



# TOWN OF SPENCER

## *Office of the Town Clerk*

Memorial Town Hall  
157 Main Street, Spencer, MA 01562  
*Laura J. Torti, Town Clerk*

### **Special Town Meeting November 16, 2017 Memorial Town Hall**

The meeting was called to order at 7:05 p.m. by Moderator William R. Shemeth, III after determining a quorum was present.

Reading of the Return of the Warrant was waived and the moderator noted that the meeting was posted in accordance with the law. Selectman Warren Monette led the attendees in the Pledge of Allegiance followed by a moment of silence in honor of those residents who had passed away including Effie Tolis. The Moderator also recognized the following people who had retired or recently left their positions in Town: Adam Gaudette, Town Administrator; Bruce Guyan, Water Department; and Robbin Joyce, Finance Committee. He also recognized the following persons who had recently retired from the Spencer East Brookfield Regional School District: Jennifer Bouley, Teacher; Lynn Dobson, clerk; Lisa Grenier, nurse; Mark James, Teacher; Stan Jablonski, teacher; Bob L'Heureux, teacher; Cathy LaPrad, cafeteria; Sonia O'Coin, cafeteria; Gail Roach, teacher; and Cynthia Sprow, teacher.

The Moderator introduced to attendees; himself, members of the Board of Selectmen, Interim Town Administrator William R. Ross, Town Counsel Stan Weinberg, Town Clerk Laura Torti and Finance Committee Chair Mary Braney. Ms. Braney then introduced those members of the Finance Committee who were present. Ms. Braney gave an update to those in attendance regarding the various focus groups the Finance Committee has been conducting throughout the year using the SOAR method. She noted that more detailed information including survey results was available on the Town website [www.spencerma.gov](http://www.spencerma.gov) and that there were copies of the survey available online and with the Registrars, at the Library and at the Senior Center for those who wished to take the survey. The Moderator noted that the 2017 Christmas Parade of Lights would be taking place on Saturday, December 2<sup>nd</sup> at 7:00 p.m. with a snow date of December 3<sup>rd</sup> and he thanked the Celebrations Committee, community groups, businesses and volunteers whose efforts made this annual event possible. The Moderator noted that the Winter Parking Ban is in place the details of which are on the Town website. The Moderator also noted that handouts pertaining to the progress reports and updates on the pavement management system and the Spencer Financial Management Planning Committee Roads Project-Pavement Condition Index Summary were available.

The Moderator thanked Spencer Cable Access for broadcasting the meeting and reviewed the ground rules and parliamentary procedure for Town Meetings. He noted that on this date in 1907 Oklahoma was the 49<sup>th</sup> state to join the Union and that in this month in history the Mayflower Compact was written becoming the first governing document of the United States.

The following articles were acted upon:

**Article 1:** (Finance Committee recommended approval as written)

**AUTHORIZATION TO PAY PRIOR FISCAL YEAR EXPENSES**

*The Moderator declared a unanimous vote* to appropriate One Hundred Seventy Dollars and No Cents (\$170.00) to pay the FY2017 ODIS Expense for Conservation Commission Members Conference Fees, and Four Hundred Fifty One Dollars and Eighty One cents (\$451.81) for expenses of the Building Inspection Office to meet said appropriation by transferring from previously certified and available Free Cash or other available funds; or take any action relating thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 2:** (Finance Committee recommended approval as written contingent upon the passage of Article 3)

**AUTHORIZATION TO RESCIND THE PREVIOUSLY APPROVED ARTICLE FOR THE FY2018 GENERAL GOVERNMENT OPERATING BUDGET**

*The Moderator declared the motion carried* to rescind Article 15 from the May 4, 2017 Annual Town Meeting for the purposes of voting to approve the following Article #3 that will adjust the Fiscal Year 2018 General Government Operating Budget; said rescission is contingent upon the approval of Article #3; or take any action relating thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 3:** (Finance Committee recommended approval as written)

**AUTHORIZATION TO APPROPRIATE THE REVISED FY2018 GENERAL GOVERNMENT OPERATING BUDGET**

*The Moderator declared the motion carried* to raise and appropriate the sum of Eight Million Eight Hundred Six Thousand Three Hundred Twenty Five Dollars and Zero Cents (\$8,806,325.00) 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 Account, from taxation, from available funds in the Treasury, and anticipated receipts as may be needed or decided necessary; or take any action relating thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

