additional Assessment Account #11300-52000	\$0
Bay Path Regional Vocational Technical High School Transportation Assessment Account #11300-52000	\$15,196.00
Bay Path Regional Vocational Technical High School Debt Serv. & Capital Assessment Account #11300-52000	\$126,981.00

or take any action in relation thereto. *(Sponsored by the Board of Selectmen)*

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**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**

**Article 14:** To see if the Town will vote to raise and appropriate Seventy-Six Thousand Five Hundred Dollars and No Cents (\$76,500.00) for Fiscal Year 2025 for the following purposes:

Smith Vocational High School Non-Resident Tuition Account #11300-52000	\$21,000.00
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Smith Vocational High School Non-Resident Transportation Account #11300-52100	\$55,500.00
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or take any other action in relation thereto. *(Sponsored by the Board of Selectmen)*

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**Motion – Article 14**

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

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 15**

**Article 15:** To see if the Town will vote to transfer Seventeen Thousand Eight Hundred Forty-Five Dollars and No Cents (\$17,845.00) from the Assessor's Revaluation Account (Account

#60000-59347) to the Allowances to Abatements & Exemptions (Overlay) Account (Account# 10000-12320) for allowances of abatements and exemptions; or take any other action in relation thereto. *(Sponsored by the Town Administrator)*

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

### **Motion – Article 15**

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

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

### **ARTICLE 16**

**Article 16:** To see if the Town will vote to transfer Twenty-Five Thousand Dollars and No Cents (\$25,000.00) of surplus funds from the Fire Department’s Emergency Generator Account (Account# 60000-58020) to the Fire Department’s Forestry Truck Account (Account# 60000-58043) for the second lease payment on the Spencer Fire Department’s Forestry Truck; or take any other action in relation thereto. *(Sponsored by the Town Administrator)*

**Capital Improvement Planning Committee Recommendation: The Capital Improvement Planning Committee recommends approval; unanimous vote.**

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

### **Motion – Article 16**

**I move to waive the reading and approve Article 16 as printed in the warrant.**

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 17**

**Article 17:** To see if the Town will vote to raise and appropriate Thirteen Million Nine Hundred Sixty-Four Thousand Four Hundred Ninety-Six Dollars and No Cents (\$13,964,496.00) to pay for the operations of the General Government expenses for Fiscal Year 2025; or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

*Note: The proposed Fiscal Year 2025 Operating Budget can be found after the text of the Annual Town Meeting Warrant. The budget format contains the appropriation figures for each department and the Town Administrator's recommendations.*

**Finance Committee Recommendation: The Finance Committee recommends approval; voted 7 in favor, 1 opposed.**

**Motion – Article 17**

**I move that the Town raise and appropriate Thirteen Million Nine Hundred Sixty-Four Thousand Four Hundred Ninety-Six Dollars and No Cents (\$13,964,496.00), to pay for the operations of the General Government expenses for Fiscal Year 2025.**

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 18**

**Article 18:** To see if the Town will vote:

1. to appropriate One Million Seven Hundred Forty-Four Thousand Four Hundred Ninety-Seven Dollars and No Cents (\$1,744,497.00) for the use of the Water Department for Fiscal Year 2025, 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 2025 revenues, for Fiscal Year 2025 One Hundred Seventy-Nine Thousand Five Hundred Eleven Dollars and No Cents (\$179,511.00); and,
3. to have the Board of Water Commissioners set the Fiscal Year 2025 rates and fees to meet said appropriation and level of Indirect Costs;

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

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**Motion – Article 18**

**I move to waive the reading and approve Article 18 as printed in the warrant.**

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 19**

**Article 19:** To see if the Town will vote:

1. to appropriate Three Million Two Hundred Seven Thousand Forty-Four Dollars and No Cents (\$3,207,044.00) for the use of the Sewer Department for Fiscal Year 2025, and to fund said appropriation with the receipts and revenue of the Sewer Enterprise Fund collected by the Sewer Department for said Fiscal Year;
2. to authorize Indirect Costs, from Fiscal Year 2025 revenues Costs for Fiscal Year 2025 at One Hundred Eight-Seven Thousand Six Hundred Fifty-Nine Dollars and No Cents (\$187,659.00); and,
3. to have the Board of Sewer Commissioners set the Fiscal Year 2025 rates and fees to meet said appropriation and level of Indirect Costs;

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

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**Motion – Article 19**

**I move to waive the reading and approve Article 19 as printed in the warrant.**

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

## ARTICLE 20

**Article 20:** To see if the Town will vote to appropriate the sum of One Hundred Sixty Five Thousand Dollars and No Cents (\$165,000.00) for the purpose of making repairs or improvements to the Sewer Department's Collection System, including all incidental and related expenses; and to meet said appropriation by transferring said sum from previously certified and available retained earnings of the Sewer Enterprise Fund; or take any other action in relation thereto. *(Sponsored by the Board of Sewer Commissioners)*

**Capital Improvement Planning Committee Recommendation: the Capital Improvement Planning Committee recommends approval; unanimous vote.**

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

### Motion – Article 20

**I move to waive the reading and approve Article 20 as printed in the warrant.**

**Vote Required:                                  Majority**

**Motion Made By:**

**Motion Seconded By:**

## ARTICLE 21

**Article 21:** To see if the Town will accept Section 3 to 7, inclusive of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; to determine the amount of surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action in relation thereto. *(Sponsored by the Board of Selectmen)*

**Finance Committee Recommendation: The Finance Committee recommends approval; voted 5 in favor, 3 opposed.**



## Motion – Article 21

I move that the Town hereby accepts Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation, and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreation use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be one percent (1.0%) of the annual real estate levy against real property commencing in fiscal year 2026; beginning on July 1, 2025 that that the Town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act; (1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the community; (2); \$100,000 of the value of each taxable parcel of residential real property; and (3) \$100,000 of the value of each taxable parcel of Class Three, Commercial property, and Class Four, Industrial property. *(Sponsored by the Board of Selectmen)*

**Vote Required:** Majority

**Motion Made By:**

**Motion Seconded By:**

## ARTICLE 22

**Article 22:** To see if the Town will vote to appropriate One Hundred Twenty Thousand Dollars and No Cents (\$120,000.00) to the Water Capital Efficiency Plan Program Account (#15000-58860) for the purchase of a new Utility Truck, including all incidental and related expenses, and to meet said appropriation by transferring said sum from previously certified and available retained earnings of the Water Enterprise Fund; or taken any other action in relation thereto. *(Sponsored by the Board of Water Commissioners)*

**Capital Improvement Planning Committee Recommendation: the Capital Improvement Planning Committee recommends approval; unanimous vote.**

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

## Motion – Article 22

I move to waive the reading and approve Article 22 as printed in the warrant.

