

**Town of Spencer
Annual Town Meeting
May 4, 2017
Memorial Town Hall**

The Meeting was called to order at 7:30 p.m. by Moderator, William R. Shemeth, III following the announcement of a quorum by Registrar Elizabeth McPherson.

The Reading of the Return of the Warrant was waived. The meeting was posted in accordance with the law. A moment of silence was observed in honor of those residents who had passed away in the past year and for those who have served the Town, including Peter Reno, Jeremy Hayes, Mary Lou Patriarca, Vincent Puchalski, Maureen O'Leary Minor and Joseph (Ski) Magierowski, Sr.

The Moderator led the attendees in the Pledge of Allegiance and the National Anthem was sung by Sandra Fritze. He then thanked Aaron Keyes, Kyle Sullivan and Gabe Coolbaugh for providing the sound set up for the meeting.

The Moderator informed those present that the Meritorious Service Award and the Leadership Hall Awards would be postponed to the fall town meeting. He also gave several announcements regarding upcoming events and projects which were noted on handouts available for voters to pick up. One handout included a list of web links to current highway construction projects and a public hearing notice for proposed Main Street Pedestrian Safety and Transit Improvements Project. Another handout discussed the status of the Route 31 and Route 9 construction projects. The moderator urged Spencer residents to continue to support local businesses in the downtown area during the construction project duration. Another handout described an upcoming library program on the life of the Trappist monks from St. Joseph's Abbey. The moderator recognized the efforts of the Spencer Exchange Club, American Legion, Parks and Recreation Commission, legislative delegation, and support of local businesses and volunteers in revitalizing Isaac Prouty Park. The moderator urged all Spencer residents to attend the Memorial Day ceremonies to see the results of the hard work firsthand. The moderator noted that this park truly honors the sacrifices of those who put their lives on the line to secure and preserve the liberties we now enjoy. The moderator also mentioned that the Spencer Town newsletter and the warrant book containing the articles, budgetary information, capital project ranking, and revenue figures were available at the tables where voters checked in. All finance committee recommendations, budgetary information, revenue charts, and capital project rankings are hereby incorporated by reference as printed in the warrant book into the official minutes and record of this meeting.

Fire Chief Robert Parsons presented service awards to Lt. Jason Ferreira, Lt. Brian Mathon, and Firefighter Corey Phoenix for their work on the Forestry 3 vehicle during the past year which saved the town more than \$70,000.00

Moderator Shemeth then introduced the Selectmen present; Chairman John Stevens; the Town Administrator, Adam Gaudette; Town Counsel, Stanley Weinberg; Town Clerk

Laura Torti; and Chair of the Finance Committee, Mary Braney. Mrs. Braney then introduced those members of the Finance Committee who were present.

Moderator Shemeth shared the following comments: *“Every day we make history in the conduct of our normal affairs. Tonight we will make history as we exercise our right of self-determination to settle the affairs of our town government by consensus as a free and equal people in this the 294th year of our existence as a body politic. If you have any doubt as to if every vote counts, we would not be able to conduct the town business if each of you had not attended this evening. Thank you for your commitment to our democratic process. Our decisions will be chronicled and preserved. In future days, others will reflect on our actions through the lenses of time and judgment to discern the jewels worthy of inclusion into the lore of our combined experiences as a town, state, or nation. And yet, though we are the creators of this history, we often fail to recognize the historical significance of what we do. On this date Rhode Island declared its independence from Great Britain a full two months before the Declaration of Independence was adopted. This action was a key event in helping create the liberties which we now cherish. On this date the Dutch bought Manhattan Island from the Native Americans starting the process from which an enduring symbol of Lady Liberty welcomed those seeking freedom and a new beginning came to America. On this date, Horace Mann, the father of American public education was born. His efforts to create the first public education system in America helped make the constitutional right to an education enshrined in the Massachusetts constitution a reality for all young people in the Commonwealth. A well educated populace is the key to a successful democracy and republic. Tonight and in the nights of future years, may we honor the spirit of these patriots and educational pioneers by governing wisely in behalf of all people as we continue this grand experiment of governance of, by, and, for the people.*

The moderator then reviewed 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 following articles were voted upon:

ARTICLE 1

Article 1: *The Moderator declared the motion carried to* amend its Fiscal Year 2017 Operating Budget by appropriating the sum of Two Hundred Seventy-Four Thousand Dollars and No Cents (\$274,000.00) to the following various accounts to cover additional expenses and further to transfer said sum from previously certified and available Free Cash to meet said appropriation:

<u>Department</u>	<u>Account</u>	<u>Amount</u>
Town Administrator Asst Salaries	12300-51000	\$ 2,000.00
Fire Department Expenses	11220-57000	\$ 12,000.00
Snow & Ice Expenses	11423-57000	\$260,000.00
Total		\$274,000.00

(Sponsored by the Town Administrator)

