

Town of Spencer
Annual Town Meeting Minutes
November 7, 2019
Memorial Town Hall

I. The Moderator called the meeting to order at 7:12 p.m.

- a) Announced there was a quorum.
- b) Waived the Reading of the Return of the Warrant.
- c) Declared that the meeting was posted in accordance of the law.

II. Pledge of Allegiance led by Dr. Ralph Hicks.

III. Moment of Silence for

Linda Beardsley, Robert McPherson, Thomas Hopkins, Ruth King, Gerald Sullivan, John Mitchell, Raymond Bosse, Richard Bemis, Wendell Constantine, June Foisy, Earl Martin, Jr., and Lorraine George.

IV. Thanks to the following for their service to the Town:

Recently Retired: Bruce Guyan, Water Dept. 22 years, George Edwards, 39 years Police Dept., Deborah Kirk 14 years Library, Lee Churchey 30 years Fire Dept.

V. Thanks to Spencer Cable Access for their continued service in broadcasting Town Meetings

VI. The Moderator announced various upcoming events of public interest:

- a) Town Office are closed on Monday, November 11th in honor of Veterans' Day
- b) The American Legion Veterans Day Parade will be held on Monday, November 11th at 6:30 p.m. Lineup for participants is at 6:00 p.m.
- c) The second Annual Olde Fashioned Holiday Craft Fair will be held at the Spencer Memorial Town Hall on Saturday, December 7th from 10a.m. to 4p.m. All proceeds to benefit the Celebrations Committee
- d) On Sunday, November 10th at Powdermill Mark, there will be a ceremony in memory of Lionel Wilfred Lescault who was born in Spencer, and one of the first to have died in World War II. He died while serving our country as a sailor aboard the USS Oklahoma during the attack on Pearl Harbor. His name will be added to the memorial in the rotunda of town hall next spring.
- e) The 2019 Spencer Christmas Parade of Lights sponsored by the Spencer Celebration Committee will be held on Saturday, December 7th at 7:00 p.m. The snow date will be Sunday December 8th.
- f) The Bay Path Education Foundation is sponsoring a Santa Claus Pancake Breakfast on Saturday December 7th from 7:30-10:30 a.m. at Bay Path Regional Vocational High School.
- g) Operation Undercover will continue under the service of Beth McPherson and Laura Torti. Thanks to Bob and Carol McPherson for their years of service to this effort. Donations will be accepted from November 4th through December 10th.
- h) Application for the annual Spencer Toys for Kids drive are now being accepted until Monday December 2nd
- i) The First Annual Town of Spencer Tree Lighting Ceremony will be held on the green next to the Sugden block near the Library on Saturday, November 30th from 5-8p.m. Music by the David Prouty High School Band and Chorus and a reading by the Spencer Selectboard of 'Twas the Night Before Christmas will be featured
- j) ODIS is seeking community input on parking issues and concerns Downtown as part of a grant funded Downtown Parking Study.
- k) The Town of Spencer is drafting a new Open Space and Recreation Plan. A Survey to help determine Community Priorities will be available on the town website and at the library and town hall until December 1st.

