

Town of Southwick, Massachusetts

454 College Highway, Southwick, MA 01077

Annual Town Meeting Warrant/May 20, 2014

*****NOTE: THIS DOCUMENT REPRESENTS THE ACTUAL WARRANT SIGNED BY THE BOARD OF SELECTMEN AND POSTED BY THE CONSTABLE AT SOUTHWICK TOWN HALL, SOUTHWICK POST OFFICE AND SOUTHWICK PUBLIC LIBRARY.*****

**WARRANT FOR THE ANNUAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS
May 20, 2014
7:00 p.m.**

Annual Town Election, Tuesday, May 13, 2014, at 7:00 a.m. to 8:00 p.m. at the Southwick Town Hall, 454 College Highway for Precincts I, II, and III.

Annual Town Meeting Tuesday, May 20, 2014 at 7:00 p.m. at the Southwick High School, 93 Feeding Hills Road, in the Auditorium.

HAMPDEN SS. To either of the Constables of the Town of Southwick in the County of Hampden

GREETINGS:

ARTICLE 1. In the name of the Commonwealth of Massachusetts you are 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 13, 2014 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 Regional School District Committee members each for a three-year term. One Assessor for a three-year term. One Cemetery Commissioner for a three-year term. One Dickinson School Trustee for a three-year term. Two Library Trustees each for a three year term. Two Park and Recreation Commission members each for a three-year term. One Park and Recreation Commission Member for a one-year term. One Southwick Housing Authority Member for a five-year term. One Planning Board member for a five-year term. One Water Commissioner for a three-year term. One Water Commissioner for one-year term. One Board of Health member for a three-year term. One Moderator for a three-year term.

Also, in the name of the Commonwealth of Massachusetts, you are 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 SOUTHWICK-TOLLAND REGIONAL HIGH SCHOOL AUDITORIUM ON TUESDAY, May 20, 2014, at 7:00 P.M. then and there for the Annual Town Meeting and to act on the following articles:

Given under our hand at said Southwick this 5th day of May in the year of the Lord Two Thousand and Fourteen.

ARTICLE 2. To see if the Town will vote to accept the reports as published in the Annual Town Report of the Selectmen, Assessors, Town Accountant, Town Clerk, Water Commissioners and all others to be acted thereon, or take any other action thereon.

Requested by the Board of Selectmen

ARTICLE 3. To see if the Town will vote to instruct the Selectmen to appoint minor officers or to take any other action relative thereon.

Requested by the Board of Selectmen

ARTICLE 4. To see if the Town will vote to authorize the Board of Selectmen to sell or trade obsolete equipment or take any action relative thereon.

Requested by the Board of Selectmen

ARTICLE 5. To see if the Town will vote to authorize the Board of Selectmen 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.

Requested by the Board of Selectmen

ARTICLE 6. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds, notes, and certificates of indebtedness for a period of not more than two years in accordance with M.G.L. Chapter 44, Section 17 or take any other action relative thereon.

Requested by the Board of Selectmen

ARTICLE 7. To see if the Town will vote to appropriate and transfer the sum of \$350,000.00 from the Stabilization Fund for costs and expenses associated with Phase II of the Town's sewer project, including but not limited to, design services, construction costs and any expenses appurtenant and incidental thereto, or take any other action relative thereto.

Requested by the Board of Selectmen

ARTICLE 8. To see if the Town will vote 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: Public Safety Building, Board of Health, Building Department, Emergency Management, Park and Recreation, Computer, Town Hall, Council on Aging, Police, Fire, Lake Management, DPW (various divisions), and EMS 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 FY July 1, 2014 to June 30, 2015 or to take any other action relative thereon.

Requested by the Finance Committee

ARTICLE 9. The Town of Southwick voted to adopt the following vote or to take any other action thereon: Voted to establish (authorize) a revolving fund pursuant to M.G.L. Chapter 44, Section 53E1/2 entitled "Custodial Services Fund", to be used by the maintenance department to offset costs of custodial services for private and civic Entities which use town buildings or take any other action relative thereon.

Requested by the Town Accountant

ARTICLE 10. DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION. To See if the Town will vote to authorize revolving funds for certain town departments under M.G.L. C. 44 § 53E→ for the fiscal year beginning July 1, 2014, or take any other action relative thereto.

