May 7, 2023

TOWN OF SOUTHAMPTON

ANNUAL TOWN MEETING WARRANT

with SUMMARIES & MOTIONS

Tuesday, May 9, 2023
7:00 P.M.

NORRIS ELEMENTARY SCHOOL
34 POMEROY MEADOW ROAD
SOUTHAMPTON, MASSACHUSETTS

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ARTICLE 1 TRANSFER FROM FREE CASH TO THE CAPITAL STABILIZATION FUND

(Speaker: Town Administrator)

To see if the Town will vote to transfer/appropriate $90,209.00 to the Capital Stabilization Fund; said sum to be taken from Free Cash; or take any other action relative thereto.

SUMMARY: *This Article and Articles 2 and 3 fulfill an established Town policy requiring 1) the transfer of at least 35% of the certified Free Cash to the Capital Stabilization Fund; and 2) the transfer of at least 30% of the certified Free Cash to the Operational Stabilization Fund; and 3) the transfer of at least 10% of the certified Free Cash to the OPEB Account; and 4) a limit of no more than 25% of certified Free Cash to be transferred for one-time expenses.*

MOTION: Move that the Town vote to transfer/appropriate $90,209.00 from Free Cash to the Capital Stabilization Fund. ***Simple Majority***

ARTICLE 2 TRANSFER FROM FREE CASH TO THE OPERATING STABILIZATION FUND

(Speaker: Town Administrator)

To see if the Town will vote to transfer/appropriate $77,321.00 to the Operating Stabilization Fund; said sum to be taken from Free Cash; or take any other action relative thereto.

SUMMARY: *This article transfers 30% of certified Free Cash to the Operational Stabilization Account according to established Town policy.*

MOTION: Move that the Town vote to transfer $77,321.00 from Free Cash to the Operational Stabilization Account. ***Simple Majority***

ARTICLE 3 TRANSFER FROM FREE CASH TO THE OPEB FUND

(Speaker: Town Administrator)

To see if the Town will vote to transfer/appropriate $25,774.00 to the Other Post-Employment Benefits (OPEB) account; said sum to be taken from Free Cash; or take any other action relative thereto.

SUMMARY: *This article transfers 10% of certified Free Cash to the Other Post-Employment Benefits Account. The OPEB Account is established to fulfill a requirement of the Government Accounting Standards Board that the post-employment obligations of the Town to pay for a portion of retired employees' health insurance and other benefits to carried on the Town's balance sheet. The Massachusetts Department of Revenue strongly encourages municipalities to establish an OPEB Account to provide funding for post-employment benefits obligations.*

MOTION: Move that the Town vote to transfer $25,774.00 from Free Cash to the Other Post-Employment Benefits Account.

Simple Majority

ARTICLE 4 FIVE YEAR CONTRACT FOR LEASE OF POSTAGE MACHINE FOR TOWN HALL

(Speaker: Town Administrator)

To see if the Town will vote to allow the Select Board to enter into a five-year contract for postage machine lease at Town Hall for all Town Departments; or take any other action relative thereto.

SUMMARY: *A contract of more than three years requires approval of the Town Meeting. This article would authorize a five-year lease of a postage machine at Town Hall for use by all departments.*

MOTION: Move that the Town vote to authorize the Select Board to enter into a five-year contract for postage machine lease at Town Hall for all Town Departments presented in Article 4 of the Warrant for the May 9, 2023 Annual Town Meeting.

Simple Majority

ARTICLE 5 TRANSFER FROM OPERATIONAL STABILIZATION FOR HAMPSHIRE REGIONAL ASSESSMENT OPERATING BUDGET FY 2024

(Speaker: Town Administrator/ Select Board)

To see if the Town will vote to transfer from Operational Stabilization an amount of $350,387.00 to be used in the Operational Budget of Budget A for the Hampshire Regional School District Assessment for the Town of Southampton for FY 2024; or take any other action relative thereto.

SUMMARY: *This transfer/appropriation from Operational Stabilization Fund in the Base Budget A will help fund the Hampshire Regional School District Assessment for the Town of Southampton to their full request for FY 2024.*

MOTION: Move that the Town vote to transfer/appropriate from the Operational Stabilization Account an amount of $350,387.00 to be used in the Operational Base Budget A for the Hampshire Regional School District Assessment for the Town of Southampton for FY 2024 as presented in Article 5 of the Warrant for the May 9, 2023 Annual Town Meeting.