VII. Introductions of Town Staff by the Moderator, and Finance Committee introduced by Vice Chair Paul McLaughlin

- VIII. McPherson Presentation by Past and Present Moderators and Town Clerks: As a special tribute to honor the service of former Town Moderator Robert B. McPherson who recently passed away, a special ceremony was held as part of the opening of Town Meeting. Dr. Ralph Hicks made comments on behalf of the Spencer Board of Selectmen. Comments from Mary Braney were read on behalf of the Spencer Finance Committee and Spencer Cable Access Board of Directors. Former Town Moderator Peter Adams and Town Moderator William Shemeth paid tribute to Mr. McPherson through their remarks. Speakers noted Mr. McPherson's knowledge of the details of town meeting procedure and his fair and equitable treatment of all town meeting attendees. Mr. McPherson's commitment to broadcasting town meetings and other governmental meetings and public events through Spencer Cable Access was noted as was his commitment and service to the Spencer Finance Committee. Mr. McPherson's commitment to helping those in need with his wife Carol through Operation Undercover was noted. All speakers noted that Spencer as a community and quality of Spencer Town Government as responsive to Spencer citizens is better for Bob's service. Former Town Clerk Jean Mulhall, Town Clerk Laura Torti, Former town Moderator Peter Adams, and Town Moderator William Shemeth presented the McPherson family with a framed Norman Rockwell Freedom of Speech print from the Four Freedoms series.
- IX. Moderator Remarks: Mr. Shemeth noted on this date in history in 1916 Jeanette Rankin from Montana became the first woman elected to the US House of Representatives and on this day in 1805, Lewis and Clark first sighted the Pacific Ocean which truly brought Americans from sea to shining sea. He further noted that on this day in history in 1918 Robert Goddard first demonstrated tube launched solid propellant rockets, heralding the age of space travel. The Moderator recognized the efforts of the Spencer Celebration Committee in sponsoring the successful annual Halloween party at the town hall and also recognized the efforts of the Spencer Economic Development Committee in running a successful Spencer Downtown Street Party to promote a sense of community and celebrate create businesses and people in and near Spencer. Mr. Shemeth thanked the Spencer Exchange Club for their efforts in revitalizing and improving the playground pavilion and other facilities at Powdermill Park. The moderator noted the taste of the town fundraiser sponsored by the Spencer Exchange Club which highlighted a variety of local businesses while raising funds to help improve facilities at Powdermill Park.
- X. The Moderator 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.

Article 1: *Finance Committee Recommended Approval.*

AUTHORIZATION TO TRANSFER MONIES BETWEEN ACCOUNTS

The moderator declared the motion carried to transfer the sum of Eight Thousand Two Hundred Thirteen Dollars and No Cents (\$8,213.00) from General Insurance Expenses (Account #11900-57000) to Tantasqua Regional High School Tuition (Account #11300-52000), and to transfer the sum of Twenty Two Thousand Eight Hundred Sixty Two Dollars and No Cents (\$22,862.00) from General Insurance Expenses (Account #11900-57000) to Tantasqua Regional High School Transportation Assessment (Account #11300-52100); or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

Article 2: *Finance Committee Recommended Approval.*

AUTHORIZATION TO TRANSFER MONIES BETWEEN ACCOUNTS

The moderator declared the motion carried to transfer the sum of One Thousand Five Hundred Dollars and No Cents (\$1,500.00) from General Insurance Expenses (Account #11900-57000) to Information Technology Expenses (Account #11155-57000) for the purpose of acquiring enhanced

network security protection, including all incidental and related expenses; or take any action in relation thereto. (*Sponsored by the Board of Selectmen and the Town Administrator*)

Article 3: *Finance Committee Recommended Approval.*

AUTHORIZATION TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE OPEB TRUST

The moderator declared the motion (made by Wilson Dobson and seconded by Lynn Dobson) failed by a vote of 56 in favor and 80 against to amend Article 3 to raise and appropriate the sum of Forty Thousand Dollars and No Cents (\$40,000.00) for the fund known as the Other Post-Employment Benefits Liability Trust, or “OPEB Fund” (Account #83000-39825.

Note: The vote count was affirmed by the assistance of tellers appointed by the Moderator,

*The moderator declared the motion carried to raise and appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) for the fund known as the Other Post-Employment Benefits Liability Trust, or “OPEB Fund” (Account #83000-39825); or take any action in relation thereto. (*Sponsored by the Board of Selectmen and the Town Administrator*)*

Article 4: *Finance Committee Recommended Approval.*

AUTHORIZATION TO APPROVE BORROWING BY THE SPENCER-EAST BROOKFIELD REGIONAL SCHOOL DISTRICT

The moderator declared the motion carried to approve the \$450,000 borrowing authorized by the Spencer-East Brookfield Regional School District Committee, for the purpose of paying the costs of a feasibility study for the renovation and/or construction or reconstruction of the David Prouty High School, located at 302 Main Street, Spencer, Massachusetts, including the payment of all costs incidental or related thereto, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the School Building Committee; that the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any feasibility study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; any grant the District may receive from the MSBA for the feasibility study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

Note: the letter informing the Town of Spencer of the borrowing action and use of E&D funds by the Spencer East Brookfield Regional School Committee was received within the time period required by statute.

