

DOINGS AT THE ANNUAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS
May 16, 2023

The Annual Town Meeting was called to order by the Moderator, Celeste A. St. Jacques at 7:00 PM on Tuesday, May 16, 2023 Southwick Regional High School, 93 Feedings Hills Road, in the Auditorium, with 302 registered voters in attendance.

A Pledge Allegiance to the Flag of the United States was recited.

A motion was made and seconded to allow the following non-voters on to the town meeting floor:

Nadine Cignoni, Assistant Chief Admin. Ofc	Chief Robert Landis, Southwick Police
Michelle L. Hill, Town Clerk, Treasurer, Collector	Jon Goddard, Town Planner
Benjamin Coyle, Town Counsel Attorney	Chief Richard Stefanowicz, Southwick Fire
Jen Willard, Superintendent of Schools	Lynn Blair, Library Director
Joseph Turmel, Business Manager Schools	Tom Hibert, Board of Health Director
Kyle Scott, Building Inspector	Brian Sullivan, Westfield Gas & Electric
Cindy Sullivan, COA & Park & Rec Director	Rob Levesque, R.L.A.
Eric Wicander, Supervisor Bldgs & Grounds Schools	

PASSED
UNANIMOUS

A moment of silence was observed for the following individuals;

Louise Tagliavini- Historical Commission
Donna Charron- C.O.A. Board of Directors Member
Irene Waniewski – Retired Assistant Town Treasurer/Collector/Clerk
Cary Bedor – Building & Grounds Professional
William K. Sanders – Town Complex design and implementation committee
Mary Fedora – VFW Member
Cal Chunglo- Planning Bd and Capital Expenditures Committee
Warren Baker Sr – Water Commissioner
Lou Campangnari – Southwick Fire Department
Irene Wolfe – Town Accountant
Marie Alamed – American Legion
Clyde Jones – Southwick Police Department & Planning Board
Jean Cass – Conservation Commission Secretary

All US Servicemen and Women

Assistance with microphones and counting

Robert Stevenson	Michelle St. Jacques
David A. Pierce	Sarah Shaw
Patrick Judd	Kenneth Stomski

ARTICLE 1. BALLOTS

In the name of the Commonwealth of Massachusetts the Town Clerk is hereby directed to notify and warn the inhabitants of said town qualified to vote in elections and town affairs to meet and assemble at the TOWN HALL, 454 COLLEGE HIGHWAY, PRECINCTS I, II, & III, in said Southwick on Tuesday, May 9, 2023 between the hours of 7:00 A.M. and 8:00 P.M. to elect on one ballot the following officers:

One Selectman for a three-year term, Two District School Committee members for a three-year term. One Assessor for a three-year term. One Board of Health member for a three-year. One Board of Health member for a two-year. One Cemetery Commissioner for a three-year term. One Cemetery Commissioner for a one-year term. One Community Preservation Committee member for a three-year term. One Moderator for a three-year term. One Dickinson School Trustee for a three-year term. Two Library Trustees for a three-year term. Two Park and Recreation Commission members for a three-year term. One Planning Board member for a five-year term. One Southwick Housing Authority for a five-year term. One Southwick Housing Authority for a two-year term. One Water Commissioner for a three-year term.

ARTICLE 2. TOWN REPORTS – CONSENT AGENDA

The Town voted to accept the reports as published in the Annual Town Report of the Select Board, Assessors, Town Accountant, Town Clerk, Water Commissioners and all others to be acted thereon, or take any other action thereon.

ARTICLE 3. APPOINTMENT OF MINOR OFFICERS – CONSENT AGENDA

The Town voted to instruct the Select Board to appoint minor officers or to take any other action relative thereon.

ARTICLE 4. SELL OR TRADE OBSOLETE EQUIPMENT – CONSENT AGENDA

The Town voted to authorize the Select Board to sell or trade obsolete equipment or take any action relative thereon.

ARTICLE 5. APPLY AND ACCEPT GRANTS – CONSENT AGENDA

The Town voted to authorize the Select Board to apply for and accept any and all grants from private entities, the Federal Government or the Commonwealth of Massachusetts for the purposes for which said grants are authorized, or to take any other action relative thereon.

**ARTICLES 2-5
PASSED - UNANIMOUS
MAJORITY REQUIRED**

ARTICLE 6. AMENDMENT/ADDITION TO REVOLVING ACCOUNTS

The Town voted to amend Chapter 25 §25-5 Departmental Revolving Fund Bylaw to include the following revolving accounts in addition to the existing revolving accounts:

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or other receipts credited to fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Police Cruiser Fee Fund	Police Chief	Fees for police cruisers used at private details	Expenses related police cruiser maintenance and all expenses incidental and related thereto	NONE	NONE	Fiscal Years that begin on or after July 1, 2023

**PASSED - UNANIMOUS
MAJORITY REQUIRED**

ARTICLE 7. BORROWING AUTHORIZATION – ROAD RECONSTRUCTION

The Town voted to appropriate a sum of money, to pay costs of roadway reconstruction, including costs of paving, resurfacing and for the payment of all other costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

Motion: That the sum of \$1,000,000.00 is appropriated to pay costs of roadway reconstruction, including costs of paving, resurfacing and the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

**PASSED - UNANIMOUS
TWO-THIRDS REQUIRED**

ARTICLE 8. BORROWING AUTHORIZATION – DUMP TRUCK AND PLOW

The Town voted to appropriate a sum of money to pay costs of purchasing a dump truck with plow package, including the payment of all other costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

Motion: That the sum of \$318,000 is appropriated to pay costs of purchasing a dump truck with plow package, including the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

**PASSED - UNANIMOUS
TWO-THIRDS REQUIRED**

ARTICLE 9. ANNUAL BUDGET

The Town voted to fix the compensation of elected officers and town employee salaries where stipulated, provide for a reserve fund, provide a sum of money for Capital Outlay for the following Town Departments: Select Board, Cable Ch. 15,

Computer, Police, Fire, EMS, Lake Management, Lake Restoration, Council on Aging, Planning Board, Library, Cemetery Commission, Park and Recreation Commission, Town Hall, Public Safety Buildings and DPW (various Divisions) and determine the sum of money the Town will raise and appropriate including appropriations from available funds to defray charges and expenses of the Town including debt and interest for the ensuing FY24 (July 1, 2023 to June 30, 2024) or to take any other action relative thereon.

