

**\*\*\*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*

**May 19, 2009**

**7:00 p.m.**

Annual Town Election, Tuesday, May 12, 2009, 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 19, 2009 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 12, 2009 between the hours of 7:00 A.M. and 8:00 P.M. to elect on one ballot the following officers: One Selectman for a three-year term. Two Regional School District Committee members each for a three-year term. One Assessor for a three-year term. One Cemetery Commissioner for a three-year term. One Dickinson School Trustee for a three-year term. Two Library Trustees each for a three year term. One Library Trustee for a two 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.

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 19, 2009, 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 4<sup>th</sup> day of May in the year of the Lord Two Thousand and Nine.

**Article 1 Explanation:** *Town Election acted on May 12, 2009, for the following individuals: See the ballot posted on the Town of Southwick's webpage at [www.southwickma.org](http://www.southwickma.org).*

**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 relative thereon.

Requested by the Board of Selectmen

**Article 2 Explanation:** *This is a General Housekeeping Article to authorize the Selectmen to operate Town Government.*

**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 3 Explanation:** *This is a General Housekeeping Article to authorize the Selectmen to operate Town Government.*

**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 4 Explanation:** *This is a General Housekeeping Article to authorize the Selectmen to operate Town Government.*

**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 5 Explanation:** *This is a General Housekeeping Article 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 appropriate \$1,700,000, or some other amount, to pay costs of purchasing a parcel of land and the structures thereon located at 661 College Highway for use as a Department of Public Works site and garage, making related improvements to the existing structures, for the construction of buildings and other improvements, and for the payment of all other costs incidental and related thereto; to determine whether this amount should be raised by borrowing or otherwise; to authorize the Selectmen to grant an easement or make property line adjustments associated with this property as may be required by the current ownership of the property located at 661 College Highway as part of any agreement to purchase said property, or to take any other action relative thereto.

Motion \_\_: That the sum of \$1,700,000 is hereby appropriated to pay costs of purchasing a parcel of land and the structures thereon located at 661 College Highway for use as a Department of Public Works site and garage, making related improvements to the existing structures, for the construction of buildings and other improvements, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$1,400,000 under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor; in addition, the sum of \$200,000.00 is appropriated for this purpose from available funds of the Town and the sum of \$100,000.00 is appropriated for this purpose from Water Department retained earnings, and, further, the Selectmen are authorized to grant an easement or make property line adjustments associated with this property as may be required by the current ownership of above described property as part of any agreement to purchase and convey said property to the Town.

Requested by Board of Selectmen,  
DPW, Board of Water Commissioners

***Article 7 Explanation: This Article request Town voter approval for the appropriation of funds to purchase the (\$1.4M) the 6 + acres of land, associated buildings and specified equipment formerly known as Suburban Chevrolet and Orbit Realty that is located at 661 College Highway. It will set aside some funds (\$300K) for the initial outfitting to occupy the building. Other funds may be necessary at a later date to maximize the site utilization. Town Officials have spent years looking at numerous options for upgrading the Department of Public Works facilities that are currently located in an undersized 1950's tin building and sheds at 11 Depot Street behind the Police and Fire Stations. Most of the DPW equipment is currently stored either outdoors, partially under cover or in some limited rented garage space. Over the past five years, Town Officials have continually looked at numerous sites including existing Town-owned land and weighed the pros and cons for each. Some met the size and location criteria, but the cost of land acquisition, site work, building design and construction were upwards of \$4,000,000.00. While this proposed acquisition of the Suburban building removes this former vehicle sales and service facility from the tax base, the need to acquire land from any private landowner in order to develop a new public works facility will do the same and will be more than double the total cost of this warrant article. The former Suburban Chevrolet site affords the Town the opportunity to purchase the land, buildings, and equipment that meet the DPW's needs at a reasonable price. The proposed borrowing above has an estimated impact of 12.5 cents on the tax rate.***

**ARTICLE 8.** To see if the Town will vote to appropriate \$1,100,000, or some other amount, to pay costs of constructing a new 1.0 million gallon water storage tank, and for the payment of all other costs incidental and related thereto; to determine whether this amount should be raised by borrowing or otherwise, or to take any other action relative thereto.