Article 5: *Finance Committee Recommended Approval.*

AUTHORIZATION TO ESTABLISH A REGIONAL SCHOOL STABILIZATION FUND

The moderator declared the motion carried to in accordance with the provisions of General Laws, Chapter 71, Section 16G½, to approve the establishment of a Spencer-East Brookfield Regional School District Stabilization Fund, which fund may be expended by a two-thirds vote of the entire

Regional School District Committee for any purposes for which the District could borrow, or otherwise as authorized by the Secretary of Education, or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

Article 6: *Finance Committee Recommended Approval.*

AUTHORIZATION TO PAY A BILL OF PRIOR FISCAL YEAR

The moderator declared the motion carried unanimously to transfer from certified and available Free Cash One Hundred Eighty One Dollars and Nine Cents (\$181.09) to Fire Department Expenses (Account # 11220-57000) to pay an unpaid bill of prior fiscal year pursuant to General Laws Chapter 44, Section 64, specifically, for the purchase of equipment identification tags.

Article 7: *Finance Committee Recommended Approval.*

AUTHORIZATION TO TRANSFER MONIES TO SEWER ENTERPRISE FUND

The moderator declared the motion carried to appropriate the sum of Two Thousand One Hundred Thirty Dollars and No Cents (\$2,130.00) for a Sewer Department seasonal part-time employee, 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 action in relation thereto. (Sponsored by the Board of Selectmen and the Board of Sewer Commissioners)

Article 8: *Finance Committee Recommended Approval. The Capital Improvement Planning Committee reviewed and approved this request in accordance with Town Bylaws.*

AUTHORIZATION TO TRANSFER MONIES FOR SEWER CAPITAL ACCOUNT

The moderator declared the motion carried to appropriate the sum Thirty Seven Thousand, Two Hundred Ninety Nine Dollars and Eighty Six Cents (\$37,299.86) for capital projects previously approved by the Capital Improvements Planning Committee, and to meet such appropriation by transferring said sum from the following unexpended capital accounts to the Sewer Capital Account (#20000-58870):

<u>Account</u>	<u>Item</u>	<u>Amount</u>
20000-58570	Maple Street Improvement	\$26,453.00
20000-58575	WWTP Project	\$8,252.00
20000-58875	Clarifier Project	\$2,594.86
Total		\$37,299.86

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

Article 9: *Finance Committee Recommended Approval. The Capital Improvement Planning Committee reviewed and approved this request in accordance with Town Bylaws.*

AUTHORIZATION TO TRANSFER MONIES TO WATER CAPITAL EFFICIENCY ACCOUNT

The moderator declared the motion carried to appropriate Three Hundred Forty One Thousand, Three Hundred Eleven Dollars and No Cents (\$341,311.00) to the Water Capital Efficiency Plan Program Account (#15000-58860) for capital projects as approved by the Capital Improvements Planning Committee, and to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Water Enterprise Fund; or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

Article 10: *Finance Committee Recommended Approval. The Capital Improvement Planning Committee reviewed and approved this request in accordance with Town Bylaws.*

AUTHORIZATION TO ENTER INTO LEASE PURCHASE FINANCING AGREEMENTS

The moderator declared the motion carried unanimously to authorize the Board of Selectmen to enter into lease purchase financing agreements, pursuant to General Laws, Chapter 44, Section 21C, that may be financed by the issuance of debt under this chapter or otherwise authorized by law, including by raising and appropriating or transferring from available funds a sum of money for the first payment of such agreement, for a term up to the useful life of the property, for the purpose of acquiring and equipping communication equipment for the Police Department, a utility terrain vehicle (UTV) for the Fire Department; and a cruiser for the Fire Department to be procured as determined by the Board of Selectmen, or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