The Finance Committee recommends that the Town vote to raise and appropriate the sum of \$14,502,582 and appropriate and transfer from Free Cash \$2,057,000 and appropriate and transfer from Sale of Lots \$12,000 and appropriate and transfer from Cable Peg Access the sum of \$60,900 and appropriate and transfer from Overlay Surplus the sum of \$80,000 and appropriate and transfer from Sewer Capital Account the sum of \$23,000 and appropriate and transfer from Recycling Grant the sum of \$6,000 and appropriate and transfer from Water Retained Earnings the sum of \$50,000 and transfer from Sewer Retained Earnings the sum of \$200,000 for the grand total of \$16,991,482 which represents the general fund budget in the amount of \$12,792,744 and the water fund budget of \$1,574,333 and the sewer budget of \$1,327,043 and the emergency medical services budget for \$1,297,362

PASSED - UNANIMOUS MAJORITY REQUIRED

ARTICLE 10. DEPARTMENTAL REVOLVING FUND ANNUAL SPENDING LIMIT AUTHORIZATION

The Town voted to fix the maximum amount that may be spent during fiscal year 2024 beginning on July 1, 2023 for the revolving funds established in Chapter 25 of the Code of the Town of Southwick for certain departments, boards, committees, agencies or officers in accordance with M.G.L. c. 44, §53E1/2, or take any other action relative thereto.

MOTION: Moved that the Town fix the maximum amount that may be spent during fiscal year 2024 beginning on July 1, 2023 for the revolving funds established in Chapter 25 of the Code of the Town of Southwick for certain departments, boards, committees, agencies or officers in accordance with M.G.L. c. 44, §53E1/2 as follows:

Revolving Fund	Department, Board, Committee, Agency or Officer	Limit on Spending
Inspector's Revolving	Inspectors	\$40,000
HAZ-MAT Revolving	Police & Fire	\$40,000
Boat Ramp Revolving	Lake Mgmt	\$50,000
Police Chief Lake Revolving	Police	\$20,000
Local Lake Permitting Revolving	Police & Conservation	\$40,000
Custodial Service Fund	Maintenance Dept.	\$5,000
COA Revolving Fund	COA	\$10,000
COA Classes Revolving Fund	COA	\$10,000
Sidewalk Revolving	DPW	\$80,000
COA House Numbering Program Revolving Fund	COA	\$10,000

Local Wetland Application	Conservation Commission	\$50,000
Police Cruiser Fee Fund	Police Chief	\$25,000

**PASSED - UNANIMOUS
MAJORITY REQUIRED**

ARTICLE 11. REGIONAL SCHOOL DISTRICT BUDGET

The Town voted to raise and appropriate or transfer from available funds the sum of \$12,940,426.00 for the Southwick-Tolland-Granville Regional School District assessment for Fiscal Year 2024 commencing July 1, 2023 and ending on June 30, 2024, or take any other action thereon.

**PASSED - MAJORITY
MAJORITY REQUIRED**

ARTICLE 12. REGIONAL SCHOOL DISTRICT – DEBT AUTHORIZATION

The Town voted to not to disapprove certain additional debt authorized by the Southwick-Tolland-Granville Regional School Committee under a vote dated March 31, 2023, which reads as follows:

“Voted: approve the authorization to incur debt by the issuance and sale of bonds or notes up to the amount of \$515,000.00 for the purchase of all items specified in the STGRSD FY2024 Capital Improvement Plan, as follows:

Grounds Improvements	\$515,000.00
• Network Improvements - \$450,000.00	
• Maintenance Van - \$65,000.00	

A motion was made and seconded to allow the following non-voter on to the town meeting floor:
Garland Green, Director of Technology of Schools

PASSED - UNANIMOUS

**PASSED - MAJORITY
MAJORITY REQUIRED**

ARTICLE 13. ZONING BYLAW AMENDMENT - SHORT TERM RENTALS BYLAW

The Town voted to add Chapter 185, §38 of the Code of the Town of Southwick and further that the Town authorize non-substantive changes to the lettering and numbering of the Bylaw be authorized in order to make it consistent with the numbering format as sequencing of the code of the Town of Southwick, as follows:

CHAPTER 185, §38: SHORT-TERM RENTALS

§ 38-1 Purpose.

The purpose of this chapter is to provide for administration and enforcement of the Southwick Short-Term Rental Bylaw, which provides for registration of Short-Term Rentals in order to protect the health, safety, and welfare of both the occupant(s) of those rental housing units and the general public and to maintain the quality of life in residential neighborhoods of the Town. Further, this bylaw is intended to provide for the orderly operation of Short-Term Rentals within the Town and prevent negative impacts on neighborhood character, housing availability, house prices, availability of long-term rental units and impacts on infrastructure services such as water, sewer, parking, access, fire codes, building code enforcement and snow removal. These regulations are also intended to assist the Zoning Enforcement Officer, Board of

Health, Building Department, Police Department, and the Fire Department in the enforcement of state and local health and safety laws and regulations related to Short-Term Rental units and to provide a method for correcting violations when conditions require immediate attention in situations associated with Short-Term Rentals.

§ 38-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DWELLING UNIT. Any building or area in a building used or intended for use for human habitation, including, but not limited to, cottages, guesthouses, or residential buildings/dwellings not to exceed two units, except those licensed under any state or local laws or regulations other than those registered under this chapter.

OCCUPANCY. The use or possession of or the right to use or possess a Short-Term Rental of not more than 31 consecutive days.

OCCUPANT (GUEST). Any individual residing overnight in a Short-Term Rental.

OPERATOR (HOST). Any Person or entity operating a Short-Term Rental.

OPERATOR'S AGENT. A Person who, on behalf of an operator of a Short-Term Rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent. An "operator's agent" shall include, but not be limited to, a property manager, property management company or real estate agent.

OWNER. Any Person, as defined immediately below, whom alone or severally with others has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or other person appointed by the courts.

PERSON. An individual, partnership, trust or association, with or without transferable shares, joint stock company, a corporation which is not publicly traded, society, club, firm, organization, institution, estate, receiver, trustee, assignee or referee any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any other combination of individuals, directly or indirectly or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever acting as a unit, including a governmental unit other than the Town of Southwick or any of its agencies.

