**Town of Spencer**

**Annual Town Meeting Minutes**

**May 6, 2021**

**David Prouty High School Gymnasium**

1. The meeting was called to order at \_7.28\_p.m.
2. Announcement of a quorum.
3. Waive the Reading of the Return of the Warrant.
4. Declare that the meeting was posted in accordance of the law.
5. Review the procedure for being recognized, amending articles, and how articles would be presented and voted upon, noting that the Town Meeting is governed with guidance from “Town Meeting Time: A Handbook of Parliamentary Procedure,” and that a copy is available at the podium for reference. The Moderator reviewed the safety procedures for conducting the meeting, safety precautions, and dismissal procedure at the end of the Meeting to adapt to the COVID- 19 safety guidelines as drafted by local public safety and health departments.
6. Pledge of Allegiance led by Anne Gobi, State Senator.
7. National Anthem led by James Pervier
8. Moment of silence was held for :
9. Nomination of Diane Ledoux as Temporary Town Clerk made by Ralph Hicks, Motion by Mary Braney Seconded by Gary Woodbury. Vote carried.
10. The Moderator thanked: Laura Torti, Lisa Johnson, Tom Gregory, Tom Parker, Bill Locke, Dusty Snow, Wendy Berthiaume.
11. The Moderator introduced himself, the Town Clerk, members of the Board of Selectmen, and the Finance Committee.
12. Presentation of the Meritorious Service Award to Thomas Parker

**The following articles were then voted upon:**

**Article 1:** ***The Moderator declared the motion (Pepe/Woodbury) Motion carried by majority vote*** to, amend its Fiscal Year 2021 Operating Budget by appropriating the sum of One Hundred Thirty Five Thousand Five Hundred Dollars and No Cents ($135,500.00) to the following various accounts to cover additional expenses and further to transfer said sum from previously certified and available Free Cash to meet said appropriation:

|  |  |  |
| --- | --- | --- |
| **Department** | **Account #** | **Amount** |
| Snow and Ice Control Expenses | 11423-57000 | $81,000 |
| Police Salaries | 11210-51000 | $25,000 |
| Police Expenses | 11210-57000 | $5,000 |
| ODIS Expenses | 11250-57000 | $3,000 |
| Town Counsel | 11151-57000 | $15,000 |
| Town Accountant Expenses | 11135-57000 | $6,500 |
| **TOTAL** |  | **$135,500** |

or take any action in relation thereto. *(Sponsored by the Town Administrator) Finance Committee unanimouisly recommended approval.*

**Article 2**: ***The Moderator declared the motion (Pepe/Woodbury) Motion carried by majority 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. Jason Monette, Chairman of the Spencer-East Brookfield Regional School Committee presented the regional school report and update.

1. 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 2022, 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 2022 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 2022 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 2022 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 unanimously recommended approval.*

**Article 3:**  ***The Moderator declared the motion (Howard/Hicks) Motion carried*** ***by majority vote***, to, pursuant to the provisions of Chapter 44, Section 53E½ of the Massachusetts General Laws, as most recently amended, 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 2022 as shown below:

|  |  |
| --- | --- |
| **Fund** | **Spending Limit** |
| Planning Board | $50,000  |
| ODIS - Wiring Inspector | $50,000  |
| Parks & Recreation | $100,000  |
| Council on Aging | $20,000  |
| Celebrations Committee | $50,000  |
| Stormwater Management | $100,000  |

or take any other action in relation thereto. *(Sponsored by the Town Administrator) Finance Committee unanimously recommended approval.*

**Article 4: *The Moderator declared the motion (Howard/Hicks) Motion carried by majority vote,***  as a block, to fix or maintain the salaries of the elected officials for Fiscal Year 2022 as follows:

Board of Selectmen $ 0.00 Annually

Moderator $ 200.00 Annually

Board of Assessors $ 950.00 Annually

Town Treasurer/Collector $ 75,533.00 Annually

Town Clerk $ 73,331.00 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 unanimously recommended approval.*