MOTION: That the Town reestablish revolving funds for certain town departments under M.G.L. C. 44 § 53E→ for the fiscal year beginning July 1, 2014, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	Spending Limit	Disposition of Fund Balance
Inspector's Revolving	Inspectors	Inspection permits	Inspectors salaries	\$40,000	Balance available for expenditure in following fiscal year

HAZ-MAT Revolving	Police & Fire	HAZ-MAT fines	Personnel training, purchasing supplies & equip, maint & repair of equip & vehicles & anything related to HAZ-MAT response	\$40,000	Balance available for expenditure in following fiscal year
Boat Ramp Revolving	Lake Mgmt	Boat Ramp access	Salaries & boat ramp expenses	\$32,000	Balance available for expenditure in following fiscal year
Harbormaster Revolving	Police	Fines for Lake removals	Salaries & expenses regarding removal & storage of items removed from lake	\$20,000	Balance available for expenditure in following fiscal year
Local Lake Permitting Revolving	Police & Conservation	Lake permitting fees	Salaries & expenses regarding DEP regulations for lake structures	\$40,000	Balance available for expenditure in following fiscal year
TOTAL SPENDING				\$172,000	

Requested by the Board of Selectmen

ARTICLE 11. To act on the report of the Community Preservation Committee on the Fiscal Year 2015 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 2015 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 2015 with each item to be considered a separate reserve.

Proposed Fiscal Year 2015 Community preservation Reserves

- To reserve \$40,211 from FY2015 Community Preservation Fund revenues for Open Space.
- To reserve \$40,211 from FY2015 Community Preservation Fund revenues for Historic Resources.
- To reserve \$40,211,000 from FY2015 Community Preservation Fund revenues for Community Housing.
- To reserve \$281,483 from FY2015 Community Preservation Fund revenues for Community Preservation General Unreserved Fund.

Reserves

Open Space	\$40,211
Historic Resources	\$40,211
Community Housing	\$40,211
General Unreserved	<u>\$281,483</u>
60,00	\$402,116

Estimated FY2014 revenues = State match to be received on 10/15/13

\$150,000

+ estimated new surcharge collections for FY2014

\$252,116

Total

\$402,116

State match = FY2014 CPA commitments minus abatements

Estimated new surcharge collections for FY2015 = FY2014 collections

10% of estimated FY2015 revenues equal the amount reserved for each CPA purpose, Historical, Open Space and Community Housing, as required by law.

70% of estimated FY2015 revenues equal the amount reserved for the Community Preservation General Unreserved Fund

Requested by the Community Preservation Committee

ARTICLE 12. To act on the report of the Community Preservation Committee on the Fiscal Year 2015 Community Preservation Budget and appropriate 4% (\$11,259), 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 \$11,259 as recommended by the Community Preservation Committee.

Requested by the Community Preservation Committee

ARTICLE 13. To see if the Town will vote to appropriate and transfer the sum of \$25,000 from the Community Preservation Open Space Fund in order to encourage recreational and activity use and preserve 57 acres of open space and wildlife habitat at 197 South Loomis Street, Southwick Book/page 5491/399, 4747/061, page 471, the Hampden County Registry of Deeds, or take any other action relative thereto.

MOTION: To see if the Town will vote to appropriate and transfer the sum of \$25,000 from the Community Preservation Open Space Fund in order to encourage recreational and activity use and preserve 57 acres of open space and wildlife habitat at 197 South Loomis Street, Southwick Book/page 5491/399, 4747/061, page 471, the Hampden County Registry of Deeds, or take any other action relative thereto.

Requested by the Community Preservation Committee

ARTICLE 14. To see if the Town will vote to appropriate and transfer the sum of \$70,000 from the Community Preservation Open Space Fund in order construct a helical pier boardwalk to span the wetlands at the trailhead of the MMM/ New England Scenic Trail located at Rising Corners Map 119 parcel 01 or take any other action relative thereto.

MOTION: To see if the Town will vote to appropriate and transfer the sum of \$70,000 from the Community Preservation Open Space Fund in order construct a helical pier boardwalk to span the wetlands at the trailhead of the MMM/ New England Scenic Trail located at Rising Corners Map 119 parcel 01 or take any other action relative thereto.

Requested by the Community Preservation Committee

ARTICLE 15. To see if the Town will vote to appropriate and transfer the sum of \$50,000 from the Community Preservation General Unreserved Fund in order to complete the outdoor running track on the grounds of the Southwick-Tolland-Granville Regional High at 86 Powder Mill Road, Southwick, or take any other action relative thereto.

