

Town of Southwick, Massachusetts

454 College Highway, Southwick, MA 01077

ATM Warrant with Explanations May 15, 2012

*****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 Article Explanations COMMONWEALTH OF MASSACHUSETTS May 15, 2012

Annual Town Election, Tuesday, May 8, 2012, 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 15, 2012 at 7:00 p.m. at the Southwick High School, 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 8, 2012 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. Five Regional School District Committee members, two for a one-year term, two for a two-year term and one 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 Planning Board member for a five-year term. One Planning Board Member for a two-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.

ARTICLE 1 Explanation: Town Election acted on May 8, 2012, for the following individuals: See the ballot posted on the Town of Southwick's webpage [here](#).

Ballot Question:

Shall the Town of Southwick be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Southwick share of the bonds issued by the Southwick-Tolland-Granville Regional School District for **the middle school/high school addition/renovation project**, which includes updating and renovating all existing space and adding additional science and general purpose classrooms for the high school section of the school and adding science and general purpose classrooms to the middle school section of the building in the southeastern corner of the regional school district campus at 93 Feeding Hills Rd., Southwick, MA; the **repair project at the Woodland School**, which includes updating code requirements, building systems, building envelope and interior finishes, at the school which is located in the south central section of the regional school campus at 80 Powder Mill Rd., Southwick MA; and **the repair project at the Powder Mill School**, which includes updating code requirements, building systems, building envelope and interior finishes at the school which is located in the western corner of the regional school campus at 94 Powder Mill Rd., Southwick, MA; including the payment of all costs incidental or related thereto?

- A "YES" vote will allow the Town of Southwick to exempt from the provisions of Proposition 2 1/2 the funds required to pay for the proposed school building project. The project will move forward.
- A "NO" vote will not allow the Town of Southwick to exempt the cost of the school building project from the provisions of Proposition 2 1/2. The project will not move forward.

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 15, 2012, 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 27th day of April in the year of the Lord Two Thousand and Twelve.

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 2-5 Explanation: These are General Housekeeping Articles to authorize the Selectmen to operate Town Government.

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 6 Explanation: This is a General Housekeeping Article to authorize the Selectmen to operate Town Government. It allows for temporary borings in anticipation of receiving tax receipts, grants, bond proceeds, etc. that fund the operations of the Town.

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: Assessors, Public Safety Buildings, Computer, Town Hall, Library, 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, 2012 to June 30, 2013 or to take any other action relative thereon.

Requested by the Finance Committee

ARTICLE 7 Explanation: Approving the Fiscal Year 2012 Budget will allow for the proper allocation of resources for the continuing operation and welfare of the town, while providing the fundamental fiduciary responsibilities in our current economy.

ARTICLE 8: 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, 2012, 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, 2012, 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 Board of Selectmen

ARTICLE 8 Explanation: Reauthorizes all Revolving Accounts to operate and without so would require funds to come out of taxation.

ARTICLE 9. To act on the report of the Community Preservation Committee on the Fiscal Year 2013 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 2013 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 2013 with each item to be considered a separate reserve.

Proposed Fiscal Year 2013 Community Preservation Reserves

- To reserve \$37,774 from FY2013 Community Preservation Fund revenues for Open Space.
- To reserve \$37,774 from FY2013 Community Preservation Fund revenues for Historic Resources.
- To reserve \$37,774 from FY2013 Community Preservation Fund revenues for Community Housing.
- To reserve \$264,421 from FY2013 Community Preservation Fund revenues for Community Preservation General Unreserved Fund.

Reserves

Open Space	\$37,774
Historic Resources	\$37,774
Community Housing	\$37,774
General unreserved	<u>\$264,421</u>
Total	\$377,743

Estimated FY2013 revenues = State match to be received on 10/15/13	\$241,243
+ estimated new surcharge collections for FY2013	\$136,500
Total	\$377,743

State match = FY2012 CPA commitments minus abatements

Estimated new surcharge collections for FY2013 = FY2012 collections

10% of estimated FY2013 revenues equal the amount reserved for each CPA purpose, Historical, Open Space and Community Housing, as required by law.

70% of estimated FY2013 revenues equal the amount reserved for the Community Preservation General Unreserved Fund

Requested by the Community Preservation Committee

ARTICLE 9 Explanation: Annual budget as required by State Law. Mandatory 10% reserved for Open Space, 10% reserved for Historic, and 10% reserved for Housing, the remainder in General Unreserved Fund that may be spent on any projects eligible for CPA funds.

ARTICLE 10: To act on the report of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation Budget and appropriate 4% (\$10,577), 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 \$10,577 as recommended by the Community Preservation Committee.

Requested by the Community Preservation Committee

ARTICLE 10 Explanation: CPC FY2013 Administrative & Operating expenses set aside. The statute allows 5% of the funds to be set aside but the CPC voted to set aside 4% of the funds anticipated for FY 2013.

ARTICLE 11: To see if the Town will vote to appropriate and transfer the sum of \$102,793 from FY2013 Community Preservation Historical Fund to Preserve/Archive the Town of Southwick Historical documents for Phase II and take any other action relative thereto.

MOTION: To see if the Town will vote to appropriate from the FY 2013 Community Preservation Historical Fund \$102,793 as recommended by the Community Preservation Committee.

Requested by the Community Preservation Committee

ARTICLE 11 Explanation: Provides for Town Historical Documents to be restored in acid free books and stored in acid free boxes. Archives will be also stored digitally to provide for quick search of documents.

ARTICLE 12: To see if the Town will vote to appropriate and transfer the sum of \$43,420.32 from FY2013 Community Preservation General Unreserved Fund for the Town Cultural Council to purchase and install in the Southwick Town Hall Auditorium a Sound System and Remote Control Light Installation and take any other action relative thereto.

MOTION: To see if the Town will vote to appropriate from the FY 2013 Community Preservation General Unreserved Fund \$43,420.32 as recommended by the Community Preservation Committee.

Requested by the Community Preservation Committee

ARTICLE 12 Explanation: Provides for the Town Cultural Council to purchase and install in the Southwick Town Hall Auditorium a Sound System and Remote Control Light Installation to enhance the sound system in the newly renovated auditorium.

ARTICLE 13: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$8,420,696 for the Southwick-Tolland-Granville Regional School District assessment for Fiscal Year 2013 commencing July 1, 2012 and ending on June 30, 2013, or take any other action thereon.

