

Town of Southwick, Massachusetts

454 College Highway, Southwick, MA 01077

Doings of STM March 02, 2010

DOINGS AT THE SPECIAL TOWN MEETING COMMONWEALTH OF MASSACHUSETTS Tuesday, March 2, 2010 6:30 p.m.

The Special Town Meeting was called to order by the Moderator, James Putnam at 6:35 PM on Tuesday, March 2, 2010 Southwick Tolland Regional High School, Feedings Hills Road, in the Auditorium, with approximately 158 registered voters in attendance.

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

Scott Wundt Cal Chunglo
Paul Connolly

A Pledge to Allegiance to the Flag.

A moment of silence was observed for:
(reflects those who have passed away since May 19,2009)

Rock A. Meunier	September 26, 2009	Clerk of Works/Library Committee
K-9 Thom	November 15, 2009	Town's 1 st K-9 Unit
William H. Myette	November 25, 2009	Town Assessor
William J. Pierce Jr.	December 8, 2009	Southwick Highway Department
Bessie Anderson	January 23, 2010	Southwick Library Volunteer
Edward J. Chekovsky, Sr.	January 26, 2010	Town Employee
Donna Sheehan	February, 2010	Assessor's Office
Karen Contois	February 27, 2010	Library Trustee/Cable TV

And ALL US Servicemen

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

Rachel Arnold Melanie Wiater
Steve Bianco Matt Bridges
Alexa Hoyle

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

Accountant, Linda Carr Cultural Council Jacinthe Connor

DPW Director, Jeff Neece
 Building Inspector, Denis Gaido
 Treasurer/Collector/Clerk, Michelle Hill
 Town Counsel, Benjamin Coyle
 Suburban Chevrolet Inc./Bd. of Directors for Orbit Reality Inc. Kenneth Scharmann

Laurie Kincad
 Frank Quirk
 Doug Slavas

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

UNANIMOUS

ARTICLE 1. The Town voted to appropriate and transfer from available funds, and Water Salary Reserve the sum of \$52,448.00 for the following salary accounts:

Selectmen's Administrative Assist.	\$1,200.00	DPW Water Super	\$ 300.00
Town Accountant	\$1,200.00	Asst. Town Accountant	\$1,200.00
Director of Assessment	\$1,200.00	Town Clerk/Treas./Collector	\$1,200.00
Asst. Clerk/Treas./Collector	\$1,200.00	Conservation Coordinator	\$ 700.00
Bldg./Grounds Supervisor	\$1,200.00	Custodians Salary	\$2,400.00
Part Time Town Hall	\$2,400.00	Police Confidential Assistant	\$1,200.00
Board of Selectmen's Secretary	\$ 800.00	Chief of Police	\$1,200.00
Library Director	\$1,200.00	PD Part Time Records Clerk	\$ 450.00
Assistant Librarian	\$1,200.00	Fire Chief	\$1,200.00
Library Part Time	\$3,327.00	Health Inspector	\$1,200.00
DPW Hwy Special Assistant	\$ 400.00	COA Part Time Staff	\$ 996.00
DPW Hwy Director	\$ 800.00	DPW Water Director	\$ 400.00
Building Inspector	\$1,200.00	DPW Water Special Assistant	\$ 400.00
COA Director	\$1,200.00	DPW Sewer Special Assistant	\$ 400.00
Planner	\$1,120.00	Part Time Water Secretary	\$ 200.00
P/T Appeals Bd. Clerical	\$ 50.00	Part Time Plan.Bd.Secretary	\$ 276.00
Fire Department Secretary	\$ 800.00	Animal Control Officer & Part Time	\$ 719.00
DPW Hwy. Super	\$ 600.00	DPW Sewer Super	\$ 300.00
EMT	\$1,200.00	EMT Secretary	\$ 400.00
Finance Committee Secretary	\$ 60.00	Highway Full Time	\$2,550.00
Computer Clerical	\$ 295.00	Solid Waste Full Time	\$1,920.00
Accounting Clerical	\$ 800.00	Sewer Clerical	\$ 50.00
Assessor Clerical	\$1,080.00	Board of Health Part Time Clerical	\$ 50.00
Assessor Part Time	\$ 290.00	Park & Rec. Part Time Clerical	\$ 200.00
Treasurer/Collector/Clerk Clerical	\$1,080.00	Sewer Full Time	\$ 625.00
Town Hall Utility	\$ 545.00	Water Clerical	\$ 560.00
Crossing Guard	\$ 50.00	Water Full Time	\$1,920.00
Dispatchers	\$2,150.00	Water Part Time Clerical	\$ 200.00
Cemetery Sexton	\$ 309.00	Cemetery Part Time Clerical	\$ 276.00