ARTICLE 2

Article 2: *The Moderator declared the motion carried to* transfer the sum of One Thousand Seven Hundred Dollars and No Cents (\$1,700.00) from the FY2017 Tree Warden Salaries & Wages Account (11494-51000) to the FY2017 Tree Warden Expenses Account (11494-57000); *(Sponsored by the Town Administrator)*

ARTICLE 3

Article 3: *The Moderator declared the motion carried to* appropriate the sum of Ten Thousand Dollars and No Cents (\$10,000.00) for the Sick Leave Buy Back Fund (Account #083000-39800) and to meet said appropriation by transferring from previously certified and available Free Cash *(Sponsored by the Board of Selectmen)*

ARTICLE 4

Article 4: *The Moderator declared the motion carried to* appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) for the OPEB Trust Fund (Account #83000-39825) and to meet said appropriation by transferring from previously certified and available Free Cash *(Sponsored by the Town Administrator)*

ARTICLE 5

Article 5: *The Moderator declared the motion carried to* amend the Article 7 from the May 7, 2009 Annual Town Meeting which established the Elder Community Services (Tax Work Off) Program by changing the required age of “sixty-two years” (62) to “sixty years” (60); (*Sponsored by the Town Administrator*)

ARTICLE 6

Article 6: *The Moderator declared the motion carried to* approve a consent agenda consisting of the following actions, or take any action relating thereto. Such items may be voted as a block, or singly, or in any combination but however voted, will be treated for accounting and legislative purposes as if each item voted were voted as a separate article.

- A. Receive, in writing, the reports of the Town Officers and Committees.
- B. Authorize the Planning Board to establish a revolving fund in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws for the following purposes and subject to the following conditions:
 - 1. to be the depository for monies received from ANR Fees and Subdivision Fees;
 - 2. to fund the administrative costs of the Planning Board;
 - 3. to limit the total amount to be expended from the fund in Fiscal Year 2018 at Fifty Thousand Dollars and No Cents (\$50,000.00); and
 - 4. to have the Planning Board be the only authority empowered to expend monies from this fund.
- C. Authorize the establishment of a revolving fund for the Sugden Block in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for the following purposes and subject to the following conditions:
 - 1. to be the depository for receipts of rentals and charges from the Sugden Block;
 - 2. to pay expenses associated with the operation of the Sugden Block;
 - 3. to limit the total amount to be expended from the fund in Fiscal Year 2018 at One Hundred Thousand Dollars and No Cents (\$100,000.00); and
 - 4. to have the Town Administrator be the only authority empowered to expend monies from this fund.
- D. Authorize the Office of Development and Inspectional Services (ODIS) to establish a revolving fund in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for the following purposes and subject to the following conditions:

1. to be the depository for 80% of the fees collected for electrical permits;
 2. to compensate the Wiring Inspector;
 3. to limit the total amount to be expended from the fund in Fiscal Year 2018 at Fifty Thousand Dollars and No Cents (\$50,000.00); and
 4. to have the Director of the Office, subject to the approval of the Town Administrator, be the only authority empowered to expend monies from this fund.
- E. Authorize the Parks and Recreation Commission to establish a revolving fund in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for the following purposes and subject to the following conditions:
1. to be the depository for monies received for park rentals, sticker fees, and fees charged for program offerings;
 2. to be used to fund the costs of part-time personnel, utilities, supplies, and expenses related to program offerings;
 3. to limit the total amount to be expended from the fund in Fiscal Year 2018 at One Hundred Thousand Dollars and No Cents (\$100,000.00); and
 4. to have the Parks and Recreation Commission be the only authority empowered to expend monies from this fund.
- F. Authorize the Board of Selectmen to establish a Celebrations Revolving Fund in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for the following purposes and subject to the following conditions:
1. to be the depository for donations, gifts and fees collected for community celebrations, including, but not limited to, the Fourth of July (Independence Day), Halloween, and Christmas;
 2. to limit the total amount to be expended from the fund in Fiscal Year 2018 at Fifty Thousand Dollars and No Cents (\$50,000.00); and
 3. to have the Town Administrator, subject to the approval of the Board of Selectmen, be the only authority empowered to expend monies from this fund.
- G. Authorize the Board of Selectmen to establish a Council on Aging Revolving Fund in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for the following purposes and subject to the following conditions:
1. to be the depository for donations, gifts and fees collected for Council on Aging programs;
 2. to limit the total amount to be expended from the fund in Fiscal Year 2018 at Twenty Thousand Dollars and No Cents (\$20,000.00); and
 3. to have the Council on Aging be the only authority empowered to expend monies from this fund.

