

January 14, 2019

# TOWN OF SOUTHAMPTON

---

## SPECIAL TOWN MEETING WARRANT

**Tuesday, February 5, 2019  
7:00 P.M.**



**CAFETERIA/GYMNASIUM  
WILLIAM E. NORRIS SCHOOL  
34 POMEROY MEADOW ROAD  
SOUTHAMPTON, MASSACHUSETTS**

## TABLE OF CONTENTS

ARTICLE 1	ADOPT LOCAL OPTION ADULT USE MARIJUANA EXCISE TAX.....	2
ARTICLE 2	AMEND GENERAL TOWN BY-LAWS, LIMITATION ON NUMBER OF ADULT USE MARIJUANA RETAIL ESTABLISHMENTS .....	3
ARTICLE 3	AMEND GENERAL TOWN BY-LAWS: PROHIBITION ON PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL.....	3
ARTICLE 4	STREET ACCEPTANCE.....	4
ARTICLE 5	AMEND ZONING BYLAW/ADULT USE MARIJUANA ESTABLISHMENTS.....	4
ARTICLE 6	AMEND ZONING BYLAW/MEDICAL MARIJUANA ZONING BYLAW .....	5
ARTICLE 7	PREVIOUS FISCAL YEAR UNPAID BILLS.....	5
ARTICLE 8	TRANSFER FROM FREE CASH TO THE CAPITAL STABILIZATION FUND .....	5
ARTICLE 9	TRANSFER OF FREE CASH TO THE OPEB FUND.....	5
ARTICLE 10	TRANSFER OF FREE CASH TO THE OPERATING STABILIZATION FUND .....	5
ARTICLE 11	ADDITIONAL FUNDING FOR TOWN HALL BUILDING EXPENSES.....	6
ARTICLE 12	FUNDING FOR PRINCIPAL ASSESSOR CERTIFICATION STIPEND .....	6
ARTICLE 13	FUNDING FOR POLICE DEPARTMENT SERVER REPLACEMENT.....	6
ARTICLE 14	FUNDING FOR POLICE CHIEF VACATION PAY OUT .....	6
ARTICLE 15	ADDITIONAL FUNDING FOR PEG ACCESS.....	6
ARTICLE 16	TRANSFER FOR SHARPS PROGRAM (BOARD OF HEALTH).....	6
ARTICLE 17	TRANSFER FOR TREASURER SOFTWARE SUPPORT .....	6
ARTICLE 18	TRANSFER FOR PIONEER VALLEY PLANNING .....	7
ARTICLE 19	FUNDING FOR EXTENDED ILLNESS ACCOUNT COA VAN DRIVER.....	7
ARTICLE 20	TRANSFER FROM AMBULANCE RECEIPTS TO THE AMBULANCE OPERATING ACCOUNTS.....	7
ARTICLE 21	FUNDING FOR FIRE TRUCK MAINTENANCE .....	7
ARTICLE 22	FUNDING FOR THE HIGHWAY DEPT. FOR REQUIRED MS-4 WORK	7
ARTICLE 23	FUNDING FOR HEALTH DIRECTOR .....	7
ARTICLE 24	FUNDING FOR HEALTH DIRECTOR .....	7
ARTICLE 25	CONSERVATION COMM. FOREST MNGT OF TOWN CONSERVATION AREAS.....	8
ARTICLE 26	TRANSFER CPC FUNDS FOR LIBRARY HISTORICAL RECORDS ONLINE ACCESS .....	8
ARTICLE 27	REPLACEMENT OF EAST STREET BRIDGE.....	8

# TOWN OF SOUTHAMPTON

## WARRANT FOR SPECIAL TOWN MEETING

February 5, 2019

HAMPSHIRE, ss.

To either of the Constables of the Town of Southampton in said County:

### GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the precincts of the Town of Southampton, County of Hampshire, qualified to vote in elections and Town affairs to meet in the Cafeteria/Gymnasium, William E. Norris School, 34 Pomeroy Meadow Road, Southampton, Massachusetts, on

**Tuesday, February 5, 2019 at 7:00 p.m.,**

then and there to act on the following articles:

*Note: Town Meeting will have to elect a Town Clerk to officiate at this Special Town Meeting according to Statute.*

## ***PART 1. ADMINISTRATIVE***

### **ARTICLE 1 LOCAL OPTION ADULT USE MARIJUANA EXCISE TAX**

To see if the Town will vote to accept G.L. c. 64N, § 3 to allow a 3% local tax on the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Southampton; or take any action related thereto.