Requested by the Southwick-Tolland-Granville Regional School District

ARTICLE 13 Explanation: Pursuant to the " Agreement Between The Town Of Southwick and The Town Of Tolland With Respect To The Formation Of A Regional School District", each member town will be, with the approval at their respective town meetings, assessed an apportionment of the annual operational and capital cost of their regional school district. The above mentioned amount is Southwick's Fiscal Year 2012 assessment share for the total Southwick Tolland Regional School District's proposed FY2012 Budget of \$8,420,696.

ARTICLE 14: 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 April 3, 2012, 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 for the purchase of all items specified in the attached School District's Fiscal Year 2013 Capital Improvement Plan," or take any other action relative thereon.

Requested by the Southwick-Tolland-Granville Regional School District

ARTICLE 14 Explanation: Pursuant to Massachusetts General Laws (MGL), Chapter 71, Section 15(d), a regional school committee may vote to incur debt to purchase capital improvements to their buildings or grounds or equipment for the school district subject to the approval (in actuality the "disapproval") of the respective member towns. The proposed capital purchases to be made have been tentatively approved by the regional school committee and are listed in the Southwick Tolland Regional School District Proposed FY2012 Budget handout.

ARTICLE 15: To see if the Town will vote to establish a "School Capital Projects" Stabilization Fund for the purpose of funding capital improvement projects for the schools located within the Town as allowed under Massachusetts General Laws Chapter 40, Section 5B or take any other action relative thereon.

Requested by the Board of Selectmen

ARTICLE 15 Explanation: This is an account specifically named to place debt funds rolling off from the Town's General Fund until they are needed to help pay the new school debt service for the proposed capital improvements. Without it the funds would not be available to lower the tax impact. It is similar to a savings account for bills coming in the future.

ARTICLE 16: To see if the Town will vote to raise and appropriate or appropriate and transfer from Available Funds the sum of \$34,000.00 for the School Capital Projects Stabilization Fund or take any action relative thereto.

Requested by the Board of Selectmen

ARTICLE 16 Explanation: This number represents the amount of General Fund Debt Service rolling off from FY2012 which is available for re-programming for FY2013. The funds will be placed in School Stabilization Fund to help offset the School Construction Project costs.

ARTICLE 17: To see if the Town will vote to amend Chapter 75 of the Code of the Town of Southwick as follows, and further that nonsubstantive changes to the letter and numbering of this bylaw be permitted in order that it be in compliance with the Code of the Town of Southwick, or take any other action relative thereto:

§75-7 Prohibited Engine and Vessel Types

Current:

"Any power-propelled craft equipped with a high-powered automatic-type engine mounted in an exposed location shall be prohibited on Congamond Lake."

Proposed Amendment:

"Any power-propelled craft equipped with a high-powered automotive-type engine mounted in an exposed location shall be prohibited on Congamond Lake."

Explanation: The existing §75-7 was revised to correct the typographical error – "... automotive-type..." was "... automatic-type..."

§75-8 Reckless Operation of Craft Prohibited

Current:

"No craft shall be operated by anyone under the influence of liquor or in a reckless and disorderly manner, endangering a life or property."

Proposed Amendment:

"No person shall operate or drive any boat, canoe, kayak, sailboat, personal water craft, or any other vessel in any part of the Congamond Lakes recklessly or negligently so that the lives and safety of others might be endangered."

Explanation: The existing wording (less the end of the last sentence "or to annoy others") from §205-8 was moved here to replace the original §75-8.

§75-11 Enforcement

Current:

"The provisions of this article shall be enforced by local police, Massachusetts Environmental Police and local officials appointed to enforce these regulations."

Proposed Amendment:

"§75-11 Right of Way

Row boats, canoes, kayaks, sailboats, and all other non-motorized watercraft shall have the right of way at all times in any part of the Congamond Lakes."

This proposed amendment changes the title of §75-11 from “Enforcement” to “Right of Way” and further amends the content of the warrant article as stated above.

Explanation: The original Section 75-11 “Enforcement” was consolidated in Section 75-18 and replaced with the existing wording from §205-7.

§75-17 Enforcement

Current:

“The provisions of this article shall be enforced by local police, Massachusetts Environmental Police and local officials appointed to enforce these regulations.”

Proposed Amendment:

“§75-17 Violations and Penalties

Any person violating any rule or regulation as stated in this bylaw shall be punished by a fine of fifty dollars (\$50) for each such offense.”

This proposed amendment changes the title of §75-11 from “Enforcement” to “Right of Way” and further amends the content of the warrant article as stated above.

Explanation: The existing wording from §205-10 was revised and moved to here.

Add new §75-18 Enforcement as follows:

The provisions of this bylaw shall be enforced by local police, Massachusetts Environmental Police and local officials appointed to enforce these regulations.

Requested by Chief of Police and
Lake Management Committee

Explanation: The word “article” was changed to “bylaw” to include Article I and renumbered.

ARTICLE 18: To see if the Town will vote to delete Chapter 205 of the Code of the Town of Southwick in its entirety and reserve Chapter 205 of the Code of the Town of Southwick for future use, or take any other action relative thereto.

Requested by Chief of Police and
Lake Management Committee

ARTICLE 18 Explanation: The applicable sections of the 1949 bylaw were updated and moved to Chapter 75 and the entire chapter is otherwise being deleted.

ARTICLE 19: To see if the Town will vote to amend Chapter 76, §76-2 of the Code of the Town of Southwick as follows, and further that nonsubstantive changes to the letter and numbering of this bylaw be permitted in order that it be in compliance with the Code of the Town of Southwick, or take any other action relative thereto:

§76-2 Prohibitions

Add the following subsections:

J. Making an opening in the ice of Lake Congamond exceeding ten inches in diameter, except in case of emergency or with the written permission of the Harbormaster.

Explanation: Sub-section J was added to address the real safety issue caused by large holes being cut in the ice with a chainsaw.

K. Burning anything directly on the ice. Burning anything on the shore within 20’ of the waterfront except by written authorization from the Fire Chief. Small fires are permitted in fire pits on the shore or in containers (i.e., cooking grills) on the ice, but all debris must be removed from the ice prior to leaving the area.

Explanation: Sub-section K was added to address the existing littering, water quality and water safety problems from burned debris left on the ice to float or sink after the ice goes out.