- H. Authorize the Board of Selectmen to establish a Stormwater Management Revolving Fund in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for the following purposes and subject to the following conditions:
1. to be the depository for stormwater fees and fines collected to be used for Stormwater Management (MS4) related programs;
 2. to limit the total amount to be expended from the fund in Fiscal Year 2018 at One Hundred Thousand Dollars and No Cents (\$100,000.00); and
 3. to have the Town Administrator be the only authority empowered to expend monies from this fund.
- I. Appropriate the sum of money received or to be received from the Chapter 90 State Aid to Highways Program to be expended for construction and/or maintenance upon any state approved road, or for any other authorized purpose, for Fiscal Year 2018, with such funds to be reimbursed 100% from such Program.
- J. Authorize the Board of Selectmen to apply for, accept, and expend the following funds:
- Community Development Block Grant funds;
Community Innovation Challenge Grant funds;
District Local Technical Assistance Grant funds; and
Other State and Federal grant-in-aid assistance, as appropriate and necessary.
- K. Appropriate the sum of 100% of all fines, penalties, and assessments received in Fiscal Year 2018 as payment under the provisions of Massachusetts General Laws, Chapter 148A, as amended by Chapter 304 of the Acts of 2004, to an account entitled "Building and Fire Code Enforcement Fines."
- L. Appropriate the sum of 50% of all monies received in Fiscal Year 2018 as payment for the so-called "products," "conveyance," "roll-back" or other such tax or payment, other than real estate taxes and related payments-in-lieu-of-taxes, under the provisions of Massachusetts General Laws, Chapter(s) 61, 61A, and 61B to the Land Acquisition Stabilization Fund and the sum of 100% of all monies received from the Commonwealth of Massachusetts as payments from the Forest Products Trust Fund to the Land Acquisition Stabilization Fund.
- M. Authorize the Town Treasurer/Collector to enter into a compensating balance agreement(s) for Fiscal Year 2018 pursuant to Massachusetts General Laws, Chapter 44, Section 53F, and further vote to authorize the Town Treasurer/Collector to borrow such sums of money as he/she may deem necessary, with the consent of the Finance Committee, in anticipation of revenue and/or reimbursements and to issue notes of the Town payable thereof in accordance with applicable law.

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

ARTICLE 7

Article 7: *The Moderator declared the motion carried to* amend the General Bylaws by adding a new section (Article 2, Section 15), provided below, which shall establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, §53E½;

Section 15. DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This bylaw establishes and authorizes revolving funds for use by town departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, §53E½.
2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:
 - A. Fringe benefits of full-time employees whose salaries are paid from the fund shall also be paid from the fund.
 - B. No liability shall be incurred in excess of the available balance of the fund.
 - C. The Total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the SelectBoard and Finance Committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the General Fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E½ and this bylaw, the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds. The Table establishes:

- A. Each revolving fund authorized for use by a town department, board, committee, agency or officer;
- B. The department or agency head, board, committee or officer authorized to spend from each fund;
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
- D. The expense of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund, and;
- G. The fiscal years each fund shall operate under this bylaw.

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

ARTICLE 8

Article 8: *The Moderator declared the motion carried to* fix or maintain the salaries of the elected officials for Fiscal Year 2018 as follows:

Board of Selectmen	\$ 0.00	Yearly
Moderator	\$ 200.00	Yearly
Board of Assessors	\$ 950.00	Yearly
Town Treasurer/Collector	\$ 68,340.00	Yearly
Town Clerk	\$ 65,984.00	Yearly
Water Commissioners	\$ 725.00	Yearly
Sewer Commissioners	\$ 725.00	Yearly
Board of Health	\$ 725.00	Yearly

ARTICLE 9

Article 9: *The Moderator declared the motion carried to* amend the Personnel Bylaws by substituting the following new compensation schedule, Section 2-Schedules B, C, and D:

(Informational Note: These rates all generally go up 2%)

Schedule B

	I	II	III	IV	V
Compensation Grade S-2	\$408.11	\$422.99	\$455.44	\$488.05	\$520.55
Compensation Grade S-3	\$455.44	\$488.05	\$520.55	\$553.09	\$587.21
Compensation Grade S-4	\$520.55	\$553.09	\$587.21	\$618.20	\$650.67
Compensation Grade S-5	\$587.21	\$618.20	\$650.67	\$683.33	\$715.70
Compensation Grade S-6	\$650.67	\$683.33	\$715.70	\$747.39	\$797.14
Compensation Grade S-7	\$715.70	\$747.39	\$797.14	\$845.89	\$894.76
Compensation Grade S-8	\$797.14	\$845.89	\$894.76	\$943.57	\$992.40
Compensation Grade S-9	\$894.76	\$943.57	\$992.40	\$1,036.63	\$1,098.44
Compensation Grade S-9A	\$943.57	\$993.70	\$1,040.51	\$1,098.44	\$1,160.96
Compensation Grade S-10	\$992.40	\$1,036.63	\$1,098.44	\$1,158.75	\$1,222.48
Compensation Grade S-10A	\$1,049.11	\$1,095.95	\$1,161.07	\$1,224.86	\$1,292.21
Compensation Grade S-11	\$1,098.44	\$1,158.75	\$1,222.48	\$1,289.73	\$1,361.48
Compensation Grade S-12	\$1,222.48	\$1,289.73	\$1,361.48	\$1,407.93	\$1,514.40
Compensation Grade S-13	\$1,361.48	\$1,407.93	\$1,514.40	\$1,597.68	\$1,686.35
Compensation Grade S-14	\$1,514.40	\$1,597.68	\$1,686.35	\$1,779.10	\$1,877.85