2/3rds Majority

ARTICLE 6 ANNUAL OPERATING BUDGET FOR FISCAL 2024

(Speaker: Town Administrator/ Select Board)

To see if the Town will vote to fix salaries of all elected officials for the Fiscal Year 2024 for the period for July 1, 2023 to June 30, 2024, and further, to raise and appropriate Nineteen Million Seven Hundred Twenty-Nine Thousand Five Hundred Eighty Dollars and Forty-Seven Cents ($19,729,580.47) monies as identified in the Town's Annual Operating Budget from taxation, $17,500 from WPAT loan, $125,000 from Ambulance Fees, and $350,387.00 from Operational Stabilization as attached, for Fiscal Year 2024 (identified as Base Budget A); or take any other action relative thereto.

Attachment: FY 2024 Budget Labeled A

SUMMARY: *This article will raise and appropriate $19,729,580.47 for the salaries of elected officials and fund all Town Departments for Fiscal Year 2024 (Attachment Column Labeled FY 2024 Base Budget A, (July 1, 2023 – June 30, 2024). With these three different funding sources the total Operating Budget for FY 2024 is $20,222,467.47. This budget also funds the assessments for Hampshire Regional, Smith Vocational, Westfield Vocational and the Norris Elementary School.*

MOTION: Move that the Town raise and appropriate $19,729,580.47 to fund all municipal departments and the public schools during fiscal year 2024, as shown in the Town's Annual Operating Budget for Fiscal Year 2024 and to fix the salaries for all elected officials as shown and identified in the Column Labeled Base Budget A FY 2024 Budget, from taxation, $17,500 from WPAT loan and $125,000 from Ambulance Fees, and $350,387.00 from Operational Stabilization. With these three different funding sources the total Operating Budget for FY 2024 is $20,222,467.47.

Simple Majority

ARTICLE 7 "SUPPLEMENTAL" OPERATING BUDGET GENERAL OVERRIDE ARTICLE (OVERRIDE BUDGET)

(Speaker: Town Administrator/ Select Board)

To see if the Town shall raise and appropriate or transfer from available funds an additional Three Hundred Thirty-Two Thousand Five Hundred Fifty-Five Dollars and Twenty-Nine Cents ($332,555.29) in real estate and personal property taxes to supplement the appropriation under Article 6 for the operating budget for the purposes of funding the following departments and accounts in the operating budget for the Town: Police Department, Fire/EMS Department, and associated Employee Benefits for the fiscal year beginning July 1, 2023, provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of a Proposition 2 ½, so-called, override question, allowing the Town to raise the additional amount appropriated hereunder, outside the limits imposed by said Proposition 2 ½, all in accordance

with M.G.L. c.59, §21C(g); or take any other action relative thereto. **Attachment: FY 2024 Budget Labeled Override B**

SUMMARY: *This article would appropriate additional funds over the amount appropriated in Article 6, in the amount of $332,555.29 to supplement the appropriations which were approved in Article 6 of the May 9, 2023 Annual Town Meeting Warrant for the Operating Budget. Total appropriation $20,555,022.76. The additional supplemental appropriation are for the purpose of funding the following departments and accounts in the operating budget for the Town (as in attachment FY 2024 Budget Labeled Override B): Fire/EMS Department, Police Department, and Employee Benefits, for the associated employee benefits from those two departments for the fiscal year beginning July 1, 2023, provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of a Proposition 2 ½, so-called, override question, allowing the Town to raise the additional amount appropriated hereunder, outside the limits imposed by said Proposition 2 ½, all in accordance with M.G.L. c.59, §21C(g).*

MOTION: Move that the Town vote to raise and appropriate a supplemental sum of money of Three Hundred Thirty-Two Thousand Five Hundred Fifty-Five Dollars and Twenty-Nine Cents ($332,555.29) for the purposes of funding the following departments and accounts in the operating budget for the Town: Fire/EMS Department, Police Department, Fire/EMS Department, and associated Employee Benefits for the fiscal year beginning July 1, 2023, provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of a Proposition 2 ½, so-called, override question, allowing the Town to raise the additional amount appropriated hereunder, outside the limits imposed by said Proposition 2 ½, all in accordance with M.G.L. c.59, §21C(g).