L. Abandoning a boat, canoe or other vessel, or leaving the same unfixed, or allowing boats, docks, floats and/or barrels or portions thereof to go adrift upon the water of Lake Congamond.

Explanation: Sub-section L was added to address the existing water safety problems with abandoned boats, docks, etc that are allowed to sink or float and drift on Congamond.

M. Operating motorized boats or vessels of any nature exceeding 26 feet in length (Class 1 Vessels) on Lake Congamond. This rule does not apply to Crew (Shell) Boats or Pontoon Boats.

Explanation: Sub-section M was added to address a growing problem with extremely large boats being launched on Congamond. Some of these large vessels are as long as 32 feet and have cabins, heads, galleys, etc, which are appropriate for the river, ocean, sound or coastal waterways, but not the narrow, shallow, crowded waters of Lake Congamond. Their large wakes cause shoreline damage and damage to moored vessels and even the launch facilities were not designed to handle vessels larger than 26' in length.

Requested by Chief of Police and
Lake Management Committee

ARTICLE 20: To see if the Town will vote to amend Chapter 185 Zoning, ARTICLE VI, of the Code of the Town of Southwick by adding the following text and further that nonsubstantive changes to the letter and numbering of this bylaw be permitted in order that it be in compliance with the Code of the Town of Southwick:

§ 185-37.1. Home Occupation.

A. General Provisions. A Home Occupation as defined in § 185-4 is considered an Accessory Use to a residential property in all Zones and Districts. Any Home Occupation shall be conducted in a manner that is not detrimental to the neighborhood nor adversely affects the health and property of abutters.

B. Prohibited Home Occupation Uses.

The following uses shall not be considered as home occupations:

- (1) Clinic or hospital;
- (2) Onsite food sales or service;
- (3) Retail or wholesale shop or store;
- (4) Animal hospital or kennel;
- (5) Bed and breakfast;
- (6) Motor vehicle repair or painting facility; and
- (7) Welding shop or machine shop

C. Home Occupation – As of Right. A Home Occupation is allowed as of right provided that it:

- (1) Does not exhibit any exterior indication of its presence nor alter the residential appearance except for signage in compliance with § 185-29;
- (2) Is conducted solely within a dwelling (permanent) or accessory building and solely by the person(s) occupying the dwelling as a primary residence and, in addition to the resident(s) of the premises, by not more than two employees;
- (3) Is clearly incidental and subordinate to the use of the premises for residential purposes and does not produce vehicle traffic greater than that associated with a residential use;
- (4) Does not create a health or safety hazard nor produce offensive noise, vibration, smoke, dust, odors, heat, lighting, and no electrical interference or environmental pollution;
- (5) Does not utilize exterior storage of material or equipment except for one vehicle not to exceed 16,000 lbs. gross vehicle weight rating (GVWR) and one trailer not to exceed 7,000 GVWR for business use;
- (6) Provides adequate parking for additional vehicles associated with the Home Occupation; and

(7) Is registered as a business with the Town Clerk.

D. Any Home Occupation permit issued prior to the date of the enactment of this section may be continued, but is non-transferable.

Or take any other action relative thereto.

Requested by the Planning Board

ARTICLE 20 Explanation: This Article will amend the Code of the Town of Southwick, Zoning, by adding a new Section 185-37.1 on Home Occupation that will enable residents to have a business in their home under specified conditions that will protect abutting properties and the surrounding neighborhood.

ARTICLE 21: To see if the Town will vote to amend Chapter 185 Zoning, ARTICLE II, § 185-4. Terms defined. of the Code of the Town of Southwick by deleting the current definition of Customary Home Occupations and replacing it with the following and further that nonsubstantive changes to the letter and numbering of this bylaw be permitted in order that it be in compliance with the Code of the Town of Southwick:

HOME OCCUPATION – A vocation, trade, small business, craft, art or profession that can be conducted within a dwelling (permanent) or accessory building.

Or take any other action relative thereto.

Requested by the Planning Board

ARTICLE 21 Explanation: This Article will amend the Code of the Town of Southwick, Zoning, to change the definition of Customary Home Occupations in Section 185-4 so that it will be consistent with the new Home Occupation bylaw.

ARTICLE 22: To see if the Town will vote to amend Chapter 185 Zoning, of the Code of the Town of Southwick by adding two new zoning districts titled:

1. Environmentally Friendly Auxiliary Powered Small Energy Systems District
2. Large-Scale Ground Mounted Solar Installation District

Environmentally Friendly Auxiliary Power Small Energy System's District

A. Purpose of District. It is the purpose of this district to provide every property owner, business, residence, school, state, federal or town facility the opportunity to become as self sustaining as possible through the use of environmentally friendly alternative power systems by setting standards for the placement, design, construction, operation, monitoring, modification and removal of but not limited to, wind, solar, and geothermal facilities that address public safety while minimizing impacts on scenic, natural and historic resources, adjacent properties and residential neighborhoods. It is also the purpose of this section to minimize the height and size of such facilities to only what is essential to obtain the goals of this section.

B. District Delineation.

The E.F.A.P.S.E.S shall be allowed As-of-Right in all districts except the Wellhead Protection District where underground drilling would be required. Above ground systems in the Wellhead Protection District would be subject to all the provisions and restrictions of said district.

The Auxiliary Power Small Energy Systems District will be construed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, as may be specifically superseded herein.

C. Definitions.

Environmentally Friendly Auxiliary Powered Small Energy System - E.F.A.P.S.E.S. An environmentally friendly system designed to produce heat or electricity under 60 kW (DC).

Environmentally Friendly Systems- Energy derived from sources including solar, wind, battery power conversion, thermal technologies, hydrogen, low impact hydro, geothermal, fuel cells that use renewable energy, and advanced biofuels.

Ancillary Equipment- Any Support equipment necessary for the secure and successful operation and completion of the E.F.A.P.S.E.S.

Anemometer- A device to measure wind speed.

Meteorological Tower (MET) - Towers installed to measure wind speed and direction.

Rated Nameplate Capacity- A nameplate attached to the equipment by the manufacturer specifying the maximum rated output of electrical power production of the energy-generating equipment measured in Kilowatts (kW) of Direct Current.

D. Permitting.

In appropriate cases and subject to appropriate safeguards the building department may grant permits for the installation and use of small energy systems including but not limited to wind, solar and geothermal devices in accordance with all local, state and federal regulations in addition to all local utility requirements for interconnection where applicable. Permits shall be issued for all districts in accordance with all restrictions and safeguards defined in these bylaws.