**MOTION:** That the sum of \$1,100,000 is hereby appropriated to pay costs of constructing a new 1.0 million gallon water storage tank, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen is authorized to borrow said amount under and pursuant to Chapter 44, Sections 8(4) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Requested by Board of Water  
Commissioners

***Article 8 Explanation: The Town of Southwick Water Division is building a new 1 million gallon water tank in order to double the storage capacity of the water system to 2.0 million gallons. This is recommended by the Department of Environmental Protection for every water system to have a three day water supply storage capacity for use under emergency conditions.***

**ARTICLE 9.** 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; Computer, Town Hall, Police, Fire, Lake Management, DPW (various divisions), and Emergency Management 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, 2009 to June 30, 2010 or to take any other action relative thereon.

Requested by the Finance Committee

***Article 9 Explanation: Highlights:***

***Revenues:***

- ***Current local aid numbers from Governor's House 2 and House Ways/Means Local Aid Resolution***
- ***Full levy limit increase***
- ***Reduced New Growth***
- ***Application of Free Cash for outright capital purchases or projects***
- ***Presumes water/sewer increased budgets supported by retained earnings or rate increases if necessary***

***Expenditures:***

- ***No new positions***
- ***Accommodates fixed expenses for fuels, utilities, insurances, personnel and employee benefit costs***
- ***Funds for tax title services to bring in money owed to the Town***
- ***Capital Expenditures Planning Committee approved items included***

**ARTICLE 10.** 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 10 Explanation:** *This is a housekeeping article to use Cemetery Funds to offset the July 1<sup>st</sup> budget for the Cemetery Commission.*

**ARTICLE 11.** 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

**Article 11 Explanation:** *This vote re-establishes an "Inspector's Revolving Fund" to ensure inspectors (electrical, plumbing, gas, fire, etc.) are compensated in direct relationship to the number of inspections made and fees received by the Town.*

**ARTICLE 12.** 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 Selectmen

**Article 12 Explanation:** *This vote re-establishes a mechanism for the Town to recover costs related to hazardous material spills at accident scenes. This tool is used in municipalities to limit taxpayer expense in responding to and cleaning up accident spills where fire and police budgets take a hit. It is estimated it would only come into play a couple of times a year when large cargo trucks experience accidents that have large spills.*

**ARTICLE 13.** 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 2010 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 2009 from persons using the boat ramps. The Lake Management Committee may spend \$32,000.00 for Lake Management operations in revolving fund monies for the program during fiscal year 2010. The unencumbered and unreserved balance in the revolving fund at the end of fiscal year 2009 shall be carried over into fiscal year 2010 or take any other action relative thereon.

Requested by the Lake Management  
Committee

**Article 13 Explanation:** *This vote re-authorizes the fund to keep both town boat ramps at Point Grove Road and Berkshire Avenue running for the next fiscal year. The funds are generated from launch fees to use the facilities. The volunteer Lake Management Committee has done an outstanding job keeping the facilities in great working order.*

**ARTICLE 14.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$8,120,196 for the Southwick-Tolland Regional School District assessment for Fiscal Year 2010 commencing July 1, 2009 and ending on June 30, 2010, or take any other action thereon.

Requested by the Southwick-Tolland  
Regional School District

**Article 14 Explanation:** *The Southwick-Tolland Regional School District's proposed FY2010 budget is \$19,122,033.00. For the operation of the regional school district, the "assessment" of \$8,120,196.00 represents an increase of \$71,922.00 (.89%) for the Town of Southwick's share of financial support for school related expenses for the 2009-2010 school year. The Town of Tolland's "assessment" will be \$348,619.00. The balance of the overall school district budget is supported through state funding and school-generated revenues.*

**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 7, 2009, which reads as follows:  
Voted: approve authorization to incur debt by the issuance and sale of bonds or notes for the amount of \$300,000 for the purchase of all items specified in the attached School District's Fiscal Year 2010 Capital Improvement Plan" or take any other action relative thereon.

Requested by the Southwick-Tolland  
Regional School District

**Article 15 Explanation:** *The Towns of Southwick, Tolland, and the regional school district have developed an annual Capital Improvement Plan which funds identified school capital equipment and building renovations in excess of \$2,000 per purchase. The current annual appropriation of \$300,000.00 is supported with five (5) year bond issues which generally have a lower interest rate than can be secured elsewhere. The specific list of proposed equipment replacement or building renovations for the 2009/2010 school year has been previously publicized and will also be available at the annual town meeting.*