Schedule C

Administrative Intern / Co-op Student	\$11.00	hourly
Animal Control & Inspection Officer	\$26,520.00	yearly
Animal Control & Inspection Officer-Alternate	\$5,100.00	yearly
Animal Control & Inspection Officer-Alternate (on-call)	\$50.00	daily
COA Director	\$19.15	hourly
Election Inspectors	\$11.00	hourly
Election Wardens / Clerks	\$12.05	hourly
Engineering Aide	\$12.05	hourly
Facilities Maintenance Worker	\$13.00	hourly
Finance Committee Clerk	\$418.25	yearly
Fluoride Coordinator	\$12.90	hourly
Gas Inspector	\$5,470.00	yearly
Harbormaster	\$1,000.00	yearly
Laborer (Seasonal/Intermittent)	\$12.05	hourly
Library Childhood Literacy Coordinator	\$114.85	weekly
Library Page	\$11.00	hourly
Light Equipment Operator (LEO) - Seasonal	\$18.65	hourly
Parks & Rec Adven. Prog. Director	\$18.40	hourly
Parks & Rec Adven. Prog. Head Counselor	\$13.20	hourly
Parks & Rec Adven. Prog. Counselor	\$11.00	hourly
Parks & Rec Waterfront Director	\$16.75	hourly
Parks & Rec Water Safety Instructor	\$15.00	hourly
Parks & Rec Lifeguard	\$13.20	hourly
Parks & Rec Parking Attendant	\$11.00	hourly
Parks & Rec Chair	\$430.00	yearly
Parks & Rec Clerk	\$430.00	yearly
Planning Board	\$1,101.00	yearly
Planning Board - Alternate	\$518.00	yearly
Plumbing Inspector	\$5,470.00	yearly
Police Dispatcher	\$16.50	hourly
Registrars	\$1,318.85	yearly
Sealer of Weights & Measures	\$4,547.00	yearly
SEMA, Director of Operations	\$2,373.50	yearly
SFD Deputy Chief	\$9,222.00	yearly
SFD Captain	\$19.40	hourly
SFD Lieutenant	\$18.00	hourly
SFD Fire Science Instructor	\$21.10	hourly
SFD Firefighter	\$16.45	hourly

SFD Truck Engineer Back Line	\$464.50	yearly
SFD Truck Engineer Front Line	\$617.75	yearly
Tree Climber	\$20.10	hourly
Tree Groundman	\$17.30	hourly
Tree Warden	\$23.70	hourly
Veteran Agent	\$20.20	hourly
Zoning Board of Appeals	\$1,103.00	yearly
Zoning Board of Appeals - Alternate	\$518.00	yearly

Schedule D

	I	II	III	IV	V
Compensation Grade H-1	\$11.00	\$11.00	\$11.14	\$11.83	\$12.67
Compensation Grade H-2	\$11.14	\$11.83	\$12.67	\$13.74	\$14.54
Compensation Grade H-3	\$12.67	\$13.74	\$14.54	\$15.56	\$16.29
Compensation Grade H-4	\$14.54	\$15.56	\$16.29	\$17.40	\$18.17
Compensation Grade H-5	\$16.29	\$17.40	\$18.17	\$19.20	\$20.04
Compensation Grade H-6	\$18.17	\$19.20	\$20.04	\$21.05	\$22.44
Compensation Grade H-7	\$20.04	\$21.05	\$22.44	\$23.67	\$24.99
Compensation Grade H-8	\$22.44	\$23.56	\$24.74	\$25.98	\$27.27
Compensation Grade H-9	\$24.74	\$25.98	\$27.27	\$28.62	\$30.05
Compensation Grade H-10	\$27.27	\$28.62	\$30.05	\$31.56	\$33.12
Compensation Grade H-11	\$30.05	\$31.55	\$33.12	\$34.79	\$36.54
Compensation Grade H-12	\$33.12	\$34.79	\$36.54	\$38.34	\$40.27

(Sponsored by the Town Administrator) The Finance Committee noted that their recommendation was changed to a vote of five in favor of recommending this article and two abstaining as they were recipients of monies under the personnel bylaw.