Transferred from the following available fund accounts:

Town Salary Reserve:	\$44,958
EMS Revenue Fund	\$100
EMS Salary Reserve	\$1,500
Cemetery Expendable Trust	\$585
Water Salary Reserve	\$3,780
Sewer Salary Reserve	\$1,525

The Finance Committee has taken a NO ACTION position on Article One.

Yes – 92 PASSED
No- 38 MAJORITY

ARTICLE 2. The Town voted to appropriate and transfer from the Emergency Medical Services (EMS) Account the sum of \$7,000.00 for the following operational accounts.

Ambulance Billing Account	\$2,000.00
EMS Education and Training	\$5,000.00

The Finance Committee recommends the Article as read by the Moderator.

PASSED
MAJORITY

ARTICLE 3. The Town voted to appropriate and transfer from the Sewer Capital Account the sum of \$22,000.00 for the replacement of a 27 year old truck for sewer related support activities or to take any other action related thereto.

The Finance Committee recommends the Article as read by the Moderator.

PASSED
MAJORITY

ARTICLE 4. The Town voted to appropriate and transfer the sum of \$150,000.00 from FY2010 Community Preservation Fund; and transfer the sum of \$80,000.00 from the Historical Preservation Reserves and transfer the sum of \$70,000.00 from the General Unreserved Fund to rehabilitate the auditorium in the Town Hall, with all the work to comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties and said funds to be expended under the direction of the Southwick Cultural Council and take any other action relative thereto.

MOTION: To see if the Town will vote to appropriate and transfer the sum of \$150,000.00 from FY2010 Community Preservation Fund; and transfer the sum of \$80,000.00 from the Historical Preservation Reserves and transfer the sum of \$70,000.00 from the General Unreserved Fund to rehabilitate the auditorium in the Town Hall, with all the work to comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties and said funds to be expended under the direction of the Southwick Cultural Council and take any other action relative thereto.

The Finance Committee recommends the Article as read by the Moderator.

Amendment submitted by Dennis Clark and accepted by majority of the voters to read as follows:

MOTION: To see if the Town will vote to appropriate and transfer the sum of \$150,000.00 from FY2010 Community Preservation Fund; and transfer the sum of \$60,000.00 from the Historical Preservation Reserves and transfer the sum of \$90,000.00 from the General Unreserved Fund to

rehabilitate the auditorium in the Town Hall, with all the work to comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties and said funds to be expended under the direction of the Southwick Cultural Council and take any other action relative thereto.

**PASSED
MAJORITY**

ARTICLE 5. The Town vote to appropriate and transfer \$54,000.00 from FY 2010 Community Preservation Fund Community Housing Reserves in order to allow the Southwick Housing Authority to install two new energy-efficient furnaces in Housing Authority family houses; install insulation to improve energy-efficiency in Housing Authority family houses; and to perform necessary ancillary work associated with the objective items or take any action relative thereto.

MOTION To see if the Town will vote to appropriate and transfer \$54,000.00 from FY 2010 Community Preservation Fund Community Housing Reserves in order to allow the Southwick Housing Authority to install two new energy-efficient furnaces in Housing Authority family houses; install insulation to improve energy-efficiency in Housing Authority family houses; and to perform necessary ancillary work associated with the objective items or take any action relative thereto.

