

**TOWN OF SPENCER**  
**Special Town Meeting Minutes**  
**November 12, 2020**  
**David Prouty Regional High School**

The Moderator, William R. Shemeth, III, called the meeting to order at 7:03PM.

Announced there was a quorum.

Waived the Reading of the Return of the Warrant.

Pledge of Allegiance.

National Anthem led by James Pervier.

Moderator recognized all veterans and current members of the military for their efforts and sacrifices during these extraordinary times, noting that the community did not have the opportunity to celebrate Veterans Day with the usual ceremonies. There was a moment of silence held for all those who have died in service of our country.

Moderator noted that on this date in 1815, Elizabeth Cady Stanton was born. Elizabeth Cady Stanton drafted the Declaration of Sentiments which laid out the case for women's rights and worked with Susan B. Anthony to promote the cause of women's suffrage (right to vote). The 100<sup>th</sup> anniversary of women achieving the right to vote is being celebrated this year.

Moderator stated the Interim Town Clerk, Lisa Johnson, was unable to record minutes of Town Meetings, as she is not a Spencer resident. Therefore, a Temporary Town Clerk must be elected by ballot. The Temporary Town Clerk will be required to record all votes of this Meeting. Moderator stated it was his understanding that Jean Mulhall, being familiar with the procedure of Town Meeting and having experience recording votes, has graciously offered to perform

the duties of the Town Clerk tonight. Additionally, you should be aware that in elections, the person receiving the majority of votes of those present and voting, is declared the winner. Accordingly, if there is only one person nominated tonight, only one vote will be required to “elect” the Temporary Town Clerk. Moderator asked for a nomination for Jean Mulhall to act as Temporary Town Clerk for the purposes of this meeting. Please be aware that if more than one person is nominated tonight, we will need to vote by ballot. That will require each and every voter to write on the piece of paper they received, the name of the candidate for whom they wish to vote. Then, each voter will need to come up to the front of the hall to individually deposit their ballot. Once all votes have been cast, the Board of Selectmen will need to count and record each ballot.

Motion was made by Ralph Hicks, Chairman of the Board of Selectmen and seconded by Selectman, Gary Woodbury, to nominate Jean Mulhall as Temporary Town Clerk.

Moderator asked if there were any additional nominations.

Hearing none, nominations were closed. Declared that Jean Mulhall was sole nominee for the position of Temporary Town Clerk for this meeting.

Motion by Ralph Hicks, Chairman of Board of Selectmen, to cast one ballot for Jean Mulhall, and seconded by Gary Woodbury, Selectman.

Moderator asked for a vote on the motion that Chairman of Board of Selectmen cast one ballot. Ralph Hicks, Chairman of the Board of Selectmen cast ballot for Jean Mulhall.

Moderator declared vote for the appointment of Jean Mulhall as Temporary Town Clerk for this meeting.

Moderator administered the Oath of Office to Jean Mulhall.

Moderator stated that Town Meeting is governed with the guidance from “Town Meeting Time”: A Handbook of Parliamentary Procedure, and that a copy is available at the podium for reference.

Board of Selectmen members, Town Administrator, Town Counsel and the Finance Committee Members present, were introduced.

The following articles were voted upon:

Finance Committee recommended approval of this article.

Article 1: The Moderator declared a majority vote to amend the vote taken under Article #13 of the June 30, 2020 Annual Town Meeting for the Spencer-East Brookfield Regional School District for Fiscal Year 2021, in accordance with any conditions stated herein, to reduce the original total appropriation by the sum of Two Hundred Sixty Eight Thousand One Dollars and No Cents (\$268,001.00); and therefore, to provide that the total sum of Nine Million One Hundred One Thousand Three Hundred Ninety Two Dollars and No Cents (\$9,101,392.00) for Fiscal Year 2021 be appropriated for the following purposes:

Spencer-East Brookfield Regional School District Minimum Contribution

Account #11300-56000	\$ 7,197,432
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Spencer-East Brookfield Regional School District Additional Assessment

Account #11300-56000	\$ 18,107
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Spencer-East Brookfield Regional School District Transportation Assessment

Account #11300-56000	\$1,205,209
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Spencer-East Brookfield Regional School District Debt Assessment

Account #11300-56010	\$ 349,721
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Spencer-East Brookfield Regional School District Capital Assessment

Account #11300-56010	\$ 330,923
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Finance Committee recommended approval of this article.

