

Town of Southwick, Massachusetts

454 College Highway, Southwick, MA 01077

STM Warrant w/ Explanations October 27, 2008

*****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

Warrant Article Explanations for:

Monday, October 27, 2008, 6:30 p.m.

ARTICLE 1. To see if the Town will vote to reconsider Article 7 of the Annual Town Meeting held Tuesday, May 20, 2008 as it pertains to the Water Department and vote to raise & appropriate the amount of \$827,738 and appropriate and transfer from Water Retained Earnings the amount of \$750,000 for a total of \$1,577,738 or take any other action thereon.

Requested by
the Board of Water Commissioners

ARTICLE 1 Explanation:

The 2009 budget proposal that was brought to the Selectmen and Finance Committee by the Board of Water Commissioners included a vote from Water Retained Earnings for the requested Capital Equipment. When the script was prepared for Annual Town Meeting, the Retained Earnings portion of the funds for the vote was mistakenly omitted and the whole budget was voted from user charges. The total amount that was voted at Town Meeting was correct but the dollar fund sources need to be changed to the amounts as detailed in Article 1. The Massachusetts Department of Revenue is requesting that this corrective action take place before the Tax Rate is set and the tax bills are released. More importantly, this water retained earnings fund source of \$750,000.00 is to be used for rebuilding the Coes Hill and Granville Road pump stations and the rebuilding of the existing town well pump off of Feeding Hills Road. These are critical water infrastructure items that are necessary to keep the distribution of water throughout the community.

ARTICLE 2. To see if the Town will vote to accept Massachusetts General Law Chapter 41, Section 19K, Additional Compensation for Town Clerk, whereby the position shall be eligible for a stipend up to \$1,000.00 if the incumbent has been awarded a certificate by the Massachusetts Town Clerks' Association as a Certified Massachusetts Municipal Clerk, said additional compensation shall be paid in accordance with the provisions of Massachusetts General Laws Chapter 41, Section 19K or take any other action related therein.

Requested by
the Finance Committee
and Board of Selectmen

ARTICLE 2 Explanation:

- To allow the Town Clerk upon completion of the required Certifications, collect additional compensation. This will allow the Town Clerk to be in line with her colleagues.
- The Town Clerk is requesting consideration of town meeting members in approving acceptance of chapter 41 Section 19K.
- The Massachusetts legislature views this designation as a benefit to the operations of city and towns.
- The stipend serves as an incentive to have employees pursue training to help them become more specialized in their field. It is comparable to police officers obtaining college level degrees under the

Quinn Bill.

- In order to qualify for Town Clerk certification a person must be an incumbent town clerk at the time of application, be a full member of the association for a minimum of 3 years, subscribe to the code of ethics of the Town Clerks Associations, and complete the course work prior to passing the examination.
- The skills to be learned through the certification process cannot be gained through a college academic setting.
- The Board of Selectmen and Finance Committee are supporting this article as it will benefit the Town.

ARTICLE 3. To see if the Town will vote to accept Massachusetts General Law Chapter 41, Section 108P, Additional Compensation for Collectors or Treasurers, whereby the position shall be eligible for a stipend up to \$1,000.00 if the incumbent has been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a Certified Massachusetts Treasurer or Collector, said additional compensation shall be paid in accordance with the provisions of Massachusetts General Laws Chapter 41, Section 108P or take any other action related therein.

Requested by
the Finance Committee
and Board of Selectmen

ARTICLE 3 Explanation:

- To allow the Treasurer/Collector upon completion of the required Certifications, collect additional compensation. This will allow the Treasurer/Collector to be in line with her colleagues.
- The Treasurer/Collector is requesting consideration of town meeting members in approving acceptance of chapter 41 Section 108P.
- The Massachusetts legislature views this designation as a benefit to the operations of city and towns.
- The stipend serves as an incentive to have employees pursue training to help them become more specialized in their field. It is comparable to police officers obtaining college level degrees under the Quinn Bill.
- In order to qualify for Treasurer or Collector certification a person must be an incumbent Treasurer or Collector at the time of application, be a full member of the association for a minimum of 3 years, subscribe to the code of ethics of the Massachusetts Collector Treasurer Association, and complete the course work prior to passing the examination.
- The skills to be learned through the certification process cannot be gained through a college academic setting.
- The Board of Selectmen and Finance Committee are supporting this article as it will benefit the town.

ARTICLE 4. To see if the Town will vote to appropriate and transfer from Water Retained Earnings the following items

- \$20,000 for two new water meter reading devices to replace two obsolete and discontinued models.
- \$35,200 for the administrative fee to the Town paid by the Water Department for the fiscal year 2009.

or to take any other action relative thereto.