The Finance Committee recommends the Article as read by the Moderator.

**PASSED
UNANIMOUS**

ARTICLE 6. The Town voted to adopt the following vote or to take any other action thereon:

Voted: To authorize a revolving fund under M.G.L. Chapter 44, Section 53E → that may be spent by the Police Department without further appropriation, during fiscal year 2010 to pay for salaries, expenses, operations and contractual services regarding Harbormaster Operations for the removal and storage of snowmobiles, boats, ATV's, etc., from lakes. The revolving fund entitled "Harbormaster Revolving Account" is to be credited with all fees and charges received during fiscal year 2010 from person(s) requiring Harbormaster services for the removal and storage of snowmobiles, boats, ATV's, etc., from lakes. Expenditures for fiscal year 2010 shall not exceed \$20,000.

The Finance Committee recommends the Article as read by the Moderator.

**PASSED
MAJORITY**

ARTICLE 7. The Town voted to adopt the Statutory Exemption Clause 18A Tax Deferral in accordance with the Massachusetts General Law Chapter 59, section 5 (18th A) or take any other action relative thereto.

**PASSED
MAJORITY**

ARTICLE 8. The Town voted to amend § 76-2 of the Code of the Town entitled **Prohibitions** by adding the language as more fully set forth in this warrant article, 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, or take any other action relative thereto.

Add:

"I. The towing of anything or anyone through the culverts interconnecting the lakes or through marked boating navigation channels, except for the towing of disabled boats or special events approved by the Harbormaster."

**PASSED
MAJORITY**

ARTICLE 9. The town voted to amend the Town of Southwick Zoning By-law map referenced in Section 185-5 of the code of the Town of Southwick by re-designating a portion of a certain parcel of lands from the current zoning of IR to a zone of R-40, identified as said real estate in the Town of Southwick located on Tannery Road in the County of Hampden in the Commonwealth of Massachusetts as shown on the Assessors Map 21, Parcel 2 – Map 21, Parcel 3 – Map 20, Parcel 17 – Map 26, Parcel 52 – Map 26, Parcel 61 – Map 26, Parcel 54. The subject property consists of 88.83 acres of land in Southwick, MA. Deeds recorded in the Hampden County Registry of Deeds in Book 15351, Page 253, Book 16398, Page 150, Book 5528, Page 447, Book 17373 Page 21, Book 17512 Page 527, Book 17511 Page 154. Said land is currently assessed to James D. Bruno, Jocelyn S. Linnekin, Jon & Kathleen Lombella, Simone R. Backstedt, James P. Lombella, John G. & Kimberly S. Lombella.

Said described Parcel to be re-designated is described as follows:

Beginning at a point being 345.00 feet southeast of the southeasterly sideline of Tannery Road, said point being on the southwesterly sideline of land N/F J. & K. Lombella; thence running N48-52-44E for a distance of 1,618.41 feet to a point; thence running N62-06-39E for a distance of 34.25 feet to a point; thence running along a curve to the left, the radius being 800.00 feet for a length of 132.11 feet to a point; thence running along a curve to the left the radius being 425.00 feet for a length of 186.23 feet to a point; thence running along a curve to the left, the radius being 805.00 feet for a length of 457.45 feet to a point on the Westfield/Southwick City - Town Line; thence running S64-35-06E along the City - Town line for a distance of 868.66 feet to a point; thence running along a curve to the left, the radius being 2,930.93 feet, for a length of 6.14 feet to a point; thence running S49-31-38E for a distance of 24.25 feet to a point; thence running S43-10-41W for a distance of 100.00 feet to a point; thence running along a curve to the left, the radius being 2,930.93 feet for a length of 630.27 feet to a point; thence running S11-42-17W for a distance of 996.76 feet to a point; thence running S50-47-17W for a distance of 129.02 feet to a point; thence running S43-27-43E for a distance of 123.28 feet to a point; thence running S11-42-17W for a distance of 176.03 feet to a point; thence running along a curve to the right, the radius being 2,815.43 feet for a length of 916.96 feet to a point thence running along a curve to the right, the radius being 1,860.58 feet for a length of 50.19 feet to a point, thence running N43-39-00W for a distance of 361.31 feet to a point; thence running S39-47-26W for a distance of 397.41 feet to a point; thence running N55-19-03W for a distance of 485.91 feet to a point; thence running N29-18-22E for a distance of 487.55 feet to a point; thence running N49-27-44W for a distance of 656.64 feet to a point; thence running N36-06-30W for a distance of 569.37 feet to the point and place of beginning. Said described parcel contains 88.83 acres.