## **PART 1. GENERAL BY-LAWS**

### **ARTICLE 2 AMEND GENERAL TOWN BY-LAWS: LIMITATION ON THE NUMBER OF ADULT USE MARIJUANA RETAIL ESTABLISHMENTS**

To see if the Town will vote to amend the Town of Southampton General Bylaws to create a new Article XXXIX – Marijuana, Section 1, Limitation on Adult Use Marijuana Retail Establishments, which would provide as follows:

#### **Article XXXIX - Marijuana**

Section 1. The number of adult use “marijuana retailer” establishments, as defined in G.L. c.94G, §1 - permitted to be located within the Town of Southampton shall not exceed 50% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under chapter 138 of the General Laws. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number where sold under chapter 138 of the General laws. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number: or take any action relative thereto.

### **ARTICLE 3 AMEND GENERAL TOWN BY-LAWS: PROHIBITION ON PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL**

To see if the Town will vote to amend the Town of Southampton General Bylaws to create a new Article XXXIX – Marijuana, Section 2, Prohibition on Public Consumption of Marijuana or Tetahydrocannabidnol, which would provide as follows:

#### **Article XXIX - Marijuana**

Section 2. No person shall inhale, ingest, or otherwise use or consume marijuana or THC (as defined in G.L. c. 94C, § 1, as amended) while in or upon any public place, including but not limited to any public or private street to which the public has a right of access, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place which members of the public have access as invitees or licensees, or in or upon any other place accessible to the public. Whoever is found in violation of this bylaw shall, when requested by an official authorized to enforce this bylaw, state their true name and address to such official.

This Bylaw may be enforced by any police officer of the Town through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant

to G.L. c.40, § 21, or by noncriminal disposition pursuant to G.L. c. 40, § 21D. The fine for violation of this Bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

“This Bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c.40, §21, or by noncriminal disposition pursuant to G.L. c. 40, §21D, or any police officer. The fine for violation of this Bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under G.L. c. 94c, §32L.”

This Bylaw shall not alter or affect the jurisdiction of the Board of Health under the provisions of G.L. c.111, §31 or any other applicable law, including but not limited to the regulation of combustion and inhalation of tobacco and non-tobacco products in workplaces and public spaces in the Town. Or take any action related thereto.

## **PART 2. TOWN ROADS**

### **ARTICLE 4 STREET ACCEPTANCE**

To see if the Town will vote to accept Quigley Road as a public way, as shown on a plan entitled Quigley Road prepared for the Southampton Planning Board and recorded in the Hampshire County Registry of Deeds Plan Book 237, Page 29 and to authorize the Board of Selectmen to acquire by gift, purchase, and/or eminent domain the fee to and/or easements in Quigley Road for all purposes for which public ways are used in the Town of Southampton, and any drainage, utility, access and/or other easements related thereto, all as shown on the plan; or take any other action related thereto.

## **PART 3. ZONING BY-LAWS**

### **ARTICLE 5 AMEND ZONING BYLAW/ADULT USE MARIJUANA ESTABLISHMENTS**

To see if the Town will vote to amend the Southampton Zoning By-law by: (1) amending Section V, Table 1 Use Regulations, Wholesale, Transportation and Industrial uses to add the new Adult use Marijuana Establishment uses as set forth in attachment “A” hereto; and (2) deleting the current Section XVIII Temporary Moratorium on Recreational Marijuana Establishments and replacing it with a new Section XVIII Adult Use Marijuana Establishments as set forth in attachment “A” hereto; or take any action related thereto.

**ARTICLE 6 AMEND ZONING BYLAW/MEDICAL MARIJUANA ZONING BYLAW**

To see if the Town will vote to amend the Southampton Zoning By-law by: (1) amending Section V, Table 1 Use Regulations, Retail and Service uses to add “Off-Site Medical Marijuana Dispensary (OMMD)” and “Registered Marijuana Dispensary (RMD)” as set forth in attachment “B” hereto, and (2) add a new Section XIX Registered Marijuana Dispensary (RMD) and Off-Site Medical Marijuana Dispensary, as set forth in attachment “B” hereto; or take any action related thereto.