ARTICLE 10

Article 10: *The Moderator declared the motion carried 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 2018 in accordance with any conditions stated herein and further provided that any stated amount shall be reduced to any lesser amount which shall subsequently be certified by the school committee and certified to the Town, to:

1. raise and appropriate the sum of Six Million, Three Hundred Thirty Thousand, Six Hundred Ninety-Seven Dollars and No Cents (\$6,330,697.00) for the Operating Assessment Account #11300-56000 which represents the amount required for Minimum Local Contribution;

2. raise and appropriate the sum of One Million, Two Hundred Ninety Thousand, Nine Hundred Forty-Three Dollars and No Cents (\$1,290,943.00) for the Operating Assessment Account #11300-56000 which represents the amount required for Transportation;
3. raise and appropriate the sum of Two Hundred Thirty Thousand, Seven Hundred Thirty-Eight Dollars and No Cents (\$230,738.00) for the purposes of paying the costs of Debt Service and Capital Assessments Account #11300-56010 for previously approved building and design projects;
4. raise and appropriate the sum of Five Hundred Seventy-Eight Thousand, One Hundred Nine Dollars and No Cents (\$578,109.00) for the Operating Assessment Account #11300-56000 which represents the amount required for Additional Local Assessment.

ARTICLE 11

Article 11: *The Moderator declared the motion carried to* raise and appropriate the sum of One Million, Three Hundred Eleven Thousand, Five Hundred Fifty-Eight Dollars and No Cents (\$1,311,558.00) for Fiscal Year 2018 for the following purposes:

Bay Path Vocational Regional Technical High School Minimum Contribution	
Account #11300-52000	\$1,078,463.00

Bay Path Vocational Regional Technical High School Additional Assessment	
Account #11300-52000	\$27,240.00

Bay Path Vocational Regional Technical High School Transportation Assessment	
Account #11300-52000	\$65,874.00

Bay Path Vocation Regional Technical High School Capital Debt Assessment	
Account #11300-52500	\$137,337.00

Bay Path Vocation Regional Technical High School Capital Debt Assessment	
Account #11300-52500	\$2,644.00

ARTICLE 12

Article 12: *The Moderator declared the motion carried to* raise and appropriate the sum of Forty-Six Thousand, Seven Hundred Sixty-Four Dollars and No Cents (\$46,764.00) for Fiscal Year 2018 for the following purposes:

Smith Regional Agricultural High School Non-resident Vocational Assessment	
Account #11300-52000	\$20,664.00

Smith Regional Agricultural High School Non-resident Vocational Transportation
Account #11300-52100 \$26,100.00

ARTICLE 13

Article 13: *The Moderator declared the motion carried to* raise and appropriate the sum of Twenty-Seven Thousand, Five Hundred Twelve Dollars and No Cents (\$27,512.00) for Fiscal Year 2018 for the following purposes:

Tantasqua Regional High School Non-resident Vocational Tuition Assessment
Account #11300-52000 \$9,512.00

Tantasqua Regional High School Non-resident Vocational Transportation
Account #11300-52100 \$18,000.00

ARTICLE 14

Article 14: *The Moderator declared the motion carried to* raise and appropriate the sum of Forty-One Thousand, Nine Hundred Forty-Nine Dollars and No Cents (\$41,949.00) for Fiscal Year 2018 for the following purposes:

Norfolk County Regional Agricultural High School Non-resident Vocational
Tuition Assessment
Account #11300-52000 \$22,149.00

Norfolk County Regional Agricultural High School Non-resident Vocational
Transportation
Account #11300-52100 \$19,800.00

ARTICLE 15

Article 15: *The Moderator declared a the motion carried to* raise and appropriate the sum of Eight Million, Six Hundred Seventy-Nine Thousand, Eight Hundred Twenty-Nine Dollars and No Cents (\$8,679,829.00) to pay for the operations of the General Government expenses for Fiscal Year 2018, and to meet said appropriation from a transfer of Ten Thousand Dollars and No Cents (\$10,000.00) from the Wetlands Protection Fund, from taxation, from available funds in the Treasury, and anticipated receipts as may be needed or decided necessary;

Finance Committee Chair, Mary Braney made the following comments:

The members of the finance committee voted unanimously to approve the FY 2018 budget request however we also have concerns about the overall approach to funding town and school services. This year we and Board of Selectmen debated over the best

use of some \$80,000.00, which is all that was available in a budget of some \$21 million after providing the most basic required funding for town and school departments and after the school department made drastic cuts to their request for funding.

The department heads came before us this year, as they do every year, and identified their most pressing needs. Although some were making requests that would restore services cut three and four years ago, most requests have been presented repeatedly over many budget seasons for personnel and equipment required to maintain and improve services and to meet long-term public safety needs. There were over \$1.75 million in capital requests of which approximately

\$354,000.00 or 20% will be granted.

On the school side, there are major infrastructure issues at the high school and even the “new” schools, Knox Trail and Wire Village are now 20 years old and have compelling physical needs. Funding is also required for new programs to bring students back to the District.