**Article 5: *The moderator declared the motion (Pepe/Hicks) Motion carried by majority 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; and further, by inserting the new positions as shown in the bold text below and by removing the Town Clerk and the Treasurer & Collector positions from Grade 6 as shown in the bold text below:

(Informational Note: The rates in Schedule A generally increase by 2% each year)

**Schedule A**

|  |  |  |
| --- | --- | --- |
| Administrative Clerk (part time) | $17.20 | hourly |
| Animal Control & Inspection Officer | $38,607.00 | yearly |
| Animal Control On-Call (per diem basis) | $104.00 | daily |
| Clerk-of-the-Works I | $19.65 | hourly |
| Clerk-of-the-Works II | $21.50 | hourly |
| Clerk-of-the-Works III | $23.95 | hourly |
| Clerk-of-the-Works IV | $27.00 | hourly |
| Clerk-of-the-Works V | $31.90 | hourly |
| COA Outreach Worker | $19.30 | hourly |
| Election Inspectors | $14.25 | hourly |
| Recording Secretary (ODIS) | $16.50 | hourly |
| Election Wardens / Clerks | $14.75 | hourly |
| Engineering Aide I | $18.30 | hourly |
| Engineering Aide II | $20.70 | hourly |
| Facilities Maintenance Worker | $19.30 | hourly |
| Gas Inspector | $5,932.00 | yearly |
| Harbormaster | $1,082.00 | yearly |
| Laborer (Seasonal) | $15.60 | hourly |
| Library Page | $14.25 | hourly |
| Parks & Rec Waterfront Director | $22.50 | hourly |
| Parks & Rec Water Safety Instructor | $17.50 | hourly |
| Parks & Rec Head Lifeguard | $17.50 | hourly |
| Parks & Rec Lifeguard | $15.75 | hourly |
| Parks & Rec Parking Attendant | $14.25 | hourly |
| Parks & Rec Coordinator/Clerk | $18.75 | hourly |
| Plumbing Inspector | $5,960.00 | yearly |
| Police Dispatcher | $20.85 | hourly |
| Registrars | $1,428.00 | yearly |
| Sealer of Weights & Measures | $4,940.00 | yearly |
| SEMA, Director of Operations | $2,600.00 | yearly |
| SFD Deputy Chief | $10,000.00 | yearly |
| **SFD Captain - On-Call** | **$21.40** | **hourly** |
| **SFD Lieutenant - On-Call** | **$19.80** | **hourly** |
| SFD Firefighter - On-Call | $18.25 | hourly |
| **SFD Captain - Full Time** | **$54,378.00** | **yearly** |
| **SFD Lieutenant - Full Time** | **$53,311.00** | **yearly** |
| SFD Firefighter - Full Time | $52,265.00 | yearly |
| Transfer Station Monitor | $17.70 | hourly |
| Transfer Station Senior Monitor | $19.80 | hourly |

**Schedule B**

|  |  |
| --- | --- |
| **Grade** | **Job Title** |
| Grade 1 | Library Associate  |
| Grade 1 | Administration Clerk  |
| Grade 2 | Tree Warden |
| Grade 3 | Fire Dept Office Manager  |
| Grade 3 | Conservation Agent |
| Grade 3 | Reference/Circulation Librarian |
| Grade 4 | Executive Assistant - TA/BoS |
| Grade 4 | Children's Librarian / Assistant 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 6 | Town Accountant |
| **~~Grade 6~~** | **~~Town Clerk~~** |
| **~~Grade 6~~** | **~~Town Treasurer / Collector~~** |
| Grade 7 | Superintendent - Utilities & Facilities  |
| Grade 8 | Fire Chief |
| Grade 8 | Police Chief |
| **Elected** | **Town Clerk** |
| **Elected** | **Treasurer & Collector** |