**PART 4. FINANCIAL ITEMS**

**ARTICLE 7 UNPAID BILLS**

To see if the town will vote to transfer \$1,276.62 to the Prior Year Bills Account for unpaid bills from Fiscal 2018 for graphics for the Police Department from ProMark Graphics, Medical bill for the Highway Department from Holyoke Medical Center and an Ambulance billing service invoice for the Fire Department from Coastal Billing (Invoices summarized below); said sum to be taken from Free Cash; or take any other action relative thereto.

Police - ProMark Graphics \$485.25  
Highway - Holyoke Medical Center - \$80.00  
Fire - Coastal Billing - \$711.37

**ARTICLE 8 TRANSFER FROM FREE CASH TO THE CAPITAL STABILIZATION FUND**

To see if the Town will vote to transfer/appropriate \$106,845.55 to the Capital Stabilization Fund; said sum to be taken from Free Cash; or take any other action relative thereto.

**ARTICLE 9 TRANSFER FROM FREE CASH TO THE OPEB FUND**

To see if the Town will vote to transfer/appropriate \$ 30,527.30 to the Other Post-Employment Benefits (OPEB) account; said sum to be taken from Free Cash; or take any other action relative thereto.

**ARTICLE 10 TRANSFER FROM FREE CASH TO THE OPERATING STABILIZATION FUND**

To see if the Town will vote to transfer/appropriate \$91,581.90 to the Operating Stabilization Fund; said sum to be taken from Free Cash; or take any other action relative thereto.

- ARTICLE 11 ADDITIONAL FUNDING FOR TOWN HALL BUILDING EXPENSES**  
To see if the Town will vote to appropriate \$8,000 to the Town Hall Building Expense Account for unexpected expenses related to repair of the HVAC system and plumbing in the Town Hall; said sum to be taken from Free Cash; or take any other action relative thereto.
- ARTICLE 12 FUNDING FOR PRINCIPAL ASSESSOR CERTIFICATION STIPEND**  
To see if the Town will vote to transfer \$1,000 from Assessor Admin Assistant Wage Account to the Certification Stipends Account to fund the Town approved stipend for attaining Assessor certification; or take any other action relative thereto.
- ARTICLE 13 FUNDING FOR POLICE DEPARTMENT SERVER REPLACEMENT**  
To see if the Town will vote to transfer \$14,208.29 from the Police Communication Wages Account to the Police Department Police Equipment Maintenance Expense Account to replace the seven-year old Police server and backup; or take any other action relative thereto.
- ARTICLE 14 FUNDING FOR POLICE CHIEF VACATION PAY OUT**  
To see if the Town will vote to transfer \$4,286.29 from the Police Education Incentive account to the Police Chief Salary account to pay out the vacation time for the retired Police Chief; or take any other action relative thereto.
- ARTICLE 15 ADDITIONAL FUNDING FOR PEG ACCESS**  
To see if the Town will vote to appropriate \$34,000 to Public Access Television account, said sum to be appropriated from Revenues received from Charter/Spectrum from the town's contract with them; or take any other action relative thereto.
- ARTICLE 16 TRANSFER FOR SHARPS PROGRAM**  
To see if the Town will vote to transfer \$1,900 from Hampshire Council of Governments Expense Account and \$1,000 from the Annual Audit Expense Account to the Board of Health, Sharps Program Expense Account to fund the program through the end of the fiscal year; or take any other action relative thereto.
- ARTICLE 17 TRANSFER FOR TREASURER SOFTWARE SUPPORT**  
To see if the Town will vote to transfer \$583 from the Hampshire Council of Governments Expense Account to the Treasurer Software Support Expense Account; or take any other action relative thereto.