Article 11: *Finance Committee Recommended Approval. The Capital Improvement Planning Committee reviewed and approved this request in accordance with Town Bylaws.*

AUTHORIZATION TO APPROPRIATE MONIES TO FUND CAPITAL EXPENDITURES

The moderator declared the motion carried by a vote of 130 in favor and 5 opposed to appropriate the sum of Three Hundred Eighty Five Thousand Dollars and No Cents (\$385,000.00) for capital equipment purchases and capital improvements, as generally illustrated below, including equipping any vehicles, and all other incidental and related expenses, and to authorize the Town to enter into lease purchase agreements for periods up to and in excess of three years; and, further, to meet said appropriation by transferring the sum of Three Hundred Eighty Five Thousand Dollars and No Cents (\$385,000.00) from previously certified and available Free Cash:

<u>Department</u>	<u>Item</u>	<u>Amount</u>
Library / U&F	Library AC and Controls Upgrade	\$150,000.00
Highway Department	Salt Shed Replacement	\$150,000.00
Highway Department	Temp Repairs North Spencer Rd Bridge	\$50,000.00
Highway Department	Muzzy Pond Drawdown Gate	\$20,000.00
Fire Department	Cruiser (Yr. 1)	\$15,000.00
Total:		\$385,000.00

or take any action in relation thereto. (*Sponsored by the Capital Improvements Planning Committee, Board of Selectmen, and the Town Administrator*)

Article 12: *Finance Committee Recommended Approval. The Capital Improvement Planning Committee reviewed and approved this request in accordance with Town Bylaws.*

AUTHORIZATION TO TRANSFER MONIES TO FUND CAPITAL EXPENDITURES

The moderator declared the motion carried to appropriate the sum of Twenty Two Thousand Three Hundred One Dollars and Six Cents (\$22,301.06) for building improvements to the South Spencer Community Center, including all incidental and related expenses, and to meet said appropriation by transferring said sum from the following unexpended capital accounts:

<u>Account</u>	<u>Item</u>	<u>Amount</u>
60000-59266	Building Study – Lake St School	\$371.40
60000-59291	Police Cruiser Replacement	\$64.50
60000-59313	Highway – Angle Snow Attachment	\$1,365.16
60000-59319	Police Records Management Upgrade	\$100.00
60000-59320	Police Cruiser Replacement	\$100.00
60000-59324	Appraisals – Sugden / Lake St School	\$100.00
60000-59325	Sugden Green Design	\$200.00
60000-59296	Wire Village School Building Study	\$20,000.00
TOTAL:		\$22,301.06

or take any action in relation thereto. (*Sponsored by the Capital Improvements Planning Committee, Board of Selectmen, and the Town Administrator*)

Article 13: *Finance Committee Recommended Approval.*

AUTHORIZATION TO TRANSFER A SUM OF MONEY TO A REGIONAL FIRE TRAINING FACILITY

The moderator declared the motion carried to appropriate the sum of Four Thousand Three Hundred Thirty Eight Dollars and No Cents (\$4,338.00) for the purpose of constructing a Regional Fire Training Facility, including all incidental and related expenses, and to meet this appropriation to transfer the said sum from previously certified and available Free Cash, said amount to represent the

Town's contribution among ten other communities; or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

Article 14: *Finance Committee Recommended Approval.*

AUTHORIZATION TO AMEND A LICENSE AGREEMENT

The moderator declared the motion carried to authorize renewal of a License Agreement with Massachusetts Electric Company / National Grid for parking purposes on the easterly side of Elm Street, on such terms and conditions as the Board of Selectmen deems to be reasonable, appropriate and in the best interests of the Town, and further to authorize the Board of Selectmen to negotiate, execute, and deliver such documents as may be necessary to carry out the purpose of this article, and further to appropriate the sum of Seven Hundred Dollars and No Cents (\$700.00) as the annual license fee from Utilities and Facilities Expenses (Account #11405-57000); or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