SHORT-TERM RENTAL. Any rental of all or part of a dwelling unit rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: hotels licensed under M.G.L. Chapter, 140, Section 6; motels licensed under M.G.L. Chapter 140, Section 32B; or lodging establishments licensed under M.G.L. Chapter 140, Section 23.

§ 38-3 Short-Term Rental Registration.

Local registration is required. Short Term Rentals shall only be allowed in Dwelling Units (excluding accessory buildings).

- A. No owner shall rent, or offer to rent, any Short-Term Rental prior to registering with the Zoning Enforcement Officer. No tenant or lessee of a dwelling unit shall let or sub-let it as a Short-Term Rental.
- B. Registration applications shall be made on a form approved by the Zoning Enforcement Officer and shall include a certified abutters list within 300 feet of the property, to whom the applicant has provided notice of the application, and an affidavit of service, on forms approved by the Zoning Enforcement Officer. Completed applications shall be submitted to the office of Zoning Enforcement Officer. Completed applications shall be reviewed and either a Certificate of Registration shall be issued or the application denied within thirty (30) days from the date of submission.
- C. A dwelling unit used as a Short-Term Rental shall at all times be in compliance with the provisions of all state and local health and safety laws, bylaws and regulations, including, but not limited to; Chapter 198-24 Noise, Litter and Smoke Standards, Chapter 198-23 Home Occupations, the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, except as specifically set forth otherwise herein.
- D. The Zoning Enforcement Officer shall, in accordance with the terms of this section, issue a Certificate of Registration that shall be valid for a period to begin on April 1 and shall end on March 31 of the following year the certificate is issued, regardless of when the registration is applied for or approved and issued.
- E. Registration Renewal. Completed applications for registration renewals shall be submitted and received by February 15 of each calendar year along with payment of a renewal fee.
- F. Fees. The fee for a Short-Term Rental registration and a renewal of a registration shall be established by the Zoning Enforcement Officer.
- G. Non-Transferability. Short-Term Rental registrations shall be granted solely to an Owner and shall not be transferable or assigned to any other person, legal entity, or address. The registration does

not run with the property; it shall be terminated upon sale or transfer of the property for which the registration has been issued.

H. **Certificate of Registration - Denial.** The Zoning Enforcement Officer may deny a certificate of registration on the following grounds:

- (1) Failure to pay the registration fee;
- (2) The property in question has outstanding uncorrected law, regulation or code violation;
- (3) An outstanding fine against either the applicant owner or against the property;
- (4) An outstanding order issued by the Zoning Enforcement Officer which has not been complied with;
- (5) Outstanding taxes or other municipal assessments due to the Town of Southwick with respect to the property sought to be registered or against the applicant;
- (6) If the applicant is a corporation, limited liability company or other entity in the Commonwealth and such entity is not currently registered with the Commonwealth;
- (7) Past history of violations by the applicant for the subject property or other property in Southwick owned by applicant violating this Bylaw or Orders of the Zoning Enforcement Officer or other officer of the Town respecting repeated violation of health, safety, zoning, fire or building codes;
- (8) Outstanding complaints received on file with the Town regarding outstanding violations of the Short-Term Rental Bylaw with respect to the property sought to be registered or with respect to any of the legal or beneficial owners of the applicant;
- (9) Inability of proposed premises to be able to meet requirements of this Bylaw such as no off-street parking; and/or
- (10) Other reasons which may impact the health, safety, and welfare of the inhabitants of the Town of Southwick.

§ 38-4 Publication of Registration Number.

The Town-issued registration number shall be included on any listing offering the Short-term Rental for rent.

§ 38-5 Contact Information of Owner, Operator and/or Operator's Agent.

- (1) An Owner of a Short-Term Rental shall provide the Zoning Enforcement Officer with his/her current residential address and telephone number upon application for a Registration as well as a full and complete list of persons (as defined above) or who have a direct or indirect interest in any property for which a Short-Term Rental Registration in the Town of Southwick has been issued or for which a Short-Term Rental Registration application is pending.
- (2) If the Owner is a corporation, the name, address, and telephone number of the president and legal representative of the corporation shall be provided. If the Owner is a realty trust or partnership, the name, address, and telephone numbers of the managing trustee or partner shall be provided.
- (3) The name and contact information of the Operator must be provided, along with the name and contact information of an Operator's Agent, if different from the Operator, who is able to respond in person to any issues or emergencies that arise during occupancy within one (1) hour of contact by Southwick officials to complaints regarding the condition or operation of the Short-Term Rental. Contact information must include a telephone number that is available 24 hours per day, 7 days a week to Short-term Rental Occupants and the above-stated public safety agencies. This contact information shall be included in the application for a Short-Term Rental Registration and shall be posted conspicuously within the rental unit as well as on the exterior of the unit. If the contact changes, the Owner shall provide the new contact information within 7 days of the change.

§ 38-6 Posting of Notices

The Town shall provide information to each registered Operator summarizing the regulations for Short-term rentals. For each Short-Term Rental Registration issued, this will include, but shall not be limited to: the name and 24-hour contact information of the Operator or Operator's Agent designated in the application, requirements for trash removal, occupancy requirements, parking, and noise restrictions. The Operator shall:

- A. Provide each occupant a copy of the provided information; and
- B. Post the information, along with the Short-Term Rental Registration, in a conspicuous location within the Short-Term Rental

§ 38-7 Specific Standards of Short-Term Rental Properties

- A. **Trash Removal.** The Short-Term Rental Operator shall be responsible for ensuring that household trash is removed from the premises immediately after Occupancy is concluded or once per week, whichever is more frequent.
- B. **Parking.** On-site parking of one space per Short-Term Rental bedroom.
- C. **Renting for durations of less than twenty-four (24) consecutive hours shall not be permitted.**

- D. Each Short-Term Rental shall comply with current fire codes applicable for the age of the home as it relates to smoke and carbon monoxide detectors. In addition, the Operator shall provide and maintain one 2.5 lb. multi-purpose operational or working fire extinguisher on each floor. Location shall be determined by the Fire Department during the annual inspection.