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 23**

**Article 23:** To see if the Town will vote to appropriate the unexpended balance in the Water Capital Efficiency Plan Program Account (Account# 15000-58860), which were previously appropriated by Town Meeting to fund water system capital water improvement projects, for any other water system capital improvement projects including, but not limited to, water main replacements and repairs, well, pumping, and treatment system improvements and repairs, including all incidental and related expenses in the total amount of Seven Hundred Twenty-Eight Thousand Three Hundred Nine Dollars and Ten Cents (\$728,309.10); or taken any other action in relation thereto. *(Sponsored by the Board of Water Commissioners)*

**Capital Improvement Planning Committee Recommendation: the Capital Improvement Planning Committee recommends approval; unanimous vote.**

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**Motion – Article 23**

**I move to waive the reading and approve Article 23 as printed in the warrant.**

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 24**

**Article 24:** To see if the Town will vote to authorize the Board of Selectmen to enter into lease purchase financing agreements, pursuant to General Laws, Chapter 44, Section 21C, for a period of up to or in excess of three years, for the acquisition of a new Squad One for the Spencer Fire Department, including all other incidental and related expenses, and to transfer from available and previously certified Free Cash the sum of Twenty Six Thousand Dollars and No Cents (\$26,000.00), said funds included the amount transferred in Article 25, for the first year of such agreement; or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Capital Improvement Planning Committee Recommendation: The Capital Improvement Planning Committee recommends approval; unanimous vote.**

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**Motion – Article 24**

**I move the Town vote to authorize the Board of Selectmen to enter into a lease purchase financing agreement, pursuant to General Laws, Chapter 44, Section 21C, for a period of up to or in excess of three years, for the acquisition a new Squad One Truck for the Spencer Fire Department, including all other incidental and related expenses, and to transfer from available and previously certified Free Cash the sum of Twenty Six Thousand Dollars and No Cents (\$26,000.00) said funds included in the amount transferred in Article 25, for the first fiscal year of such agreement.**

**Vote Required: 2/3rds**

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 25**

**Article 25:** To see if the Town will vote to appropriate Eight Hundred Thirty Thousand Seven Hundred Seventy-One Dollars and No Cents (\$830,771.00) for a capital program of equipment purchases and improvements, including equipping of vehicles, and all incidental and related expenses for all other purchases, as generally described below, and to meet said appropriation by transferring said sum from previously certified and available Free Cash as shown in the chart below:

**CAPITAL ITEMS**

<u>Department</u>	<u>Item</u>	<u>Amount</u>
Fire	Equipment Upgrade	\$ 70,000.00
Fire	Squad 1 Truck Replacement	\$ 26,000.00
Police	Cruser Replacement	\$ 68,360.00
Police	Dispatch Console	\$ 21,196.00
Police	Building Security	\$ 49,595.00
Police	Rifle Replacement	\$ 12,049.00
Police	Taser Replacement	\$ 84,603.00
Police	Squad Room Renovations	\$ 17,000.00
U&F	Building Maintenance	\$ 50,000.00
Highway	Road Drainage	\$ 60,000.00
Highway	Salt Shed	\$125,000.00
Highway	Truck Lift	\$ 14,000.00
Highway	Front End Loader	\$150,000.00
Transfer Station	Security System	\$ 25,000.00

Parks and Recreation	Security Camera Upgrades	\$ 7,968.00
Parks and Recreation	Removal of Field Lights O’Gara Park	\$ 50,000.00

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

**Capital Improvement Planning Committee Recommendation: the Capital Improvement Planning Committee recommends approval; unanimous vote.**

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

**Motion – Article 25**

**I move to waive the reading and approve Article 25 as printed in the warrant.**

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 26**

**Article 26:** To see if the Town will vote to transfer Sixteen Thousand Five Hundred Thirty-Two Dollars and Thirty-Two Cents (\$16,532.32) from the accounts as shown in the table below to the Parks and Recreation Security Camera Account (Account # 60000-59354) for the purchase of additional security camera upgrades, at the Town’s parks, including all incidental and related expenses;

<b>Account From</b>	<b>Amount</b>	<b>Account To</b>
O’Gara Security System (Account# 60000-59293)	\$ 1,797.32	Parks and Recreation Security Cameras (Account# 60000-59354)
Skate Park Fence (Account# 60000-58032)	\$ 1,155.00	Parks and Recreation Security Cameras (Account# 60000-59354)
O’Gara Park Building Demolition (Account# 60000-58024)	\$ 550.00	Parks and Recreation Security Cameras (Account# 60000-59354)
Luther Bill Parking Building	\$ 1,030.00	Parks and Recreation Security Cameras (Account# 60000-59354)
O’Gara Park Field House	\$ 7,000.00	Parks and Recreation Security Cameras (Account# 60000-59354)
Parks and Recreation Powdermill Park Lights	\$ 5,000.00	Parks and Recreation Security Cameras (Account# 60000-59354)
<b>Total</b>	<b>\$16,532.32</b>	

or to take any other action relative thereto. *(Sponsored by the Parks and Recreation Commission)*

**Capital Improvement Planning Committee Recommendation: The Capital Improvement Planning Committee recommends approval; unanimous vote.**

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

### **Motion – Article 26**

**I move to waive the reading and approve Article 26 as printed in the warrant.**

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

### **ARTICLE 27**

**Article 27:** To see if the Town will vote to amend the Town of Spencer Zoning Bylaws by deleting the text shown in ~~strike through~~ and inserting the underlined text, as follows:

A. Amend Section 2.2, Definitions to add the new definitions as follows:

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this bylaw, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE SYSTEM (BESS): One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. The facility must comply with the State's most current electrical code (527 CMR. 12.00) and the State's most current Fire Code (527 CMR 1.00 and NFPA 855). A Battery Energy Storage System is classified a Tier 1, Tier 2, Tier 3, or Tier 4 BESS as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity equal to 250KWh or less and are designed and used to store energy from residential solar energy systems in a room or enclosed structure, consisting of only a single energy storage system technology.
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity equal to 250KWh or less and are designed and used to store energy from commercial solar energy systems in a room or enclosed structure, consisting of only a single energy storage system technology.
- C. Tier 3 Battery Energy Storage Systems are interconnected to high voltage

transmission lines and have an aggregate energy capacity greater than 250 KWh but less than or equal to 10 MWh.