E. General Requirements.

(1) All E.F.A.P.S.E.S and ancillary equipment will be situated in the least objectionable place feasible subject to approval of a site plan which shall include but not limited to the location of all structures, trees, woods, driveways, setbacks, utilities and byways.

(2) Towers for wind turbines shall be of lattice or monopole type and all equipment shall be colored and installed to blend into the structure and landscape as much as feasible. Roof mounted turbines shall be subject to the same conditions as all other equipment in this section.

(3) Batteries used for the purpose of energy storage or use in conjunction with an inverter must be contained in an adequate storage bin with adequate ventilation, and where applicable wired to the panel box by an electrician licensed to practice in MA.

(4) Any proposed extension in the height, addition of panels, or construction of a new, or replacement of a facility will be subject to a new application for a special permit.

(5) No building permit shall be issued by the building department for a E.F.A.P.S.E.S, additional facilities or additional ancillary equipment as defined in this section without the applicant first submitting a site plan of the E.F.A.P.S.E.S. or proposed additions.

(6) Structures will be dismantled and removed within one year of cessation of use at the owner's expense.

(7) Wind turbines shall be exempt from town height bylaw restrictions and regulated according to lot size and district with the following height restrictions.

(a) All lots less than one acre shall be restricted to a height of 45 feet to the tip of the blade, air foil or other means of capturing the wind. Height restrictions may be exceeded under certain circumstances by special permit.

(b) All lots 1 to 2 acres 60 feet.

(c) All lots over two and up to six acres 90 feet.

(d) All lots over 6 acres 120 feet.

(e) Rooftop models shall be restricted to a height of ten feet above the roof line and shall comply with sections 1 and 2 above.

F. Installation.

(1) Installation shall comply with manufacturers recommended procedures and installation instructions in addition to all local, state and federal regulations and shall be consistent with public safety and provide no undue hindrance to the safety of existing or proposed ways. In addition; all E.F.A.P.S.E.S. connected to the local utility must comply with all utility regulations and procedures.

G. Setbacks.

(1) Lots of under one acre wind turbines shall not be sited less than 20 feet from the nearest property line, utility, street, public way or structure, and additionally embedded in concrete according to the manufactures recommended installation procedures and sited in the least objectionable location feasible for the lot. If not embedded in concrete said turbine must be 1.2 times the height from the nearest property line, utility, street, public way or structure.

(2) Lots of 1-2 acres wind turbines of any type must not be sited less than 1.2 times the height of the turbine from the nearest property line, utility, street, public way or structure.

(3) Lots of over two acres wind turbines of any type must not be sited less than 1.5 times the height of the turbine from the nearest property line, utility, street, public way or structure.

(4) Ground mounted solar arrays must be sited not less than 50 feet from the street or cover more than 50% of any parcel and must be set back enough as not to create additional runoff or erosion. Roof mounted shall have no sighting or coverage limits.

H. Construction.

(1) Construction of E.F.A.P.S.E.S. must be completed within two years of approval of such plan or said plan becomes null and void.

I. Applications.

All applications for E.F.A.P.S.E.S. will include the following information:

(1) A description of the E.F.A.P.S.E.S. which shall include a site plan with but not limited to the location of all structures, trees, woods, driveways, setbacks, utilities and byways.

(2) Confirmation the proposed system complies with all local, state, and federal regulations and standards.

(3) A description of the capacity of the proposed system including name plate capacity of all major and ancillary equipment.

(4) If the system is on Town property, a certificate of insurance for liability coverage in the amount of \$1,000,000 must be provided naming Town of Southwick as additionally insured.

(5) Turbines of over 10 kW (DC), must submit a maintenance plan.

(6) Name, address and phone number of applicant of all owners and co-owners.

Requested by Petition

ARTICLE 22 Explanation: To see if the town will vote to amend Chapter 185 Zoning, of the Code of the Town of Southwick by adding a new Zoning District titled: Environmentally Friendly Auxiliary Power Small Energy Systems District. This article will amend the Code of the Town Of Southwick, zoning to include and further define permitted accessory uses in Section 185-4.

ARTICLE 23: To see if the Town will vote to amend Chapter 185 Zoning, of the Code of the Town of Southwick by adding two new zoning districts titled:

1. Environmentally Friendly Auxiliary Powered Small Energy Systems District
2. Large-Scale Ground Mounted Solar Installation District

Large-Scale Ground-Mounted Solar Installation District

A. Purpose of District: To promote the creation of new large-scale ground-mounted solar installations with a name plate capacity over 60 kW (DC) by providing for the placement, design, construction, operation, monitoring, modification, repair and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, maintain farmland and open spaces and to provide adequate financial assurance for the eventual decommissioning of such facilities.

B. District Delineation.

The Large-Scale Ground-Mounted Solar Installation District shall be allowed As-of Right in the Agricultural, Industrial, Industrial Restricted and Residential 40 districts, and all other zoning districts by special permit. All districts shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, as may be specifically superseded herein.

C. Applicability.

This section applies to large-scale ground-mounted solar installations with a nameplate capacity over 60 kW (DC) proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

D. Definitions

Large-Scale Ground-Mounted Solar Installation (LSGMSI) - A solar array of concentrated solar mirrors, heliostats, photovoltaic or other means of capturing the sun's energy for electrical generation with a rated name plate capacity of 60 kW (DC) or more.

Rated Nameplate Capacity - A nameplate attached to the equipment by the manufacturer specifying the (DC) maximum rated output of electrical power production of the equipment.

Ancillary Equipment - Any Support equipment necessary for the secure and successful operation and completion of the LSGMSI.

As-of-Right Siting - As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-Right development will be subject to site plan review by the building department to determine conformance with Southwick zoning bylaws. Projects cannot be prohibited, but can be reasonably regulated by the planning board and building inspector.

D. Building Permit - Upon review, a construction permit may be issued by the building inspector for installation and use of a LSGMSI project deemed to be in full compliance with and consistent with all local, state and federal building codes. Additionally Permits shall be issued in accordance with all restrictions and safeguards defined in these bylaws.

F. Special Permits – Special permits may be issued by the planning board in all other districts not allowed in As-of-Right districts on lots over 2 acres.