§ 38-8 Occupancy Requirements

The maximum number of Occupants in a Short-Term Rental shall be two per each bedroom, plus an additional two total in accordance with State standards for fitness for habitation, the State Building Code and fire regulations.

§ 38-9 Keeping of Register

The Operator or Operator's Agent shall be responsible for keeping a register containing the name of the Occupant who is the leaseholder, total number of occupants, and dates of occupancy. The register shall be retained for a period of two (2) years.

§ 38-10 Ineligible Units

The following are not eligible to be rented or offered to rent as Short-Term Rentals:

- A. Dwellings designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law;
- B. Family Apartments or Accessory Affordable Apartments;
- C. Dwellings subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short-Term Rental;
- D. Dwellings that are the subject of any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unsafe orders, or cease and desist orders.

§ 38-11 Failure to Pay Municipal Taxes, Fees, Assessments, and Charges.

The privilege of receiving or holding a Short-Term Rental Registration is contingent upon the timely payment of municipal and district taxes, fees, assessments, and charges. Failure of a Person to comply with this requirement shall be cause, after notice and hearing pursuant to the requirements of G.L. c. 40, § 57, for denial, suspension, amendment, or revocation of a Short-Term Rental Registration for any and all property in which the person holds a direct or indirect ownership interest, as above defined.

§ 38-12 Inspections

Short-Term Rentals shall be subject to a mandatory joint inspection annually by the Zoning Enforcement Officer, Fire Department, Health Department, and/or other duly authorized authority from the Town.

§ 38-13 Complaint Process, Violations

- A. Complaint. A complaint alleging that a Short-Term Rental is in violation of this Chapter or any applicable law, code or regulation may be filed with the Zoning Enforcement Officer. The complaint must contain the Short-Term Rental address, unit number, date and nature of alleged violation(s), and name and contact information of complainant.
- B. The Zoning Enforcement Officer shall investigate complaint(s) within a reasonable timeframe and shall determine whether there may be a violation. If the alleged violation is under the jurisdiction of another municipality or agency, the Zoning Enforcement Officer shall refer the complaint to such agency for further action. Upon a finding of a potential violation, the Zoning Enforcement Officer or designee shall serve notice of the violation upon the Owner of the Short-Term Rental. The Zoning Enforcement Officer shall keep records of all complaints received and determinations made.
- C. A person upon whom a notice of violation has been served may request a hearing by filing a written petition requesting a hearing on the matter with the Zoning Enforcement Officer within fourteen (14) days after the day the notice of violation was served. The hearing shall be jointly conducted by the Zoning Enforcement Officer, one designee of the Police Department, and one designee of the Fire Department no later than three (3) weeks after the date the Zoning Enforcement Officer receives the petition for hearing. The time period in which violations must be remedied shall be stayed upon receipt of the petition for a hearing until such time as the hearing is held and the Hearing Officer has issued a decision.
- D. Within fourteen (14) to twenty (20) days after the conclusion of the hearing, the Town shall inform the person upon whom a notice of violation has been served, in writing, of its decision and the reasons therefor. If the Zoning Enforcement Officer sustains or modifies the notice of violation, said violation shall be remedied within the time period allotted as issued or in the modification.

- E. Violations of an unoccupied dwelling shall be corrected prior to occupancy. Violations found in an occupied dwelling shall be corrected within the time specified as determined by the Zoning Enforcement Officer.
- F. If a written petition for a hearing is not filed within fourteen (14) days after the notice of violation has been served, or if, after a hearing, the notice of violation has been sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued or modified shall constitute a separate violation.

§ 38-14 Registration Suspension, Modification and Revocation

In addition to, and not in lieu of, the penalties that may be assessed pursuant to this chapter, the Zoning Enforcement Officer, after notice and public hearing, may suspend, revoke or modify any or all registration approvals issued hereunder to an Owner for violation of these regulations or of any conditions, notwithstanding that a violation may have been found with respect to one or more, but not all of the registered properties held by an owner. These remedies shall be non-exclusive.

§ 38-15 Appeals

Any person aggrieved by a final decision with respect to a notice of violation or any other order issued under this section may seek relief by filing an appeal with the Board of Appeals within 14 days of the decision or enforcement action and shall be heard within 45 to 60 days of filing. All appeals shall be heard at a duly noticed public hearing and any party filing such an appeal shall have the right to be represented by counsel. A decision of the Board of Appeals shall be final. Further relief of a decision of the Board of Appeals made under this bylaw shall be reviewable in a court of competent jurisdiction pursuant to Massachusetts General Laws Chapter 40A.

§ 38-16 Penalties

If any Occupant, Operator or Owner violates any provision of this chapter, the Owner may be subject to a fine in accordance with the following: 1st Offense – warning; 2nd Offense - \$150; 3rd and subsequent offenses - \$300. Each day that a violation exists constitutes a separate offense.

§ 38-17 Enforcement In addition to any other penalties provided in this Bylaw, the Town may enforce the provisions of this chapter by any or all of the following: the noncriminal disposition process of M.G.L. c. 40, s. 21D; by seeking to restrain a violation by injunction; and by filing a complaint in any court of competent jurisdiction.

§ 38-18 Severability

Each provision of this Chapter shall be construed as separate. If any part of this Chapter shall be held invalid for any reason, the remainder shall continue in full force and effect. In the event of a conflict between this Chapter and any other Chapter of the General Code of Southwick, this Chapter 185, §38 shall control.

PASSED
TWO THIRDS REQUIRED
YES-223 NO -41

ARTICLE 14. LANDOWNER PETITION – ZONING MAP AMENDMENT

For the Town of Southwick to vote to amend the Town of Southwick Zoning Map as referenced under Chapter 185-5 of the Town of Southwick Zoning By-Laws by re-designating 771 College Highway, Southwick, Massachusetts 01077, as referenced by the Town of Southwick Assessor's Database with a Parcel ID of 027-004-000-000-000, currently zoned Business Restricted (BR) to the zone of Residential 20A (R-20-A), with no age restriction. Said land for re-designation is real estate in the Town of Southwick located along the westerly side of College Highway in Hampden County of the Commonwealth of Massachusetts. The subject property, as described in, is recorded under the Hampden County Registry of Deeds in Book 22473, Page 375. Said land is currently assessed to DePalma Realty, Inc. and re-zoning is described as follows:

1. The westerly portion of College Highway to re-zone 771 College Highway, Southwick, Massachusetts, (Map 27, Parcel 4), which is currently zoned Business Restricted (BR) to be

Requested by the DePalma Realty, Inc., Ralph DePalma & Tina DePalma

NO ACTION

ARTICLE 15. CITIZEN'S PETITION – TERM LIMIT FOR SELECT BOARD

To see if the Town of Southwick will support the adoption of term limits on elected members of the Select Board. We, the undersigned voters, are petitioning to limit any one individual from serving more than three (3) consecutive elected terms (9 years) with a break of one term, being 3 years, before being eligible to run for a new Select Board Term.

