

**\*\*\*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.\*\*\***

**Town of Southwick  
ANNUAL TOWN MEETING  
COMMONWEALTH OF MASSACHUSETTS  
May 16, 2006  
7:00 p.m.**

Annual Town Election, Tuesday May 9, 2006, 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 16, 2006 at 7:00 p.m. at the Southwick High School, Feeding Hills Road, in the Main 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 9, 2005 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 Commissioners for a three-year term. One Dickinson School Trustee for a three-year term. One Water Commissioner 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 Planning Board member for a five-year term. One Planning Board member for a three-year term.. One Board of Health member for a three-year term. One Housing Authority member for a five-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 16, 2006, at 7:00 P.M. then and there for the Annual Town Meeting and to act on the following articles:

**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.

Requested by the Board of Selectmen

**ARTICLE 3.** To see if the Town will vote to instruct the Selectmen to appoint minor officers.  
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 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; Accounting, Assessors, Town Clerk, Computer, Town Hall, Police, Fire, Public Safety, Building Inspector, Emergency Management, Animal Control, Lake Management, DPW, Library, 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 Fiscal Year July 1, 2006 to June 30, 2007 or to take any other action relative thereon.

Requested by the Finance Committee

**ARTICLE 8.** To see if the Town will vote to appropriate and transfer a sum of money from the Cemetery Sales of Lots Account to be used for the Cemetery Improvement Account or take any other action relative thereon.

Requested by the Cemetery Commission

**ARTICLE 9.** To see if the Town will adopt the following vote or to take any other action thereon:  
Voted: to re-authorize the Revolving Funds under M.G.L. Chapter 44 Section 53E ½ entitled "Inspector's Revolving Fund", the establishment of which is for the purpose of compensating various inspectors employed by the Town for services rendered and said fund shall not exceed \$40,000.00 limit on the funds on deposit, or take any other action relative thereto.

Requested by the Board of Selectmen

## 2

**ARTICLE 10.** To see if the Town will adopt the following vote or to take any other action thereon:  
Voted to re-establish a revolving fund pursuant to M.G.L. Chapter 44, Section 53E ½ entitled "Public Safety Departments Revolving Account" the use of which is for the Fire and Police Departments in the Town of Southwick to offset costs of training personnel; purchasing supplies and equipment; costs of maintenance and repairs of equipment and vehicles; and salaries paid to details, all related to HAZ-MAT response, and

said fund shall not exceed \$40,000.00 limit on the funds on deposit, or take any other action relative thereto.

Requested by the Board of Fire Commissioners and  
Board of Selectmen

**ARTICLE 11.** To see if the Town will adopt the following vote or to take any other action thereon:  
Voted: To reauthorize a revolving fund under M.G.L. Chapter 44, Section 53E1/2 that may be spent by the Lake Management Committee without further appropriation, during fiscal year 2007 to pay for salaries, expenses, operations, contractual service, and ramp repairs and improvements regarding the management of the lakes. The revolving fund entitled Revolving Boat Ramp Account is to be credited with all fees and charges received during fiscal year 2007 from persons using the boat ramps. The Lake Management Committee may spend \$30,000.00 for Lake Management operations in revolving fund monies for the program during fiscal year 2007. The unencumbered and unreserved balance in the revolving fund at the end of fiscal year 2006 shall be carried over into fiscal year 2007 or take any other action relative thereon.

Requested by the LakeManagement Committee

**ARTICLE 12.** To see if the Town will vote to accept Southwick's share of the Western Hampden District Veterans' Services in the sum of \$28,211.31 for Fiscal Year 2007, this amount will be \$496.21 over the assessment limitation imposed by Proposition 2 ½ as allowed under Chapter 90 of the Acts of 1988 and MGL Ch. 59, Section 20B, or take any other action relative thereon.

Requested by the Board of Selectmen

**ARTICLE 13.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$6,966,429.00 for the Southwick-Tolland Regional School District assessment for Fiscal Year 2007 commencing July 1, 2006 and ending on June 30, 2007, or take any other action thereon.

