

# Town of Southwick, Massachusetts

454 College Highway, Southwick, MA 01077

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## Doings of ATM May 19, 2009

### DOINGS AT THE ANNUAL TOWN MEETING COMMONWEALTH OF MASSACHUSETTS May 19, 2009 7:00 p.m.

The Annual Town Meeting was called to order by the Moderator, James Putnam at 7:00 PM on Tuesday, May 19, 2009 Southwick Tolland Regional High School, Feedings Hills Road, in the Auditorium, with approximately 189 registered voters in attendance.

The following registered voters were appointed as tellers for the meeting:

Randy Brown              Cal Chunglo  
Doug Moglin

A Pledge to Allegiance to the Flag.

A moment of silence was observed for:  
*(reflects those who have passed away since March 16, 2009)*

Bernard M. Keefe, Auxilary Police and Southwick Emergency Management  
Joseph M. Cigal, Volunteer Fire Fighter

Advancement Placement United States Government Class.  
*(Assistance with microphones and lighting)*

Luke Reyes              Carrie Mahoney  
Jill Rolland

A motion was made and seconded to allow the following non-voters on to the town meeting floor:

Michelle L. Hill Town Clerk Treasurer Collector	Jeff Neece DPW Director
Carol DellaGiustina Assistant Accountant	Denis Gaido Building Inspector
Ben Coyle Town Counsel Attorney	Linda Carr Town Accountant

Ann Marie Mitchell      Dr. John Barry  
Southwick Fire Fighter      Superintendent  
Kenneth Scharmann Suburban Chevrolet Inc./Bd.  
Of Directors for Orbit Reality Inc.

**UNANIMOUS**

**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.

**PASSED  
UNANIMOUS**

A motion was made and seconded to dispense with the reading of the warrant in its entirety and to act upon each Article separately

A motion was made and seconded to combine articles 2 through 5 under one vote as they are considered housekeeping articles.

**ARTICLE 2.** The Town of Southwick voted to accept the reports as published in the Annual Town Report of the Selectmen, Assessors, Town Accountant, Town Clerk, Water Commissioners and all others.

**ARTICLE 3.** The Town of Southwick voted to instruct the Selectmen to appoint minor officers.

**ARTICLE 4.** The Town of Southwick voted to authorize the Board of Selectmen to sell or trade obsolete equipment.

**ARTICLE 5.** The Town of Southwick voted 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.

**ARTICLES 2-5  
PASSED  
UNANIMOUS**

**ARTICLE 6.** The Town of Southwick voted 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.

**PASSED  
UNANIMOUS**

**ARTICLE 7.** The Town of Southwick voted 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.

**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.

**PASSED  
DECLARED TWO-THIRDS  
YES – 157  
NO- 18**

**ARTICLE 8.** The Town of Southwick voted 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.

**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.

**PASSED  
DECLARED TWO-THIRDS  
YES – 128  
NO- 2**

**ARTICLE 9.** The Town of Southwick voted 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.

**PASSED  
UNANIMOUS**

**ARTICLE 10.** The Town of Southwick voted to appropriate and transfer a sum of money from the Cemetery Sales of Lots Account to be used for the Cemetery Improvement Account.

**PASSED  
UNANIMOUS**

**ARTICLE 11.** The Town of Southwick voted to adopt the following vote:

Voted: to re-authorize the Revolving Funds under M.G.L. Chapter 44 Section 53E → 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.

**PASSED  
UNANIMOUS**

**ARTICLE 12.** The Town of Southwick voted to adopt the following vote:

Voted: to re-establish a revolving fund pursuant to M.G.L. Chapter 44, Section 53E → 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.

**PASSED  
UNANIMOUS**

**ARTICLE 13.** The Town of Southwick voted to adopt the following vote:

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.

**PASSED  
UNANIMOUS**

**ARTICLE 14.** The Town of Southwick voted 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.

**PASSED  
UNANIMOUS**

**ARTICLE 15.** The Town of Southwick voted 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".

**PASSED  
UNANIMOUS**

**ARTICLE 16.** The Town of Southwick voted to 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.

**PASSED  
UNANIMOUS**

**ARTICLE 17.** The Town of Southwick voted to adopt the following vote:

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.

**PASSED  
MAJORITY  
YES - 63  
NO - 7**

**ARTICLE 18.** The Town of Southwick voted 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.

**PASSED  
UNANIMOUS**

**ARTICLE 19.** The Town of Southwick voted 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.

**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.....	<u>\$262,920</u>
Total.....	\$375,600

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

**PASSED  
UNANIMOUS**

**ARTICLE 20.** The Town of Southwick voted 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.

**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.

**PASSED  
UNANIMOUS**

**ARTICLE 21.** The Town of Southwick voted 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

**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."

**PASSED  
UNANIMOUS**

**ARTICLE 22.** The Town of Southwick voted 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.

**PASSED  
UNANIMOUS**

Selectmen handed out awards to those leaving office per the Town Elections which were held May 12, 2009.

A Motion was made and seconded to dissolve the Annual Town Meeting at 9:56PM.

**UNANIMOUS**

A TRUE COPY ATTEST:

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Michelle L. Hill, Town Clerk