FAILED
MAJORITY REQUIRED
YES-96 NO –168

ARTICLE 16. CITIZEN'S PETITION – CONSERVATION COMMISSION – ELECTION OF 3 MEMBERS

The Town voted to amend the adoption of MGL CH40 §8C, accepted ATM 3-20-1967, Article 37, to provide for the election of three (3) members of the Conservation Commission, and authorize the Town of Southwick Select Board to take any other action relative thereto.

In the Town of Southwick, the composition of the Conservation Commission, the number to be elected, the appointing authority and the term of office of the Commission Members shall be as follows:

Four (4) members shall be appointed by the Select Board; Three (3) members shall be elected by the voters at the Annual Town Election, and all shall reside in the Town and be registered voters therein.

B. Each member of the Commission shall serve for a term of three years or until the person no longer serves in the position or on the commission, board or authority as set forth above, whichever is earlier. The initial terms of the three (3) persons elected by the voters at the next Annual Town Election shall be one person for one (1) year, one (1) persons for two (2) years and one (1) person for a three (3) years term. Thereafter, these members shall be elected for three (3) year terms at the Annual Town Election.

C. Should any of the commissions, boards or authorities who or which have appointing authority under this chapter be no longer in existence for whatever reason, that position that would have been appointed shall thereafter be elected by the voters and whomever is elected must be a resident of and a registered voter in the Town.

D. Any member of the Commission may be removed for cause by his respective appointing authority after hearing.

E. Any vacancy occurring in the Commission from any cause shall be filled for the remainder of the unexpired term by the commission, board, or authority that made the appointment, such appointment shall be made not less than twenty-one (21) days following notice of such vacancy.

F. Any vacancy occurring in one of the positions elected by the voters shall be filled by appointment by the Select board but only until the next Annual Town Election at which time the vacant position shall be filled by election by the registered voters of the Town of Southwick for the balance of the unexpired term if any otherwise for the new term.

PASSED
MAJORITY REQUIRED
YES-195 NO –69

ARTICLE 17. Non-Medical Marijuana Establishments - General Bylaw Amendment

The Town voted to amend the General Bylaws of the Town of Southwick, Chapter 130, §130-1 to as follows:

Current:

Non-medical “marijuana retailers” as defined in M.G.L. c. 94G, §1 shall be prohibited within the Town of Southwick.

Proposed change:

Non-medical “marijuana retailers” as defined in M.G.L. c. 94G, §1 shall be **ALLOWED** within the Town of Southwick.

PASSED
MAJORITY REQUIRED
YES-210 NO – 92

ARTICLE 18. COMMUNITY PRESERVATION ANNUAL BUDGET

The Town voted to act on the report of the Community Preservation Committee on the Fiscal Year 2024 Community Preservation Budget and to set up a budgeted reserve for later appropriation of monies from the Community Preservation Fund annual revenues or available funds for the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year. Pursuant to Massachusetts General Laws, Chapter 44B from the estimated FY 2024 Community Preservation Fund, appropriation to be set aside as follows.

MOTION: To see if the town will vote to set up a budgeted reserve from the Community Preservation Fund annual revenues the amounts recommended by the Community Preservation in Fiscal Year 2024 with each item to be considered a separate reserve.

Proposed Fiscal Year 2024 Community Preservation Reserves

- ☐ To reserve \$57,385 from FY2024 Community Preservation Fund revenues for Open Space (10%).
- ☐ To reserve \$57,385 from FY2024 Community Preservation Fund revenues for Historic Resources (10%).
- ☐ To reserve \$57,385 from FY2024 Community Preservation Fund revenues for Community Housing (10%).
- ☐ To reserve \$401,691 from FY2024 Community Preservation Fund revenues for Community Preservation General Unreserved Fund (70%).

Reserves	
Open Space.....	\$ 57,385
Historic Resources.....	\$ 57,385
Community Housing.....	\$ 57,385
General unreserved.....	<u>\$401,691</u>
Total.....	\$573,846

Estimated FY2023 revenues = State match to be received on or about 10/15/23	\$182,916
+ estimated new surcharge collections for FY2024	<u>\$390,930</u>
Total	\$573,846

State match = FY2023 CPA commitments minus abatements
Estimated new surcharge collections for FY2024 = FY2023 collections
10% of estimated FY2024 revenues equal the amount reserved for each CPA purpose, Historical, Open Space and Community Housing, as required by law.
70% of estimated FY2024 revenues equal the amount reserved for the Community Preservation General Unreserved Fund

PASSED UNANIMOUS
MAJORITY REQUIRED

ARTICLE 19. COMMUNITY PRESERVATION COMMITTEE – ADMINISTRATIVE AND OPERATING EXPENSES

The Town voted to act on the report of the Community Preservation Committee on the Fiscal Year 2024 Community Preservation Budget and appropriate 5% (\$28,692.00) of the monies from the Community Preservation General Unreserved Fund for the administrative and operating expenses of the Community Preservation Committee, or take any other action relative thereto.

MOTION: To see if the Town will vote to appropriate from the Community Preservation General Unreserved Fund \$28,692.00 as recommended by the Community Preservation Committee.

**PASSED UNANIMOUS
MAJORITY REQUIRED**

ARTICLE 20. ALUM TREATMENT DEBT SERVICE

The Town voted to appropriate the sum of \$71,600 from Community Preservation General Unreserved Fund, for the purpose of making the 4TH interest and principal payment on the \$600,000 bond issued for the Alum Treatment of the Congamond Lake.

Motion: For the Town vote to appropriate the sum of \$71,600 from the Community Preservation General Unreserved Fund, for the purpose of making the 4TH interest & principal payment on the \$600,000 bond for the Alum Treatment of the Congamond Lake.