**Schedule C**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Grade** | **Step 1** | **Step 2** | **Step 3** | **Step 4** | **Step 5** | **Step 6** | **Step 7** | **Step 8** |
|   |   |   |   |   |   |   |   |   |
| **1** | $19.14 | $19.52 | $19.91 | $20.50 | $21.12 | $21.76 | $22.63 | $23.76 |
| **2** | $21.04 | $21.46 | $21.89 | $22.55 | $23.24 | $23.92 | $24.89 | $26.12 |
| **3** | $23.16 | $23.62 | $24.08 | $24.82 | $25.55 | $26.34 | $27.39 | $28.74 |
| **4** | $25.47 | $26.00 | $26.50 | $27.29 | $28.11 | $28.96 | $30.12 | $31.63 |
| **5** | $28.03 | $28.58 | $29.15 | $30.03 | $30.92 | $31.84 | $33.12 | $34.78 |
| **6** | $33.62 | $34.29 | $34.98 | $36.03 | $37.11 | $38.22 | $39.75 | $41.74 |
| **7** | $40.35 | $41.16 | $41.98 | $43.23 | $44.53 | $45.86 | $47.71 | $50.08 |
| **8** | $48.41 | $49.38 | $50.37 | $51.89 | $53.44 | $55.04 | $57.24 | $60.11 |

or take any other action in relation thereto. *(Sponsored by the Town Administrator) Finance Committee unanimously recommended approval.*

The following people spoke on this article:

Kurt Nordquist, 8 Gale Dr. Made a motion to Amend: Delete SFD Captain – Full Time and SFD Lieutenant – Full Time from Schedule A.

Seconded by Danielle Gebo, 13 Brown Street

Amendment failed to carry.

Robert Parsons, SFD Chief;

Cory Lacaire Dep. Fire Chief SFD

Matthew Defosse, 7 Pauls Drive

Gary Woodbury, BoS

Corey Lacaire, 2 Salem Street

Ken Collette, 6 Sunset Lane**Ken Blood?????** 6 Sunset Ln.

**Article 6:** ***The Moderator declared the motion (Pepe/Hicks) Motion carried by majority vote*** to, transfer Six Thousand Eight Hundred Twenty Dollars and No Cents ($6,820.00) from the Police HVAC capital account (#60000-59356) to the Police Cruiser capital account (#60000-59355); or take any other action in relation thereto. *(Sponsored by the Town Administrator) Finance Committee unanimously recommended approval.*

**Article 7:** ***The Moderator declared the motion (Hicks/Howard) Motion carried by majority vote*** to, transfer Fifteen Thousand Dollars and No Cents ($15,000.00) from Parks and Recreation Salaries (Account #11640-51000) to Parks and Recreation Expenses (Account #11640-57000); or take any other action in relation thereto. *(Sponsored by the Parks and Recreation Commission and the Town Administrator) Finance Committee unanimously Recommended approval.*

**Article 8:** ***The Moderator declared the motion (Hicks/Howard) Motion carried by majority vote,*** to transfer Thirty Five Thousand Dollars and No Cents ($35,000.00) from Fire Department Salaries (Account #11220-51000) to Fire Department Expenses (#11220-57000); or take any other action in relation thereto. *(Sponsored by the Town Administrator) Finance Committee unanimously recommended approval.*

**Article 9: *The Moderator declared the motion (Woodbury/Howard) Motion carried by majority vote*** to, transfer Six Thousand Five Hundred Dollars and No Cents ($6,500.00) from Tree Warden Salaries (Account #11494-51000) to Tree Warden Expenses (Account #11494-57000); or take any other action in relation thereto.

*(Sponsored by the Town Administrator) Finance Committee unanimously recommended approval.*

**Article 10**: ***The Moderator declared the motion (Woodbury/Howard) Motion carried by majority vote,*** to transfer the sum of Two Thousand Eight Hundred Ninety Two Dollars and No Cents ($2,892.00) from FY2021 Sewer Expenses (Account #20000-57000) to FY2021 Sewer Salaries (Account #20000-51000); or take any other action in relation thereto. *(Sponsored by the Board of Sewer Commissioners and the Town Administrator) Finance Committee unanimously recommended approval.*