G. General Requirements.

(1) All LSGMSI and ancillary equipment shall be situated in the least objectionable place feasible subject to approval of a site plan which shall include but not limited to the location of all structures, trees, woods, driveways, setbacks, utilities and byways.

(2) In addition to the above all site plans shall show:

(a) Property lines and physical features.

(b) Proposed changes to the landscaping of the site including grading, vegetation clearing or planting, drainage, exterior lighting, screening vegetation or structures.

(c) Blueprints or drawings of the installation signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system, including ingress and egress and any potential shading from nearby structures.

(d) Three-lined electrical diagrams detailing the solar installation, ancillary equipment, and electrical interconnection methods, with all National Electric Code compliant disconnects and over current devices.

(e) Documentation of the major system components to be used, including but not limited to PV panels, mirrors, mounting system, transformers, inverters and safety disconnect.

(f) Name, address, phone number and e-mail address of the proposed system installer and electrician licensed to practice in the state of Ma.

(g) Name, address, phone number and e-mail address of the applicant, co-applicant and property owner as well as any agents, if any, representing the applicant.

(3) Any proposed extension in the height, addition of panels, or construction of new or replacement of a facility will be subject to a new application for a special permit.

(4) An operational maintenance plan shall be submitted including but not limited to storm water control and general procedures for operational maintenance of the system.

(5) No building permit shall be issued for a LSGMSI, additional facilities or equipment as defined in this section without the applicant first submitting a site plan of the LSGMSI or proposed additions.

(6) No site plan shall be approved which is inconsistent with public welfare or which does not fully safeguard the appropriate use of the land in the immediate neighborhood.

H. Application process.

All applications for LSGMSI will be made and filed in compliance with the Town Of Southwick building department regulations. An application will include 2 copies with the following information submitted:

(a) The name, address, phone number and e-mail address of the applicant, co-applicant or agent. If the applicant is not the property owner, a signed contract between the applicant and the property owner. If the owner is a public entity, the applicant shall submit authorization from the entity. If the owner is the Town of Southwick, a lease agreement between the Town and the applicant shall establish authorization from the town.

(b) A form of surety, either through escrow account, bond or otherwise equivalent to the cost of removing such an installation not to exceed 125% at present day cost including re-vegetation. Such surety will not be required for municipally owned facilities.

(c) If the LSGMSI is on Town property, a certificate of insurance for liability coverage in the amount of \$1,000,000 must be provided naming the Town of Southwick as additionally insured.

(d) If the LSGMSI is on Town property, an agreement shall be made whereby the user indemnifies and holds the Town harmless against any claims for injury or damage resulting from or arising out of the use or

occupancy of the Town owned property by the user.

I. Design guidelines. The following guidelines will be used when preparing plans for the siting and construction of all LSGMSI.

(1) Utility Connection. No facilities shall be constructed or building permit issued until evidence of notification to the local utility has been given to the building department of the owners intent to interconnect, and approval by said utility.

(2) Setbacks. For LSGMSI setbacks shall be as follows:

(a) Front Yard: There shall be a minimum frontage of 75 feet.

(b) Side Yard: There shall be a minimum of 20 feet.

(b) Back Yard: There shall be a minimum of 50 feet.

(3) Lighting. Lighting shall be consistent with local zoning and limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting shall be directed downward and shall incorporate full cut off fixtures to reduce light pollution.

(4) Signage. Signs on LSGMSI shall be consistent with the towns sign bylaws and provide the identity of the owner and a 24-hour emergency contact phone number. LSGMSI shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system.

(5) Fencing. Fencing will be consistent with town bylaws and utility standards.

J. Emergency Services.

The large scale solar installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

K. Appurtenant Structures.

All appurtenant structures to LSGMSI shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements.

L. Construction of LSGMSI must be completed within two years of approval of such plan or such plan becomes null and void.

M. Abandonment or Decommissioning.

The owner or operator shall physically remove the LSGMSI from the site no more than one year after cessation of use at the owners expense. This shall include but not limited to all structures, equipment, security barriers and transmission lines, as well as dispose of all solid and hazardous waste in accordance with all local, state and federal regulations, In addition the owner or operator shall re-vegetate as necessary to minimize erosion.

N. If the owner or operator of a large-scale ground-mounted solar installation fails to remove the installation in accordance with the requirements of this section within 1 year of abandonment, the town may enter the property and physically remove the installation and be reimbursed at the owners expense by way of the surety provided in section (H) b.

O. Permit fees under this law shall be set by the Board of Selectmen at the recommendation of the Town Inspector.

Requested by Petition

ARTICLE 23 Explanation: To see if the town will vote to amend Chapter 185 Zoning, of the Code of the Town of Southwick by adding a new Zoning District titled: Large Scale Ground Mounted Solar Installations District. This article will amend the Code of the Town of Southwick, zoning to include and further define permitted accessory uses in Section 185-4.

ARTICLE 24: To see if the Town will vote to adopt the following by-laws relating to the licensing of pawnbrokers within the Town of Southwick pursuant to M.G.L. c. 140 §§ 70 to 85 and §202 to 205, and gold, silver and platinum dealers in accordance with M.G.L. c. 266, §142A and further that the Town of Code be amended to add Chapter 139 to the Code of the Town of Southwick entitled "Pawnbroker and Gold, Silver and Platinum Dealer Regulations" as follows:

CHAPTER 139 "Pawnbroker and Gold, Silver and Platinum Dealer Regulations"

§ 139-1. General.

§ 139-2. Rate of Interest.

§ 139-3. Inspections.

§ 139-4. Records.

§ 139-5. Pledger's Card.

§ 139-6. Pledger's Memorandum.

§ 139-7. Report to the Board of Selectmen.

§ 139-8. Posting of Pawnbroker Laws and Bylaw.

§ 139-9. Hours of Operation.

§ 139-10. Retention of Pawned Items.

§ 139-11. Prohibited Acts

§ 139-12. Complaints and Enforcement

§ 139-13. Gold, Silver and Platinum Dealers

§ 139-14. Noncriminal Disposition.

§ 139-1. General

The Board of Selectmen may license suitable persons to be pawnbrokers to conduct business as a pawnbroker in accordance with M.G.L. c. 140, §§70-85. Such licenses shall be valid only in the building or place designated in the license, unless the Board of Selectmen consents otherwise. Applications for new licenses may be filed at any time with the Board of Selectmen. Such licenses may be issued in April, to take effect on May 1, following. All licenses issued under this bylaw shall expire on May 1, unless sooner revoked.