Simple Majority

ARTICLE 8 TRANSFER STATION ENTERPRISE FISCAL 2024 BUDGET

(Speaker: Highway Superintendent)

To see if the Town will vote to raise and appropriate or transfer from available funds Two Hundred Twelve Thousand Eight Hundred Thirty-Three Dollars ($212,833) to operate the Transfer Station Enterprise according to the following budget:

Wages	38,008
Operating Expenses	143,150
Environmental Compliance	11,700
Indirect Costs	19,975
Total	212,833

And that $205,775 be raised from Transfer Station Enterprise Revenues $7,058 to be taken from retained earnings and $19,975 to be appropriated in General Fund (Indirect Costs): or take any other action relative thereto.

SUMMARY: *The Transfer Station operates as an "enterprise fund". Operations of the Transfer Station are supported by the fees and charges that are collected instead of tax revenue from the general fund.*

MOTION: Move that the Town vote the budget of the Transfer Station Enterprise Fund as presented in Article 8 of the Warrant for the May 9, 2023 Annual Town Meeting.

Simple Majority

ARTICLE 9 WATER ENTERPRISE FISCAL 2024 BUDGET

(Speaker: Water Commissioners)

To see if the Town will vote to raise and appropriate or transfer from available funds One Million Twenty Thousand Six Hundred Ten Dollars and Fifty-Six Cents ($1,020,610.56) to operate the Water Enterprise, according to the following budget:

Salaries & Wages	305,376.24
Operating Expenses	228,635.32
Capital Outlay	35,000.00
Indirect Costs	157,599.00
Debt Services	294,000.00
Total	1,020,610.56

And that $923,354.88 be raised from Water Enterprise Revenues, $97,255.68 from retained earnings, and $157,599.00 be appropriated in General Fund (Indirect Costs);
or take any other action relative thereto.

SUMMARY: *The Water Department operates through an "enterprise fund", i.e., operations are funded from charges to rate payers.*

MOTION: Move that the Town vote to approve the budget of the Water Department Enterprise Fund as presented in Article 9 of the Warrant for the May 9, 2023 Annual Town Meeting.

Simple Majority

ARTICLE 10 TRANSFERS FOR POLICE DEPARTMENT OPERATING FY 2023 EXPENSES

(Speaker: Police Chief)

To see if the Town will vote to transfer an amount totaling $11,000 within the Police Department operating budget accounts as listed below;

Amount	**From**	**To**	**Reason**
$3,000	Ed Incentive Account	Police Overtime Account	Unexpected Staff Shortages
$3,000	Ed Incentive Account	Building Expense Acct	Unexpected Energy Costs
$4,000	Ed Incentive Account	Police Wage Account	Unexpected Training Costs
$1,000	Comm. Exp. Account	Police Wage Account	Unexpected Training Costs

said sums to come from the FY 2023 accounts listed above; or to take any other action relative thereto.

SUMMARY: *These transfers are all within the Police Department wage and expense accounts and are due to unforeseen circumstances when the budgets were requested and approved by Town Meeting. These transfers requested by Chief Illingsworth within the Police Department budgeted accounts will allow the department to operate during the rest of fiscal year 2023.*

MOTION: Move that the Town vote to transfer an amount totaling $11,000 within the Police Department operating budget accounts as listed in Article 10 of the May 9, 2023 Annual Town Meeting Warrant, said sums to come from the FY 2023 accounts listed.

Simple Majority

ARTICLE 11 TRANSFERS FOR LIBRARY DEPARTMENT OPERATING FY 2023 EXPENSES

(Speaker: Town Administrator/Library Director)

To see if the Town will vote to transfer an amount totaling $2,759.20 for the Library Department Operating Budget accounts as listed below;

Amount	**From**	**To**	**Reason**
$398.17	Library Maintenance Account	Library Utilities	Unexpected Energy Costs
$861.03	Library Wages	Library Utilities	Unexpected Energy Costs
$1,500.00	Health Insurance	Library Utilities	Unexpected Energy Costs

said sums to come from the FY 2023 accounts listed above; or to take any other action relative thereto.

