

# DOINGS AT THE SPECIAL TOWN MEETING

Monday, January 9, 2006

7:00 p.m.

The Moderator, James Putnam, called the January 9, 2006 special town meeting to order at 7:00 p.m. with approximately one hundred and seventy five registered voters in attendance.

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

Todd Brown  
Robert Johnson

Ray Foisey  
Scott Wundt

A Pledge to Allegiance to the Flag was made.

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

Linda Carr, Town Accountant  
Paul Mormino, Town Clerk

Carol DellaGiustina, Assistant Accountant  
Kenneth Albano, Town Attorney

**Unanimous**

**ARTICLE 1.** To see if the Town will vote to appropriate and transfer from available funds the sum of \$160,000.00 for the purchase of one (1) new and unused type I Class I ambulance for the Fire Department, or take any action thereto.

**Majority  
Passed**

**ARTICLE 2.** To see if the Town will vote to appropriate and transfer from available funds the sum of \$46,223.00 for the following salary accounts.

Selectmen's Admin.Asst.....	\$920.00
Asst. Town Accountant.....	\$940.00
Town Accountant.....	\$1,415.00
Asst. Assessor.....	\$1,221.00
Asst. Town Clerk/Treas.....	\$940.00
Conservation Coordinator.....	\$566.00
Planning Board Clerical.....	\$268.00
Board of Appeals.....	50.00
Custodial Salary.....	\$1,259.00
Building/Grounds Supervisor.....	\$1,020.00
Town Hall Maintenance Salary.....	\$1,200.00
Police Dept. Secretary.....	\$1,030.00
Police Dept. Full Time Officers.....	\$12,000.00
Police Dept. Records Clerk.....	\$100.00
Fire Dept. Clerical.....	\$1,000.00
Building Inspector.....	\$1,271.00
Animal Control.....	\$1,500.00
DPW Director General Fund.....	\$200.00
DPW Asst. General Fund.....	\$335.00
DPW Sewer Supervisor.....	\$320.00
DPW Sewer Assistant.....	\$335.00

Board of Health Inspector.....	\$878.00
COA Clerical Part Time.....	\$381.00
COA Director.....	\$746.00
Library Part Time.....	\$3,390.00
DPW Director Water Fund.....	\$570.00
DPW Supervisor Water Fund.....	\$320.00
DPW Special Asst. Water Fund.....	\$335.00
DPW Water Div.....	2,750.00
DPW Sewer Div. Maint.Staff.....	\$1,000.00
DPW Solid Waste Division.....	\$4,600.00
Veterans District Staff.....	\$3,363.00

**Majority  
Passed**

**ARTICLE 3.** To see if the Town will vote to appropriate and transfer from available funds the sum of \$31,380.00 for the following capital items or take any other action relating thereto.

Police Department Cruiser.....	\$21,380.00
Fire Department Plymovent.....	\$10,000.00

**Majority  
Passed**

**ARTICLE 4.** To see if the Town will vote to appropriate and transfer from available funds the sum of \$9,792.00 for the following operational items, or take any other action relating thereto.

Veterans Benefits.....	\$9,000.00
Lake Management Boat Repairs.....	\$ 792.00

**Majority  
Passed**

**ARTICLE 5.** To see if the town will vote to appropriate or transfer from the Community Preservation Fund Open Space Reserve \$20,000 to be used for restoration and site improvements on property located on Assessors Map H, parcel 140, 133, 132A and 134, and Map 6, parcel 152, or take any other action relative thereto.

**MOTION:** To see if the town will authorize the Community Preservation Committee to appropriate \$20,000 from the Community Preservation Fund Budgeted Open Space Fund to be used by the Conservation Commission for restoration and site improvements of land described as Assessors Map H, parcel 140, 133, 132A and 134, and Map 6, parcel 152, for open space purposes under the Community Preservation Act.

**Majority  
Passed**

**ARTICLE 6.** To see if the Town will vote to appropriate \$18,000 from FY2006 Community Preservation Fund Community Housing Reserves to convert an electric heating system to gas-fired hot water heating system at 76 Summer Drive, or take any other action relative thereto.

