

**\*\*\*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.\*\*\***

**SPECIAL TOWN MEETING  
COMMONWEALTH OF MASSACHUSETTS  
Warrant Articles with Explanations  
March 2, 2010  
6:30 p.m.**

Special Town Meeting, Tuesday, March 2<sup>nd</sup>, 2010, 6:30 p.m. at the Southwick Tolland Regional High School, Feedings Hills Road, in the Auditorium.

**HAMPDEN SS.** To either of the Constables of the Town of Southwick in the County of Hampden:

**GREETINGS:**

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, March 2<sup>nd</sup>, 2010 at 6:30 p.m. then and there for the Special Town Meeting and to act on the following articles:

**ARTICLE 1.** To see if the Town will vote 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

or to take any other action related thereto.

Requested by Board of Selectmen  
And Water Commissioners

**ARTICLE 1 Explanation.** Transfer money from FY10 existing Salary Reserve for Wage Negotiations Account for the expenses related to collective bargaining settlement agreements for 3 unions and for stipends/COLA's for non union staff all of which comprise 86 positions.

**ARTICLE 2.** To see if the Town will vote 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

or to take any other action related thereto.

Requested by Fire Department

**ARTICLE 2 Explanation.** This \$2,000.00 transfer is to address additional administrative associated costs due to the increased number of ambulance runs and monies collected.

This \$5,000.00 transfer addresses the need for additional education and training money to cover the increased costs to bring in outside instructors, send people to outside training and purchase training supplies.

**ARTICLE 3.** To see if the Town will vote 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.

Requested by DPW and Sewer Commissioners

**ARTICLE 3 Explanation.** This article will authorize funds to replace the current sewer maintenance vehicle that is now off the road. The current vehicle is a 1983 one half ton Chevy pickup truck that has experienced many major rebuilds and repairs over the last four years. It is no longer a reliable safe vehicle for daily use by the sewer division employees.

**ARTICLE 4.** 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.

**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.

Requested by Community Preservation Committee

**Article 4 Explanation.** The Community Preservation Committee is asking the Town to vote to take 150,000.00 dollars from the existing monies that reside in the Community Preservation Act account to help rehabilitate the Town Hall Stage so that it can be used again. At this time the stage is not ADA compliant rendering it illegal to use. This project was proposed by the Southwick Cultural Council with the support of John Westcott. Over half of the money requested will be taken from the Historic Preservation Reserves, as this project will be done to Historic specifications and guidelines.

**ARTICLE 5.** 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.

**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.

Requested by the Community Preservation Committee

**Article 5 Explanation.** The Community Preservation Committee is asking the Town to vote to take 54,000.00 from the existing monies that reside in the Community Preservation Act account to purchase and install a furnace on 16 Congamond Road, a boiler and water heater on 48 Birchwood Road, and to provide and install insulation for five Housing Authority family houses. This project was proposed by the Housing Authority and Director Bud Englehart. All of the money requested will be taken from the Housing Reserves, as this money can only be spent for Housing according to the law.

**ARTICLE 6.** 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 53E ½ 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.

Requested by the Police Department

**ARTICLE 6 Explanation.** All fees and charges imposed by the Harbormaster for services or permits related to salvage and storage will be deposited into the Harbormaster Revolving Account. Funds are generated through the issuance of permits for salvage and fees for storage imposed for removal of snowmobiles, boats, ATV's, etc. from the lake.

Funds from this account may be used to purchase equipment for the patrol boat, equipment for the dive team, or repair or replace damaged equipment. This revolving account will allow the police department to provide quality equipment for its police officers so dive operations and boat patrols may be conducted safely.

**ARTICLE 7.** To see if the Town will vote to adopt the Statutory Exemption Clause 18A Tax Deferral in accordance with the Massachusetts General Law Chapter 59, section 5 (18<sup>th</sup> A) or take any other action relative thereto.