**ARTICLE 16.** That the Town of Southwick authorize the Southwick-Tolland Regional School District to incur debt by the issuance and sale of bonds or notes in the amount of \$300,000 for a feasibility study of the Woodland Elementary School at 80 Powder Mill Road, Southwick, MA. The existing Woodland Elementary School property is located on the south side of three (3) parcels of Town owned land totaling 110 acres. The site is bordered by private wooded land and American Legion Post 338 to the south, Southwick Recreation Center and Powder Mill Road to the west, Rt. 57, Feeding Hills Road, to the north and private residences and Town owned wooded land, including the public water supply, to the east. The parcel of land is shared with

Powder Mill Middle School, Southwick-Tolland Regional High School, Southwick Public Library, and playing fields utilized by the Southwick-Tolland Regional Schools and the Community at large. Said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Southwick-Tolland Regional School Committee is authorized to borrow said sum under M.G.L. Chapter 44 or any other enabling authority; that the Town and the School District acknowledge that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Southwick-Tolland Regional School District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Regional School District, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Regional School District and the MSBA or take any other action relative thereon.

Requested by the Southwick-Tolland  
Regional School District

**Article 16 Explanation:** *The feasibility/schematic design phase of the Woodland School building project is regulated by the Massachusetts School Building Authority (MSBA). They require that the District appropriate the total gross cost of this work. The full cost is \$450,000. The Regional School Committee has appropriated \$150,000 from the District's stabilization account and this \$300,000 constitutes the remainder of that total cost. Using half of the funds usually allocated to capital expenses for the district avoids any added cost to taxpayers. The MSBA will reimburse the District for 56% of the cost of this work and the reimbursements will be placed in a separate account and reported to the member towns.*

**ARTICLE 17.** To see if the Town will adopt the following vote or to take any other action thereon:

Voted: To authorize a revolving fund under M.G.L. Chapter 44, Section 53E1/2 that may be spent by the Police Department and the Conservation Commission without further appropriation, during fiscal year 2010 to pay for salaries, expenses, operations and contractual services regarding the Massachusetts Division of Environmental Protection Program authorized under Massachusetts General Laws Chapter 91, Local Permitting Program concerning lake water structures. The revolving fund entitled Local Lake Permitting Revolving Account is to be credited with all fees and charges received during fiscal year 2010 for the permitting of lake water structures. The Police Department and Conservation Commission may spend up to \$40,000.00 for lake patrol and lake structure inspection in this revolving fund for the program during fiscal year 2010. The unencumbered and unreserved balance in the revolving fund at the end of fiscal year 2010 shall be carried over into fiscal year 2011 or take any other action relative thereon.

Requested by the Police Department,  
Conservation Commission and Lake  
Management Committee

**Article 17 Explanation:** *This account will be used for any and all fees collected as a result of the Local Permitting Process for allowing docks on Congamond Lakes. All money in this account can only be spent only on lake related expenses in accordance with the provisions set forth in Southwick's Local Permitting Process approved by the State of Massachusetts Department of Environmental Protection.*

**ARTICLE 18.** To see if the Town will vote to transfer the care, custody and control of the parcel of land described below which was acquired through a tax taking, legal title of which is in the name of the Town Treasurer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey a fee simple interest in the parcel of town-owned land located on south of South Longyard Road (being a landlocked parcel), of 10 acres, more or less, located on the Massachusetts/Connecticut State Line on Whortleberry Hill, so called; to the Commonwealth of Massachusetts, by and through its Division of Fisheries and Wildlife, upon such terms and conditions and for such consideration as the Board of Selectmen deem in the best interest of the Town and in an Agreement approved by Town Counsel as to form. Said locus is more fully described in a deed recorded in the Hampden County Registry of deeds in Book 17565, Page 284. The locus is further identified in the Town Assessor's records as Map 121, Lot 3. The land was previously owned by John Carmel and Charlotte Carmel, see deed recorded in the Hampden County Registry of Deeds in Book 3730, Page 264 and Book 2536, Page 82, or take any other action relative thereto.

***Article 18 Explanation: The Town of Southwick holds a 10 acre landlocked parcel taken for back taxes on the Connecticut border. The land is surrounded on three sides by Massachusetts Fisheries and Wildlife. Massachusetts Fisheries and Wildlife is offering the Town of Southwick \$10,000.00 for the ten acres. The money will go into the general fund for the Town.***

**ARTICLE 19.** To act on the report of the Community Preservation Committee on the Fiscal Year 2010 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 2010 Community Preservation Fund, appropriation to be set aside as follows, or take any other action relative thereon.