Requested by the Southwick-Tolland  
Regional School District

**ARTICLE 14.** To see if the Town of Southwick will vote not to disapprove certain additional debt authorized by the Southwick-Tolland Regional School Committee under a vote dated April 4, 2006, which reads as follows:

Voted: approve authorization to incur debt by the issuance and sale of bonds or notes for the amount of \$600,000.00 for the purchase of all items specified in the attached School District's Fiscal Year 2007 Capital Improvement Plan", or take any other action relative thereon.

Requested by the Southwick-Tolland Regional School District

3

**ARTICLE 15.** To see if the Town will vote to raise and appropriate or appropriate and transfer from the Available Funds the sum of \$50,000.00 to the Southwick-Tolland Regional School District for its FY07 budget, or to take any other action relative thereon.

Requested by the Board of Selectmen

**ARTICLE 16.** To act on the report of the Community Preservation Committee on the Fiscal Year 2007 Community Preservation Budget and appropriate 4% of the monies from the Community Preservation Fund 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 Community Preservation General Unreserved Fund \$15,207.86 as recommended by the Community Preservation Committee.

## Requested by the Community Preservation Committee

**ARTICLE 17.** To act on the report of the Community Preservation Committee on the Fiscal Year 2007 Community Preservation Budget and to set up a budgeted reserve for later appropriation 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, or take any other action relative thereto.

**MOTION:** To see if the town will vote to set up a budgeted reserve from Community Preservation Fund annual revenues the amounts recommended by the Community Preservation Committee in Fiscal Year 2007, with each item to be considered a separate reserve.

## Proposed Fiscal Year 2007 Community Preservation Reserves

The Community Preservation Committee recommends that the following amounts be reserved from fiscal year 2007 Community Preservation Fund Revenues, unless otherwise specified, for Fiscal Year 2007 Community Preservation purposes.

- To reserve \$38,019.66 from FY 2007 Community Preservation Fund revenues for Open Space.
- To reserve \$38,019.66 from FY 2007 Community Preservation Fund revenues for Historic Resources.
- To reserve \$38,019.66 from FY 2007 Community Preservation Fund revenues for Community Housing.
- To reserve \$266,137.61 from FY 2007 Community Preservation Fund revenues for FY 2007 Community Preservation Fund General Unreserved Fund.

## Reserves

Open Space	\$38,019.66
Historic Resources	\$38,019.66
Community Housing	\$38,019.66
General Unreserved	<u>\$266,137.61</u>
Total	\$380,196.59

## 4

Estimated FY2007 revenues = State match to be received on 10/15/06	\$171,042.30
+ new surcharge collections for FY2007	<u>\$209,154.29</u>
Total	\$380,196.59

State match = FY2006 CPA commitments minus abatements

New surcharge collections for FY2007

10% of actual FY2007 revenues = The amount reserved for each CPA purpose, Historical, Open Space and Community Housing, as required by law.

70% equals the amount reserved to Community Preservation Fund Budgeted Reserve.

## Requested by the Community Preservation Committee

**ARTICLE 18.** To see if the Town will vote to accept as Town Ways, Laurel Ridge Road, Blackberry Crescent, Wintergreen Circle, Trillium Lane and Mayflower Lane, as shown on the street layout plan entitled "Laurel Ridge Definitive Plan of Land in Southwick, Massachusetts prepared for Hillside Farm Development Corp., G/P Hillside Contractors, June 24, 1997, E.B. Holmberg & Associates Land Surveyors"...which plan is recorded in the Registry of Deeds for the County of Hampden in Book of Plans 308, Pages 76 through 83 inclusive; and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift certain easements including storm drainage easements and an easement to use said street for all purposes for which public ways are used in the Town of Southwick; or to take any other action relative thereto.