**MOTION:** To see if the Town will vote to appropriate from the Community Preservation Fund \$18,000 from FY2006 Budgeted Community Housing Reserve Fund for the Southwick Housing Authority to convert an electric heating system to gas-fired hot water heating system at 76 Summer Drive.

**Majority  
Passed**

**ARTICLE 7.** To see if the Town will vote to transfer \$4,800 from FY2006 Budgeted General Unreserved Fund Community Preservation Fund revenues to Community Preservation Administrative Fund, or take any other action relative thereto.

**MOTION:** To see if the Town will vote to transfer \$4,800 Community Preservation Fund monies from FY2006 Budgeted General Unreserved Fund to the Community Preservation Administrative Fund.

The \$4,800 monies constitute the additional 1% allowed in the administrative budget by the Community Preservation Act.

**Majority  
Passed**

**ARTICLE 8.** To see if the Town will vote to establish a revolving fund pursuant to M.G.L. Chapter 44, Section 53E ½ entitled "Sidewalk Revolving Account" to use the proceeds accrued from the Planning Board's waiver of sidewalks as permitted in the Subdivision of Land Rules and Regulations under Ch. 315 of the Southwick Town Code for the repair, replacement and installation of sidewalks elsewhere in the community as recommended by the DPW Director and approved by the Board of Selectmen, or take any action thereto.

**Majority  
Passed**

**ARTICLE 9.** To see if the Town will vote to petition the General Court for the passage of a Special Act reading substantially as follows:

Notwithstanding the provisions of any general or special law to the contrary, Roger B. Cataldo, retired Patrolman of the Police Department of the Town of Southwick, may be reinstated in such position for a period of five (5) years, until he reaches 70 years of age; provided however, that he is mentally and physically capable of performing the duties of such office. Said Roger B. Cataldo shall, at said Town's expense, be examined by an impartial physician designated by said Town to determine such capability. No further deductions shall be made from the regular compensation of said employee under the provisions of Chapter 32 of the General Laws for service subsequent to December 31, 2002, and upon retirement, said employee shall receive a superannuation retirement allowance equal to that which he was entitled to receive as of December 31, 2002.

Or take any other action relative thereto.

Motion was made and seconded for paper ballot count.

**Majority  
Passed: 107 Yea  
50 Nay**

Paper Ballot counted

**Majority  
Passed: 99 Yea  
74 Nay**

**ARTICLE 10.** To see if the Town will vote to authorize the Board of Selectmen to enter into a Lease Agreement with a qualified telecommunication facility entity for the lease of a parcel of property owned by the Town of Southwick in accordance with the terms and conditions of that certain "RFP entitled – Lease of Municipal Real Estate – Wireless Communications Facilities" on file with the Town Clerk for the Town of Southwick, or take any other action relative thereto.

**Majority  
Passed**

**ARTICLE 11.** To see if the Town will vote to establish an Agricultural Commission (the "Commission") to represent the Southwick agricultural community. The Commission shall serve as a facilitator to encourage the pursuit of agriculture in the Town of Southwick, shall promote agriculture-based economic activities in the Town, shall act as mediators, advocates, educators, and/or negotiators on agricultural issues; shall work for preservation of prime agricultural lands; and shall pursue all initiatives appropriate for creating a sustainable agricultural community. For purposes of this Article, agriculture shall include, but shall not be limited to, the production of crops, livestock, equine, horticulture, aquaculture, forestry, nurseries, greenhouses, apiaries and related activities.

The Commission shall consist of seven (7) members, at least four (4) of who shall be involved in agriculture. The members shall be appointed by the Board of Selectmen, three (3) members for a term of three (3) years; two (2) members for a term of two (2) years, and three (3) thereafter; and two (2) members for a one (1) year term, and three (3) years thereafter. Up to five (5) alternates may also be appointed by the Board of Selectmen, each for a one (1) year term. And/or take any other action relative thereto.