**PASSED UNANIMOUS
MAJORITY REQUIRED**

ARTICLE 21. RESTORATION OF BRONZE MEMORIAL PLAQUES

The Town voted to appropriate and transfer the sum of \$16,500 from the Community Preservation Historical Fund in order to restore five war memorial bronze plaques, four of these plaques are located at the War Memorial, 488 College Highway, Assessors Map 089 Parcel 022, registered at the Hampden County Registry of Deeds Book 1922, Page 75 and one plaque located at the Old Cemetery Assessors Map 111, Parcel 004, registered at the Hampden County Registry of Deeds Book 2099 Page 510, or take any other action relative thereto.

Motion: Move to appropriate and transfer the sum of \$16,500 from the Community Preservation Historical Fund in order to restore five war memorial bronze plaques, four of these plaques are located at the War Memorial, 488 College Highway, Assessors Map 089 Parcel 022, registered at the Hampden County Registry of Deeds Book 1922, Page 75 and one plaque located at the Old Cemetery Assessors Map 111, Parcel 004, registered at the Hampden County Registry of Deeds Book 2099 Page 510

**PASSED UNANIMOUS
MAJORITY REQUIRED**

ARTICLE 22. WHALLEY SPRAY PARK

The Town voted to appropriate and transfer the sum of \$294,000 from the Community Preservation Open Space and Recreational Fund to pay for all costs incidental and related to the installation of a spray park to be located at Whalley Park, Assessors Map 090, Parcel 014, registered at the Hampden County Registry of Deeds Book 19495 Page 325, or take any other action relative thereto.

Motion: Move to appropriate and transfer the sum of \$294,000 from the Community Preservation Open Space and Recreational Fund to pay for all costs incidental and related to the installation of a spray park to be located at Whalley Park, Assessors Map 090, Parcel 014, registered at the Hampden County Registry of Deeds Book 19495 Page 325.

**PASSED
MAJORITY REQUIRED
YES-113 NO –96**

ARTICLE 23. THE MOORE HOUSE REPAIR

The Town voted to appropriate and transfer the sum of \$29,075 from the Community Preservation Historical Fund in order to replace one horizontal timber with posts under the north attic window, repair/replace the trim and clapboards as needed and to scrape/sand/prime/paint the exterior, Assessors Map 157, Parcel 002, registered at the Hampden County Registry of Deeds Book 7492 Page 42-43, or take any other action relative thereto.

Motion: Move to appropriate and transfer the sum of \$29,075 from the Community Preservation Historical Fund in order to replace one horizontal timber with posts under the north attic window, repair/replace the trim and clapboards as needed and to scrape/sand/prime/paint the exterior, Assessors Map 157, Parcel 002, registered at the Hampden County Registry of Deeds Book 7492 Page 42-43

**PASSED UNANIMOUS
MAJORITY REQUIRED**

ARTICLE 24. HAZARDOUS TREE REMOVAL AT OLD CEMETERY

The Town voted to appropriate and transfer the sum of \$105,000 from the Community Preservation Historical Fund in order to remove 44 trees that pose a hazard to monuments, gravestones, visitors and cemetery workers at the Old Cemetery, Assessors Map 111, Parcel 004, registered at the Hampden County Registry of Deeds Book 2099 Page 510, or take any other action relative thereto.

Motion: Move to appropriate and transfer the sum of \$105,000 from the Community Preservation Historical Fund in order to remove 44 trees that pose a hazard to monuments, gravestones, visitors and cemetery workers at the Old Cemetery, Assessors Map 111, Parcel 004, registered at the Hampden County Registry of Deeds Book 2099 Page 510.

**PASSED MAJORITY
MAJORITY REQUIRED**

ARTICLE 25. REPAIR OF SLATE ROOF AND CUPOLA AT POLICE DEPARTMENT

The Town voted to appropriate and transfer the sum of \$70,000 from the Community Preservation General Unreserved Fund in order to repair the slate roof and cupola at the Police Station, 11 Depot Street, Assessors Map 088, Parcel 001, registered at the Hampden County Registry of Deeds Book 2283 Page 461, or take any other action relative thereto.

Motion: Move to appropriate and transfer the sum of \$70,000 from the Community Preservation General Unreserved Fund in order to repair the slate roof and cupola at the Police Station, 11 Depot Street, Assessors Map 088, Parcel 001, registered at the Hampden County Registry of Deeds Book 2283 Page 461.

**PASSED UNANIMOUS
MAJORITY REQUIRED**

ARTICLE 26. FLOORING REPLACEMENT – SOUTHWICK HOUSING AUTHORITY – DEPOT STREET

The Town voted to appropriate and transfer the sum of \$45,000 from the Community Preservation Housing Fund in order to replace all tile flooring in 20 common hallways with commercial vinyl plank at the Southwick Housing Authority facility, 12 Depot Street Assessors Map 089 parcel 026, or take any other action relative thereto.

Motion: Move to appropriate the sum of \$45,000 from the Community Preservation Housing Fund in order to replace all tile flooring in 20 common hallways with commercial vinyl plank at the Southwick Housing Authority facility, 12 Depot Street Assessors Map 089 parcel 026.

**PASSED MAJORITY
MAJORITY REQUIRED**

ARTICLE 27. MUNICIPAL AGGREGATION OF ELECTRICAL LOAD

The Town voted to initiate the process to aggregate electrical load pursuant to M.G.L. c. 164, § 134 and, further, to adopt the following resolution:

WHEREAS, the Commonwealth of Massachusetts has engaged in a process to establish a competitive market place through the restructuring of the electricity market; and

WHEREAS, citizens of Southwick have a substantial economic and social interest in terms of greater customer choice and opportunities for savings in this restructured market; and

WHEREAS, the Town of Southwick hereby finds that it may be in the interest of its citizens who are electric ratepayers, both residential and commercial/industrial, to develop and secure such approvals and enter into appropriate agreements with consultants, experts and attorneys in connection with the establishment and operation of an electricity aggregation plan.