SUMMARY: *These transfers are all within the Library Department wage and expense accounts and are due to unforeseen circumstances with energy costs when the budgets were requested and approved by Town Meeting. These transfers were requested by the Library Director within the Library Department budgeted accounts will allow the department to operate during the rest of fiscal year 2023.*

MOTION: Move that the Town vote to transfer an amount totaling $2,759.20 within the Library Department operating budget accounts as listed in Article 11 of the May 9, 2023 Annual Town Meeting Warrant, said sums to come from the FY 2023 accounts listed.

Simple Majority

ARTICLE 12 TRANSFERS FOR TOWN WIDE & MUNICIPAL DEPARTMENTS OPERATING FY 2023 EXPENSES

(Speaker: Town Administrator)

To see if the Town will vote to transfer an amount totaling $4,876.85 for the Administration Department Operating Budget accounts as listed below;

Amount	From	To	Reason
$1,205.39	T.H Custodial Account	Photocopy Lease & Paper	Unexpected time to receive new less expensive copier
$ 171.46	Admin. Expenses	Photocopy Lease & Paper	"
$2,000.00	Health Insurance	Town Hall Gas & Elec.	Unexpected energy costs
$1,500.00	Health Insurance	Town Hall Expenses	Unexpected repairs

said sums to come from the FY 2023 accounts listed above; or to take any other action relative thereto.

SUMMARY: *These transfers are all within the Town Wide and Municipal Departments wage and expense accounts and are due to unforeseen circumstances with energy, repair costs and the delay in receiving the new copy machine due to supply issues, when the budgets were requested and approved by Town Meeting. These transfers were requested by the Town Administrator within these Department budgeted accounts and will allow the department to operate during the rest of fiscal year 2023.*

MOTION: Move that the Town vote to transfer an amount totaling $4,876.85 within the Town Wide and Municipal Department operating budget accounts as listed in Article 12 of the May 9, 2023 Annual Town Meeting Warrant, said sums to come from the FY 2023 accounts listed.

Simple Majority

ARTICLE 13 TRANSFERS FOR WORKERS COMPENSATION OPERATING FY 2023 EXPENSES

(Speaker: Town Administrator)

To see if the Town will vote to transfer an amount totaling $6,181.33 within the Employee Benefits Operating Budget, Workers Compensation from the Health Insurance Budget Account; or to take any other action relative thereto.

SUMMARY: *This transfer will fund the shortfall in the FY 2023 budget of $6,181.33 for the Workers Compensation account caused by the insurance company audit of the Town Payroll. This is requested by the Town Administrator.*

MOTION: Move that the Town vote to transfer an amount totaling $6,181.33 within the Employee Benefits Operating Budget, Workers Compensation from the Health Insurance Budget Account, said sums to come from the FY 2023 accounts as listed in Article 13 of the May 9, 2023 Annual Town Meeting Warrant.

Simple Majority

ARTICLE 14 TRANSFERS FOR ANNUAL TOWN AUDIT FY 2023 EXPENSES

(Speaker: Town Accountant/Town Administrator)

To see if the Town will vote to transfer an amount totaling $13,000.00 to the Accounting Independent Audit Budget account from the accounts as listed below;

Amount	From	To	Reason
$10,000.00	Assit. Town Acct. Wages	Independent Audit Contract Solicitation	Unexpected increase in
$ 3,000.00	Health Insurance	Independent Audit	"

said sums to come from the FY 2023 accounts listed above; or to take any other action relative thereto.

SUMMARY: *This transfer will fund the shortfall in the FY 2023 budget of $13,000.00 for the Annual Town Audit Account in the Town Accountant Budget caused by the unanticipated increase in audit cost when the Town went out for Proposals. This is requested by the Town Accountant and Town Administrator.*

MOTION: Move that the Town vote to transfer an amount totaling $13,000.00 to the Accounting Independent Audit Budget account from the accounts as listed in Article 14 of the May 9, 2023 Annual Town Meeting Warrant.

Simple Majority

ARTICLE 15 FUNDS FOR EMS/FIRE DEPARTMENTS OPERATING FY 2023 EXPENSES

(Speaker: Fire Chief/Town Administrator)

To see if the Town will vote to appropriate an amount totaling $32,000 from Ambulance Receipts Reserved for Appropriation for the Fire/EMS Department Operating Budget accounts for FY 2023 as listed below;

Amount	**To**	**Reason**
$250.00	EMS Certifications	Unexpected Certifications
$27,250.00	Amb./EMS Expense Account	Unexpected Increased Costs Run Increase
$2,500.00	Fire/EMS Building Exp. Account	Increased Energy Costs
$2,000.00	Ambulance Billing	Increased Ambulance Runs

; or to take any other action relative thereto.