Article 2: The Moderator declared a majority vote to raise and appropriate the sum of Forty Six Thousand Two Hundred Sixty Dollars and No Cents (\$46,260.00) for Fiscal Year 2021 for the following purposes:

Smith Vocational and Agricultural High School Non-Resident Tuition

Account #11300-52000	\$18,400
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Smith Vocational and Agricultural High School Non-Resident Transportation

Account #11300-52100	\$27,860
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Finance Committee recommended approval of this article.

Article 3: The Moderator declared a majority vote to amend the vote taken under Article #17 of the June 30, 2020 Annual Town Meeting by rescinding the same, and, in place thereof, that the Town raise and appropriate Eleven Million Six Hundred Seventy One Thousand Two Hundred Eighty Nine Dollars and No Cents (\$11,671,289.00); transfer Ten Thousand Dollars and No Cents (\$10,000.00) from Wetlands Protection Fund; and, transfer Three Hundred Twelve Thousand Seven Hundred Twenty Eight Dollars and No Cents (\$312,728.00) from previously certified and available Free Cash to pay for the operations of the General Government expenses for Fiscal Year 2021 all as set forth in the Special Town Meeting warrant under Article 3.

Finance Committee recommended approval of this article.

Article 4: The Moderator declared a majority vote to appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to the Reserve Fund (Account #11132-57000) to cover extraordinary or unforeseen expenses in accordance with General Laws, Chapter 40, Section 6; and, to meet said appropriation by transferring said sum from previously certified and available Free Cash.

Finance Committee recommended approval of this article.

Article 5: The Moderator declared a majority vote 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).

Finance Committee recommended approval of this article.

Article 6: The Moderator declared a majority vote to raise and appropriate the sum of Two Hundred Fifty One Thousand, Seven Hundred Forty Dollars and No Cents (\$251,740.00) for the purpose of supplementing the General Stabilization Fund (Account #83000-39900), as authorized by General Laws, Chapter 40, Section 5B.

Speakers on this article: Stephanie Underwood, 46 Greenville St. and Thomas Gregory, Town Administrator

Finance Committee recommended approval of this article.

Article 7: The Moderator declared a unanimous vote to appropriate the sum of Seven Hundred Four Dollars and Eleven Cents (\$704.11) to Town Hall Maintenance (Account #11192-57000) to pay unpaid bills of prior fiscal year pursuant to General Laws Chapter 44, Section 64, specifically, for the purchase of cleaning supplies; and, to meet said appropriation by transferring said sum from previously certified and available Free Cash.

Finance Committee recommended approval of this article.

Article 8: The Moderator declared a majority vote that the sum of Four Hundred Thirty Thousand Dollars and No Cents (\$430,000.00), be appropriated to the Sewer Capital Account (#20000-58870) for capital projects as approved by the Capital Improvements Planning Committee as set forth in the 2020 Report and Recommendations of the Capital Improvements Planning Committee, and as funding therefor, to transfer said sum from previously certified and available Retained Earnings of the Sewer Enterprise Fund.

Finance Committee recommended approval of this article.

Article 9: The Moderator declared a majority vote to appropriate the sum of Three Hundred Seventy Nine Thousand Seven Hundred Six Dollars and No Cents (\$379,706.00) 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.

Finance Committee recommended approval of this article.

A Motion on Article 10 by Kurt Nordquist and seconded by Bob Cirba to pass over the Parks and Recreation, O’Gara Grandstand, \$25,000.00 and reduce amount to zero was defeated with only 6 voting in favor.

Article 10: The Moderator declared a majority vote to appropriate the sum of One Hundred Twenty Thousand Seven Hundred Fifteen Dollars and No Cents (\$120,715.00) for capital equipment purchases and capital improvements, as generally illustrated below, including equipping any vehicles, and all other incidental and related expenses; and further, to meet said appropriation by transferring said sum from previously certified and available Free Cash:

Department	Item	Amount
Fire Department	Insulation/Windows (rear)	\$14,000.00
Fire Department	Railing in Annex	\$ 3,000.00
Parks & Recreation	O’Gara Grandstand	\$25,000.00
Parks & Recreation	Security Cameras-Powdermill	\$ 6,000.00
Parks & Recreation	Security Cameras – LHP	\$ 5,000.00
Police Department	New Cruiser	\$ 50,215.00
Police Department	HVAC Improvements	\$17,500.00

Speaker on this article: Kurt Nordquist, 8 Gale Dr., Jason Ferreira, Park and Recreations Commissioner, Ralph Hicks, Chairman, Board of Selectmen

Finance Committee recommended approval of this article.