These very reasonable requests totaled approximately \$1 million on the town side for operations,

\$1.4 million for capital and \$1million for the schools. We had \$80,000.00 to distribute. After thoughtful debate and discussion, the Board of Selectmen made the decision to reopen Town Hall on Thursdays; to provide a part-time outreach worker for the Senior Center which will assist police as well in cutting down the need for them to perform wellness checks; and to provide a library page for 15 hours a week.

Members of the Finance Committee agree that it is not beneficial to the town to be sitting at a meeting the day the warrant closes knowing the myriad issues we face and not being able to apply more than a band aid. The more positive among us see the expenditure of the \$80,000.00 as “making progress”, and in fact it is progress, albeit the expenditure is meager. We would like to see another zero or two each year added to that amount...then THAT would be great progress. It would go a long way to putting Spencer back among places in which to live and go to school because of what we offer.

However, the pragmatic realize that at the rate of \$80,000.00 per year, it will take the town until FY 2031 just to meet today’s needs on the town side. It does not include capital items or the school department, and it assumes everything else remains stable – that there are no future emergencies to divert funds.

We on the Finance Committee do not want to be sitting in the same seats next year when the warrant is about to close facing the same circumstances we have in the past. We have chosen to take action now, in May, 2017 to plan for FY19. We have scheduled a meeting for May 23 and invited the members of the Board of Selectmen to join us in beginning the process of developing a vision for the town, identifying what the citizens want and need and creating a long-range plan to achieve identified goals.

But this is not a top-down process. It is essential that the school department and all of you the citizens participate in first fleshing out the vision and then figuring out how to achieve it. It will take time and work and cooperation from all of us.

Should you interpret this to automatically mean we will be seeking an override? Absolutely not. Perhaps we will find that the majority of us are happy with the status quo. Perhaps we will identify additional financial resources or perhaps we will recognize that needs are not being met, but if it takes an override to achieve the goals, we will have consensus and it will be supported. Whatever the results of our efforts show, however, we need to start now to prepare for the future. We look forward eagerly to the participation of all of the citizens of Spencer. Look for more information after the May 23 meeting and please set aside some time to help.

ARTICLE 16

Article 16: *The Moderator declared the motion carried to:*

1. appropriate the sum of One Million, Three Hundred Fifty-Two Thousand, One Hundred Fifty-One Dollars and No Cents (\$1,352,151.00) for the use of the Water Department for Fiscal Year 2018, and to fund said appropriation with a transfer from the receipts and revenue of the Water Enterprise Fund collected by the Water Department for said Fiscal Year;
2. authorize Indirect Costs for Fiscal Year 2018 at One Hundred Thirty-Nine Thousand, Four Hundred Ninety-Four Dollars and No Cents (\$140,365.00); and,
3. have the Board of Water Commissioners set the Fiscal Year 2018 rates and fees to meet said appropriation and level of Indirect Costs;

Matthew J. Graff of 60 Mechanic Street spoke on this article.

ARTICLE 17

Article 17: *The Moderator declared the motion carried to:*

1. appropriate the sum of One Million, One Hundred Thousand, Three Hundred Fifty-Three Dollars and No Cents (\$1,100,353.00) for the use of the Sewer Department for Fiscal Year 2018, 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. authorize Indirect Costs for Fiscal Year 2018 at One Hundred Sixty Thousand, Two Hundred Ninety-Nine Dollars and No Cents (\$160,299.00); and,
3. have the Board of Sewer Commissioners set the Fiscal Year 2018 rates and fees to meet said appropriation and level of Indirect Costs;

ARTICLE 18

The Moderator announced that per Town Bylaw, the Capital Improvements Planning Committee had met and recommended in favor of this article.

Article 18: *The Moderator declared the motion carried to* appropriate the sum of Seven Thousand, Eighty-One Dollars and Three Cents (\$7,081.03) towards the Sewer Department's portion of the Main Street TIP Project as approved by the Capital Improvements Planning Committee (CIPC), and to meet said appropriation by transferring said sum from the Sewer Clarifiers Upgrade Account (#20000-58875) to the Sewer Main Street TIP Account (#20000-58895);

ARTICLE 19

The Moderator announced that per Town Bylaw, the Capital Improvements Planning Committee had met and recommended in favor of this article.

Article 19: *The Moderator declared the motion carried to* appropriate the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) for Sewer Department capital improvements as approved by the Capital Improvements Planning Committee (CIPC), by transferring said sum to the existing Sewer Capital Improvement Account (#20000-58870), from previously certified and available Retained Earnings of the Sewer Enterprise Fund;

ARTICLE 20

Article 20: *The Moderator declared a vote of Ninety-nine in favor of and One opposed to* appropriate the sum of Four Hundred Twenty-Five Thousand Dollars and No Cents (\$425,000.00) for the Sewer Department's Collection System and Waste Water Treatment Plant evaluation studies, including the payment of costs incidental or related thereto and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow said sum under Chapter 44 of the General Laws or any other enabling authority; that the Board of Selectmen is authorized to contract for and expend any federal or state aid available for the project; and that the Board of Selectmen are authorized to take any other action necessary or convenient to carry out this project. 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, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount;

ARTICLE 21

The Moderator announced that per Town Bylaw, the Capital Improvements Planning Committee had met and recommended in favor of this article.