SUMMARY: *These transfers are all within the Fire/EMS Department wage and expense accounts and are due to unforeseen circumstances when the budgets were requested and approved by Town Meeting. These transfers requested by Chief Workman within the Fire/EMS Department budgeted accounts will allow the department to operate during the rest of fiscal year 2023.*

MOTION: Move that the Town vote to transfer an amount totaling $32,000 within the Fire/EMS Department operating budget accounts as listed in Article 15 of the May 9, 2023 Annual Town Meeting Warrant, said sums to come from the FY 2023 accounts as listed.

Simple Majority

ARTICLE 16 TRANSFER FOR REQUIRED CODE UPGRADE TO TOWN HALL ELEVATOR

(Speaker: Capital Committee/Town Administrator)

To see if the Town will vote to transfer the sum of $10,000.00 from the Capital Stabilization Fund to a Town Hall Capital Account to fund the necessary code upgrade repairs to the Town Hall elevator; or take any other action relative thereto.

SUMMARY: *Approval of Funding for this Article will upgrade the Town Hall Elevator as per the new State Elevator Codes as it pertains to the Fireman's Key operation.*

MOTION: Move to see if the Town will vote to transfer the sum of $10,000.00 from the Capital Stabilization Fund to a Town Hall Capital Account to fund the necessary code upgrade repairs to the Town Hall elevator.

2/3rds Majority

ARTICLE 17 TRANSFER FOR POLICE CRUISER/PICKUP TRUCK

(Speaker: Capital Committee/Police Chief)

To see if the Town will vote to transfer the sum of $73,000.00 from the Capital Stabilization Fund to a Police Capital Account to fund the purchase of a Ford F-150 or equivalent pickup truck to be equipped as a cruiser as a replacement for an existing police cruiser; or take any other action relative thereto.

SUMMARY: *Approval of Funding for this Article will purchase and equip a new Ford F-150 or equivalent as a Police Cruiser for the Police Department. This is a replacement for an existing cruiser which will be auctioned or traded in.*

MOTION: Move to see if the Town will vote to transfer the sum of $73,000.00 from the Capital Stabilization Fund to a Police Capital Account to fund the purchase of a Ford F-150 or equivalent pickup truck to be equipped as a cruiser as a replacement for an existing police cruiser.

2/3rds Majority

ARTICLE 18 TRANSFER FOR FIRE/EMS DEPARTMENT VEHICLE EXHAUST EXTRACTION EQUIPMENT

(Speaker: Capital Committee/Fire Chief)

To see if the Town will vote to transfer the sum of $30,000.00 from the Capital Stabilization Fund to a Fire/EMS Capital Account to fund the purchase and installation of a Vehicle Exhaust Extraction Equipment to be installed at the 204 College Highway Fire/EMS Station; or take any other action relative thereto.

SUMMARY: *Approval of Funding for this Article will purchase and install vehicle exhaust extraction equipment in the Fire/EMS Station at 204 College Highway for the health and safety of the Fire/EMS employees.*

MOTION: Move to see if the Town will vote to transfer the sum of $30,000.00 from the Capital Stabilization Fund to a Fire/EMS Capital Account to fund the purchase and installation of a Vehicle Exhaust Extraction Equipment to be installed at the 204 College Highway Fire/EMS Station.

2/3rds Majority

ARTICLE 19 TRANSFER FOR NORRIS ELEMENTARY SCHOOL NORTH WING LOCKER REPAIR & PAINTING

(Speaker: Capital Committee/Norris Principal)

To see if the Town will vote to transfer the sum of $16,672.00 from the Capital Stabilization Fund to a Norris Elementary Capital Account to fund the repair & painting of the North Wing lockers; or take any other action relative thereto.

SUMMARY: *Approval of Funding for this Article will allow the repair and painting of the North Wing Lockers in Norris Elementary School.*

MOTION: Move to see if the Town will vote to transfer the sum of $16,672.00 from the Capital Stabilization Fund to a Norris Elementary Capital Account to fund the repair & painting of the North Wing lockers.