**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 2010, with each item to be considered a separate reserve.

Proposed Fiscal Year 2010 Community preservation Reserves

- To reserve \$37,560 from FY2010 Community Preservation Fund revenues for Open Space.
- To reserve \$37,560 from FY2010 Community Preservation Fund revenues for Historic Resources.
- To reserve \$37,560 from FY2010 Community Preservation Fund revenues for Community Housing.
- To reserve \$262,920 from FY2010 Community Preservation Fund revenues for FY2010 Community Preservation General Unreserved Fund.

Reserves	
Open Space.....	\$37,560
Historic Resources.....	\$37,560
Community Housing.....	\$37,560



General unreserved.....\$262,920  
Total.....\$375,600

Estimated FY2010 revenues = State match to be received on 10/15/09 \$120,600  
+ estimated new surcharge collections for FY2010 \$255,000  
Total \$375,600

State match = FY2009 CPA commitments minus abatements  
Estimated new surcharge collections for FY2010 = FY2009 collections + 2%  
2% = anticipated increase in tax revenues  
10% of estimated FY2010 revenues equal the amount reserved for each CPA purpose, Historical, Open Space and Community Housing, as required by law.  
70% of estimated FY2010 revenues equal the amount reserved for the Community Preservation General Unreserved Fund

Requested by the Community Preservation Committee

**Article 19 Explanation:** *CPC FY2010 Budget based on a 3% surcharge on Residential Class One Tax bill after first \$100,000.00 value is passed. It also exempts property owned by a person who would qualify for low income housing or low or moderate income senior housing. Reserves for Historic, Housing and Open Space purposes are set aside for future projects brought back to Town Meeting for approval.*

**ARTICLE 20.** To act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation Budget and appropriate 4% (\$10,517), 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 \$10,517 as recommended by the Community Preservation Committee.

Requested by the Community Preservation Committee

**Article 20 Explanation:** *CPC FY2010 Administrative & Operating expenses set aside. The statute allows 4% of the funds anticipated for FY09 including the state 100% matching shares.*

**ARTICLE 21.** To see if the Town will vote to appropriate and transfer the sum of \$25,000.00 from the FY 2009 Community Preservation Unreserved Funds for a 10% local match towards the purchase of an Agricultural Preservation Restriction ("APR") over approximately 66 acres of farmland along the southerly side of South Longyard Road. The APR is valued at \$250,000.00. The Commonwealth of Massachusetts APR program is paying \$225,000.00 toward the purchase of the APR. The property that will be subject to the APR is more fully described in a deed recorded in the Hampden County Registry of Deeds in Book 15813, Page 419, and is formally known as part of Assessors Map 117, Parcel 20 in the Assessor's Records in the Town of Southwick, said property owned by Michael Bannish, or take any other action relative thereto.

**"MOTION:** To see if the Town will vote to appropriate the sum of \$25,000.00 from the FY 2009 Community Preservation Unreserved Funds for a 10% local match towards the purchase of an Agricultural

Preservation Restriction ("APR") over 66 acres of farmland along the southerly side of South Longyard Road."

Requested by the Community Preservation Committee

***Article 21 Explanation: The Community Preservation Committee is requesting that the Town approve the spending of \$25,000.00 from Community Preservation funds for the Towns 10% share of \$250,000.00 to purchase an Agricultural Preservation Restriction on 66 acres of land. The APR will insure that this property remains as farmland in perpetuity.***

Given under our hands at said Southwick this 4<sup>th</sup> day of May the year of the Lord two thousand and eight.

**ARTICLE 22.** To see if the Town will vote to amend the Code of the Town of Southwick, Zoning Bylaw § 185-18. Industrial Zone I. as follows, and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Southwick:

**Delete current § 185-18. Industrial Zone I. A. Permitted uses, as follows:**

(12) Any use permitted in Business B Zone, except residential uses and retail personal service stores.

**Replace with § 185-18. Industrial Zone I. A. Permitted uses, as follows:**

(12) Any use permitted in Business B Zone, except residential uses.

Or take any other action relative thereto.

Requested by  
Southwick Planning Board

***Article 22 Explanation: Amend the Code of the Town of Southwick, Zoning, § 185-18. Industrial Zone to delete the last five (5) words of item number (12) under A. Permitted uses: to allow personal service store use in the zone.***

BOARD OF SELECTMEN

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

\_\_\_\_\_  
Kelly Magni

A TRUE COPY ATTEST:

\_\_\_\_\_  
Michelle L. Hill, Town Clerk

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