## Requested by the Board of Selectmen

**ARTICLE 19.** To see if the Town will vote to amend the Code of the Town of Southwick to include Chapter 102 "FALSE ALARM BYLAW" with the following provisions:

## Chapter 102

### FALSE ALARM BYLAW

§ 102.1.	Definitions.	§ 102.6	Police and Fire Response
§ 102.2	Registration Requirements	§ 102.7	Enforcement
§ 102.3	Alarm System Operation and Maintenance	§ 102.8	No Assumption of Liability or Responsibility for Alarm Systems.
§ 102.4	Monitoring Procedures	§ 102.9	General Provisions
§ 102.5	Fines and Penalties for Violations		

---

§ 102.1. Definitions. For the purpose of this by-law, certain words and phrases shall be construed as defined in this Article.

## 5

**ALARM ADMINISTRATOR** – the person designated to administer, control, and review alarm applications, registrations, and alarm dispatch requests. The Chief of Police shall be the Alarm Administrator unless otherwise designated.

**ALARM BUSINESS** – the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an Alarm System in an Alarm Site.

**ALARM DISPATCH REQUEST** – a notification to the Emergency Dispatch that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

**ALARM SITE** – a single premises or location served by an Alarm System or systems. Each tenancy, if served by a separate Alarm System in a multi-tenant building or complex, shall be considered a separate Alarm Site.

**ALARM SYSTEM** – a device or series of devices, including, but not limited to, systems interconnected with radio frequency signals, which are designed to discourage crime, signify fire or medical emergency by emitting or transmitting a remote or local audible, visual or electronic signal indicating an alarm condition. Alarm System does not include:

- (1) An alarm installed on a vehicle unless the vehicle is permanently located at site; or
- (2) An alarm designed to alert only the inhabitants of a premise that does not have a sound device, which can be heard on the exterior of the Alarm Site.

**ALARM USER** – any person, firm, partnership, corporation or other entity, which uses an Alarm System at its Alarm Site.

CHIEF – the Chief of Police of the Town or the Chief's authorized representative.

FALSE ALARM DISPATCH – an Alarm Dispatch Request to the police or fire department, where responding officers find no evidence of a criminal offense or attempted criminal offense or fire or medical emergency after having completed a timely investigation of the Alarm Site. An Alarm Dispatch Request that is cancelled by the Alarm Business or the Alarm User prior to the dispatch of the responding personnel shall not be considered a False Alarm Dispatch.

PERSON – an individual, corporation, partnership, association, organization or other legal entity.

TAKEOVER – the transaction or process by which an Alarm User takes over control of an existing Alarm System that was previously controlled by another Alarm User.

VERIFY – an attempt, by the Alarm Business, or its representative, to contact the Alarm Site by telephone or other electronic means, whether or not actual contact with a Person is made, before requesting an emergency dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.

## 6

### § 102.2. Registration Requirements.

- A. Notwithstanding the foregoing, a smoke detector system required by State Building and Fire Codes shall not be deemed an Alarm System requiring registration as contemplated herein. No Alarm User shall operate, or cause to be operated, an Alarm System without first registering in accordance with this by-law. A separate registration is required for each Alarm Site.
- B. Registration shall be valid until ownership of the alarm site changes.
- C. The application form for registration of an alarm site shall be prescribed by the Alarm Administrator and shall include the following information:
  - (1) The name, address, and telephone number of the Alarm User who will be responsible for the proper maintenance and operation of the Alarm System and the payment of fees assessed under this by-law.
  - (2) The name, address, and telephone number of the Alarm Business monitoring the Alarm System.
  - (3) The application shall contain the name, address and telephone number of at least two (2) other persons who are authorized to respond to a signal transmitted by the Alarm System within twenty (20) minutes under normal weather conditions and who are authorized to open the premises on which the Alarm System is installed.
  - (4) The application shall contain a waiver of liability from the Alarm User if the Town of Southwick Police or Fire Department has to forcibly enter the registered premises in order to respond to such an alarm.
  - (5) Any other information that enhances the efficiency of administering this by-law.
  - (6) That all current Alarm Users shall submit applications within ninety (90) days following the adoption of this by-law.