- D. Tier 4 Battery Energy Storage Systems are interconnected to high voltage transmission lines and have an aggregate energy capacity greater than 10 MWh.

DEDICATED-USE BESS BUILDING: A building that houses battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

1. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
2. No other occupancy types are permitted in the building.
3. Personnel in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
4. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
  - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
  - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

B. Amend Section 4.2 Use Table, Principal Uses, as follows:

1. Add subsection H.12.

Zoning District	RR	SR	LR	VR	TC	C	I	Refer to Section
<u>12</u> Solar Canopy	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>SPP</u>	<u>Y</u>	<u>Y</u>	<u>4.8.9</u>

C. Amend Section 4.8.9 Solar Photovoltaic Generating Installations, as follows:

1. Add definition for Solar Canopy under 4.8.9.C, Definitions.

Solar Canopy: An overhead roof or an overhanging structure over which fabric or metal covering is attached, able to provide shade or shelter from weather conditions such as sun, hail, snow, and rain.

2. Amend Section 4.8.9.F.5 as follows:

5. Name, address, and contact information for proposed system installer and subject matter expert.

3. Amend Section 4.8.9.F.16 as follows:

(f) Locations of Floodplain area, as well as Aquifer Protection District (Zone 2), wellhead protection areas, surface water supply protection areas

4. Add sections (k) and (l) to Section 4.8.9.F.16 as follows:

(k) Location of natural and cultural resources, including active farmland, and prime farmland soils.

(l) Locations of inventoried historic buildings, Local or National Register Historic Districts, and Scenic Roads or Byways; and archaeologically sensitive areas.

5. Amend Section 4.8.9.G.10 to add subsections (a) and (b) as follows:

10. Impact on Agricultural and Environmentally Sensitive Land - The Photovoltaic Generating Installation shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible. No more than 50-percent of the total land area proposed for the solar electric field may be occupied by the solar panels, with the remainder of the land remaining as undeveloped open space left in its natural state.

(a) LSGMSPGI shall not be located on any parcel that contains 50% or more of Priority Habitat, Core Habitat or Critical Natural Landscape as defined in 225 CMR 20.00 Solar Massachusetts Renewable Target (SMART) Program, nor shall any trees be removed, or construction of structures, access roads or transmission lines may be placed in these designated areas.

(b) In the RR zoning district an LSGMSPGI shall be located on previously disturbed areas, provided that the special permit granting authority may approve undisturbed area in addition to the use of available disturbed area as set forth herein.

Previously disturbed areas shall mean land that meets any one of the following conditions at the time of adoption of these bylaws:

1. Land where the original grade and native material has been altered and/or removed for previous development.
2. Land where ALL existing vegetation has been removed for previous development.
3. Land utilized for sand, gravel or rock excavation.

4. Land that has been utilized for agricultural purposes.

Land that has been utilized for Silviculture, whether under the Massachusetts Forest Cutting Practices Act (FCPA) or not, or for any of the activities exempt under the FCPA, shall not be considered previously disturbed areas.

If less than 20 acres of contiguous or nearly contiguous previously disturbed area is not present on the lot, then land clearing of up to 5 acres of undisturbed area is may be allowed for the installation. The acreage for clearing of undisturbed area may be increased to a maximum of 10 acres pursuant to waiver request from the developer and approval of the Board as authorized under Section 4.8.9.H. At least 50% of the area of any such installation, with or without a waiver, shall be located on previously disturbed areas.

6. Amend Section 4.8.9.G.11 as follows.

11. Drainage-Stormwater and Erosion Control. - The design shall minimize the use of concrete and other impervious materials to the greatest extent possible, to minimize erosion and transport of sediment, and prevent contamination of surface water and groundwater from operations on the premises involving the use, storage, handling, or containment of hazardous substances. A permit in accordance with the Spencer Erosion and Sediment Control for Stormwater Management shall be required and can be shall run concurrent with the approval process under this section, in accordance with the Spencer Stormwater Regulations.
- a) Proposed stormwater management plans detailed below shall conform to the more stringent of any conditions or standards of this subsection and the Department of Environmental Protection's Massachusetts Stormwater Handbook and Spencer Stormwater Regulations, as amended.
  - b) All stormwater infrastructure shall be owned and maintained by the owner of the installation and shall be located on the same parcel as the solar installation.
  - c) All post-development stormwater, up to and including a 50-year return frequency 24-hour storm, shall be retained on the parcel site and infiltrated into the soil thru low impact development, retention and infiltration basins. At no time may stormwater be carried off site.
  - d) Emergency overflows for storms in excess of the 50-year return frequency may be permitted provided it is demonstrated that no flooding or damage would be caused by the overflow. Attenuation of the discharge may be required as determined by the Special Permit Granting Authority.



- e) All pipes, catch basins and other materials utilized in the stormwater facilities shall be approved by the Spencer U&F Superintendent or his designee.
- f) Stormwater Management Plan
  - i. The Stormwater Management Plan (two paper copies and one electronic copy in PDF format required) with the permit application shall contain sufficient information for the Special Permitting Granting Authority to evaluate the environmental impact and effectiveness of the measures proposed for retaining stormwater on the parcel site.
  - ii. The Stormwater Management Plan shall fully describe the project in drawings, narrative and calculations. It shall include:
    - a. The site's existing and proposed topography with contours at 2-foot intervals;
    - b. A description and delineation of existing stormwater conveyances, impoundments, environmental resources on or adjacent to the site into which stormwater could flow;
    - c. A delineation of 100-year flood plains, if applicable;
    - d. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;
    - e. The existing and proposed vegetation and ground surfaces with areas and runoff coefficients for each;
    - f. Calculations for the 2-year, 10 year, 50 year and 100 year return period utilizing NCRS TR 55 Handbook. Pipe sizes, depth of flow, capacities and velocities shall be included;
    - g. All pipes shall be a minimum 12-inch diameter.
    - h. A drainage area map showing pre- and post-construction watershed boundaries, area and stormwater flow paths at a scale that enables verification of supporting calculations;
    - i. A recharge area analysis that calculates pre-and post-project annual groundwater recharge rates on the parcel;
    - j. A description and drawings of all components of the proposed stormwater management system;