Article 11: The Moderator declared a majority vote to appropriate the sum of Fourteen Thousand Dollars and No Cents (\$14,000.00) for the purchase of new voting booths, including all incidental and related expenses, and to meet said appropriation by transferring said sum from the following unexpended capital accounts:

Account	Item	Amount
#60000-59276	Voting Machine Replacements	\$ 100.00
#60000-59297	Regional School District Building Study	\$10,000.00
#60000-59308	Browning Pond Land Survey	\$ 2,100.00
#60000-59305	Lake St School UST Removal	\$ 1,800.00
	Total	\$14,000.00

Finance Committee recommended approval of this article.

Moderator noted that the required Planning Board report for action to be taken under this article and motion had been received. Planning Board submitted a memorandum stating that they voted unanimously to endorse the Solar Moratorium as put forth by the Board of Selectmen.

Moderator read aloud section B. Temporary Moratorium and stated the changes in text from the warrant were in bold text in the handout .

Article 12: The Moderator declared a unanimous vote to amend the Town's Zoning Bylaw by adding a new Article 4.8.10: Temporary Moratorium on the Construction of Large Scale Ground Mounted Solar Photovoltaic Installations as follows, with the changes to Section B as shown in the underlined/bold text in the handout provided for Article 12.

## ARTICLE: 4.8.10: Temporary Moratorium on the Construction of Large Scale Ground Mounted Solar Photovoltaic Installation

### A. Authority and Purpose

The Town of Spencer currently has twelve approved large scale ground mounted solar photovoltaic installations, commonly referred to as “solar farms”, completed or under construction, and another six that are in the permitting process. Many of these projects have involved large scale clear cutting of trees and ground vegetation and several have been located in close proximity to abutting residential neighborhoods.

Pursuant to the Zoning Bylaw, large scale ground mounted solar photovoltaic installations are allowed pursuant to site plan review and special permit in the Rural Residential and Industrial zoning districts in the Town. That bylaw, however, has proved inadequate for protecting the town’s environmental resources and mitigating other negative effects of large-scale ground mounted solar facilities on the Town. Further, the unexpected high demand for large scale ground mounted solar installation sites has demonstrated the potential for rapidly changing the face of the Town, thereby raising novel legal, planning, and economic issues and creating an urgent need to review the current regulation of this use. The Town needs time to consider and study the future implications and impact of large scale ground mounted solar photovoltaic installations developments upon the Town as a whole, as well as the consistency of the already completed solar facilities with the Town’s current and future planning goals. Imposition of a temporary moratorium on large scale ground mounted solar photovoltaic installations will allow sufficient time to assess these issues and amend the Zoning Bylaw to address the impact of these facilities on the Town’s environmental resources and its planning goals.

### B. Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning By-law to the contrary, the Town hereby adopts a temporary moratorium



on the use of land or structures for large scale ground mounted solar photovoltaic installations. The moratorium shall be in effect through **November 12, 2021** or the date on which the Town adopts amendments to the Zoning Bylaw concerning large scale ground mounted solar photovoltaic installations, whichever occurs earlier. **A solar project must be in existence or have a building permit or special permit in hand before October 2, 2020 in order to be exempt from the moratorium.** During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address what revision to the Zoning Bylaw relative to large scale ground mounted solar photovoltaic installations are needed or desirable to allow for and regulate such use consistent with protecting the Town's environmental resources and furthering its planning goals. **No applications for large scale ground mounted solar photovoltaic generating installations will be accepted by the Town of Spencer during the duration of the moratorium.**

Speakers on this article: Ralph Hicks, Chairman, Board of Selectmen, Matthew Defosse, 7 Pauls Dr., Susan Jorritsma, 63 Northwest Rd., Gary Woodbury, Selectman, Corey Lacaire, 2 Salem St.

A motion to adjourn was made by Ralph Hicks, seconded by Gary Woodbury. The meeting concluded at 7:53PM.

Respectfully submitted,

Jean M. Mulhall, Temporary Town Clerk for this meeting only.