**Majority  
Passed**

**ARTICLE 12:** To see if the Town will vote to amend the Code of the Town of Southwick to include a Chapter 140 "RIGHT TO FARM BYLAW" with the following provisions:

#### **§140-1. Legislative Purpose and Intent**

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Southwick restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture- based economic opportunities, and protects farmlands within the Town of Southwick by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

#### **§140-2 Definitions**

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, sheep, cattle, ratites and camelids, and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto, provided such stands and signs comply with local zoning bylaws;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on- farm relocation of earth and the clearing of ground for farming operations.

### **§140-3 Right To Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of Southwick. The above-described farming or agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices.

### **§140-4 Disclosure Notification**

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Southwick, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors.

Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances. Purchasing or occupying land within the Town of Southwick means that one should expect and accept such conditions as a normal and necessary part of living in this community.

Further details regarding the Right to Farm are provided in the Town's Right to Farm By-Law, which is available for review at the Town Hall."

A copy of the disclosure notification shall be given on a form prepared by the Town, which is available at the Clerk's Office at Town Hall, and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. Buyer of said property must sign an acknowledgement statement on the notification. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property.

A violation of Section 4 shall be subject to a fine of up to \$300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, § 21D.

### **§140-5 Resolution of Disputes**

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Selectmen may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within 30 days.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health.

### **§140-6 Severability Clause**

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Southwick hereby declares the provisions of this By-law to be severable.

**Majority  
Passed**

**ARTICLE 13:** To see if the Town will vote to amend the Code of the Town of Southwick to include a Chapter 102 "FALSE ALARM BYLAW" with the following provisions:

## **Chapter 102**

### **FALSE ALARM BYLAW**

<b>§ 102.1.</b>	<b>Definitions.</b>	<b>§ 102.6</b>	<b>Revocation, Suspension or Loss of Alarm Permit.</b>
<b>§ 102.2</b>	<b>Permit Requirements.</b>	<b>§ 102.7</b>	<b>Appeals.</b>
<b>§ 102.3</b>	<b>Alarm System Operation and Maintenance.</b>	<b>§ 102.8</b>	<b>Enforcement.</b>

<b>§ 102.4</b>	<b>Monitoring Procedures.</b>	<b>§ 102.9</b>	<b>No Assumption of Liability or Responsibility for Alarm Systems.</b>
<b>§ 102.5</b>	<b>Fines and Penalties for Violations.</b>	<b>§ 102.10</b>	<b>General Provisions.</b>

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

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

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

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

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

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

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

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

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

**CONVERSION** – the transaction or process by which one Alarm Business begins monitoring of an Alarm System previously monitored by another Alarm Business.

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

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

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

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

### **§ 102.2. Permit Requirements.**

- A. Notwithstanding the foregoing, a smoke detector system required by State Building and Fire Codes shall not be deemed an Alarm System for purposes of obtaining a separate permit as contemplated herein. No Alarm User shall operate, or cause to be operated, an Alarm System without a valid permit issued in accordance with this by-law. A separate permit is required for each Alarm Site.
- B. The annual fee for a permit or permit renewal for an Alarm Site shall be set by the Board of Selectmen. An Alarm User who applies for a new permit after July 1<sup>st</sup> will be required to pay a pro-rated quarterly fee. The annual fee will be refunded if the application is not approved. The permit shall be valid for a one-year period commencing each July 1. It is the responsibility of the Alarm User to submit a renewal application prior to the permit expiration date. All fees and any future fee increases to this by-law will be set by the Board of Selectmen after consulting with the Alarm Administrator.
- C. The annual fee for a permit or permit renewal for an Alarm Business shall be set by the Board of Selectmen. The annual fee shall not be refunded or pro rated. The permit shall be valid for a one-year period commencing each July 1<sup>st</sup>. It is the responsibility of the Alarm Business to submit a renewal application prior to the permit expiration date.
- D. No Alarm Business will sell, lease, maintain, service, repair, alter, replace, move, install or monitor an Alarm System in an Alarm Site or request a response to an Alarm Site without a valid permit issued in accordance with this by-law except in the event of a fire or medical response request.
- E. The application form for issuance or renewal of a permit shall be prescribed by the Alarm Administrator and shall include the following information:
  - (1) The name, address, and telephone number of the Alarm User who will be the permit holder and be responsible for the proper maintenance and operation of the Alarm System and the payment of fees assessed under this by-law.
  - (2) Signed certification from the Alarm User and the Alarm Business stating:
    - (a) the date of Installation, Conversion or Takeover of the Alarm System, whichever is applicable;
    - (b) the name, address, phone number, Massachusetts Alarm Installation License Number and the Mass. Dept. of Public Safety registration number of the Alarm Business performing the Alarm System Installation, Conversion or Alarm System Takeover and responsible for providing repair service to the Alarm System;
    - (c) the name, address, and phone number of the Alarm Business monitoring the Alarm System if different from the installing Alarm Business;
    - (d) that a set of written operating instructions for the Alarm System, including written guidelines on how to avoid false alarms, have been provided to the Alarm User by the Alarm Business;