- k. Hydrologic and hydraulic design calculations for the pre-development and post- development conditions for the design storms specified in the Massachusetts Stormwater Handbook;
  - l. Soils information from test pits performed at the location of proposed Stormwater Management facilities, including soil descriptions, depth to seasonal high groundwater and depth to bedrock. Soils information will be based on site test pits logged by a Massachusetts Certified Soil Evaluator.
- g) To ensure proper containment and stabilization of the site during the construction phase, a Stormwater Pollution plan to control construction-related impacts, including erosion, sedimentation, and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) shall be developed and implemented. Such plan shall be developed to document compliance with Standard 8 of the Massachusetts Stormwater Handbook.
- h) A Long -Term Stormwater Operation and Maintenance (O&M) Plan shall be developed and implemented to ensure that stormwater management systems function as designed. Such plan shall be developed to document compliance with Standard 9 of the Massachusetts Stormwater Handbook and the Spencer Stormwater Regulations, and shall contain the following:
- a. Stormwater management system(s) owners;
  - b. The party or parties responsible for operation and maintenance of all aspects of the stormwater management system;
  - c. The routine and non-routine maintenance tasks to be undertaken after construction is complete and a schedule for implementing those tasks;
  - d. A plan that is drawn to scale and shows the location of all stormwater BMPs;
  - e. A schedule for routine inspections as well as a description of storms that would trigger immediate inspections following the storm;
  - f. An inspection and maintenance log form
  - g. An estimated stormwater operations and maintenance budget.
  - h. Permission from the operator to allow agents of the Town of Spencer to enter and inspect the premises to evaluate and ensure that the responsibility party complies with the Long-Term Stormwater Operation and Maintenance Plan requirements for each BMP.

- i) During times of construction and post-construction where stormwater generated from the project area may inadvertently enter the public way, the developer (owner) shall be responsible for direct costs incurred by the Town, including but not limited to stormwater related clean up, sanding, salting, street sweeping or other necessary management when required for the protection of public health and safety, and repair and/or reconstruction of damaged facilities.

E. Amend Section 5.5.2 as follows:

5.5.2 *Exempted elements of a structure.* The maximum height limitation shall not apply to chimneys, TV antennae, towers, ventilators, tanks, silos, roof-mounted solar photovoltaic generating installation, or other such elements, provided that such elements are constructed or erected so as to fall within the boundaries of the lot upon which the structure is located in the event of collapse. In no case shall any element of any structure exceed 51 feet in height from the average of the finished ground level adjoining the structure without a special permit from the Zoning Board of Appeals. The ZBA must make a finding that the requested increase will not be detrimental to the surrounding properties and it will be in harmony with the general purpose and intent of the Zoning Bylaw.

or to take any other action relating thereto. *(Sponsored by the Planning Board)*

**Planning Board Recommendation:** the Planning Board recommends approval; unanimous vote.

**Finance Committee Recommendation:** The Finance Committee recommends approval; unanimous vote.

## MOTION – ARTICLE 27

**I move to waive the reading and approve Article 27 as printed in the warrant.**

**Vote Required:** 2/3rds

**Motion Made By:**

**Motion Seconded By:**

## ARTICLE 28

**Article 28:** To see if the Town will vote to amend the Town of Spencer Zoning Bylaws by deleting the text shown in ~~strike through~~ and inserting the underlined text, as follows:

A. Amend Section 4.2 Use Table, Principal Uses to add new subsections H.10 and H.11 as follows:

Zoning District		RR	SR	LR	VR	TC	C	I	Refer to Section
10	<u>Agrivoltaics (Dual-use Solar Photovoltaic Generating Installation) Farm at least 5 acres in size</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>4.8.9</u>
11	<u>Agrivoltaics (Dual-use Solar Photovoltaic Generating Installation) Farm less than 5 acres in size</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>N</u>	<u>N</u>	<u>SPP</u>	<u>SPP</u>	<u>4.8.9</u>

B. Amend Section 4.8.9 Solar Photovoltaic Generating Installations, as follows:

1. Amend Section 4.8.9.C to add the following definitions:

Agrivoltaics: The simultaneous use of land for both solar photovoltaic power generation and agriculture such that the solar generating installation will not interfere with the continued use of the land beneath the canopy for continuous growth of crops and use of labor and/or machinery as it relates to tilling, cultivating, soil amendments, harvesting, and grazing animals.

Dual-Use Solar: See definition for Agrivoltaics.

Prime Farmland: Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding. – National Resource Conservation Service (NRCS) of the U.S. Department of Agriculture (USDA) - digital soils maps created by Natural Resources Conservation Service, U.S. Department of Agriculture, can be found at <https://www.mass.gov/info-details/massgis-data-soils-ssurgo-certified-nrcs>

2. Amend Section 4.8.9.E as follows:

E. The Photovoltaic Generating Installation’s owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to

a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the Solar Photovoltaic Generating Installation and any access road(s). The owner or operator shall maintain the property's landscaping. Grass shall not exceed a height of 24", except for where it may be waived for agrivoltaic installations. (Amended 11/10/2022 Art. 10)

3. Amend Section 4.8.9.G.1 as follows:

(b) 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.

(c) Maximum Height of Structures

- Residential Districts: 10'
- Non-Residential Districts: 15'
- Agricultural Uses: 20'

4. Amend Section 4.8.9.G.89 as follows:

8. Vegetation Management - Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation at the Photovoltaic Generating Installation. Mowing, grazing or using geotextile materials underneath the solar array are possible alternatives. In the Aquifer Protection District, low growing grasses are optimal. Other grasses must be regularly mowed or grazed so as to minimize the amount and height of "fuel" available in case of fire. Herbicides, pesticides, or chemical fertilizers shall not be regulated for agrivoltaic installations.