**PASSED
MAJORITY
2/3 Vote Required**

ARTICLE 10. The Town voted to amend Section 24.1 of the Code of the Town entitled **Members; Appointment; Terms** by replacing language within such section with the amended language as more fully set forth in this warrant article, 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, or take any other action relative thereto.

There shall be a Finance Committee of seven (7) Members ("Regular Members") who shall reside in the Town and be registered voters therein. They shall be appointed by the Moderator for terms of three (3) years so that as nearly as possible 1/3 shall be appointed each year. The Moderator may also appoint up to two (2) Associate Members for terms of three (3) years. The Associate Member(s) shall be allowed to participate in any and all Finance Committee meetings including the right to ask questions but shall not be allowed to vote unless the Associate Member is attending the meeting for purpose of voting in the absence of a Regular Member. In addition to the foregoing, any Associate Member(s) shall have the right to review prior minutes of Finance Committee meetings for purposes of participating in any future vote. In the absence of a Regular Member, an Associate Member may vote on matters before the Committee.

The Finance Committee recommends the Article as read by the Moderator.

1st Amendment submitted by Dennis Clark and rejected by majority of the voters to allow the Selectmen to be the appointing authority.

2nd Amendment submitted by Dr. Jerome Azia to strike the word “minutes” and replace with “transcript and recordings”. Discussion on the motion.

3rd Amendment submitted by Doug Moglin to strike the sentence “In addition to the foregoing, any Associate Member(s) shall have the right to review prior minutes of Finance Committee meetings for purposes of participating in any future vote.” Dr. Jerome Azia amended his amendment to agree with the 3rd amendment.
3rd Amendment accepted by the majority of the voters.

**PASSED
MAJORITY**

ARTICLE 11. The Town voted to accept, ratify, and confirm the purchase by the Town of Southwick of the real estate described in a deed from Orbit Realty, inc. to the Town of Southwick, dated October 30, 2009, recorded in the Hampden County Registry of Deeds on November 3, 2009 in Book 18056, page 439, concerning the real estate located at 661 College highway, Southwick, MA, or take any other action relative thereto.

The Finance Committee recommends the Article as read by the Moderator.

**PASSED
UNANIMOUS**

ARTICLE 12. The Town voted to authorize the Board of Selectmen to transfer and convey an access easement to Kenneth E. Scharmann, under such terms and conditions as the Board of Selectmen in its discretion deems advisable and expedient, over certain real estate owned by the Town as more particularly described in a deed dated October 30, 2009 recorded in the Hampden County Registry of Deeds in Book 18056, Page 439, said easement not to exceed five hundred ninety (590) square feet in area; and, in exchange therefor, to further authorize the Board of Selectmen on behalf of the Town to accept from Kenneth E. Scharmann a transfer and conveyance of a portion of an easement reserved in a deed from Orbit Realty, Inc. to the Town of Southwick dated October 30, 2009 recorded as aforesaid in Book 18056, Page 439, all such conveyances and easements shall be in a form approved by Town Counsel; or to take any other action relative thereto.

The Finance Committee recommends the Article as read by the Moderator.

**PASSED
UNANIMOUS**

A Motion was made and seconded to dissolve the Special Town Meeting at 8:40 PM.

UNANIMOUS

A TRUE COPY ATTEST:

Michelle L. Hill, Town Clerk