2/3rds Majority

ARTICLE 20 TRANSFER FOR TOWN HALL SIDEWALK AND STEP CONCRETE REPAIRS

(Speaker: Capital Committee/Town Administrator)

To see if the Town will vote to transfer the sum of $16,750.00 from the Capital Stabilization Fund to a Town Hall Capital Account to fund the replacement and installation of repairs to the Town Hall concrete main entrance and sidewalk and accessible walkway; or take any other action relative thereto.

SUMMARY: *Approval of Funding for this Article will allow the repair and replacement of the concrete sidewalk, building foundation and replacement of some of the sidewalk sections and entrance pad at the main location by the flags at the Town Hall.*

MOTION: Move to see if the Town will vote to transfer the sum of $16,750.00 from the Capital Stabilization Fund to a Town Hall Capital Account to fund the replacement and installation of repairs to the Town Hall concrete main entrance and sidewalk and accessible walkway

2/3rds Majority

ARTICLE 21 VOTE TO ESTABLISH A MUNICIPAL LIGHT PLANT (MLP)

(Speaker: Select Board/Ad Hoc Technology Committee)

To see if the Town will vote to authorize the Select Board to take all necessary and appropriate action to establish and to maintain, in accordance with the provisions of Chapter 164 (sections 34 and 47C) of the General Laws and in accordance with the rules, regulations and orders of the Department of Public Utilities and the Department of Telecommunications & Cable, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and any related services, or to take any other action relative thereto.

SUMMARY: *The Town would have to establish a Municipal Light Plant (a town-owned company that can provide utility services including telecommunications systems) in order to offer town residents an alternative form of broadband internet. This would be the second of two required votes. This vote would not obligate the town to establish a Municipal light Plant but would allow the town to investigate the different options of providing its residents and businesses with a fiber optic broadband alternative. This action would allow the Town to start the fact-finding process to establish a broadband initiative. Broadband access and its affordability was the number one response from the 2022 ARPA Town Survey. This is the second of two (2) required votes of Town Meeting.*

MOTION: Move that the Town vote to authorize the Select Board to take all necessary and appropriate action to establish and to maintain, in accordance with the provisions of Chapter 164 (sections 34 and 47C) of the General Laws and in accordance with the rules, regulations and orders of the Department of Public Utilities and the Department of Telecommunications & Cable, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and any related services.

2/3rds Majority

ARTICLE 22 VOTE TO ESTABLISH AN OPIOID SETTLEMENT STABILIZATION ACCOUNT

(Speaker: Select Board/Town Administrator)

To see if the Town will vote, pursuant to the provisions of G.L. c.40, §5B, to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth's Office of Health and Human Services Department, found at https://www.mass.gov/doc/massachusetts-abatement-terms/download entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; and further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; or take any other action related thereto.

SUMMARY: *This vote would establish a Stabilization Account for the Opioid Settlement Funds which the Town will be receiving. Once the Stabilization account has been established and the funds are received, they will be able to be appropriated by a 2/3rds Majority Vote of Town meeting to be used for the education and health of individuals on substance abuse or any other purposes allowed by law under these settlements.*

MOTION: Move that the Town vote, pursuant to the provisions of G.L. c.40, §5B, to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined

in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth's Office of Health and Human Services Department, found at https://www.mass.gov/doc/massachusetts-abatement-terms/download entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; and further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town.

2/3rds Majority

REVOLVING FUNDS

ARTICLE 23 REVOLVING FUND SPENDING LIMITS

To see if the town will vote to set the Revolving Fund FY2024 spending limits for such revolving funds as follows: or take any other action relative thereto.

(Speaker: Town Accountant/Town Administrator)

Program or Purpose	Use of Fund	FY 24 Spending Limit
Conservation	Operating Expenses/Admin. Expenses	$10,000
Conservation Forestry	Oversight and Management of the Conservation Areas including forestry land	$20,000
Council on Aging Van	Payment for Operation of COA Van	$31,000
Dog Licensing & Control	Expenses Related to Admin. Of Licenses & Dog Control	$8,000
Electrical Inspections	Payment for Electrical Inspection Services	$20,000
Fire Department (Brush Services)	Fire Chief to purchase brush firefighting equipment	$10,000
Park Commission	Operating Expenses/Admin Expenses	$10,000
Planning Board	Admin. Expenses	$10,000
Planning Board	Consultant Costs	$15,000
Plumbing Inspections	Payment for Plumbing Inspection Services	$20,000
Tax Title	Tax Title related costs	$10,000
Weights & Measures	Weights & Measures Fees	$5,000
Zoning Board of Appeals	ZBA Expenditures	$5,000