BE IT THEREFORE RESOLVED that the Town of Southwick hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business electric customers and to reestablish such plan if its operation is suspended; and

To negotiate and enter into such contracts for power supply pursuant to the plan or services for such plan, with the understanding that if a power supply contract is executed, individual consumers would retain the option not to participate in the aggregation plan and, instead, to choose any electricity alternatives the desire and, further, to take such other action relative hereto as may be appropriate and necessary.

**PASSED MAJORITY
MAJORITY REQUIRED**

ARTICLE 28. INTERMUNICIPAL AGREEMENT – CITY OF WESTFIELD WASTEWATER

The Town voted to authorize the Select Board to enter into an intergovernmental agreement, and to ratify such agreement, between the Town of Southwick and the City of Westfield, pursuant to M.G.L. c 40, §4A, as amended, and any special or general law, for the provision of services, activities and undertakings in connection with the treatment

and disposal of domestic, commercial, and industrial wastewater including septage from the Town of Southwick through the City of Westfield's wastewater works and wastewater treatment facilities; or take any other action relative thereto.

**PASSED UNANIMOUS
MAJORITY REQUIRED**

ARTICLE 29. ACCEPTANCE OF M.G.L c. 59, §5N

The Town voted to accept the provisions of M.G.L c. 59, §5N which provides for the Select Board to establish a program to allow veterans to volunteer to provide services to the Town of Southwick in exchange for a reduction in the real property tax obligations of that veteran

**PASSED UNANIMOUS
MAJORITY REQUIRED**

ARTICLE 30. ZONING BYLAW AMENDMENT PARKING AND ACCESS

The Town voted to amend Chapter 185, §14A.(2)(c)(5) of the Code of the Town of Southwick by deleting the following strike-through language and adding the following bolded and underlined language, and further that non-substantive changes to the lettering and numbering of the Bylaw be authorized in order to make it consistent with the numbering format as sequencing of the code of the Town of Southwick:

Parking and access. At least two parking spaces shall be provided for each dwelling unit. The parking areas shall be ~~hard-surfaced and~~ located on the site not more than 200 feet from the dwelling units to be serviced **and shall either be hard-surfaced or, subject to review and approval by the Department of Public Works Director of the construction details and long-term maintenance plan, constructed with engineered permeable paving materials and substrate.** Each parking space shall not be less than 10 feet by 20 feet in size. Accessways shall be constructed to the street specifications contained in Chapter [315](#), the Southwick Subdivision Regulations. The location and arrangement of access and parking shall be consistent with public safety and shall provide no undue hindrance to the safety of existing or proposed ways. Parking will not be permitted on accessways or within any front yard requirements.

**PASSED UNANIMOUS
TWO-THIRDS REQUIRED**

ARTICLE 31: SAWGRASS LANE ACCEPTANCE

The Town voted to accept as a Town way, sawgrass Lane, as shown on the street layout plan entitled "Owners: Fiore Realty Holdings, LLC 104 Feeding Hills Road Southwick MA, and Henry F. Kaczman, Steven C. Yucha and Suzanne L. Yucha 769 College Highway Southwick MA, Definitive Subdivision Plan The Greens of Southwick (West) Southwick Massachusetts Surveyed and Mapped for Crestview Construction & Trucking, Inc. 25 Industrial Road Southwick, MA 01077 June 20, 2018 Scale 1" = 100' Prepared by R Levesque Associates, Inc..." which plan is recorded in the Registry of Deeds for the County of Hampden in Book of Plans 384, Page 68; and to see if the Town will further vote to authorize the Select Board to acquire by gift certain utility easements, sanitary sewer, access easements, stormwater drainage easements and slope easements including an easement to use said street for all purposes for which public ways are used in the Town of Southwick which easements are recorded in the Hampden County Registry of Deeds in Book 22442, Page 310 and Book 22804, Page 350; or take any other action relative thereto

**PASSED UNANIMOUS
MAJORITY REQUIRED**

ARTICLE 32. ZONING BYLAW AMENDMENT – ESTATE LOTS

The Town voted to amend Chapter 185, §21B.(12)(b) of the Code of the Town of Southwick by deleting the following strike-through language and adding the following bolded and underlined language, and further that non-

substantive changes to the lettering and numbering of the Bylaw be authorized in order to make it consistent with the numbering format as sequencing of the code of the Town of Southwick:

A width of at least 15 feet, but may be as narrow as 12 feet when adequately justified by the applicant to the Planning Board and accepted by the Safety Officer, Fire Chief, and Department of Public Works Director, with provision for adequate drainage and drainage culverts where necessary.

**PASSED UNANIMOUS
TWO-THIRDS REQUIRED**

ARTICLE 33. ZONING BYLAW AMENDMENT - RESIDENTIAL COMMON DRIVEWAY

The Town voted to amend Chapter 185, §30.1 of the Code of the Town of Southwick and further that the Town authorize non-substantive changes to the lettering and numbering of the Bylaw be authorized in order to make it consistent with the numbering format as sequencing of the code of the Town of Southwick, as follows:

To amend the definition of *Compacted Surface* under Chapter 185, §30.1B. by adding the following bolded and underlined language so that said section is amended as follows:

COMPACTED SURFACE

A surface which shall consist of a minimum of eight inches of base gravel with a minimum four inches processed stone aggregate or three inches of asphalt on top. **Alternatively, engineered permeable paving and substrate may be utilized subject to review and approval by the Department of Public Works Director of the construction details and long-term maintenance plan.**

To amend Chapter 185, §30.1F.(1) by deleting the following strike-through language and adding the bolded and underlined language so that said section is amended as follows:

- (1) The shared portion of the common driveway shall have:
 - (a) An easement area that is a minimum of ~~30~~35 feet wide;
 - (b) A length of no more than 800 feet from the entrance from the public way to the point where the common driveway serves individual lots;
 - (c) A compacted surface which is ~~a minimum of~~ **at least** 15 feet wide **but which may be as narrow as 12 feet when adequately justified by the applicant to the Planning Board and accepted by the Safety Officer, Fire Chief, and Department of Public Works Director;**
 - (d) Three-foot maintained shoulders;
 - (e) Passing turnouts for emergency vehicles, which shall be required at intervals of not more than 400 feet. The turnouts shall be of a compacted surface consisting of a total widened driveway surface width of 24 feet and 40 feet long. The Planning Board may require a lesser distance between turnouts, if warranted for safety considerations;
 - (f) A slope or grade not to exceed 9% at any point; and
 - (g) Culvert(s) installed if deemed necessary by the Director of the Department of Public Works. Any bridge or culvert crossings on the common portion shall be designed to accommodate H20 loading.