**Article 11*: The Moderator declared the motion (Woodbury/Howard) Motion carried by majority vote,*** to transfer from the PEG Access and Cable Related Fund authorized by General Laws Chapter 44, Section 53F¾, the sum of One Hundred Twenty Thousand Five Hundred Fifty Five Dollars and Two Cents ($120,555.11) as a grant to the Spencer Cable Access and PEG Channels. *(Sponsored by the Board of Selectmen) Finance Committee recommended approval by a vote of 6 in favor and 2 abstentions.*

**Article 12: *The Moderator declared the motion (Hicks/Pepe) Motion carried by majority vote,*** to appropriate the sum of Thirty Thousand Dollars and No Cents ($30,000.00) for 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 recommended approval – the roll call vote was 7 in favor and 1 opposed.*

**Article 13:**  ***The Moderator declared the motion (Hicks/Pepe) Motion carried by majority vote,***  to appropriate the sum of Twenty Thousand Dollars and No Cents ($20,000.00) to fund the FY2022 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 unanimously recommended approval.*

**Article 14:**  ***The Moderator declared the motion (Hicks/Pepe) Motion carried by majority vote,*** to appropriate the sum of Ten Thousand Dollars and No Cents ($10,000.00) for Town Administrator recruiting services, 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 Board of Selectmen) Finance Committee unanimously recommended approval.*

**Article 15: *The Moderator declared the motion (Pepe/Hicks) Motion carried by majority vote,*** to appropriate the sum of Twenty Thousand Nine Hundred Ninety Four Dollars and No Cents ($20,994.00) for the purpose of supplementing the General Stabilization Fund (Account #83000-39900), as authorized by General Laws, Chapter 40, Section 5B, and to meet said appropriation by transferring said sum from previously certified and available Free Cash; or take any action in relation thereto. *(Sponsored by the Town Administrator and the Board of Selectmen) Finance Committee unanimously recommended approval.*

**Article 16:** ***The Moderator declared the motion (Hicks/Woodbury) Motion carried by majority vote,*** to 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 2022 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 the sum of Nine Million Three Hundred Thirty One Thousand Six Hundred Thirty Two Dollars and No Cents ($9,331,632.00) for Fiscal Year 2022 for the following purposes:

|  |
| --- |
| Spencer-East Brookfield Regional School District Minimum Contribution |
| Account #11300-56000 | $7,409,310 |
| Spencer-East Brookfield Regional School District Additional Assessment |
| Account #11300-56000 | $80,986 |
|  |  |
| Spencer-East Brookfield Regional School District Transportation Assessment |
| Account #11300-56000 | $1,313,082 |
|  |  |
| Spencer-East Brookfield Regional High School Debt Service & Capital Assessment |
| Account #11300-56010 | $528,254 |

or take any other action in relation thereto. *(Sponsored by the Board of Selectmen) Finance Committee unanimousely recommended approval.*

**Article 17:** ***The Moderator declared the motion (Woodbury/Hicks) Motion carried by majority vote,***  to raise and appropriate the sum of One Million Four Hundred Forty One Thousand Five Hundred Sixty Eight Dollars and No Cents ($1,441,568.00) for Fiscal Year 2022 for the following purposes:

|  |
| --- |
| Bay Path Regional Vocational Technical High School Minimum Contribution |
| Account #11300-52000 | $1,274,375 |
|  |  |
| 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 | $39,764 |
|  |  |
| Bay Path Regional Vocational Technical High School Debt Serv. & Capital Assessment |
| Account #11300-52000 | $127,429 |

or take any action in relation thereto. *(Sponsored by the Board of Selectmen) Finance Committee unanimously recommended approval.*

**Article 18: *The Moderator declared the motion (Woodbury/Hicks) Motion carried by majority vote,*** to raise and appropriate the sum of Forty Seven Thousand One Hundred Eighty Five Dollars and No Cents ($47,185.00) for Fiscal Year 2022 for the following purposes:

|  |
| --- |
| Smith Vocational High School Non-Resident Tuition |
| Account #11300-52000 | $18,768 |
|  |  |
| Smith Vocational High School Non-Resident Transportation |
| Account #11300-52100 | $28,417 |

or take any other action in relation thereto. *(Sponsored by the Board of Selectmen) Finance Committee unanimously recommended approval.*