- (e) that the Alarm Business has trained the Alarm User in proper use of the Alarm System, including instructions on how to avoid false alarms;
  - (f) that the application shall contain the name, address and telephone number of at least two (2) other persons who are authorized to respond to a signal transmitted by the Alarm System within twenty (20) minutes under normal weather conditions and who are authorized to open the premises on which the Alarm System is installed;
  - (g) that such application contain an agreement from the Alarm User in favor of the Town of Southwick Police or Fire Department to break into and enter the registered premises forcibly without liability on the Town or its officers with respect to any such forcible breaking and entering, in order to respond to such an alarm; and
  - (h) any other information that enhances the efficiency of administering this by-law.
- (3) That all current Alarm Users and Alarm Businesses shall submit applications and fees by July 1<sup>st</sup> immediately following the adoption of this by-law.
  - (4) Any false statements of a material matter made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit.
  - (5) An alarm permit issued under this by-law cannot be transferred to another Person. If an Alarm Site is sold or transferred to another, the application process for a new Alarm User must be followed. An Alarm User shall inform the Alarm Administrator of any change that alters any information listed on the permit application within five (5) business days of such change.
- F. An application for an alarm permit, submitted with the permit fee, shall be processed in a timely manner by the Alarm Administrator. The application shall be denied and the permit fee returned if the applicant has failed to pay any fine assessed for violating this by-law, or if the applicant has had an alarm permit for the Alarm Site suspended or revoked and the violation causing the suspension or revocation has not been corrected, or if the Alarm System does not comply with the standards required by this by-law, or if the applicant has knowingly made any false, misleading or fraudulent statements of a material fact in the application for a permit.

### **§ 102.3. Alarm System Operation and Maintenance**

- A. An Alarm User shall:
- (1) maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarm Dispatches;
  - (2) respond or cause a representative to respond to the Alarm Site within twenty (20) minutes under normal weather conditions who can provide access to the premises on which the private intrusion fire or medical emergency alarm device is installed, who can allow personnel access to the Alarm Site to investigate, who can deactivate a malfunctioning Alarm System and provide security for the Alarm Site;
  - (3) not manually activate an alarm for any reason other than an occurrence of any event that the Alarm System was intended to report; and
  - (4) not cause any Alarm System to be connected directly to the emergency dispatch at the police department by any means including an automatic dialer.

- B. Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than fifteen (15) minutes after being activated.
- C. An Alarm User shall maintain a set of written operating instructions for each Alarm System at each Alarm Site in proximity to the alarm panel.
- D. If the Alarm Administrator has reason to believe that an Alarm System is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the Alarm Administrator may require a conference with the Fire Department, Alarm User and the Alarm Business responsible for the repair of the Alarm System to review the circumstances of each false alarm. The Alarm Administrator may also require the Alarm User to attend Alarm User's training that includes the importance of false alarm reduction.