*The Moderator noted the changes to the budget as outlined in the handout that was attached to and posted with the warrant.*

**Article 4:** (Finance Committee and Capital Improvement Planning Committee recommended approval as written)

**AUTHORIZATION TO TRANSFER MONIES TO THE WATER COMMISSION CAPITAL EFFICIENCY ACCOUNT**

*The Moderator declared the motion carried* to appropriate the sum of Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) to the Water Efficiency Account for capital projects as approved by the Capital Improvements Planning Committee and to meet said appropriation by transferring Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) from previously certified and available Retained Earnings of the Water Enterprise Fund. *(Sponsored by the Water Commissioners)*

**Article 5:** (Finance Committee recommended approval as written)

**AUTHORIZATION TO TRANSFER MONIES TO A RESERVE FUND**

*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 #083-83000-39800) and to meet said appropriation by transferring from previously certified and available Free Cash or other available funds; or take any action relating thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 6:** (Finance Committee recommended approval as written)

**AUTHORIZATION TO TRANSFER MONIES TO FUND CAPITAL EXPENDITURES**

*The Moderator declared the motion carried* to appropriate the sum of Three Hundred Fifteen Thousand Eight Hundred Nine Dollars and Zero Cents (\$315,809.00) for capital equipment purchases and capital improvements, as generally illustrated below, and to meet said appropriation by raising and appropriating or transferring from available funds the sum of Three Hundred Fifteen Thousand Eight Hundred Nine Dollars and Zero Cents (\$315,809.00) or take any action relative thereto. *(Sponsored by the Capital Improvements Planning Committee, Board of Selectmen, and the Town Administrator)*

*Matthew Defosse, 7 Pauls Drive, Chief Robert Parsons, Selectman Dr. Ralph Hicks, Chief David Darrin and Shirley Hassett, 4 Lake Whittemore Drive all spoke on this article.*

<u>Dept.</u>	<u>Item</u>	<u>Amount</u>
Fire Department	Turnout Gear	\$ 49,501.00
Fire Department	Truck Body for Ford F250	\$ 14,000.00
Parks and Recreation	Rail Trail Phase 3	\$ 15,000.00
Parks and Recreation	Rail Trail Phase 4	\$ 15,000.00
Police Department	Move Lake School generator to Police Bldg.	\$ 17,500.00
Town Hall	Cherry St, Fire Station Demo Specs	\$ 10,000.00
Town Hall	Lake Street School UST removal	\$ 25,000.00
Town Hall	20 Mechanic St. Specs and Demo.	\$ 55,000.00
Utilities and Facilities	Salt Shed Replacement	\$104,808.00
Utilities and Facilities	Browning Pond Road Layout	\$ 10,000.00
<b>Total:</b>		<b>\$315,809.00</b>

**Article 7:** (Finance Committee recommended approval as written)

#### **AUTHORIZATION TO AMEND A PREVIOUSLY APPROVED ARTICLE**

*The Moderator declared the motion carried* to amend the action taken under Article 19 from the May 5, 2016 Annual Town Meeting which authorized borrowing for a comprehensive roads project, by striking under item B, the words “and the General Court has voted to approve the special legislation outlined in Article 20 hereunder”; or take any other action relating thereto. (Sponsored by the Board of Selectmen and the Town Administrator).

*The Town filed special legislation as outlined under Article 20 from the May 5, 2016 Annual Town Meeting Warrant, however, rather than only issuing a home rule exception, the General Court instead signed the Municipal Modernization Bill amending MGL c. 44 §7, allowing all cities and towns, not just Spencer, to have access to extended borrowing terms of up to 30 years. This language was prepared and approved by Town bond counsel.*

#### **Article 8**

#### **AUTHORIZATION TO AMEND THE PERSONNEL BYLAWS**

*The Moderator declared the motion carried* to amend Article 8 with a motion made by Gary Woodbury and seconded by Warren Monette changing the sentence on Firefighters to read “Full time firefighters shall receive overtime for hours worked over 53 hours in a 7 day work week.”

