

*****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
Town of Southwick
COMMONWEALTH OF MASSACHUSETTS
May 17, 2005

Annual Town Election, Tuesday May 10, 2005, 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 17, 2005 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 10, 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 Assessor for a one-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 Planning Board member for a five-year term. One Water Commissioner for a three year term. One Board of Health member for a three-year term. One Housing Authority member for a five-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 17, 2005, 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 appropriate and transfer a sum of money from Available Funds and/or the Free Cash Account to be applied against the tax rate or take any other action relative thereon.

Requested by the Finance Committee

ARTICLE 8. To see if the Town will vote to appropriate \$560,000.00 or some other amount, to pay engineering costs of developing a new well, casement construction and for the activation of a new well site, and to determine whether this appropriation should be raised by taxation, by transfer from available funds, by borrowing or otherwise, or to take any other action relative thereto.

Requested by the Board of Water Commissioners

ARTICLE 9. To see if the Town will vote to appropriate \$150,000.00 or some other amount, to pay costs of purchasing a basin cleaner/jet rodder unit and to determine whether this appropriation should be raised by taxation, by transfer from available funds, by borrowing or otherwise, or to take any other action relative thereto.

Requested by the DPW

ARTICLE 10. To see if the Town will vote to appropriate \$295,000.00 or some other amount, to pay costs of purchasing a fire truck, and to determine whether this appropriation should be raised by taxation, by transfer from available funds, by borrowing or otherwise, or to take any other action relative thereto.

Requested by the Board of Fire Commissioners

ARTICLE 11. 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, Computer, Police, Dispatch, Fire, Animal Control, Council on Aging, DPW, Emergency Management, and Library, 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, 2005 to June 30, 2006 or to take any other action relative thereon.

Requested by the Finance Committee

ARTICLE 12. 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 in order to reduce the tax rate or take any other action relative thereon.

Requested by the Cemetery Commission

ARTICLE 13. To see if the Town will vote to appropriate and transfer the sum of \$196,071.00 from the Fire Department Receipts Reserved for Appropriation Account for ambulance service EMS salaries, operational expenses, capital equipment and debt service pursuant to M.G.L. chapter 40, section 5F or to take any other action relative thereon.

Requested by the Board of Fire Commissioners

ARTICLE 14. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$6,451,499.00 for the Southwick-Tolland Regional School District assessment for Fiscal Year 2006 commencing July 1, 2005 and ending on June 30, 2006, or take any other action thereon.

Requested by the Southwick-Tolland Regional School District

ARTICLE 15. 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 26, 2005, 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 2006 Capital Improvement Plan", or take any other action relative thereon.

Requested by the Southwick-Tolland Regional School District

ARTICLE 16. To see if the Town will vote to reauthorize unexpended Bond Proceeds in the amount of \$7,786.00, \$4,707.00 originally appropriated for the purchase of a DPW Highway Truck and \$3,079.00 originally appropriated for the purchase of a Solid Waste Transfer Truck, for the purchase of a DPW snowplow assembly, or take any other action relative thereon.

Requested by the Board of Selectmen

ARTICLE 17. 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 thirty thousand (\$30,000.00) dollar limit on the funds on deposit, or take any other action relative thereto.

Requested by the Board of Selectmen

ARTICLE 18. 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, or take any action thereto.

Requested by the Board of Fire Commissioners and
Board of Selectmen

ARTICLE 19. 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 2006 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 2006 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 2006. The unencumbered and unreserved balance in the revolving fund at the end of fiscal year 2005 shall be carried over into fiscal year 2006 or take any other action relative thereon.

Requested by the LakeManagement Committee

ARTICLE 20. To see if the Town will approve the Springfield Materials Recycling Facility Municipal Agreement with Recycle America Alliance and the Massachusetts Department of Environment Protection for the receipt and processing of the Town's recyclable materials at the Springfield Material Recycling Facility for ten years. The Town will receive \$15.67 per ton of recyclables plus a share of the revenue generated from the sale of recyclables per the contract.

Requested by the Board of Selectmen

ARTICLE 21. To act on the report of the Community Preservation Committee on the Fiscal Year 2006 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 2006, with each item to be considered a separate reserve.

Proposed Fiscal Year 2006 Community Preservation Reserves

The Community Preservation Committee recommends that the following amounts be reserved from fiscal year 2006 Community Preservation Fund Revenues, unless otherwise specified, for Fiscal Year 2006 Community Preservation purposes.

- ♦ To reserve \$31,204.52 from FY 2006 Community Preservation Fund revenues for Open Space.
- ♦ To reserve \$31,204.52 from FY 2006 Community Preservation Fund revenues for Historic Resources.
- ♦ To reserve \$31,204.52 from FY 2006 Community Preservation Fund revenues for Community Housing.
- ♦ To reserve \$218,431.68 from FY 2006 Community Preservation Fund revenues for FY 2006 Community Preservation Fund General Unreserved Fund.