**Article 19: *The Moderator declared the motion (Woodbury/Hicks) Motion carried by majority vote,*** to raise and appropriate the sum of Forty Thousand Six Hundred Eighty One Dollars and No Cents ($40,681.00) for Fiscal Year 2022 for the following purposes:

|  |
| --- |
| Tantasqua Regional School District Non-Resident Tuition |
| Account #11300-52000 | $24,250 |
|  |  |
| Tantasqua Regional School District Non-Resident Transportation |
| Account #11300-52100 | $16,431 |

or take any other action in relation thereto. *(Sponsored by the Board of Selectmen) Finance Committee unanimously recommended approval.*

**Article 20: *The Moderator declared the motion (Woodbury/Hicks) Motion carried by majority vote,*** to raise and appropriate the sum of Twenty Eight Thousand Dollars and No Cents ($28,000.00) for Fiscal Year 2022 for the following purposes:

|  |
| --- |
| Pathfinder Regional Vocational Technical High School Non-Resident Tuition |
| Account #11300-52000 | $12,000 |
|  |  |
| Pathfinder Regional Vocational Technical High School Non-Resident Transportation |
| Account #11300-52100 | $16,000 |

or take any other action in relation thereto. *(Sponsored by the Board of Selectmen) Finance Committee unanimously recommended approval.*

**Article 21: *The Moderator declared the motion (Pepe/Hicks) Motion carried by majority vote,*** *to* raise and appropriate Twelve Million Twenty Seven Thousand Two Hundred Ninety Dollars and No Cents ($12,027,290.00), and transfer Ten Thousand Dollars and No Cents ($10,000.00) from the Wetlands Protection Fund to pay for the operations of the General Government expenses for Fiscal Year 2022. *(Sponsored by the Board of Selectmen and the Town Administrator) Finance Committee unanimously recommended approval.*

The following people spoke on this article:

Thomas Gregory, Town Administrator

**Article 22:** ***The Moderator declared the motion (Hicks/Pepe) Motion carried by majority vote***:

1. to appropriate the sum of One Million Six Hundred Ninety Five Thousand Two Hundred Eighty Four Dollars and No Cents ($1,695,284.00) for the use of the Water Department for Fiscal Year 2022, 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 for Fiscal Year 2022 at One Hundred Sixty Two Thousand Seven Hundred Fifty One Dollars and No Cents ($162,751.00); and,
3. to have the Board of Water Commissioners set the Fiscal Year 2022 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 unanimously recommended approval. .*

**Article 23:** ***The Moderator declared the motion (Hicks/Pepe) Motion carried by majority vote***:

1. to appropriate the sum of One Million Four Hundred Eighty Two Thousand Seven Hundred Eleven Dollars and No Cents ($1,482,711.00) for the use of the Sewer Department for Fiscal Year 2022, 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 for Fiscal Year 2022 at One Hundred Fifty Seven Thousand One Hundred Ninety Five Dollars and No Cents ($157,195.00); and,
3. to have the Board of Sewer Commissioners set the Fiscal Year 2022 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 unanimously recommended approval.*

**Article 24: *The Moderator declared the motion (Howard/Pepe) Motion carried by majority vaote,*** to appropriate the sum of One Hundred Thousand Seven Hundred Ninety Seven Dollars and Seventy Eight Cents ($100,797.78) for the purpose of paying down principal and/or interest costs associated with the Sewer Department’s Collection System and Wastewater Treatment Plant evaluation studies borrowing authorized under Article 20 of the May 4, 2017 Annual Town Meeting, 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) Finance Committee unanimously recommended approval.*

The following people spoke on this article:

Jim LaPlante, Sewer Superintendent

**Article 25: *The Moderator declared the motion (Howard/Pepe) Motion carried by majority vote,*** to appropriate the sum of Twenty Three Thousand One Hundred Eighty Six Dollars and Forty Two Cents ($23,186.42) for the purpose of paying principal costs associated with the Sewer Department’s design services borrowing authorized under Article 25 of the June 30, 2020 Annual Town Meeting; 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) Finance Committee unanimously recommend approval.*