- D. Registration of an alarm under this by-law cannot be transferred to another Person. If an Alarm Site is sold or transferred to another, the application process for a new Alarm User must be followed. An Alarm User shall inform the Alarm Administrator, in writing, of any change that alters any information listed on the permit application within five (5) business days of such change.
- E. An application for registering an Alarm Site shall be processed in a timely manner by the Alarm Administrator. The application shall be denied if the applicant has failed to pay any fine assessed for violating this by-law, or if the applicant has knowingly made any false, misleading or fraudulent statements of a material fact in the application.

7

### § 102.3. Alarm System Operation and Maintenance

- A. An Alarm User shall:
  - (1) Maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarm Dispatches.
  - (2) Respond or cause a representative to respond to the Alarm Site within twenty (20) minutes under normal weather conditions who can provide access to the premises on which the private intrusion fire or medical emergency alarm device is installed, who can allow personnel access to the Alarm Site to investigate, who can deactivate a malfunctioning Alarm System and provide security for the Alarm Site.
  - (3) Not manually activate an alarm for any reason other than an occurrence of any event that the Alarm System was intended to report.
  - (4) Not cause any Alarm System to be connected directly to the emergency dispatch at the police department by any means including an automatic dialer.
  - (5) Adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than fifteen (15) minutes after being activated.
- B. If the Alarm Administrator has reason to believe that an Alarm System is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the Alarm Administrator may require a conference with the Fire Department and Alarm User to review the circumstances of each false alarm.

### 102.4. Monitoring Procedures

- A. The Town of Southwick will not act as an Alarm Business or permit installation of any Alarm System monitoring devices within the police station or emergency dispatch area. By July 1, 2006, all alarm systems except those owned by the Town of Southwick or its subdivisions will be removed from the police station or emergency dispatch area and monitored privately.
- B. An Alarm Business performing Monitoring services shall:
  - (1) Report alarm signals by using telephone numbers designated by the Alarm Administrator;
  - (2) Attempt to Verify every alarm signal, except a hold up alarm activation, before requesting a police or fire/ems response to an alarm signal;

- (3) Communicate Alarm Dispatch Requests to the Town in a manner and form determined by the Alarm Administrator;

## 8

- (1) Communicate verified cancellations of Alarm Dispatch Requests to the Town in a manner and form determined by the Alarm Administrator; and

### § 102.5. Fines and Penalties for Violations

- A. An Alarm User shall be subject to fines or warnings depending on the number of False Alarm Dispatches emitted from an Alarm System within a twelve (12) month period beginning January 1<sup>st</sup> each year, based upon the following schedule:

Number of False Alarm Dispatches	Fine
1-3	\$0.00
4 or more	\$25.00 each dispatch

- B. Any Person operating an Alarm System who has not registered in accordance with this by-law shall be subject to an additional fine of \$300.00 for each violation after one (1) initial warning.
- C. An Alarm Dispatch Request caused by actual criminal offense, or with evidence of a criminal attempt, or resulting solely from power outages or extreme weather conditions shall not be counted as a False Alarm Dispatch.
- D. Intentional causing of a false private intrusion, fire alarm or medical emergency shall be considered a serious issue resulting in a fine of \$300.00.
- E. Any Person who has neglected any fee or fine due as the result of this by-law may have said fee or fines added to the Town of Southwick municipal tax bill for the property where the Alarm System involved is located.
- F. An Alarm User can appeal a false alarm determination to the Board of Selectmen within ten (10) days of the actual event.

### § 102.6. Police and Fire Response

- A. Unless there is a separate indication that there is a crime in progress, the Chief of Police or officer-in-charge of the shift may refuse police response to an Alarm Dispatch Request at an Alarm Site for which there has been a previous response on the same date. Notwithstanding the foregoing, the fire department will respond to any fire alarm or medical emergency.