#### **§ 102.4. Monitoring Procedures**

- A. The Town of Southwick will not act as an Alarm Business or permit installation of any Alarm System monitoring devices within the police station or emergency dispatch area. By July 1, 2006, all alarm systems except those owned by the Town of Southwick or its subdivisions will be removed from the police station or emergency dispatch area and monitored privately.
- B. An Alarm Business performing Monitoring services shall:
  - (1) report alarm signals by using telephone numbers designated by the Alarm Administrator;
  - (2) attempt to Verify every alarm signal, except a hold up alarm activation, before requesting a police or fire/ems response to an alarm signal;
  - (3) communicate Alarm Dispatch Requests to the Town in a manner and form determined by the Alarm Administrator;
  - (4) communicate verified cancellations of Alarm Dispatch Requests to the Town in a manner and form determined by the Alarm Administrator; and
  - (5) maintain for a period of at least two years following a request for dispatch to an Alarm Site, records relating to the dispatch. Records must include the name, address and phone number of the Alarm User, the Alarm System zone(s) or point(s) activated, the time of request for police dispatch and evidence that an attempt to Verify was made to the Alarm site prior to the request for police or fire/ems dispatch, and provide the Alarm Administrator with copies of such records upon request.

#### **§ 102.5. Fines and Penalties for Violations**

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

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

- B. Any Person operating an Alarm System or any Alarm Business operating without a permit issued in accordance with this by-law shall be subject to an additional fine of \$300.00 for each violation.

- C. An Alarm Dispatch Request caused by actual criminal offense, or with evidence of a criminal attempt, or resulting solely from power outages or extreme weather conditions shall not be counted as a False Alarm Dispatch.
- D. The Alarm Administrator may reinstate a suspended permit upon receipt of acceptable evidence that the cause has been addressed and appropriate corrective action has been taken.
- E. A Person whose alarm permit has been revoked may be issued a new permit if the Person:
  - (1) submits an updated application and pays the permit fee;
  - (2) pays, or otherwise resolves, all outstanding alarm fees and fines;
  - (3) submits a certification from an Alarm Business stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Business.
- F. The Alarm Administrator may require an Alarm System be equipped with a battery backup or other device so as to prevent the signaling of a private intrusion fire alarm or medical emergency in the event of an AC power failure.
- G. Intentional causing of a false private intrusion fire alarm or medical emergency shall be considered a serious issue resulting in a fine of \$300.00.
- H. Any Person who has neglected any fee or fine due as the result of this by-law may have said fee or fines added to the Town of Southwick municipal tax bill for the property where the Alarm System involved is located.
- I. An Alarm User can appeal a false alarm determination to the Board of Selectmen within ten (10) days of the actual event.

#### **§ 102.6. Revocation, Suspension or Loss of Alarm Permit**

- A. In addition to suspension or revocation pursuant to Section 102.6, the Alarm Administrator may suspend or revoke an alarm permit if it is determined that:
  - (1) there is a false statement of a material matter in the application for a permit;
  - (2) the permit holder has failed to make timely payment of a fine previously assessed.
- B. A Person commits an offense if he operates an Alarm System during the period in which his alarm permit is suspended or revoked.
- C. Unless there is a separate indication that there is a crime in progress, the Chief of Police or officer-in-charge of the shift may refuse police response to an Alarm Dispatch Request at an Alarm Site for which the alarm permit has been revoked. Notwithstanding the foregoing, the fire department will respond to any fire alarm or medical emergency.
- D. If an alarm permit is reinstated pursuant to Section 102.5 (E), the Alarm Administrator may revoke the alarm permit if it is determined that the alarm is installed improperly.

#### **§ 102.7. Appeals**

- A. If the Alarm Administrator denies the issuance or renewal of a permit, or suspends, or revokes a permit, he or she shall send written notice of such action and a statement of the right to an appeal to the Alarm User and the Alarm Business. The Alarm User may appeal the decision of the Alarm Administrator to the Board of Selectmen by filing a written request for a review setting forth the reasons for the appeal within ten (10) days after receipt of the notice from the Alarm Administrator. An Alarm Business may submit the request for review on behalf of an Alarm User. Filing a request for an appeal shall stay the action by the Alarm Administrator suspending or revoking a permit until the Board of Selectmen has completed his review. If a request for an appeal is not made within the ten (10) day period, the action of the Alarm Administrator shall be final. The decision of the Board of Selectmen on appeals shall be final.
- B. The Board of Selectmen shall conduct an appeal and consider the evidence by any interested Person(s). The Board of Selectmen will render a written decision within thirty (30) days after the request for an appeal hearing is filed. The Board of Selectmen may affirm, reverse, or modify the action of the Alarm Administrator. The decision of the Board of Selectmen shall be final.