The following people spoke on this article:

Jim LaPlante, Sewer Superintendent

**Article 26: *The Moderator declared the motion (Hicks/Howard) Motion carried by majority vote,*** to appropriate the sum of One Hundred Fifty Thousand Dollars and No Cents ($150,000.00) for Owners Project Manager (OPM) services associated with the design and construction of the Sewer Department’s Wastewater Treatment Plant Upgrade Project, and to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Sewer Enterprise Fund; or take any action in relation thereto. *(Sponsored by the Board of Sewer Commissioners) Finance Committee unanimously recommended approval.*

The following people spoke on this article:

Jim LaPlante, Sewer Superintendent

**Article 27: *The Moderator declared the motion (Hicks/Howard) Motion carried by majority vote,*** to appropriate the sum of Sixty Thousand Dollars and No Cents ($60,000.00) for a Phase Two Sewer System Evaluation Study, and to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Sewer Enterprise Fund; or take any action in relation thereto. *(Sponsored by the Board of Sewer Commissioners) Finance Committee unanimously recommended approval.*

The following people spoke on this article:

Jim LaPlante, Sewer Superintendent

**Article 28: *The Moderator declared the motion (Woodbury/Pepe) Motion carried by majority vote,*** to appropriate the sum of Seventy Five Thousand Dollars and No Cents ($75,000.00) for the purchase and acquisition of a Trailer Jetter for the Sewer Department, including other 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 action in relation thereto. *(Sponsored the Board of Sewer Commissioners and the Capital Improvements Planning Committee)*

*Finance Committee unanimously recommended approval.*

The following people spoke on this article:

Jim LaPlante, Sewer Superintendent

Stephanie Underwood, 46 Greenville St

**Article 29: *The Moderator declared the motion (Woodbury/Howard) Motion carried with a vote of \_80\_\_\_ to \_\_1\_\_\_***  to appropriate Thirty Seven Million Nine Hundred Twenty Thousand Dollars and No Cents ($37,920,000.00) for the purpose of funding the construction of the Wastewater Treatment Plant Upgrade Project, including all professional fees and expenses associated with the design, engineering, and construction of this project and any incidental and related costs, and to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount and to issue bonds or notes therefor under G.L. c.44, and/or G.L. c.29C of the General Laws as amended in accordance with the State Revolving Fund (SRF) Loan Program, or any other enabling authority, and that such bonds or notes shall be general obligations of the Town unless the Treasurer, with the approval of the Board of Selectmen, determines that they should be issued as limited obligations and may be secured by local system revenues as defined in G.L. c.29C, §1; that the Board of Selectmen and the Board of Sewer Commissioners be and are authorized to apply for, accept, and expend any state and/or federal grants and loans or other public or private funds that may be available; that the Board of Selectmen and Town officers are authorized to enter into all agreements and execute any and all instruments and take all related actions necessary or appropriate to effect the foregoing; and in accordance with G.L. c.44, §20, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs. *(Sponsored by the Board of Sewer Commissioners) Finance Committee unanimously recommended approval. Moderator noted this project had been presented and reviewed by the Capital Improvements Planning Committee.*

The following people spoke on this article:

Jim LaPlante, Sewer Superintendent

Ian Catlow of Tighe & Bond

Sewer Commission – Lawrence Dufault; Frank White

 Thomas Parker, 125 Charlton Road

 Stephanie Underwood, 46 Greenville St.

 Jim Pervier, 4 H J Perron Rd

 Ralph Hicks, BoS

 Michael Dow, 97 North Spencer Rd

 Kelsey Kern, 23 Holmes St.