- ARTICLE 18    TRANSFER FOR PIONEER VALLEY PLANNING**  
To see if the Town will vote to transfer \$14.71 from Hampshire Council of Governments Expense Account to the Pioneer Valley Planning Commission Expense Account; or take any other action relative thereto.
- ARTICLE 19    FUNDING FOR EXTENDED ILLNESS ACCOUNT COA VAN DRIVER**  
To see if the Town will vote to appropriate \$2,500 from Free Cash to an Extended Illness Account (per PPPB Policies) to fund the leave for the COA Van Driver for up to twelve weeks; or take any other action relative thereto.
- ARTICLE 20    TRANSFER FROM AMBULANCE RECEIPTS TO THE AMBULANCE OPERATING ACCOUNTS**  
To see if the Town will vote to transfer/appropriate \$2,000 from Ambulance Receipts, Reserve for Appropriation, to the Ambulance Maintenance Account to cover repairs to the ambulances; or take any other action relative thereto.
- ARTICLE 21    FUNDING FOR FIRE TRUCK MAINTENANCE**  
To see if the Town will vote to transfer \$2,000 from Fire Department Expenses, to the Fire Department, Fire Truck Maintenance Account to cover repairs to the fire trucks; or take any other action relative thereto.
- ARTICLE 22    FUNDING FOR THE HIGHWAY DEPARTMENT FOR REQUIRED MS-4 REQUIRED WORK**  
To see if the Town will vote to transfer \$27,000 from Operating Stabilization to the Highway Department MS-4 Stormwater Management Expense Account to cover the cost of required work to meet the Town's MS-4 (stormwater) permit; or take any other action relative thereto.
- ARTICLE 23    FUNDING FOR HEALTH DIRECTOR**  
To see if the Town will vote to transfer \$5,000 from Unemployment Expense Account to the Health Director Wage account to fund the position through the remainder of the year; or take any other action relative thereto.
- ARTICLE 24    FUNDING FOR HEALTH DIRECTOR**  
To see if the Town will vote to transfer \$10,629.01 from the Operating Stabilization Account to the Health Director Wage Account to fund the position through the remainder of the fiscal year; or take any other action relative thereto.



**ARTICLE 25 CONSERVATION COMMISSION FOREST MANAGEMENT OF TOWN CONSERVATION AREAS**  
To see if the Town will vote to allow proceeds, using a revolving fund, obtained by forest management of the Town's conservation areas, using best management practices, to be used in conservation related expenditures for the Town's conservation areas; or take any other action relative thereto.

### **PART 5. COMMUNITY PRESERVATION FUNDING**

**ARTICLE 26 TRANSFER CPC FUNDS FOR LIBRARY HISTORICAL RECORDS ONLINE ACCESS**  
To see if the Town will vote to transfer \$6,000 from Community Preservation Funds to the Edward's Library to continue and expand online access of Southampton's Historical materials available online to the public; said sum to be transferred from Community Preservation Surcharges – Historical Preservation Account; or take any other action relative thereto.

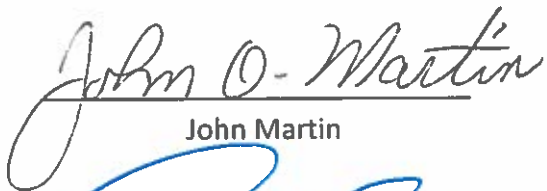
### **PART 6: BONDED DEBT**

**ARTICLE 27 REPLACEMENT OF EAST STREET BRIDGE**  
To see if the Town will vote to borrow a sum of money \$1,600,000, to replace the East Street Bridge in the Town of Southampton, said funds to be used for construction, fees and permits, engineering, temporary easements or any other eligible costs associated with the construction of the new bridge and the demolition of the existing bridge and, to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow pursuant to General Laws Chapter 44, Sections 7 and 8, or any other enabling authority and to issue bonds and notes therefor, provided, however, that the appropriation authorized hereunder shall be contingent on the approval by the voters of the Town of a so-called Proposition 2 ½ debt exclusion under General Laws c. 59, Section 21C, and authorize the Treasurer with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by General Laws Chapter 44, Section 7 (9), or any other general or special law; or take any other action relative thereto.

And you are hereby directed to serve this Warrant by posting attested copies thereof in six usual places in said Town, fourteen (14) days at least before the time of holding said meeting. Hereof, fail not, and make due return of the Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this 15th day of January in the year Two Thousand and Nineteen.


BOARD OF SELECTMEN

  
John Martin

  
Maureen Groden

  
James Labrie

  
Francine Tishman

  
Matt Roland