Applications for such licenses shall be examined and reported upon by the Chief of Police or his designee(s). The Chief of Police shall be informed as to whether or not the applicant wishes to engage in business as a pawnbroker or second-hand dealer of any of the articles stated herein. The applicant will be

required to provide information as to whether or not they have previously held similar licenses in another jurisdiction, and if such license was ever revoked, suspended or surrendered, and there reason therefore.

Persons who engage in or carry on the business of lending money on mortgages, deposits or pledges of wearing apparel, jewelry, ornaments, household goods or other personal property purchasing such property on the condition of selling the same back again at a stipulated price, when the property so mortgaged, pledge or purchased is deposited with the lender, must be licensed as pawnbrokers.

Every person so licensed, shall, at the time of receiving the license, file with the Board of Selectmen a bond in the amount of \$300.00 as stated in M.G.L. c. 104, §77.

The fee for a pawnbroker license shall be set at \$100.00.

§139-2. Rate of Interest

The rate of interest licensed pawnbrokers may charge shall be fixed by the Board of Selectmen by regulation.

No licensed pawnbroker shall charge or receive any greater rate of interest than that fixed by the Board of Selectmen, and interest shall be determined on the precise sum advanced by the lender. Further, no licensed pawnbroker shall make or receive any extra charge or fee for storage, care or safekeeping of any goods, articles, or thing pawned.

§139-3. Inspections

The members of the Board of Selectmen or any officer authorized by the Board may, at any time, enter upon any premises used by a licensed pawnbroker for the purposes of the pawnbroker's business, ascertain how the pawnbroker conducts business and examine all articles taken in pawn or kept or stored upon said premises. All books and inventories shall be exhibited under such circumstances whenever a demand shall be made for such exhibition.

A licensed pawnbroker, clerk, agent or other person in charge of such premises who refuses to admit thereto an officer authorized to enter the same, or who fails to exhibit to him on demand all such articles, books and inventories, and any person who willfully hinders, obstructs or prevents such officer from entering the premises or from making the examination authorized in the preceding section, shall be punished, pursuant to G.L. c.140, §74, by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or both.

§139-4. Records

(A) Computerized Records:

Every pawnbroker shall keep a computerized record of style and design approved by the Board of Selectmen or its designee. Included shall be all transactions of pawn loans and purchases, which shall be recorded, in the English language. A clear distinction shall be made between pawned items and purchased items and shall reflect the amount of the pawn or purchase.

(B) Identification of Customer:

For all loans and purchases, every pawnbroker shall also require positive identification and record the type of identification presented and record the date of birth on approved cards from any person pawning, selling or pledging any article. Positive identification shall mean any picture identification card issued by a governmental agency.

(C) Requirement That Records Be Kept, Provided and Retained:

The pawnbroker shall record the name and residence, date of birth, and social security number of the person pawning, selling or pledging such articles. The Pawnbroker shall furnish a correct and complete record of such transactions by an approved method once daily, or as otherwise determined, to the Southwick Police Department or to any person designated by the Board of Selectmen. The above described records shall be transmitted electronically in a specifically stored format along with any other information deemed necessary by the Board of Selectmen or its designee. No entry of said entry shall be erased, obliterated, defaced, or changed.

(D) Photographs Required:

Every pawnbroker shall photograph any person pawning, selling or pledging articles and keep such photographs with said books as part of his records for at least ten years. The required photographs shall be clear and of such quality that the person pawning, selling or pledging the items can be clearly identified. A photograph shall be required each time a person makes a separate transaction. The photos shall be stored in a digitized format. The image must be retrievable and a clear copy provided to police upon request.

(M.G.L. c. 140, s.79)

(E) Accurate Transaction Records Required:

The transaction records shall accurately describe all items including but not limited to, all distinguishing marks, model names or numbers and serial numbers. Any etchings or engravings will be noted. Any jewelry with affiliation of any institution or organization shall include the name any year indicated along with inscribed initials. Jewelry items inventoried shall include a complete description to include the material, ring size, weight, chain length, shapes, carat weight and color. Coins, stamps, collectable cards, autographed items, figurines, or other collectibles of any description shall be recorded with a complete description, including but not limited to all of the following which may apply: particular identifying features such as name of item, date, denomination, color, size, brand name, vintage, and image represented. Required elements of the description may be amended by the Board of Selectmen or its designee by written notice to the Licensee.

(F) Inventory of Media:

All forms of media transmission whatsoever, (cassette or video tape, compact disc, electronic games, game cartridges etc. or any future medium developed) shall be inventoried by title and artist. Any electronic, or computer or computer associated equipment or software shall have it's identifying numbers and titles inventoried.

(G) Items Must Be Recorded in Southwick:

Notwithstanding the origin of an item taken in pawn or purchased by a Licensee, said item shall be recorded as if the item were originally obtained at the licensed premises in Southwick. Items transferred from another licensed pawnshop located within or outside Southwick shall be recorded in the licensed premises to which they are transferred. Any item taken in pawn or sold, which is disposed of other than by sale or auction at the licensed premises, shall have a notation in the record indicating the method of its disposal.

(H) Maintenance of Records:

All records required to be maintained by these regulations or by any other statute, rule or regulation shall be maintained for the time required by the controlling statute, rule or regulation, but in no event shall any records be maintained for less than two years.

§139-5. Pledger's Card

Each pledger shall be required by the pawnbroker to sign his or her name, age and address on a card. In the event the pledger is unable to write, the pawnbroker shall fill in the name, age and address on such card, together with a notation stating that the pledger was unable to do so. Licensed pawnbrokers shall retain such cards for seven years in an alphabetical index file.

§139-6. Pledger's Memorandum

Every licensed pawnbroker shall, at the time of making a loan, deliver to the person who pawns or pledges any goods, article or thing, a memorandum signed by the pawnbroker, containing the same information of the entry required to be entered in the record book required by § 130-4; no charge shall be made or required by the pawnbroker for any such memorandum.

§139-7. Report to the Board of Selectmen

Every licensed pawnbroker shall make a report to the Board of Selectmen every week, setting forth the information included in the record book required by § 130-4, as follows: an account and description, including distinguishing marks and numbers, of the goods, articles or things pledged or pawned, the amount of money loaned thereon, the day and

hour when it was pawned, the rate of interest to be paid on such loan, the number of such article, and the name and residence of the person pawning the same. If during the preceding week no goods, articles, or other things have been taken in pawn by a licensed pawnbroker, the pawnbroker shall make a report of that fact to the Board of Selectmen or its designee.