SUMMARY: *This Article sets the spending limits for the various approved Revolving Funds. The Fire Department Brush Services has been decreased from $20,000 to $10,000 for fiscal year 2024 from their authorized level from FY 2023, and the Weights & Measures was increased from$3,000 to $5,000. All other revolving Funds remain at the same level as they were for FY 2024.*

MOTION: Move that the Town vote to set the limitation on expenditures for each Revolving Fund be established according to Article 23 of the May 9, 2023 Annual Town Meeting.

Simple Majority

COMMUNITY PRESERVATION PROJECTS

ARTICLE 24 REPORT OF THE COMMUNITY PRESERVATION COMMITTEE

(Speaker: CPC)

To see if the Town will vote to hear and act, pursuant to Massachusetts General Laws Chapter 44B, on the report of the Community Preservation Committee for the Fiscal Year 2024 Community Preservation Budget and to appropriate or reserve from the Community Preservation Fund the following sums of money as recommended by the Community Preservation Committee for Committee administrative expenses, community preservation projects and other necessary and proper expenses in the fiscal year beginning July 1, 2024, with each item to be considered as a separate appropriation:

Administrative Expenses…… $7,500

Reserves:

From FY24 Estimated revenues for Historic Resources Reserve …… $51,925
From FY24 Estimated revenues for Community Housing Reserve…. $51,925
From FY24 Estimated revenues for Pomeroy Meadow Rd. Land ….. $53,800
(Pomeroy Meadow Land purchase is only a memo item, and will fulfill the 10% requirement for Open Space Reserve.)
or take any other action relative thereto.

SUMMARY: *State enabling legislation establishing the Community Preservation Program limits program expenditures to three areas; 1) Historic Preservation; 2) Affordable Housing; and 3) Open Space and Recreation. At least 10% of annual expenditures must be set aside for each of the three program areas respectively, and the Community Preservation Committee may spend a portion of available funds for administrative expenses. This is the standard article, voted annually, setting aside the required minimums for open space/recreation, affordable housing and historic preservation and allocating the bond payment for the previous purchase of 68 Pomeroy Meadow Road through the CPC Act and allocating $7,500 for administrative expenses.*

MOTION: Move that the Town vote to hear and act on the report of the Community Preservation Committee for fiscal year 2024 and to allocate sums of money from the Community Preservation Fund as presented in Article 24 of the Warrant of the May 9, 2023 Annual Town Meeting.

Simple Majority

ARTICLE 25 CPC FUNDING FOR FOOT BRIDGE IN MANHAN MEADOWS FOR CONSERVATION COMMISSION

(Speaker: CPC/Conservation Commission)

To see if the Town will vote to transfer the sum of $7,000 from the Community Preservation account to the Conservation Commission said funds to be transferred from Community Preservation Surcharge Undesignated Account for the purpose of the completion of the foot bridge over the Manhan River a part of Phase Two of the Manhan Meadows trail project; or take any other action relative thereto.

SUMMARY: *This Article will fund $7,000 from Community Preservation Funds to meet the increased cost of completing the foot bridge over the Manhan River as part of a Mass Trails Grant (Phase II) project in the Manhan Meadows Sanctuary. Funding to be transferred from the Community Preservation Surcharges – Undesignated Account.*

MOTION: Move that the Town transfer the sum of Seven Thousand Dollars ($7,000) from Community Preservation Funds to the Conservation Commission for continued improvement of the Manhan Meadows Sanctuary trail system by completing the foot bridge over the Manhan River, said funds to be transferred from Community Preservation Surcharges–Undesignated Account.

Simple Majority

ARTICLE 26 CPC FUNDING FOR GRANT MATCH FOR GREENWAY DESIGN

(Speaker: CPC/Greenway Committee/Town Administrator)

To see if the Town will vote to transfer the sum of $65,000 from the Community Preservation Surcharges Open Space/Recreation Account to the Greenway Committee for the purpose of matching grant funds from MassTrails for Phase Two of the Greenway bicycle and pedestrian path design.; or take any other action relative thereto.