5. Amend Section 4.8.9.G to add a new subsection 17 as follows:

17. Requirements for Agrivoltaic Structures.

No LSGMSPGI over five acres in size shall be located on land that is categorized as Prime Farmland or Farmland of Statewide Importance (in accordance with Natural Resources Conservation Service, USDA mapping and criteria) and is being actively farmed or has been actively farmed in the last five years, except unless the landowner or LSGMSPGI developer or applicant can demonstrate to the Planning Board that it has analyzed the financial and technical feasibility of Agrivoltaics and has found that an Agrivoltaic installation is not financially or technically feasible on the property. In order to make such a demonstration, the landowner, LSGMSPGI developer or applicant shall engage the services of a professional in Agrivoltaics such as a soil scientist, an agronomist, or other credentialed professional to demonstrate that an Agrivoltaics installation is not financially or

technically feasible on the property in question. In such case, the solar array shall leave space for future farming activity.

For all land that is Prime Farmland or Farmland of Statewide Importance, regardless of current use or size of the array, soil shall be managed and conserved, so that the land remains suitable for future farming activities.

1. For Agrivoltaic structures, a farm plan shall be prepared by a qualified agricultural expert that is deemed acceptable by the Planning Board. This plan shall adequately demonstrate the feasibility of an agricultural operation within the area of the solar array infrastructure including the use of and access necessary to provide water, labor, and equipment necessary to facilitate such dual use system.
2. The following soil management requirements, design, and reporting requirements shall apply to all Agrivoltaic installations installed on Prime Farmland and Farmland of Statewide Importance, which is being actively farmed or has been actively farmed in the last five years.
  - a) Conduct a baseline soil health analysis by a qualified soil scientist, in accordance with standards established by the Natural Resources Conservation Service of the USDA, such as Soil Health Technical Note No. 450-06, Cropland In-Field Soil Health Assessment Guide, or equivalent, prior to construction; submit the baseline soil health analysis to the Planning Board during the permitting process, prior to receiving approval;
  - b) Submit a plan for minimizing soil disturbance during construction including grading, compaction, soil removal and soil replacement:
    - a) Avoid grading, cuts and fills, topsoil removal; avoid the addition of offsite soil without prior approval from the Planning Board;
    - b) Avoid disturbing existing level field areas; utilize existing farm roads, field edges and light construction equipment to minimize soil compaction and disturbance. Reduce road widths to 12 feet, with approval by the Spencer Fire Department.
    - c) Where soils need to be graded, leveled and smoothed, such as filling potholes, this shall be done with minimal overall impact, with all displaced soils returned to the areas affected;

- d) Temporarily halt use of heavy construction equipment following heavy rain storms or a large storm event, when soils are saturated; the site shall be inspected and necessary corrections made prior to resuming construction.
  - e) Seed/overseed entire site with cover crops/green manure crops prior to any construction.
3. No concrete or asphalt shall be used under the solar arrays, except under battery storage units or other necessary electrical equipment pads; this shall not apply to access roads, which may be constructed using asphalt or gravel, to the extent required to create stable access roads;
  4. Conduct a second soil health analysis by a qualified soil scientist, as described above, after construction is complete, to ensure that soil quality has not been degraded and that soils have not been unduly compacted. If soil quality has been degraded or if soils have been unduly compacted, making the soils unsuitable for future agricultural operations, applicant shall submit a plan to the Special Permit Granting Authority to correct the damage. A bond may be required.

or to take any other action relating thereto. *(Sponsored by the Planning Board)*

**Planning Board Recommendation:** the Planning Board recommends approval; unanimous vote.

**Finance Committee Recommendation:** The Finance Committee recommends approval; voted 6 in favor, 4 opposed.

### **Motion – Article 28**

**I move to waive the reading and approve Article 28 as printed in the warrant.**

**Vote Required:** 2/3rds

**Motion Made By:**

**Motion Seconded By:**

### **ARTICLE 29**

**Article 29:** To see if the Town will vote to amend the Town of Spencer Zoning Bylaws by deleting the text shown in ~~strike through~~ and inserting the underlined text, as follows:

A. Amend the Town of Spencer Zoning Bylaw, Section 4.2 Use Table, Principal Uses to add new subsections H.13 through H.16 as follows:

Zoning District	RR	SR	LR	VR	TC	C	I	Refer to Section
<u>13</u> <u>Tier 1 Residential Energy Storage Systems</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>4.8.10</u>
<u>14</u> <u>Tier 2 Battery Energy Storage System</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>4.8.10</u>
<u>15</u> <u>Tier 3 Battery Energy Storage System (stand alone)</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>4.8.10</u>
<u>16</u> <u>Tier 4 Battery Energy Storage System (stand alone)</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>4.8.10</u>

B. Amend Section 4.8.9 Solar Photovoltaic Generating Installations, as follows:

1. Amend Section 4.8.9.G.1.(b) as follows:

(b) 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.

~~An Energy Storage System shall have a setback from front property lines and public ways of at least 300 feet, and a setback from side, and rear property lines and public ways of at least 200 feet. If the solar installation abuts an open field, farm, or pasture the battery storage shall have a setback from front, side, and rear property lines and public ways of at least 400 feet. (Amended 11/10/2022 Art. 10)~~

2. Amend Section 4.8.9.G.16 as follows:

16. Battery Energy Storage System: Applicant-Developer shall submit plans for proposed on-site BESS's for review by the Spencer Fire Department and by such consultants as deemed necessary by the Planning Board, at the expense of the applicant. Plans shall include but not be limited to storage unit specifications, battery type, battery storage configuration, and fire extinguishing system. Battery Energy Storage Systems shall meet the additional requirements set forth by Section 4.8.10 of this bylaw.



- ~~1. Safety Data Sheets (SDS) shall be included and meet the requirements set forth by appendix D of 29 CFR 1910.1200.~~
- ~~2. The energy storage system shall be equipped with a fire suppression system capable of extinguishing a fire within the container, and immediate notification of the LSSI owner, the Spencer Fire Department and the Spencer Police Department.~~
- ~~3. Energy storage units shall comply with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems, and will all applicable state and federal regulations.~~
- ~~4. Energy Storage System (ESS) capacity shall not exceed the total nameplate capacity of the permitted LSGMSPGI. Example: an LSSI rated at 20kWh shall not install battery storage exceeding a total capacity of 20 kWh.~~

C. Delete existing Section 4.8.10 and replace it with a new Section 4.8.10. Battery Energy Storage Systems (BESS) as follows:

**4.8.10 Battery Energy Storage Systems (BESS)**

A. **Purpose.** The purpose of this bylaw is to provide for the construction and operation of Battery Energy Storage Systems (BESS) and to provide standards for the placement, design, construction, monitoring, modification, and removal of energy storage systems that address public safety, protection of the Town and private drinking water supply, minimize impacts on scenic, natural and historic resources of the Town of Spencer, and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections when considering applications providing for the construction, operation, and/or repair of Battery Energy Storage Systems.