Requested by
the Board of Water Commissioners

ARTICLE 4 Explanation:

The \$20,000 will fund the replacement of two water meter reading devices that have served the water department for fifteen years and are now obsolete. The current models have been discontinued and repair parts are not available.

The Southwick Water Department funds and operating budgets are separate from the Town. Every year the Water Department pays an administrative fee to the Town of Southwick for the use of office space, postal services, insurance, legal, telephone, procurement services and vehicle fuel, etc. The annual fees have

remained the same for the past ten fiscal years at a total value of \$31,200. After negotiations between the Board of Selectmen and the Water Commissioners, it is agreed that the Water Department's total annual fee to the Town will now be \$66,400 resulting in an increase of \$35,200 per year. This increase will be budgeted annually beginning in FY2010. However, this fee is payable effective FY 2009. Therefore, a transfer of \$35,200 from Water retained earnings will be needed in order to make the increased administrative fee payment for FY2009.

ARTICLE 5. To see if the Town will vote to authorize the Selectmen to grant an easement to Winifred Zarichak in accordance with the easement attached as Exhibit "A" to maintain a well and related equipment within the limits of Granville Road, Route 57 and to execute any documents necessary to grant said easement and any other actions relative thereto.

Requested by
Winifred Zarichak
and Board of Selectmen

ARTICLE 5 Explanation:

To grant an easement to Winifred Zarichak to keep and maintain a water supply well that services her house at 334 Granville Road that was inadvertently placed outboard of her property by fifteen feet and in the Right of Way of Granville Road.

ARTICLE 6. To see if the Town will vote to adopt the following by-law pursuant to Chapter 39, Section 15 of the General Laws and insert as Chapter 20, Section 25 of the Town Code 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:

"On Town meeting matters requiring a two-thirds vote by statute, the Town Moderator may declare the two-thirds vote without taking a count, and said declaration shall take the place of the statutory counted vote; provided that the vote so declared is not immediately questioned by seven or more voters as provided in Chapter 39, Section 15 of the General Laws. If the vote is questioned, the Moderator shall immediately put the question to another vote and take a count which shall then be recorded by the Town Clerk."

or take any other action in relation thereto.

Requested by
the Town Clerk

ARTICLE 6 Explanation:

The Attorney General has advised the Town of Southwick to adopt the following law. Although the Moderator follows the right protocol, allowing a two-thirds vote has to be incorporated into our by-laws. Failure to adopt may cause funding to be delayed or by-laws not to be approved by the Attorney General.

ARTICLE 7. To see if the Town will vote to accept as a Town way, Ferrin Drive as shown on the street layout plan entitled "Ferrin Heights Flexible Residential Subdivision Definitive Subdivision Plan Easterly of Mort Vining Road, Southwick MA for Thomas J. Russo, Jr., Ecotec Environmental Associates, Inc....Scale 1" = 60' Date: July 2002, Revised 02/01/03, Revised 11/04/02, Revised 10/01/02" recorded in the Registry of Deeds for the County of Hampden in Book of Plans 328, Pages 81 through 83 inclusive; and see if the Town will further vote to authorize the Board of Selectmen to acquire by gift certain utility and access and drainage easements including an easement to use said street for all purposes for which public ways are used in the Town of Southwick; or to take any other action relative thereto.

Requested by
Thomas J. Russo, Jr.

ARTICLE 7 Explanation:

This article will accept the roads of the Ferrin Heights Subdivision as Town owned property carrying all the responsibilities of ownership, maintenance, and repair of the road surface and drainage system. The developer has met all the requirements of the Planning Board and the bonds have been released.

ARTICLE 8. To see if the Town will vote to accept as a Town way, Amberleaf Way, as shown on the street layout plan entitled "Amberleaf Manor Zoned R-40 Definitive Plan Subdivision of Property, Southwick, Massachusetts for (owner) Joan Welch, 9 Family Lane, Westfield, MA Date 6/23/2005, Rev. 9/30/2005. Scale 1" = 60'...D.L.Bean..." which plan is recorded in the Registry of Deeds for the County of Hampden in Book of Plans 343, Page 5; and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift certain utility easements including an easement to use said street for all purposes for which public ways are used in the Town of Southwick; or to take any other action relative thereto.

Requested by
Joan Welch

ARTICLE 8 Explanation:

This article will accept the roads of the Amberleaf Subdivision as Town owned property carrying all the responsibilities of ownership, maintenance, and repair of the road surface and drainage system. The developer has met all the requirements of the Planning Board and the bonds have been released.