Kurt Nordquist, 8 Gale Drive called for a point of order asking Town Counsel to rule on whether or not new positions must be approved at Annual Town Meeting. Town Counsel informed Mr. Nordquist that he was unaware of any such provision or requirement and the Moderator declared acceptance of Town Counsel ruling and that Article 8 meeting action would proceed according to such ruling.

**Article 8:** (Finance Committee recommended approval as written)

**AUTHORIZATION TO AMEND THE PERSONNEL BYLAWS**

*The Moderator declared the motion carried* to amend the Personnel Bylaws, becoming effective January 1, 2018, by adding the below listed positions to Section 2-Schedule C and to amend Section 2C related to overtime compensation; or take any action relative thereto. *(Sponsored by the Town Administrator)*

SFD Full Time Firefighter	\$41,911	yearly
SFD On-Call Deputy Chief	\$9,222	yearly
SFD On-Call Captain	\$19.40	hourly
SFD On-Call Lieutenant	\$18.00	hourly
SFD On-Call Firefighter	\$16.45	hourly
Parks & Rec. Waterfront Dir.	\$18.00	hourly
Parks & Rec. Lifeguard	\$13.25	hourly
Parks & Rec. Admin. Asst.	\$17.00	hourly

“Full time firefighters shall receive overtime for hours worked over 53 hours in a 7 day work week.”

**Article 9:** (Finance Committee defers to the Planning Board, the Moderator noted that the Planning Board recommended in favor of this article)

**AUTHORIZATION TO AMEND THE ZONING BYLAWS**

*The Moderator declared a two thirds vote* to amend the Zoning Bylaws, by amending; Article 4.2 Use Table, Principal Uses.

Article 4.5 Temporary Uses and Article 4.8 Special Uses or take any action relating *thereto*. *(Sponsored by the Planning Board)*

**Article 10.**

**AUTHORIZATION TO ADD A BYLAW ON SNOW REMOVAL ON SIDEWALKS IN THE CENTRAL BUSINESS DISTRICT**

*The Moderator declared the motion carried* to amend Article 10 with a motion made by Ralph Hicks and seconded by John Stevens removing the language “both sides of Main St. from approximately 96 Main to 188 Main and inserting the following language “both sides of Main St. including all parcels located or addressed from 96 Main St. to 176 Main St. and 95 Main St. to 159 Main St.”

**Article 10.** (Finance Committee defers to the Board of Selectmen and Town Administrator)

**AUTHORIZATION TO ADD A BYLAW ON SNOW REMOVAL ON SIDEWALKS IN THE CENTRAL BUSINESS DISTRICT**

***The Moderator declared the motion carried*** to amend Article 6, Section 5 of the General Bylaws by renumbering the existing section as Section 5.1 and creating Section 5.2 to read as follows:

Section 5.2 Property owners and/or occupants to remove snow and ice from sidewalks in the Central Business District described as follows: both sides of Main St. including all parcels located or addressed from 96 Main St. to 176 Main St. and 95 Main St. to 159 Main St. within 24 hours of the end of a storm and to place such snow or ice in the gutter of the street adjacent to the property. (Sponsored by the Board of Selectmen and the Town Administrator)

### **Article 11.**

#### **AUTHORIZATION TO ACCEPT RICHLAND DRIVE AS A PUBLIC WAY**

***The Moderator declared the motion carried*** to amend Article 11 with a motion made by John Stevens and seconded by Gary Woodbury changing the name Richland Drive to Richland Avenue.

**Article 11.** (Finance Committee recommended approval as written)

#### **AUTHORIZATION TO ACCEPT RICHLAND DRIVE AS A PUBLIC WAY**

***The Moderator declared the motion carried*** to accept Richland Avenue as a public way, provided that all costs associated with the preparation and recording of the deed and plan as well as certification of good and clear record and marketable title, are paid by the owner; or take any other action relative thereto. (*Sponsored by the Planning Board*)

A motion was made by Selectman Ralph Hicks and seconded by Selectman Warren Monette to dissolve the Meeting.

Majority voted at 7:45 p.m. to dissolve this Meeting.

A total of 84 registered voters attended.

Laura J. Torti  
Town Clerk