B. **Definitions.** – Refer to definitions in Section 2.2.

C. **Applicability.**

1. Building-integrated Battery Energy Storage Systems

- a.) Battery Energy Storage Systems that are building-integrated, whether a residential or commercial building, shall not be erected, constructed, installed, or modified as provided in this section without first obtaining a building permit from the Building Inspector.
- b.) Building-integrated battery energy storage systems may be coupled with rooftop solar or behind the meter applications for peak saving.
- c.) Building-integrated battery energy storage systems may be located in any zoning district of the Town of Spencer.

2. Co-located Battery Energy Storage Systems

- a.) Battery Energy Storage Systems co-located with on-site solar power generation shall be permitted in the same districts as LSGMSPGI's by Special Permit and Site Plan Review.
  - b.) The storage capacity of a co-located BESS shall not exceed the maximum generation capacity of the co-located solar photovoltaic installation.
3. Battery Energy Storage systems not co-located with on-site solar generation shall be permitted in all zoning districts, by special permit and site plan review from the Planning Board. Battery Energy Storage Systems not co-located with on-site solar generation are prohibited in the Aquifer Protection Overlay District.
- a.) If nameplate capacity of an Energy Storage system increases after a Certificate of Decision is issued by the Planning Board, the owner/applicant shall file a request to amend the Decision.
  - b.) Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this bylaw.

#### **D. General Requirements**

1. Applicant-Developer shall submit plans for proposed on-site battery storage unit(s) for review by the Spencer Fire Department and by such consultants as deemed necessary by the Planning Board, at the expense of the applicant. Plans shall include but not be limited to storage unit specifications, battery type, battery storage configuration, and fire extinguishing system. (Added under Section 4.8.9 11/10/2022 Art. 10)
  - a.) Safety Data Sheets (SDS) shall be included and meet the requirements set forth by appendix D of 29 CFR 1910.1200.
  - b.) The energy storage system shall be equipped with a fire suppression system capable of extinguishing a fire within the container, and immediate notification of the Large-Scale Solar Installation owner, the Spencer Fire Department and the Spencer Police Department.
  - c.) Energy storage systems shall comply with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems, and with all applicable state and federal regulations.
2. In accordance with Section C above, all Tier 2, Tier 3 and Tier 4 battery energy storage systems shall require a special permit and site plan approval by the Planning Board prior to construction, installation, or modification as provided in this bylaw.

3. The construction, operation, and decommissioning of all battery storage energy storage systems shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable environmental, safety, construction, fire, and electrical requirements.
4. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.

E. **Application Materials.**

1. In addition to requirements of Section 7.2 Special Permits and Section 7.4 Site Plan Review, the application for a special permit under this Section 4.8.10 shall include the following:
  - a.) A site plan prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts, that shows the following:
  - b.) An existing condition plan with property lines and physical features, including topography and roads, characteristics of vegetation (trees-mature, old growth, shrubs, open field, etc.), wetlands, streams, ledge, for the project site:
    - 1) Proposed changes to the landscape of the site, including grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures, driveways, snow storage, and storm water management systems; including total acreage of disturbed area, total vegetation cleared, not including mowed fields;
    - 2) Trees with a DBH of 20” or greater within project parcel(s) shall be identified to determine tree loss, along with inventorying of diseased or hazard trees slated to be removed due to proposed development;
    - 3) An aerial photo showing the existing conditions, dated no less more than three months prior to the date of application;
    - 4) Property lines and physical dimensions of the subject property with contour intervals of no more than 10 feet;
    - 5) Property lines of adjacent parcels within 300 feet.
    - 6) Location, dimensions, and types of existing major structures on the property;
    - 7) Location of the proposed battery energy storage structures, foundations, and associated equipment;

- 8) The right-of-way of any public or private road that is contiguous with the property;
  - 9) Any overhead or underground utilities;
  - 10) At least one color photograph of the existing site, measuring eight (8) inches by ten (10) inches;
  - 11) Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the DEP;
  - 12) Locations of floodplains or inundation areas for moderate or high hazard dams;
  - 13) Locations of local or National Historic Districts; and
  - 14) Stormwater management and erosion and sediment control.
- c.) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed, including manufacturer and model. A final equipment specification sheet shall be submitted prior to the issuance of building permit;
  - d.) One- or three-line electrical diagram showing associated components, and electrical interconnection methods, with all NEC compliant disconnects and overcurrent devices;
  - e.) Contact information and signature of the project proponent, as well as all co-proponents, if any, and all property owners;
  - f.) Contact information and signature of agents representing the project proponent, if any;
  - g.) Contact information for the person(s) responsible for public inquiries throughout the life of the system;
  - h.) An operations and maintenance plan for Battery Energy Storage System. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information;
  - i.) Battery Energy Storage System technical specifications, including manufacturer and model;

- j.) Electrical schematic, including rated nameplate capacity;
- k.) Documentation that shows the owner of the Energy Storage System has site control, which shall include easements and access roads;
- l.) Documentation that shows the owner of the Energy Storage System has notified the electric utility of this installation.
- m.) Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the Spencer Fire Department, and the Town's fire code official (Building Inspector). A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
  - 1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe startup following cessation of emergency conditions.
  - 2. Procedures for inspection and testing of associated alarms, interlocks, and controls. This includes hazmat appliances for conducting atmospheric monitoring with a scientific officer to support.
  - 3. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
  - 4. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
  - 5. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
  - 6. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including

maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

7. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.

8. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

a. Trainings must be provided and organized by the applicant.

n.) Proof of liability insurance: The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and property caused by the failure of the system.

o.) A noise study, prepared by a qualified individual with experience in environmental acoustics, to assess the impact of all noise sources generated from the project to abutting properties, and determine the appropriate layout, design, and control measures. The report should include details of assessment methods, summarize the results, and recommend the required outdoor as well as any indoor control measures.