MOTION: To see if the Town will vote to appropriate and transfer the sum of \$50,000 from the Community Preservation General Unreserved Fund in order to complete the outdoor running track on the grounds of the Southwick-Tolland-Granville Regional High at 86 Powder Mill Road, Southwick, or take any other action relative thereto.

Requested by the Community Preservation Committee

ARTICLE 16. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$10,044,395 for the Southwick-Tolland-Granville Regional School District assessment for Fiscal Year 2015 commencing July 1, 2014 and ending on June 30, 2015, or take any other action thereon.

Requested by the Southwick-Tolland-Granville
Regional School District

ARTICLE 17. To see if the Town of Southwick will vote not to disapprove certain additional debt authorized by the Southwick-Tolland-Granville Regional School Committee under a vote dated March 18, 2014, which reads as follows:

"Voted: approve authorization to incur debt by the issuance and sale of bonds or notes for the amount of \$350,000 for the purchase of all items specified in the attached School District's Fiscal Year 2015 Capital Improvement Plan," or take any other action relative thereon.

Requested by the Southwick-Tolland-Granville
Regional School District

ARTICLE 18. TEMPORARY MORATORIUM ON COMMON DRIVEWAYS

To see if the Town will vote to amend Chapter 185 of the Code of the Town of Southwick by adding a new Section 185-23.3 (Temporary Moratorium on Common Driveways) to read in its entirety as stated below; and further that non-substantive changes to the numbering of this bylaw be made in order to make it consistent with the numbering format and sequencing of the Code of the Town of Southwick:

§185-23.3 Temporary Moratorium on COMMON DRIVEWAYS

A. Purpose

The purpose of this temporary moratorium is to give the Town time to conduct a comprehensive review and consider possible amendments to the current provisions of the Zoning Bylaw to adequately and appropriately address the concerns of the Town that the current provisions of the Zoning Bylaw are not adequate for the appropriate regulation of common driveways within the Town of Southwick.

B. Temporary Moratorium Provisions

For so long as this temporary moratorium remains in effect, no common driveways shall be constructed, nor shall any building permit, special permit, variance or site plan approval decision for any such common driveway be issued by the Town of Southwick.

C. Temporary Moratorium Expiration

Unless extended, continued or modified by a subsequent action of Town Meeting, the provisions of this temporary moratorium shall expire upon either of the first to occur: (a) the adoption by Town Meeting of (i) any amendment to this bylaw that explicitly rescinds or replaces this moratorium, and the approval of any such amendment(s) by the Massachusetts Attorney General, or (b) January 6, 2016

D. Exemptions

This temporary moratorium shall not apply to currently existing common driveways and maintenance and repair of existing common driveways.

or take any other action relative thereto

Requested by the Planning Board

ARTICLE 19. To see if the Town will vote to amend Chapter 20, Section 20-3(B) of the Code of the Town of Southwick by deleting the following:

"B. In addition to posting the Town Meeting warrants as required by general and local law, notice of the time and placed fixed in the warrant for each Annual and Special Town Meeting shall be sent by mail

by the Town Clerk to every household within a reasonable time before such meeting. Said notice may also contain a summary of or reference to certain warrant articles, as the Board of Selectmen may direct the Town Clerk. The failure of the Town Clerk to mail timely notice pursuant to this bylaw shall not affect the validity of any matter voted at a special or Annual Town Meeting. No mailed notice of an adjourned session of a town Meeting shall be required."

Or take any other action relative thereto.

Requested by the Board of Selectmen,
Finance Committee
and Town Moderator

ARTICLE 20. To see if the Town will vote to accept Chapter 200A, Section 9A of the Massachusetts General Laws in order to authorize a procedure for the disposition of abandoned funds held in the custody of the Town, or take any other action relative thereto.

Requested by Town Clerk, Treasurer and Collector

ARTICLE 21. To see if the Town of Southwick will authorize to change the residency requirement for Veteran's applying for property tax exemption under Clauses 22, 22A, 22B, 22C, 22D and 22E. To change the requirement of residency for 5 consecutive years before tax year begins to accept local option of 1 consecutive year before the tax year begins.