**PASSED UNANIMOUS
TWO-THIRDS REQUIRED**

ARTICLE 34. ZONING BYLAW AMENDMENT - OFF STREET PARKING AND LOADING

The Town voted to amend Chapter 185, §30 of the Code of the Town of Southwick and further that the Town authorize non-substantive changes to the lettering and numbering of the Bylaw be authorized in order to make it consistent with the numbering format as sequencing of the code of the Town of Southwick, as follows:

To amend Chapter 185, §30A.(1)(f)[2] by adding the following the bolded and underlined language so that said section is amended as follows:

Areas and access driveways should be hard-surfaced **or, subject to review and approval by the Department of Public Works Director of the construction details and long-term maintenance plan, constructed with engineered permeable paving materials and substrate, and also** graded and drained to dispose of all surface water accumulation.

To amend Chapter 185, §30A.(2)(a) by adding the following the bolded and underlined language so that said section is amended as follows:

At least 70% of the spaces in a parking area shall have a minimum width of 10 feet and a minimum length of 20 feet. The remaining 30% may have a reduced parking space size of nine feet in width and a length of 16 feet to accommodate smaller vehicles. This size standard is independent of any requirement for the provision of accessible spaces on the site. Spaces for all non-residential uses shall be hard-surfaced **or, subject to review and approval by the Department of Public Works Director of the construction details and long-term maintenance plan, constructed with engineered permeable paving materials and substrate,** and each space shall be marked with visible lines. Aisles shall not be less than 24 feet in width.

To amend Chapter 185, §30D.(2) by adding the following the bolded and underlined language so that said section is amended as follows:

The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the proposed development. However, no off-street loading space shall be less than 12 feet in width, 25 feet in length and 14 feet in height and shall be hard-surfaced **or, subject to review and approval by the Department of Public Works Director of the construction details and long-term maintenance plan, constructed with engineered permeable paving materials and substrate.** The Planning Board may require more or less loading and unloading area if it deems such increases or decreases reasonably necessary to satisfy the requirements of this section.

**PASSED UNANIMOUS
TWO-THIRDS REQUIRED**

ARTICLE 35: SPECIAL ACT – ELIMINATION OF APPOINTED TAX COLLECTOR/TOWN CLERK/TREASURER

The Town voted to authorize the Select Board to petition the General Court for a Special Act authorizing the elimination of the appointed tax collector/town clerk/treasurer in the Town of Southwick and the creation of an appointed town clerk and appointed town treasurer-collector as follows:

SECTION 1. Chapter 331 of the acts of 1971 is hereby repealed.

SECTION 2. Notwithstanding any general or special law to the contrary, the office of town clerk for the Town of Southwick shall be separate from the office of treasurer and from the office of the collector of taxes. The office of the town clerk shall be an appointive office. The town clerk shall perform all functions of the town clerk's office and shall continue to be an ex-officio member of the board of registrars in accordance with section 15 of chapter 51 of the General Laws. The town clerk shall be appointed by the Select Board for a term of 1, 2 or 3 years, and may be removed by the Southwick Select Board at its discretion. The Select Board may enter into a personal services contract with the town clerk to provide for salary, fringe benefits and other conditions

of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 3. The office of treasurer and the office of collector of taxes of the town of Southwick shall be separate from the office of town clerk. The offices of town treasurer and collector of taxes of the town of Southwick shall be merged into 1 office to be known as the treasurer-collector. The office of the treasurer-collector shall be an appointive office. The treasurer-collector shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town treasurers and town collectors of taxes. The treasurer-collector shall be appointed by the Select Board for a term of 1, 2 or 3 years, and may be removed by the Select Board at its discretion. The Select Board may enter into a personal services contract with the treasurer-collector to provide for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 4. Notwithstanding any general or special law to the contrary, nothing in this act shall prevent the Select Board from appointing 1 person to service as town clerk and treasurer-collector.

SECTION 5. This act shall take effect upon passage.

**PASSED UNANIMOUS
MAJORITY REQUIRED**

ARTICLE 36: ESTABLISHMENT OF MUNICIPAL LIGHTING PLANT - FIBER

The Town voted to authorize the Select Board to take all necessary and appropriate action to establish and to maintain, in accordance with the provisions of Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of the Department of Public Utilities and the Department of Telecommunications & Cable, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunication system and any related services, or to take any other action relative thereto.

**PASSED DECLARED 2/3
TWO-THIRDS REQUIRED**

ARTICLE 37: BORROWING AUTHORIZATION – FIBER OPTIC BROADBAND

The Town voted to appropriate a sum of money to pay costs of the design, construction, installation and start-up of a fiber optic broadband network, including the payment of all costs incidental or related thereto, such project to be carried out by the Town's Municipal Light Plant; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

Motion: That the Town appropriates \$3,000,000 to pay costs of the design, construction, installation and start-up of a fiber optic broadband network, including the payment of all costs incidental or related thereto, such project to be carried out by the Town's Municipal Light Plant; and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(8) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any appropriate officials of the Town are authorized to undertake any and all activities necessary or convenient to carrying out the purposes of this vote.

**PASSED UNANIMOUS
TWO-THIRDS REQUIRED**

ARTICLE 38: TIME OF ANNUAL TOWN MEETING

The Town voted to amend the Code of the Town of Southwick Chapter 20 §20-1 as follows or take any other action relative thereto:

Delete Crossed Out wording and replace with **bolded wording**:

The annual election of Town officers shall be held on the second Tuesday of May of each year, and the Annual Town Meeting of each year shall be held on the third Tuesday of May starting at ~~7:00 p.m.~~ **a time as determined by the Select Board, but in no event shall be said Annual Town Meeting be scheduled before 5:30 pm.**

**PASSED UNANIMOUS
MAJORITY REQUIRED**

A Motion was made and seconded to dissolve the Annual Town Meeting at 10:57 PM.

UNANIMOUS

A TRUE COPY OF ATTEST:

Michelle L. Hill

Michelle L. Hill, Town Clerk
Doings ATM 05.16.23
TOWN CLERK, SOUTHWICK, MA