 Gary Woodbury - BoS

 Anthony Pepe - BoS

**Article 30**: ***The Moderator declared the motion (Howard/Woodbury) Motion carried by Majoity Vote,*** to appropriate the sum of Twenty Five Thousand Twenty Eight Dollars and No Cents ($25,028.00) to fund the Sewer Department employee position of Chief Operator-in-Training, and to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Sewer Enterprise Fund to Sewer Salaries & Wages (Account #20000-51000); or take any other action in relation thereto. *(Sponsored the Board of Sewer Commissioners) Finance Committee unanimously recommended approval.*

**Article 31: *The Moderator declared the motion (Hicks/Pepe) Motion carried by unanimous***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 and equipping of a 4x4 1-ton pick-up truck with plow and a 10-wheel dump truck with plow, including all other incidental and related expenses, and to appropriate the sum of One Hundred Ten Thousand Dollars and No Cents ($110,000.00) for the first fiscal year of such agreement.*(Sponsored by the Board of Selectmen and the Town Administrator) Finance Committee unanimously recommended approval. Moderator noted this project had been presented to and reviewed by the Capital Improvements Planning Committee.*

The following people spoke on this article:

Stephanie Underwood, 46 Greenville St.

Eben Butler, Highway Dept

Tom Gregory, Town Administrator

 Gary Woodbury, BoS

**Article 32: *The Moderator declared the motion (Pepe/Woodbury) Motion carried by majority vote,*** to appropriate the sum of Seven Hundred Eight Thousand Three Hundred Fifty One Dollars and No Cents ($708,351.00) 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:

**Department Item Amount**

 Fire Department Bathroom Renovation $70,000

Fire Department HVAC Improvements $20,000

Highway Department Brush Chipper $52,000

Highway Department Hook and Go Truck $91,943

Highway Department Dry Storage Shed Replacement $40,000

Library HVAC Improvements $281,488

ODIS Map Plotter $13,085

ODIS Printer / Scanner $5,220

Parks & Recreation LHP Playground Improvements $10,000

Parks & Recreation Powdermill Park Lighting $5,000

Police Department Cruiser $50,215

 Police Department MDT Replacements $21,000

 Utilities & Facilities Superintendent’s Vehicle $48,400

 **TOTAL: $708,351**

or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Capital Improvements Planning Committee) Finance Committee unanimously recommended approval.*

The following people spoke on this article:

Kurt Nordquist, 8 Gale St.

Bill Cundiff, U&F Supervisor

Ralph Hicks, BoS

**Article 33: *The Moderator declared the motion (Hicks/Pepe) Motion carried by majority vote,*** to amend Article 6, Section 5 of the Town’s General Bylaws by inserting the new text in bold as shown below:

 Article 6

 Section 5. Snow Plowing and Removal

5.1.1 For the purposes of removing or plowing snow and removing ice from any public way in the Town of Spencer, the Superintendent of Streets or the Chief of Police or their authorized representative**s** may remove or cause to be removed to some convenient place, including in such term a public garage, any vehicle interfering with such work. **Further, any vehicle parked on a public way or in a municipal lot which has not been cleaned of snow within twenty four (24) hours after the completion of a snow event may be so removed.** The cost of removal and storage charges, if any, shall be paid by the owner of the vehicle to the person or persons so removing or storing such vehicle; provided, however, such charges shall not exceed the prevailing rates. There shall be no parking on any streets from November 1 through April 15th of each year between the hours of 12:01 AM and 6:00 AM except as designated by the Board of Selectmen and the Highway Superintendent.

or take any other action in relation thereto. *(Sponsored by the Board of Selectmen) Finance Committee unanimously recommended approval.*

**Article 34**: ***The Moderator declared the motion (Hicks/Pepe) Motion carried by majority vote,*** to amend the Article 7 of the Town’s General Bylaws in the following manner:

(1) by inserting the following new term in Section 2 (Definitions):

Forest Land shall mean any land that is used primarily for the production of forest products or is dominated by the presence of trees”;

(2) by deleting the title and text of Section 16.4 in its entirety and replacing it with the following new section:

16.4 Development of Forest Land – No determination of Applicability or Order of Conditions issued by the Commission shall permit cutting of trees or clearing of forest land in a resource area protected by this Bylaw. Only projects which are not exempted forestry activities are subject to Section 16.4. Forestry activities are exempt from the Wetland Protection Act, G.L. c. 131, §40 and 310 CMR 10.00, *et seq.* (the “WPA”) and Bylaw pursuant to 310 CMR 10.04(Agriculture)(a)(Land in Agricultural Use)(4.)”; and,