Article 15: *Finance Committee Recommended Approval.*

AUTHORIZATION TO ENTER INTO PILOT AGREEMENT

The moderator declared the motion carried to authorize the Board of Selectmen to negotiate and enter into Payment in Lieu of Taxes (PILOT), also known as a "PILOT Agreement" pursuant to General Laws, Chapter 59, Section 38H(b), or any other enabling authority, in a form as is acceptable to the Board of Selectmen, between the Town of Spencer and Spencer Solar Farm, LLC, its successor, assignee or affiliate, as negotiated by the Board of Selectmen for payment of for taxes attributable to a solar photovoltaic facility installed or to be installed on property located at North Brookfield Road as shown on Assessors Map R39-14, on land owned by Sunpin Solar Development, LLC, on such terms and conditions and for a term of years as the Board of Selectmen deems in the best interest of the Town, but not to exceed twenty (20) years, and further to take any other action necessary or convenient for the implementation and administration of such agreement to carry out the vote taken hereunder; or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

Article 16: *Finance Committee Recommended Approval.*

AUTHORIZATION TO AMEND THE GENERAL BYLAWS

The moderator declared the motion carried to amend Article 2, Section 12 (Town Administration - Employment Contracts) of the Town's General Bylaws by adding the position of Police Lieutenant to the list of employees with whom the Town Administrator may enter into contracts, so that the first sentence of Section 12 shall now read as follows, with addition in bold: "The Town Administrator may negotiate and execute an employment contract for a period of time not to exceed three years to provide for the performance standards, salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties of office, liability insurance, performance standards, and leave for all department heads, the Town Accountant, the Inspector of Buildings, **and the Police Lieutenant.**"; or take any action in relation thereto. *(Sponsored by the Board of Selectmen and Town Administrator)*

Article 17: *Finance Committee Recommended Approval.*

AUTHORIZATION TO AMEND THE GENERAL BYLAWS

The moderator declared the motion carried to amend Article 9, Section 8 (Animal Control – Boarding Rate) of the General Bylaws by deleting the current text of said section and inserting in place thereof the following text: “The boarding rate for impoundment of dogs and cats shall be \$15.00 per day or any portion thereof,” or take any action in relation thereto. *(Sponsored by the Board of Selectmen and Town Administrator)*

Article 18: *Finance Committee Recommended Approval.*

AUTHORIZATION TO AMEND THE GENERAL BYLAWS

The moderator declared the motion carried to, in accordance with General Laws, Chapter 44, Section 53E½, to amend the General Bylaws, Article 2, Section 15, entitled “Departmental Revolving Funds”, by deleting the row for the revolving fund entitled “Sugden Block” in the table following Section 5 of said bylaw, thereby eliminating such revolving fund, and, further, to transfer all remaining funds to the General Fund, or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

Article 19:*The Finance Committee announced their deferment to the vote of town meeting.*

AUTHORIZATION TO ESTABLISH A CONSERVATION FUND

(BY PETITION)

The moderator declared the motion failed by a vote of 44 in favor and 63 opposed to establish a sense of the meeting regarding the intent to appropriate from the tax levy an amount equal to 10% of tax revenue or payments in lieu of taxes from all commercial solar installations within the Town of Spencer to a Conservation Fund account under G.L. c.40, s. 8C to be used as approved by the Conservation Commission such terms and conditions as they determine in the best interests of the Town, or take any action relating thereto.

A motion to adjourn was made by Mr. Woodbury seconded by Dr. Hicks.

The meeting adjourned at 8:50 p.m.

A total of 170 registered voters attended this meeting

Respectfully submitted,

Laura J. Torti
Town Clerk