Article 21: *The Moderator declared the motion carried to* appropriate the sum of Thirteen Thousand, Nine Hundred Ninety-Nine Dollars and Forty-Five Cents (\$13,999.45) for Water Department capital projects, as approved by the Capital Improvements Planning Committee (CIPC), by transferring said sum from the Water Department One-Ton Truck Account (15000-58900) to the Water Department Capital Efficiency Plan Program Account (15000-58860);

ARTICLE 22

The Moderator announced that per Town Bylaw, the Capital Improvements Planning Committee had met and recommended in favor of this article.

Article 22: *The Moderator declared the motion carried to* appropriate the sum of Seventy-Nine Thousand, Six Hundred Thirty-Six Dollars and Thirty-Three Cents (\$79,636.33) for the Highway Salt Storage Project (\$74,636.33) and the Browning Pond Boat Ramp Property Line Survey (\$5,000.00) and to meet said appropriation by transferring said sum from the following capital accounts:

60000-59184	Fire Dept Annex Building	\$1,040.62
60000-59232	Landfill Cap Repairs	\$2,338.95
60000-59233	Maple Street Boiler Project	\$3,259.71
60000-59234	Fire Dept Turnout Gear	\$1,559.03
60000-59237	Town Hall Heating Project	\$3,969.78
60000-59243	Highway Garage Roof Project	\$34,056.39
60000-59254	Fire Department Pagers Purchase	\$1,850.20
60000-59269	Fire Department Cruiser	\$3,795.00
60000-59270	Fire Dept Exhaust System	\$27,335.65
60000-59271	Highway 6-Wheel Dump Truck	\$431.00
TOTAL:		\$79,636.33

ARTICLE 23

The Moderator announced that per Town Bylaw, the Capital Improvements Planning Committee had met and recommended in favor of this article.

Article 23: *The Moderator declared the motion carried to* appropriate the sum of Three Hundred Fifty-Three Thousand, Eight Hundred Seventy-Six Dollars and No Cents (\$353,876.00) for a capital program of equipment purchases and improvements, as

generally illustrated below, and to meet said appropriation by transferring said sum from previously certified and available Free Cash;

<u>Dept.</u>	<u>Item</u>	<u>Amount</u>
Assessors	Triannual Evaluation	\$30,000.00
Fire Department	Electric Panels Replacement	\$25,000.00
Fire Department	Gas Furnace Replacement	\$50,000.00
Fire Department	Security System Upgrade	\$17,000.00
Fire Department	Parking Lot Pavement Repair	\$10,000.00
Highway Department	1-Ton Dump Truck	\$60,000.00
Library	Slate Roof Repairs	\$1,876.00
Police Department	Security System Upgrade	\$15,000.00
Police Department	Replacement Cruiser	\$40,000.00
Parks & Recreation	O’Gara Grandstand/Dugout Repairs	\$35,000.00
Parks & Recreation	O’Gara Security System Upgrade	\$18,000.00
Town Hall	Pleasant Street Demolition Specs	\$5,000.00
Town Hall	Phone System Replacement	\$17,000.00
Town Hall	Wire Village Building Study	\$20,000.00
Town Hall	Regional School District Study	\$10,000.00
Total		\$353,876.00

Kurt Nordquist, 8 Gale Drive spoke on this article.

ARTICLE 24

The Moderator announced that the Planning Board held a public hearing on this article and their report which had been received had recommended in favor of this article.

Article 24: *The Moderator declared a vote of Ninety-two in favor and Eight opposed to amend the Zoning Bylaws by inserting a new Zoning Bylaw, contingent upon a **defeated** vote of a ballot question on May 9, 2017 banning Commercial Recreational Marijuana within the Town of Spencer, as follows:*

4.8.9 Temporary Moratorium on Recreational Marijuana Establishments

A. Purpose

On November 08, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulations of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018, and to begin accepting applications for licenses on April 1, 2018. Currently, a non-medical

Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G; §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

B. Definitions

"Manufacture", shall mean "to compound, blend, extract, infuse or otherwise make or prepare a marijuana product."

"Marijuana accessories" shall mean "equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body."

"Marijuana cultivator" shall mean "an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers."

"Marijuana product manufacturer" shall mean "an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers."

"Marijuana products" shall mean "products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures."

"Marijuana testing facility" shall mean "an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants."

"Marijuana retailer" shall mean "an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise

transfer marijuana and marijuana products to marijuana establishments and to consumers.”