(3) by inserting a new Section 16.5 which shall read as follows:

25’ No Touch Zone – No non-exempted work shall take place within 25’ of any Resource Area protected under this Bylaw and/or within forest land as defined in Section 2 of this Bylaw. An applicant shall demonstrate that no work/disturbance including grading activities is proposed within the 0-25 foot buffer zone to any resource area. Any applicant proposing a project within the 0-25 foot buffer zone to any resource area will have the burden of proof to overcome the presumption of significant adverse impact to the functions and characteristics of the resource area, unless otherwise determined by the Commission or as approved by the Commission by the variance procedures set forth herein”;

(4) by inserting a new Section 17 which shall read:

Variance Procedures - The Commission in its discretion may grant variances from the specific requirements of one or more of the provisions of this Bylaw. An applicant shall submit a variance request to the Commission in writing.

Any such variance may be granted only where relief for a property owner may be warranted and said relief will not adversely affect the environmental values protected by the Bylaw. Variances may be granted on a case-by-case basis and only under the provisions of this Section, and in no way shall be deemed to set a precedent.

A variance may be granted for the following reasons: The Commission may, in its discretion, grant a variance from this Bylaw and/or any regulations enacted hereunder, upon a clear and convincing showing by the applicant that the proposed work, or its natural and consequential impacts and effects, will not adversely affect the interests protected by the Bylaw. In exercising its discretion, the Commission shall take cognizance of other reasonable alternatives and mitigation which would permit the proposed work to be undertaken without deviating from the provisions of this Bylaw.

It shall be the responsibility of the applicant to provide the Commission with any and all information in writing which the Commission may request. The failure of the applicant to furnish any information which has been so requested may result in the denial of a request for a variance pursuant to this section.

The Commission may grant a variance from this Bylaw when it is necessary to avoid so restricting the use of the property as to constitute an unconstitutional taking without compensation. If an application for a variance pursuant to this section is received by the Commission, the Commission may request an opinion from Town Counsel as to whether the application of these regulations to a particular case will result in such a taking without compensation. The Commission may consider hardship as part of its deliberations on a variance. Hardship is considered to be the occasion when a literal enforcement of the provisions of this Bylaw would involve a substantial hardship, financial or otherwise, to the applicant. Desirable relief may be granted if there is neither a substantial detriment to the public good, nor nullification or substantial derogation from the intent or purpose of the Bylaw.

or take any other action in relation thereto. *(Sponsored by the Conservation Commission and the Board of Selectmen) Finance Committee unanimously recommended approval.*

The following people spoke on this article:

Mary Braney, Finance Committee

Denise Lacroix, 182 Charlton Rd.

Mary McLaughlin, Chairman of Conservation Commission

**Article 35 (non-binding): *The Moderator declared the motion (Howard/Pepe) Motion carried by majority vote,*** to provide the Board of Selectmen with a sense of the meeting as to whether it favors potential acquisition by gift of the Pine Grove Cemetery, or take any other action relative thereto. *(Sponsored by the Board of Selectmen) Finance Committee did not make a recommendation.*

The following people spoke on this article:

Lynn Stevens (Pine Grove Cemetery Board)

Denise Lacroix, 182 Charlton Rd.

 Janelle Austin, Town Council

Ralph Hicks, 21 Lyford Rd.

Jim Pervier, 4 H J Perron Rd.,

Richard Belton , 6 Point Eastalee Drive

Sandra Fritze, 6 Vernon Street

Kurt Nordquist, 8 Gale Drive

Robert Cirba, 23 Summit Street

Gary Woodbury, BoS

Brenda Cloutier, 17 Northwest Road

Al Atchue, 98 Meadow Road

Proposed Amendment - Motion by Denise Lacroix: Change wording to match wording on town ballot.

Seconded by Kurt Nordquist, 8 Gale St.

Vote: 28 in favor and 31 opposed

A motion to adjourn (Hicks/Woodbury) was made and the meeting ended at 10:30 pm.

Respectfully submitted,

Diane C. Ledoux