Reserves

Open Space.....	\$31,204.52
Historic Resources.....	\$31,204.52
Community Housing	\$31,204.52
General Unreserved.....	<u>\$218,431.68</u>
Total.....	\$312,045.24

Estimated FY2006 revenues = State match to be received on 10/15/05	\$154,477.84
+ estimated new surcharge collections for FY2006	<u>\$157,567.40</u>
Total	\$312,045.24

State match = FY2005 CPA commitments minus abatements

Estimated new surcharge collections for FY2006 = FY2005 collections + 2%

2% = anticipated increase in town budget and tax revenues

10% of estimated FY2006 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 22. To act on the report of the Community Preservation Committee on the Fiscal Year 2006 Community Preservation Budget and appropriate 4% (\$12,481.81) of the monies from the Community Preservation Fund budgeted General Unreserved Fund for the administrative and

operating expenses of the Community Preservation Committee, or take any other action relative thereto.

Requested by the Community Preservation Committee

ARTICLE 23. To see if the Town will vote to amend The Code of the Town of Southwick, as follows, or to take any relevant action therein:

Vote to amend Chapter 20 (Elections and Town Meetings) Section 20-3 (Warrants) Sub section B, by deleting the following: In addition to posting Town Meeting warrants as required by general and local law, notice of the time and place 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. And replacing therein with the following: In addition to posting Town Meeting and Election warrants as required by general and local law, notice of the time and place fixed in the warrant for each Annual and Special Town Meeting and Election shall be sent by mail by the Town Clerk to every household at least seven (7) days prior to such meeting or election.

Requested by Petition

ARTICLE 24. To see if the Town will vote to amend Chapter 65 of the Code of the Town of Southwick Massachusetts as follows:

Chapter 65
AUTOMATIC AMUSEMENT DEVICES

§65-1. License

§65-2. Fee

§65-3. Definition of automatic amusement device

§65-4. Number of automatic amusement devices limited

§65-5. Inspection and Seizure

§65-6. Prohibited automatic amusement devices

§65-7. Penalty

§65-1. License

The Board of Selectmen may grant a license to an applicant for the use of automatic amusement devices pursuant to M.G.L. c. 140, §177A. A license granted under this bylaw shall expire on December 31st of each year. The applicant must complete a license application approved by the Board of Selectmen. The license shall comply with the requirements as more fully described in M.G.L. c. 140, §177A(3). The Board of Selectmen shall have the authority to enact regulations pertaining the application process for the issuance of a license under this section.

§65-2. Fee

The annual fee for a license issued under this bylaw shall be set by the Board of Selectmen.

§65-3. Definition of automatic amusement device

This bylaw shall apply to all “automatic amusement devices” which shall be construed as meaning any mechanism, digital, electronic or electrical device whereby, upon the deposit therein of a coin, token or any other form of currency, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines including free play pinball machines.

§65-4. Number of automatic amusement devices limited

Ancillary Use

The maximum number of automatic amusement devices allowed on any single business premises, where the use of such automatic amusement devices is ancillary to the primary business use, shall be six (6) with no such device able to accept a bill larger than \$5.00. However, the maximum number of automatic amusement devices allowed on a premises currently licensed to sell alcohol in accordance with M.G.L. c. 138, et. seq. shall be four (4) with no such device able to accept a bill larger than \$5.00.

Nothing contained in §65-4 shall modify or otherwise affect the prohibitions set forth in this Chapter of the Code of the Town of Southwick that no such license shall be granted for any automatic amusement device which presents a risk of misuse as a gaming device and no person shall operate or allow the operation of an automatic amusement device which presents a risk of misuse as a gaming device.

§65-5. Inspection and Seizure

All automatic amusement devices related to a licenses for automatic amusement devices granted by the Board of Selectmen shall be subject to inspection by the Southwick Police Department to ensure conformance with submitted application information and the requirements of this By-law and M.G.L. c. 140, §177A.

Any unlicensed or licensed automatic amusement device, which presents a risk of misuse as a gaming device, shall be subject to immediate seizure by the Southwick Police Department. Any expense incurred by the Southwick Police Department shall become the responsibility of the person that controls the premises where the devices were located.

All unlicensed automatic amusement devices shall be subject to immediate seizure by the Southwick Police Department. Any expense incurred by the Southwick Police Department shall become the responsibility of the person that controls the premises where the devices were located.

§65-6. Prohibited automatic amusement devices

No person shall operate or allow the operation of an automatic amusement device which presents the risk of misuse as a gaming device. Automatic amusement devices that simulate actual gaming or actual gaming devices and games which involve the matching of random numbers, patterns or color combinations, including but not limited to video poker and blackjack devices and any other casino type game, shall be prohibited.

§65-7. Penalty

Any individual or business not in compliance with this By-law shall receive a written notice of such non-compliance. The first notice shall result in a fine of \$100.00. A second or subsequent notice of non-

compliance shall result in a fine of \$300.00 and the revocation of all licenses issued in accordance with this By-law and M.G.L. c. 140, §177A.

Or take any other action relative thereto.

Requested by the Board of Selectmen

Given under our hand at said Southwick this 2nd day of May in the year of the Lord Two Thousand and Five.

BOARD OF SELECTMEN

_____ Fred B. Arnold, II, Chairman

_____ Arthur G. Pinell, Vice-Chairman

_____ David A. St. Pierre, 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 A. Nowicki, Town Clerk

POSTED: TOWN HALL, POST OFFICE, LIBRARY