If any goods, article or other thing pawned or pledged and in possession of a licensed pawnbroker are determined to be stolen property by a member of the Southwick or State Police Department, or if the rightful owner of property identifies the same, and the property is confirmed by a member of the Southwick or State Police Department to be stolen pawned goods, said property shall be returned to the rightful owner at no cost to such owner.

§139-8. Posting of Pawnbroker Laws and Bylaw

Every licensed pawnbroker shall post in a conspicuous place in his shop or office a copy of the statutes, bylaws and any regulations relating to pawnbrokers, to be furnished by the Board of Selectmen, and shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters.

§139-9. Hours of Operation

The hours of operation may be set by the Board of Selectmen by regulation.

§139-10. Retention of Pawned Items

Non-perishable articles deposited in pawn with a licensed pawnbroker shall, unless sooner redeemed, be retained by the pawnbroker on the premise for at least four months after the date of deposit; and, if perishable, for at least one month after said date. After the expiration of the applicable period, the pawnbroker may sell the article by public auction, apply the proceeds thereof in satisfaction of the debt or demand and the expense of the notice and sale, and pay any surplus to the person entitled thereto on demand. Not less than ten days prior to the sale, written notice of the same must be made by registered mail to the person entitled to the payment of any surplus at his residence as appearing in the records of the licensed pawnbroker. Proof of registered mail shall be retained on file for (1) year after the date of sale.

Articles of personal apparel shall not be considered of a perishable nature for the purpose of this bylaw.

§139-11. Prohibited Acts

No licensed pawnbroker shall make a loan directly or indirectly to a minor, knowing or having reason to believe the person to be a minor.

No licensed pawnbroker shall loan money secured by deposit or pledge of firearm, rifle, shotgun or machine gun.

No pawnbroker shall hold a license to sell, rent, or lease a firearm, rifles, shotguns or machine guns.

§139-12. Complaints and Enforcement

Complaints regarding licensed pawnbrokers shall be made to and may be investigated by the Board of Selectmen and/or the Chief of Police or the Chief's designee. In the event that the Board of Selectmen and/or the Chief of Police or the Chief's designee determines after investigation that this bylaw or regulations of the Board of Selectmen regarding pawnbrokers have been violated, the Board of Selectmen shall cause to be served upon the licensed pawnbroker by certified mail or in hand notice as to the time, date and place of hearing of the charge with a statement of the reasons for its belief that the bylaw has been violated, and of its intended action (i.e., revocation or suspension) with regard thereto. The Board of Selectmen may also initiate the complaint process.

The Board may, however, suspend or revoke a pawnbroker's license without hearing if the public health and safety so require. In such circumstances, the Board must forthwith give notice of the suspension or revocation and serve the pawnbroker by certified mail or in hand with notice of the opportunity for a hearing.

Offenses which may result in the suspension or revocation of a pawnbroker's license include, but are not limited to, the following:

- a) Violation of any provision of this bylaw;
- b) Violation of any provision of the statutes regulating pawnbrokers;
- c) Violation of any provision of any other statute or bylaw.

§ 139-13. Gold, Silver and Platinum Dealers

Whoever is in the business of purchasing gold, silver or platinum shall:

- a) Enter in a book kept for that purpose a description of the item, quantity purchased, the price and name and address of the seller for each and every item regardless of the purchase price;
- b) Furnish a correct and complete record of such transaction by an approved method once daily, or otherwise determined, to the Town of Southwick Police Department or to any person designated by the Board of Selectmen. These records shall be transmitted electronically in a specifically stored format along with any other information deemed necessary by the Board of Selectmen or its designee. No entry shall be erased, obliterated, defaced or changed.
- c) Photograph the item purchased and retain said photograph with the records of the transaction for a period of not less than two (2) years.
- d) Retain purchased items for a period of twenty (20) days on site from the date of purchase.
- e) Keep said record book open to the inspection of the Chief of Police of the Town of Southwick or any other officer having similar duties or any officer authorized by him, or a state police officer.
- f) Any person who sells gold silver or platinum shall be required to show to the buyer prior to said sale identification which includes a photograph of said seller.

§139-14. Noncriminal Disposition

The provisions of this chapter, and any regulation of the Board of Selectmen adopted thereunder, may be enforced by the Board of Selectmen, any Police Officer of the Town of Southwick, by any available means in law or equity, including but not limited to enforcement by noncriminal disposition pursuant to G.L. c. 40, §21D and Article 1, §1-6 of this Code. Each day a violation exists shall constitute separate violation.

When enforced through noncriminal disposition, the penalties shall be as follows:

First violation:	\$100.00
Second violation:	\$200.00
Third and subsequent violations:	\$300.00

Requested by Chief of Police

ARTICLE 24 Explanation: Currently there are no regulations locally that govern pawn brokers and the buyers of precious metals. With the opening of a second business that buys precious metals guidelines for the operations of these types of business as well as pawn shops need to be in place.

ARTICLE 25: The Town of Southwick vote to instruct the Board of Selectmen to pursue the designation of Green Community under the Massachusetts Department of Energy Resources (DOER) Green Communities Grant Program.

Requested by Petition

ARTICLE 25 Explanation: To see if the town will vote to instruct the Board of Selectmen to pursue the designation of Green Community under the Massachusetts Department of Energy Resources (DOER) Green Communities Grant Program. This article will allow the Town of Southwick to receive grant money under the Green Communities Grant Program.

ARTICLE 26-32 Explanation: The following warrant articles, will give the Selectmen the right to take easements by eminent domain to make portions of Lauren Lane, portions of Deer Run Road, Liberty Lane, Coyote Glen and Falcon Crest public ways and to take easements by eminent domain for associated stormwater drainage, slope easements, and access easements. These articles are necessary because the original developer (except for Mr. Storey under Article 30) who constructed said roads, drainage system, slope and access areas have failed to grant easements to the Town. By authorizing these takings the Town can now make these streets public ways which will eliminate the need for the abutters to such way to maintain, repair and replace such ways at their expense because without these takings each of the above named streets would remain private ways.