### **§ 102.8. Enforcement**

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

### **§ 102.9. No Assumption of Liability or Responsibility for Alarm Systems**

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

### **§102.10. General Provisions**

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

Or take any other action relative thereto.

**Tabled**

**ARTICLE 14.** To see if the Town will vote to amend the Town of Southwick Zoning By-Law Map referenced in Section 185-5 of the code of the Town of Southwick by redesignating a certain parcel of land from Industrial Restricted (IR) zone to Business Restricted (BR) zone, said real estate identified as land in the Town of

Southwick located at 662 College Highway more particularly described as Parcel C on a Plan of Land entitled "Division of Property, Southwick, Massachusetts for Sheila Sponberg" by D. L. Bean, Inc. Surveyors & Engineers dated June 28, 2001 and recorded in Hampden County Registry of Deeds Book of Plans in Book 322 Page 106. Said land is currently assessed to Sheila Sponberg.

**Majority  
Passed**

**ARTICLE 15.** To see if the Town will vote to authorize the Board of Selectmen to acquire by gift or otherwise a certain parcel of real property located on the Congamond Road owned by the Scuderi Realty Trust, for the purposes of constructing a culvert, and more specifically shown as Parcel "A" on a plan entitled:

"TRANSFER OF PROPERTY SOUTHWICK, MASSACHUSETTS" for Scuderi Realty Trust Congamond Road, Southwick, Massachusetts, prepared by D. L. Bean, Inc., Surveyors & Engineers, dated November 10, 2004;

which plan is recorded in the Hampden County Registry of Deeds in Book of Plans 336, Page 97. Parcel "A" consists of  $\pm$  1,393 square feet. Or take any action relative thereto.

**Majority  
Passed**

**ARTICLE 16:** To see if the Town will vote to accept the following conveyances made to the Town, concerning Pearl Brook Road and Hidden Place easements, or to take any other action relative thereto:

1. Deed from Richard J. Mazzella and Paul A. Bousquet to the Town of Southwick (road and utility easements) recorded in the Hampden County Registry of Deeds in Book 14980, Page 40.
2. Deed from Richard J. Mazzella and Paul A. Bousquet to the Town of Southwick (drainage and culvert easements, etc.) recorded in the Hampden County Registry of Deeds in Book 14980, Page 47.
3. Deed from J. N. Duquette & Son to the Town of Southwick (drainage and culvert easements, etc.) recorded in the Hampden County Registry of Deeds in Book 14980, Page 49.
4. Deed from Patrick R. Clarke et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 51.
5. Deed from James M. Rosso et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 58.
6. Deed from John M. Carroll et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 65.
7. Deed from Ronald J. Brodalski et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 72.
8. Deed from Daniel R. Thompson to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 79.
9. Deed from William J. Hughes et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 86.
10. Deed from Andrew J. Allen et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 93.
11. Deed from Thomas P. O'Donnell et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 100.
12. Deed from Michael J. Buscemi et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 107.
13. Deed from Joseph M. Bourbonnais et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 114.
14. Deed from Douglas A. Moglin et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 121.

15. Deed from Leo R. Sagan, Jr. et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 128.
16. Deed from J. N. Duquette & Son Construction, Inc. to the Town of Southwick (road easement) recorded in the Hampden County Registry of Deeds in Book 14980, Page 135.
17. Deed from Kathleen C. Langevin to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 142.
18. Deed from Bernard F. Berard et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 149.
19. Deed from William R. Ferry to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 156.
20. Deed from Robert M. Langevin et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 163.
21. Deed from Gaetano Lasorsa to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 170.
22. Deed from Robert A. Psholka et al to the Town of Southwick recorded in the Hampden County Registry of Deeds in Book 14980, Page 177.

**Majority  
Passed**

A Motion was made and seconded to dissolve the Special Town Meeting about 10:30 PM.

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Pauline Cebula, Assistant Town Clerk