Requested by the Board of Assessors

ARTICLE 22. To see if the Town will vote to amend the following sections of Chapter 185 of the Code of the Town of Southwick as follows, and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Code of the Town of Southwick to be consistent with the Code of the Town of Southwick:

Section 185-5(D)

Delete existing Section 185-5(D) and

Replace it with the following:

"The boundaries of said Flood Hazard and Wetlands District FH in Subsection A(10) above is herein established as an overlay district. The District includes all special flood hazard areas within the Hampden County designated as Zone A and AE on the Hampden County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Hampden County FIRM that are wholly or partially within the Town of Southwick are panel numbers 25013C0352E, 25013C0354E, 25013C0358E, 25013C0359E, 25013C0360E, 25013C0361E, 25013C0362E, 25013C0364E, 25013C0366E, 25013C0367E, 25013C0368E, 25013C0369E, 25013C0378E, 25013C0379E, 25013C0386E, 25013C0387E, 25013C0502E, and 25013C0506E dated September 17, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Hampden County Flood Insurance Study (FIS) report dated September 17, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission."

Section 185-20(B)(1)

Delete existing Section 185-20(B)(1) in its entirety; and

Replace it with the following:

"The boundaries of said Flood Hazard and Wetlands District FH in Subsection A(10) above is herein established as an overlay district. The District includes all special flood hazard areas within the Hampden County designated as Zone A and AE on the Hampden County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the

administration of the National Flood Insurance Program. The map panels of the Hampden County FIRM that are wholly or partially within the Town of Southwick are panel numbers 25013C0352E, 25013C0354E, 25013C0358E, 25013C0359E, 25013C0360E, 25013C0361E, 25013C0362E, 25013C0364E, 25013C0366E, 25013C0367E, 25013C0368E, 25013C0369E, 25013C0378E, 25013C0379E, 25013C0386E, 25013C0387E, 25013C0502E, and 25013C0506E dated September 17, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Hampden County Flood Insurance Study (FIS) report dated September 17, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission."

Section 185-20(B)(2)

Amend Section 185-20(B)(2) as follows:

Delete: "FIA Flood Hazard Boundary Map" and

Replace it with: "FEMA Flood Insurance Rate Map"

The Amended Section 185-20(B)(2) will read as follows:

"The boundaries of the Flood Hazard and Wetlands District shall be determined by scaling distances on the FEMA Flood Insurance Rate Map. When interpretation is needed as to the exact location of the boundaries of the district, the Conservation Commission shall make the necessary interpretation"

Section 185-20(E)(4)

Add a new Section 185-20(E)(4) as follows:

"In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Section 185-20(E)(5)

Add a new Section 185-20(E)(5) as follows:

"Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones."

Section 185-20(E)(6)

Add a new Section 185-20(E)(6) as follows:

"In a riverine situation, **the Conservation Commission Coordinator** shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States
- NFIP State Coordinator

Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

- NFIP Program Specialist

Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110”

Section 185-20(E)(7)

Add a new Section 185-20(E)(7) as follows:

“In Zone AE, along watercourses within the Town of Southwick that have a regulatory floodway designated on the Hampden County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.”

Section 185-20(E)(8)

Add a new Section 185-20(E)(8) as follows:

“All subdivision proposals must be designed to assure that:

a) such proposals minimize flood damage;

b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c) adequate drainage is provided to reduce exposure to flood hazards.”

Section 185-20(F)(2)(d)

Delete Section 185-20(F)(2)(d) in its entirety.

Section 185-20(G)

Amend Section 185-20(G) as follows:

Delete: “the cost of which equals or exceeds 50% of the cash value of the structure” and

Replace it with: “the cost of which equals or exceeds 50% of the market value of the structure”

The Amended Section 185-20(B)(2) will read as follows:

“SUBSTANTIAL IMPROVEMENT

Means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement is started or, if the structure has been damaged and is being restored, before the damage occurred.

Exterior enlargement shall not exceed 10% of the original ground level size of the structure, or 150 square feet, whichever is greater. Such enlargement may occur only once.”

Or take any other action relative thereto.

Requested by the Planning Board

Given under our hands at said Southwick this 5th day of May the year of the Lord two thousand and fourteen.

BOARD OF SELECTMEN

_____ Russell S. Fox, Chairman

_____ Joseph J. Deedy, Vice-Chairman

_____ Tracy L Cesan, Clerk

(Tracy L. Cesan is signing for all Articles except Fire, EMS, Dispatch and Salary related Articles)

HAMPDEN SS.,

Pursuant to the within warrant I have notified and warned the inhabitants of the Town of Southwick by posting up attested copies of the same at three (3) public places in said Town Seven (7) days before the date thereof, as within directed.

Constable of Southwick, MA

Kelly A. Magni

A TRUE COPY ATTEST:

Michelle L. Hill, Town Clerk

POSTED: TOWN HALL, POST OFFICE, LIBRARY