ARTICLE 26: The Town of Southwick vote to accept as a Town way, Falcon Crest, as shown as an unnamed way on the street layout plan entitled Pine Knoll II Zone R-20 Subdivision of Property, Southwick, Massachusetts for: Greenwood Devel., Inc., 658 Cooper Street, Agawam, MA- Dated Aug. 31, 1989, Rev. 11-15-89 Scale 1" = 80'...D.L. Bean... "which plan is recorded in the Registry of Deeds for the County of Hampden in Book of Plans 281, Page 104; and to see if the Town will further vote to authorize the Board of Selectmen to acquire by taking by eminent domain pursuant to M.G.L. c. 79, et.seq., M.G.L. c. 83, et.seq. and any other enabling authority 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 Board of Selectmen and Town Counsel

ARTICLE 27: The Town of Southwick vote to accept as a Town way, Pine Knoll, as shown as an unnamed way on the street layout plan entitled "Pine Knoll II Devel., Inc., 658 Cooper Street, Agawam, MA- Dated Aug. 31, 1989, Rev. 11-15-89 Scale 1" = 80'...D.L. Bean..." which plan is recorded in the Registry of Deeds for the County of Hampden in Book of Plans 281, Page 104; and to see if the Town will further vote to authorize the Board of Selectmen to acquire by taking by eminent domain pursuant to M.G.L. c. 79, et.seq., M.G.L. c. 83, et.seq. and any other enabling authority certain storm water drainage easements, shown on said above referenced plan, including 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 Board of Selectmen and Town Counsel

ARTICLE 28: The Town of Southwick vote to accept as a Town way, Deer Run Road as shown as an unnamed way on the street layout plan entitled "Pine Knoll III Zone R-20 Subdivision of Property Southwick, Massachusetts for: Pine Knoll, Inc., 658 Cooper Street, Agawam, Mass- Dated Nov. 22, 1994, Rev. Nov. 13, 1997, Rev. March 19, 1999 Scale 1" = 100' ... D.L. Bean..." which plan is recorded in the Registry of Deeds for the County of Hampden in Book of Plans 313, Page 120; and to see if the Town will further vote to authorize the Board of Selectmen to acquire by taking by eminent domain pursuant to M.G.L. c. 79, et.seq., M.G.L. c. 83, et.seq. and any other enabling authority certain utility easements, sanitary sewer, access easements, storm water drainage easements and slope easements shown on the above referenced plan, including 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 Board of Selectmen and Town Counsel

ARTICLE 29: The Town of Southwick vote to accept as a Town way, Lauren Lane, formerly known as Foxwoods Drive, as shown on the street layout plan entitled "Pine Knoll III Zone R-20 Subdivision of Property Southwick, Massachusetts for: Pine Knoll, Inc., 658 Cooper Street, Agawam, Mass- Dated Nov. 22, 1994, Rev. Nov. 13, 1997, Rev. March 19, 1999 Scale 1" = 100'...D.L. Bean..." which plan is recorded in the Registry of Deeds for the County of Hampden in Book of Plans 313, Page 120; and to see if the Town will further vote to authorize the Board of Selectmen to acquire by taking by eminent domain pursuant to M.G.L. c. 79, et.seq., M.G.L. c. 83, et.seq. and any other enabling authority certain utility easements, sanitary sewer easements, access easements, storm water drainage easements and slope easements, as shown on said

referenced plan, including 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 Board of Selectmen and Town Counsel

ARTICLE 30: The Town of Southwick vote to accept as a Town way Lauren Lane as shown on the street layout plan entitled "Definitive Subdivision of Property prepared for Lexington Circle Development, Inc., Glen Bluff Subdivision Lauren Lane Southwick, Massachusetts owner Norman Storey...Screenath Associates...Scale 1" = 50' Dated 9/9/94... Revisions Aug. 24, 2000 Redraft Plans/ add Easements Notes etc., Revise street name, 10/2/00 add owner address, 11/21/00 add storm drain easements..." which plan is recorded with Hampden County Registry of Deeds in Book of Plans 322, Page 9 and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift certain drainage easements, culvet easements, slope easements and rights of way including an easement to use sand street for all proposes for which public ways are used in the Town of Southwick or to take any other action relative thereto.

Requested by Board of Selectmen and Town Counsel

ARTICLE 31: The Town of Southwick vote to accept as a Town Way Liberty Lane, as shown on a plan entitled "Definitive Subdivision of Property Revised Mar. 27, 2000, Revise Note, Revised Mar 10, 2000 change street and subdivision name, revised Feb, 10, 2000 add note re Easement, Prepared for Bicentennial Development Corporation Liberty Meadow, Liberty Lane Southwick, MA. Screenath Associates...Scale 1" = 40' Date October 12, 1999 Revision #1 10/12/99 Revise Drain Easement Lot 10 & Open Space "recorded in the Hampden County Registry of Deeds in Book of Plans 316 Pages 69-71inclusive and to see if the Town will further vote to authorize the Board of Selectmen to acquire by taking by eminent domain pursuant to M.G.L. c. 79, et.seq., M.G.L. c. 83, et.seq. and any other enabling authority certain Easements as shown on said plan, for future street access, and stormwater drainage, including 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 Board of Selectmen and Town Counsel

ARTICLE 32: The Town of Southwick vote to accept as a Town Way Coyote Glen as shown on the street layout plan entitled "Definitive Plan Subdivision of Property Southwick, Massachusetts for (owner) Regal Homes & Development Corp...Date 10-25-2000 "which plan is recorded in the Hampden County Registry of Deeds in Book of Plans 322 Page 58 and to see if the Town will further vote to authorize the Board of Selectmen to acquire by eminent domain pursuant to M.G.L. c. 79, et.seq., M.G.L. c. 83, et.seq. and any other enabling authority certain easements as shown on said plan for storm water drainage, utility and access easements including an easement to use said street for all purposes for which public ways are used in the Town of Southwick or take any other action relative thereto.

Requested by Board of Selectmen and Town Counsel

Given under our hands at said Southwick this 27th day of April the year of the Lord two thousand and twelve.

BOARD OF SELECTMEN

Fred B. Arnold, II, Chairman

Arthur G. Pinell, Vice-Chairman

Russell S. Fox, 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

Kelly A. Magni

A TRUE COPY ATTEST:

Michelle L. Hill, Town Clerk

POSTED: TOWN HALL, POST OFFICE, LIBRARY