#### F. Design and Site Standards

1. In addition to the standards for Special Permit and Site Plan Review in the Zoning Bylaw, the applicant shall adhere to the following standards and provide such information on the site plan:

a) Utility Lines. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility.

b) Signage. The signage shall include the type of technology associated with the systems, any special hazards associated, the type of suppression system installed, and 24-hour emergency contact information. All information shall be clearly displayed on a light reflective surface. Clearly visible warning signs concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

c) Lighting. Lighting of the systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

- d) Setbacks. Battery Energy Storage System shall have a setback from front property lines and public ways of at least 300 feet, and a setback from side, and rear property lines and public ways of at least 200 feet. If the solar installation abuts an open field, farm, or pasture the battery storage shall have a setback from front, side, and rear property lines and public ways of at least 400 feet.
- e) Fire protection. Battery Energy Storage Systems not co-located with solar photovoltaic installations shall be located on properties serviced by the public water system or by a water supply acceptable to the Planning Board and Spencer Fire Department.
- f) Radius bounds. The outer boundary of a 100' radius of the Battery Energy Storage System shall be marked and maintained to indicate a safety distance for fire protection. The location and type of marker shall meet the standards of the Spencer Fire Department.
- g) Vegetation and Tree-Cutting. Areas within ten (10) feet on each side of a system shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees or shrubbery and cultivated ground covers such as green grass, ivy, succulents, or similar plants shall be exempt provided that they do not form a means of readily transmitting fire. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the system and that which is otherwise prescribed by applicable bylaws and regulations.
- h) Noise. Noise generated by Photovoltaic Generating Installations and associated equipment and machinery shall conform to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10. A source of sound will be considered in violation of said regulations if the source:
  - (a) Increases the broadband sound level by more than 10 db(A) above ambient, or
  - (b) Produces a "pure tone" condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more.

Said criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours, unless established by other means with the consent of the DEP.

## G. Safety

1. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
  - a. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
  - b. UL 1642 (Standard for Lithium Batteries),
  - c. UL 1741 or UL 62109 (Inverters and Power Converters),
  - d. Certified under the applicable electrical, building, and fire prevention codes as required.
  - e. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

## H. Special Permit Criteria

1. The Planning Board may approve an application if the Board finds that the system complies with the Site Plan Review and Approval criteria and with the conditions for granting Special Permits. Battery energy storage systems shall also satisfy the following additional criteria:
  - a. Environmental features of the site are protected, and surface runoff will not cause damage to surrounding properties or increase soil erosion and sedimentation of nearby streams and ponds.
  - b. The Planning Board may impose conditions as it finds reasonably appropriate to safeguard the town or neighborhood including, but not limited to, screening, lighting, noise, fences, modification of the exterior appearance of electrical cabinets, battery storage systems, or other structures, limitation upon system size, and means of vehicular access or traffic features.
  - c. No occupancy ~~permit~~ shall be allowed by the Building Commissioner, nor shall the site be energized or interconnected to the utility until the Planning Board has received, reviewed, and approved an as-built plan that demonstrates that the work proposed on the approved site plan, including all stormwater management components and associated offsite improvements, have been completed in accordance with the approved plan and certified same to the Building Commissioner.



- d. The Planning Board may, in its discretion, approve an as-built plan upon provision of a type of surety as determined by the Planning Board, to secure incomplete work where such work is not immediately necessary for lawful operation of the system without negative effect on public health and safety and surrounding properties.
- e. The applicant shall make every effort to coordinate necessary surveying and finalization of the as-built plans and submission of required construction control documents prior to the conclusion of construction. Notwithstanding the above, a temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work imposed by the Board.

#### I. Decommissioning

- 1. As part of the applicant's submission to the Board, the applicant shall submit a decommissioning plan, to be implemented upon abandonment or in conjunction with removal from property. The plan shall include:
  - a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the property.
  - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.
  - c. The anticipated life of the battery energy storage systems.
  - d. The estimated decommissioning costs and how said estimate was determined.
  - e. The method of ensuring that funds will be available for decommissioning and restoration.
  - f. The method by which the decommissioning cost will be kept current.
  - g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.
  - h. A listing of any contingencies for removing an intact operational battery energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

2. Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain for the life of the facility a fund or bond payable to the Town, , in form and an amount to be determined by the SPGA, securing removal of the battery energy storage system. All costs of the financial security shall be borne by the applicant. The amount shall include a mechanism for calculating increased removal costs due to inflation.
  3. An inspection of the completed decommissioned area shall be reviewed by a consultant hired by the Planning Board before approving the decommissioning work in accordance with the Decommissioning Plan. The owner and/or operator shall pay for the cost of this review with such payment being provided by the owner and/or operator prior to the consultant undertaking said review, in accordance with MGL Chapter 44, Section 53G.
- J. Abandonment. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than twelve (12) months. The system shall be presumed abandoned if the owner and/or operator fails to respond affirmatively within thirty (30) days to a written inquiry from the Building Inspector as to the continued validity and operation of the system. If the owner or operator fails to comply with decommissioning upon any abandonment, the Town, may, at its discretion, access the decommissioning funds for the removal of a system and restore the site in accordance with the decommissioning plan.
- K. Severability. If any provision of this By-Law is found to be invalid by a court of competent jurisdiction, the remainder of this By-Law shall not be affected but remain in full force. The invalidity of any provision of this By-Law shall not affect the validity of the remainder of the Spencer Zoning By-Law.

Or to take any other action relating thereto. *(Sponsored by the Planning Board)*

**Planning Board Recommendation:** the Planning Board recommends approval; unanimous vote.

**Finance Committee Recommendation:** The Finance Committee recommends approval; unanimous vote.

### **Motion – Article 29**

**I move to waive the reading and approve Article 29 as printed in the warrant.**

**Vote Required:** 2/3rds

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 30**

**Article 30:** To see if the Town will vote to amend Article 9 of the Town’s General Bylaws, entitled Animal Control, with deletions in strikethrough and additions in bold underline all as set forth below; or take any other action relative thereto.