“Recreational Marijuana Establishment” shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through November 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

D. Severability

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid.

*Town Administrator's Note: This Article would amend the Town's Zoning Bylaws to allow the Town time to undertake a planning process to consider amending the Zoning Bylaw to establish regulations for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner. The motion for this article requires a 2/3 majority vote and would only be incorporated into the Zoning Bylaw if the ballot question is **defeated** on May 9, 2017.*

ARTICLE 25

The Moderator announced that the Planning board had held a public hearing on this article and their report which had been received took no position either in favor or opposed to this article.

Article 25: The Moderator declared a vote of Ninety-six in favor and Four opposed to amend the Zoning Bylaws by inserting a new Zoning Bylaw, contingent upon the affirmative approval of a ballot question on May 9, 2017 banning Commercial Recreational Marijuana within the Town of Spencer, as follows:

Article 4.7.1, Section C. - Marijuana Not Medically Prescribed

Consistent with MGL Ch. 94G, Section 3(a)(2), all types of marijuana establishments as defined in MGL Ch. 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of license marijuana-related businesses, shall be prohibited within the Town of Spencer.

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

*Town Administrator's Note: This Article would amend the Town's Zoning Bylaws to prohibit the use of all types of commercial marijuana establishments as allowed by the petitioned state ballot question approved in November 2016. Due to the manner in which the petition ballot question was worded, this question also appears on the Annual Election Ballot as well and is being voted as both a General and a Zoning Bylaw. The motion for this article requires a 2/3 majority vote and would only be incorporated into the Zoning Bylaw if the ballot question **passes** on May 9, 2017.*

ARTICLE 26

The Moderator announced that the Planning Board had held a public hearing on this article and their report which had been received took no position either in favor or opposed to this article.

Article 26: The Moderator declared a vote of Ninety-six in favor and Four opposed to amend the General Bylaws by inserting a new General Bylaw, contingent upon the **affirmative** approval of a ballot question on May, 9, 2017 banning Commercial Recreational Marijuana within the Town of Spencer, as follows:

Article 10, Section 7. - Marijuana Not Medically Prescribed

Consistent with MGL Ch. 94G, Section 3(a)(2), all types of marijuana establishments as defined in MGL Ch. 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of license marijuana-related businesses, shall be prohibited within the Town of Spencer.

*Town Administrator's Note: This Article would amend the Town's General Bylaws to prohibit the use of all types of commercial marijuana establishments as allowed by the petitioned state ballot question approved in November 2016. Due to the manner in which the petition ballot question was worded, this question also appears on the Annual Election Ballot as well and is being voted as both a General and a Zoning Bylaw. The motion for this article requires a majority vote and would only be incorporated into the General Bylaw if the ballot question **passes** on May 9, 2017.*

ARTICLE 27

Article 27: *The Moderator declared the motion carried to* supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied;

ARTICLE 28

Article 28: *The Moderator declared the motion carried to* authorize the Board of Selectmen to enter into an agreement for Payment In Lieu of Taxes (PILOT) pursuant to M.G.L. Chapter 59,§38H(b), or any other enabling legislation, for taxes attributable to a solar photovoltaic facility installed or to be installed on property located at the following address, 28 and 30 Holmes Street, and shown on Assessors Map R28 as Parcels 35 and 25 respectively, on such terms and conditions and for a term of years as the Board of Selectmen deems in the best interest of the Town, and to take any other action necessary or convenient for the implementation and administration of such agreement.

ARTICLE 29

Article 29: *The Moderator declared a majority vote the motion carried to* authorize the Board of Selectmen to enter into an agreement for Payment In Lieu of Taxes (PILOT) pursuant to M.G.L. Chapter 59,§38H(b), or any other enabling legislation, for taxes attributable to a solar photovoltaic facility installed or to be installed on property located at the following address, 367 East Main Street, and shown on Assessors Map U17 as Parcel 2, on such terms and conditions and for a term of years as the Board of Selectmen deems in the best interest of the Town, and to take any other action necessary or convenient for the implementation and administration of such agreement.

ARTICLE 30

Article 30: *The Moderator declared the motion carried to* authorize the Board of Selectmen to enter into an agreement for Payment In Lieu of Taxes (PILOT) pursuant to M.G.L. Chapter 59,§38H(b), or any other enabling legislation, for taxes attributable to a solar photovoltaic facility installed or to be installed on property located at the following address, 363 East Main Street, and shown on Assessors Map U16 as Parcel 54-1, on such terms and conditions and for a term of years as the Board of Selectmen deems in the best interest of the Town, and to take any other action necessary or convenient for the implementation and administration of such agreement.

A motion to adjourn the meeting was made and seconded with the majority voting at 8:35 p.m. to dissolve the meeting. One hundred and thirteen registered voters attended.

Respectfully submitted,
Laura J. Torti
Town Clerk