### § 102.7. Enforcement

- A. The Treasurer-Tax Collector, upon authorization by the Board of Selectmen, shall institute civil proceedings to enforce the collection provisions of this by-law.
- B. Any police officer of the Town may utilize the non-criminal disposition procedure set forth in the Code of the Town of Southwick or may file an application for a criminal complaint with the Trial



Court of the Commonwealth, District Court that has jurisdiction to enforce such a complaint issued under this by-law.

9

§ 102.8. No Assumption of Liability or Responsibility for Alarm Systems

- A. Notwithstanding the provisions of this article, the Town, its departments, officers, agents and employees, shall be under no obligation whatsoever concerning the adequacy, operation, or maintenance of any Alarm System or Alarm System monitoring facilities of private contractors or within the police station or emergency dispatch area.

§102.9. General Provisions

- A. Except as otherwise required by law, the information furnished and secured pursuant to this by-law shall be confidential in character, shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this by-law.
- B. Municipal departments of the Town of Southwick are exempt from fees required by this by-law.
- C. The provisions of this by-law are separable, and if any article, section or subsection, sentence, clause or phrase of this by-law is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this by-law.
- D. Any fine issued under this by-law shall be paid to the general fund for the Town of Southwick.

Or take any other action relative thereto.

**ARTICLE 20.** The International Brotherhood of Police Officers Local #384, requests that the Town of Southwick place a referendum question on the annual town meeting warrant for the acceptance of Chapter 41: Section 100B of the Massachusetts General Laws. This section covers the indemnification of retired police officers and fire fighters who sustained injuries in the line of duty. Chapter 41: Section 100B reads as follows:

“Any city operating under a Plan D or Plan E charter which accepts this section by the affirmative vote of two thirds of all the members of its city council, and any other city which accepts this section by a majority vote of its city council with the approval of its mayor, and any town which accepts this section by a majority vote of its inhabitants at an annual town meeting or a special town meeting, may, upon written application by any of its police officers or fire fighters retired either before or after the acceptance of this section under a general or special law specifically relating to retirement for accidental disability, except a special law applicable to one person, or in the event of the death of any such police officer or fire fighter, upon written application by his widow or, if he leaves no widow, by his next of kin, indemnify, out of any funds appropriated for the purposes of this section, such police officer or fire fighter or, in the event of his death, his widow, or if he leaves no widow, his next of kin, for all reasonable hospital, medical and surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for podiatry incurred by such police officer or fire fighter

after his retirement; provided, however, that no person shall be indemnified under this section unless a majority of the members of a panel consisting of (a) the chairman of the retirement board of the city or town, (b) the city solicitor, town counsel or other officer having similar duties or a person designated in writing by such solicitor, counsel or officer to act for him, and (c) such physician as the city or town manager or, if there is none, the mayor or selectmen in writing appoint shall, upon receipt from the applicant of due proof, certify: —(1) that the expenses for which indemnification is sought were the natural and proximate result of the disability for which the police officer or fire fighter was retired; (2) that such expenses were incurred after the acceptance of this section; (3) that the hospital, medical and surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for podiatry to which such expenses relate were rendered within six months before the filing of the application; (4) that such expenses were in no ways attributable to the use by the police officer or fire fighter of any intoxicating liquor or drug or to his being gainfully employed after retirement or to any other willful act or conduct on his part; and (5) that such expenses are reasonable under all the circumstances”.

Requested by Petition

Given under our hand at said Southwick this 1st day of May in the year of the Lord Two Thousand and Six.

BOARD OF SELECTMEN

\_\_\_\_\_ Arthur G. Pinell, Chairman

\_\_\_\_\_ David A. St. Pierre, Vice-Chairman

\_\_\_\_\_ Fred B. Arnold, II, Clerk

**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

\_\_\_\_\_ Roger B. Cataldo

A TRUE COPY ATTEST:

\_\_\_\_\_ Paul S. Mormino, Interim Town Clerk

**POSTED: TOWN HALL, POST OFFICE, LIBRARY**

ATM 5.16.06