**TOWN’S GENERAL BYLAW 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 June 30 for a licensing period of July 1 through June 30 of the following calendar year. 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 license for licensing after July 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 . . . . . \$10.00
- b. Individual Dog, intact . . . . . \$15.00
- c. Kennel, 4 dogs . . . . . \$30.00
- d. Kennel, 5-10 dogs . . . . . \$50.00
- e. Kennel, over 10 dogs . . . . . \$70.00
- f. Late fee after July 1. . . . . \$15.00
- g. Demand fee after August 1. . . . . \$25.00
- h. Ticket issued after September 1 . . . . . \$50.00

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 \$50.00 for the impoundment and ~~\$15.00~~ **\$30.00** per day for the care of the dog; 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.

No person shall permit any dog owned, kept or controlled by them to continuously bark in excess of twenty minutes consecutive.

No person shall fail to cause any dog or cat, six months of age or older, owned or kept by them, to be vaccinated against rabies by a licensed veterinarian and revaccinated at intervals recommended by the vaccine manufacturer. The vaccination tag shall be secured to the collar or harness to be worn by the dog or cat.

The owner or keeper of a dog that has been deemed a Nuisance or Dangerous by the Board of Selectmen after a hearing, shall comply with all mitigation remedies ordered by the Board.

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. 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 regard 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:

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.

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

### **Motion – Article 30**

**I move to waive the reading and approve Article 30 as printed in the warrant.**

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

### **ARTICLE 31**

**Article 31:** To see if the Town will vote to authorize the Board of Selectmen to enter into lease purchase financing agreements, pursuant to General Laws, Chapter 44, Section 21C, for a period of up to or in excess of three years, for the acquisition of a new Front End Loader for the Spencer Highway Department, including all other incidental and related expenses, and to transfer from available and previously certified Free Cash the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00), said funds included in Article 25 for the first fiscal year of such agreement; or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Capital Improvement Planning Committee Recommendation: the Capital Improvement Planning Committee recommends approval; unanimous vote.**

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

### **Motion – Article 31**

**I move the Town vote to authorize the Board of Selectmen to enter into a lease purchase financing agreement, pursuant to General Laws, Chapter 44, Section 21C, for a period of up to or in excess of three years, for the acquisition a new Front End Loader for the Spencer Highway Department, including all other incidental and related expenses, and to transfer from available and previously certified Free Cash the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00), said funds included in Article 25, for the first year of such agreement.**

**Vote Required:** 2/3rds

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 32**

**Article 32:** To see if the Town will vote to appropriate One Hundred Thirteen Thousand Nine Hundred Thirty-Two Dollars and Ninety-One Cents (\$113,932.91) for the payment of debt service on the Massachusetts Clean Water Trust Bond Issue Series 25 State Revolving Fund Loan, Clean Water Project 21-48-A, and to meet said appropriation by transferring from previously certified and available retained earnings of the Sewer Enterprise Fund to Account #20000-59000 (Sewer Department Debt Service); or take any other action in relation thereto. *(Sponsored by the Board of Sewer Commissioners).*

**Finance Committee Recommendation:** The Finance Committee recommends approval; unanimous vote.

**Motion – Article 32**

**I move to waive the reading and approve Article 32 as printed in the warrant.**

**Vote Required:** Majority

**Motion Made By:**

**Motion Seconded By:**

**ARTICLE 33**

**Article 33:** To see if the Town will vote to appropriate One Million Two Hundred Ninety Two Thousand Four Hundred Seventy Dollars and Twenty-Nine Cents (\$1,292,470.29) for the payment of debt service on the Massachusetts Clean Water Trust Bond Issue Series 25 State Revolving Fund Loan, Clean Water Project 21-48 and to meet said appropriation by transferring from previously certified and available retained earnings of the Sewer Enterprise Fund to Account #20000-59000 (Sewer Department Debt Service); or take any other action in relation thereto. *(Sponsored by the Board of Sewer Commissioners).*

**Finance Committee Recommendation:** The Finance Committee recommends approval; unanimous vote.

### **Motion – Article 33**

**I move to waive the reading and approve Article 33 as printed in the warrant.**

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

### **ARTICLE 34**

**Article 34:** To see if the Town will vote to appropriate Twenty-Eight Thousand Dollars and No Cents (\$28,000.00) to the Fiscal Year 2024 Budget for Town Accountant General Expenses (Account #11135-57000) for costs associated for the implementation of the new Chart of Accounts, and other incidental and related expenses, 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)*

**Finance Committee Recommendation: The Finance Committee recommends approval; unanimous vote.**

### **Motion – Article 34**

**I move to waive the reading and approve Article 34 as printed in the warrant.**

**Vote Required: Majority**

**Motion Made By:**

**Motion Seconded By:**

### **ARTICLE 35 (CITIZEN’S PETITION)**

**Article 35:** To see if the Town will vote to adjust, commencing with fiscal year 2025, Clause 41C (M.G.L. c 59, §5, Clause 41C) eligibility requirements amended by Chapter 184 §41 of the Acts of 2022 to;

- Reduce the eligibility age from 67 to 65 years old, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2024, and;

- Increase the exemption amount from \$500 to \$750, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2024

Or take any other action relative thereto. (*Sponsored by Jonathan Viner and eleven (11) other interested citizens*).

**Finance Committee Recommendation: The Finance Committee will consider this article for recommendation just prior to the Annual Town Meeting on May 2, 2024.**

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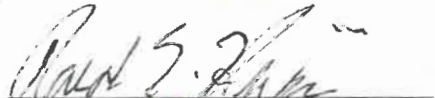


And you are directed to serve this warrant, by posting an attested copy in at least three (3) places seven (7) days at least before the time of holding said meeting.

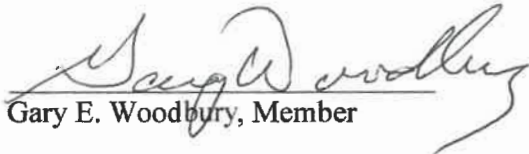
HEREOF FAIL NOT, and make do return of this warrant, with your doings thereof, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this 22<sup>nd</sup> day of April in the year of our Lord two thousand twenty-four.

  
John J. Howard, Chairman

  
Jared J.B. Grigg, Vice Chairman

  
Ralph E. Hicks, Clerk

  
Tony D. Pepe, Member

  
Gary E. Woodbury, 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.