Requested by Board of Assessors

**ARTICLE 7 Explanation.** With this Clause 18A Tax Deferral the assessors may grant to qualifying taxpayers experiencing temporary financial difficulties. The taxpayer may be of any age and the financial hardship may be due to any number or reasons, including a change to active military status. Assessors have the discretion to establish specific criteria for determining whether a taxpayer meets the statutory standard of financial hardship in the same manner they establish criteria for granting the Clause 18 hardship exemption to older taxpayers who are sick or disabled and of limited means. A Clause 18A Tax Deferral can be granted for a maximum period of three consecutive years. At the end of that period, the deferred taxes must be paid. The taxpayer may pay the deferred taxes, plus interest, in annual installments over a five year period. The first payment is due two years after the last year of the deferral. The taxpayer must enter into a deferral agreement with the assessors, the assessors record a lien statement to ensure the community can collect the amount deferred if the taxpayer does not pay it, the collector establishes a deferral account, which has the same status as a tax title, and the treasurer issues the release of lien upon payoff, as with a tax title redemption.

**ARTICLE 8.** To see if the Town will vote 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."

Requested by Lake Management Committee  
And Harbormaster

**ARTICLE 8 Explanation.** The proposed bylaw addresses the growing dangerous practice of towing tubes, rafts, etc with or without people on them through the interlake culverts and narrow boating channels. The culverts are just wide enough for one-way traffic and boaters often need to quickly take evasive action due to oncoming traffic in same. This often means quickly backing up or even turning around. Having something in tow impedes quick evasive action and could easily pose a risk of damage to the motor, injury or even death, if the object in tow is occupied. The navigation channel on either side of the culvert between Middle Pond and North Pond is extremely narrow, leaving "backing up" as the only option and coming into the ramps with a tube in tow is equally dangerous due to the in/out nature of boating in that area. Similarly, the narrow channel by the sandbar is often extremely crowded with boaters and the adjacent sandbar is crowded with boats and swimmers, leaving little room for "evasive" maneuvers with something in tow. With the exception of emergency towing of disabled boats, or special events approved by the Harbormaster, the proposed Chapter 76 bylaw Section I would prohibit such dangerous activities in the channels and at the state boat ramps which are located within the marked navigation "SLOW NO WAKE" channels.

**ARTICLE 9.** 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 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.

Or take any other action relative thereto.

Requested by Petition

**ARTICLE 9 Explanation.** This is a Zone Change petitioned by landowners that was presented to the Planning Board who held a required hearing and recommended approval by Town Meeting. This re-designates land from current zoning of Industrial Restricted Zone to Residence Zone R-40 for the purposes of residential use.

**ARTICLE 10.** To see if the Town will vote 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.

Requested by Town Moderator

**ARTICLE 10 Explanation.** The purpose of this amendment is to enable up to two Associate Members to serve on the Finance Committee and to vote in the absence of regular members. This will have three benefits to the Town:

- 1) Provide a stronger quorum to vote on important matters at times of the year when obtaining attendance of the regular members may be difficult, i.e., summer.
- 2) In the event that a Regular Member discontinues attendance over a prolonged period of time, an Associate Member may step into their voting role.
- 3) Associate Membership is a good tool for "building the bench" on the Finance Committee to bring interested new people onto the Committee who can eventually be promoted to Regular Members by the Moderator. By allowing them to participate in deliberations and vote in the absence of a Regular Member, this strengthens the appeal of serving.

**ARTICLE 11.** To see if the Town will vote 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.

Requested by Board of Selectmen

**ARTICLE 11 Explanation:** This vote confirms and ratifies the Board of Selectmen's actions with regard to the reservation of an easement by the property owner in the deed conveying title to the Town as authorized and allowed under the Annual Town Meeting vote of 5/19/2009, under Article 1 related to the DPW site acquisition.

**ARTICLE 12.** To see if the Town will vote 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.

Requested by Board of Selectmen

**ARTICLE 12 Explanation:** This vote requested by the New Valvoline ownership adjusts the property line description of the town easement between the store and DPW site. The easement contains essentially the same square feet as the one referred to in the above Article 11. It will allow construction of a wrap around driveway to circulate vehicles around the Valvoline Store on College Highway (east side) in order to comply with Planning Board requirements for traffic flow.

Given under our hands at said Southwick this 12<sup>th</sup> day of February the year of the Lord two thousand and ten.

BOARD OF SELECTMEN

\_\_\_\_\_ Arthur G. Pinell, Chairman

\_\_\_\_\_ David A. St. Pierre, Vice Chairman

\_\_\_\_\_ Nicholas Boldyga, 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 three (3) public places in said Town fourteen (14) days before the date thereof, as within directed.

Constable of Southwick, MA

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

A TRUE COPY  
ATTEST:

TOWN CLERK, SOUTHWICK, MA

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

POSTED: TOWN HALL, POST OFFICE, AND LIBRARY