SUMMARY: *This funding transfer would appropriate $65,000 through the Community Preservation Fund Sur-charges – Open Space/Recreation Account for the local match required for a MassTrails Grant to help pay the design costs for the Greenway Rail Trail bike and pedestrian path.*

MOTION: Move that the Town vote to transfer the sum of sixty-five thousand ($65,000) dollars from Community Preservation Surcharges to the Southampton Greenway Committee for the Town's local matching share of a Mass Trails Grant for the design process of the Greenway bicycle & pedestrian path, said funds to be taken from Community Preservation Surcharges – Open Space/Recreation Account.

Simple Majority

ARTICLE 27 CPC FUNDING FOR CONSTRUCTION OF PLAYGROUND AT LABRIE FIELD

(Speaker: CPC/Park Commission)

To see if the Town will vote to transfer the sum of $241,419.36 from the Community Preservation Surcharges Undesignated Account to the Park Commission said funds to be used to construct a fully accessible playground at Labrie Field; or take any other action relative thereto.

SUMMARY: *This funding transfer would appropriate $241,419.36 through the Community Preservation Fund Surcharges – Undesignated Account for the construction of a fully accessible playground at Labrie Field. This project is sponsored by the Magic for Maddie Committee to honor the short life and spirit of Maddie Schmidt and her love of outdoor sports activities.*

MOTION: Move that the Town vote to transfer the sum of two hundred forty-one thousand, four hundred nineteen dollars and thirty-six cents ($241,419.36) from Community Preservation Surcharges to the Southampton Park Commission Committee to construct a fully accessible playground at Labrie Field, said funds to be taken from Community Preservation Surcharges – Undesignated Account.

Simple Majority

NAMING RIGHTS

ARTICLE 28 NAMING OF EAST STREET BRIDGE

(Speaker: Select Board)

To see if the Town will vote in accordance with the provisions of the existing Town General Bylaws Article XLII, to name the East Street Bridge in memory of John V. Garstka and include signage to that effect; or take any other action relative thereto.

SUMMARY: *Per General Bylaw entitled: Naming of Public Buildings, Structures, Bridges and Public Lands, this request is to name the East St. Bridge in memory of John V. Garstka, a long-time resident and former Highway Superintendent for 36 years until his retirement in 1984. When Mr. Garstka began his service in 1948, the Town was almost all dirt roads. He is credited with building many of the current roads and for his inventions of the Asphalt Paving Box, used to*

spread blacktop more efficiently, and the Patch Pan, a device attached to the back of a truck to make pothole filling easier and safer. Mr. Garstka was also a WWII veteran and POW.

MOTION: Move that the Town vote to name the East St. Bridge, in memory of John V. Garstka and provide signage thereto as set forth in Article 28 of the Warrant for the May 9, 2023 Annual Town Meeting or take any action thereto.

Simple Majority

ARTICLE 29 NAMING OF ACCESSIBLE PLAYGROUND AT LABRIE FIELD

(Speaker: Select Board/Magic for Maddie Committee)

To see if the Town will vote in accordance with the provisions of the existing Town General Bylaws Article XLII, to name the future accessible playground at Labrie Field, "Maddie's Magical Playground" in memory of eight (8) year old Maddie Schmidt, include any signage to that effect; or take any other action relative thereto.

SUMMARY: *Per General Bylaw entitled: Naming of Public Buildings, Structures, Bridges and Public Lands, this project is sponsored by the Magic for Maddie Committee to honor the short life and spirit of Maddie Schmidt and her love of outdoor sports activities. The playground would add to the activities at Labrie Field and through its planned accessible design, provide opportunity for children with disabilities to partake in fun activities. The Magic for Maddie Committee has carried out a number of fund-raising activities and will be responsible for the upkeep of landscaping around the playground as well as spearheading a Community Build to install the playground equipment.*

MOTION: Move that the Town vote to name the new accessible playground at Labrie Field, 'Maddie's Magical Playground' in memory of Maddie Schmidt and provide signage thereto as set forth in Article 29 of the Warrant for the May 9, 2023 Annual Town Meeting or take any action thereto.

Simple Majority

GENERAL BYLAW AMENDMENTS

ARTICLE 30 AMENDMENT TO GENERAL BYLAWS FOR RENUMBERING & RECAPTION

(Speaker: Bylaw Review Committee)

To see if the Town will vote to renumber and recaption the General Bylaws of the Town by (a) assigning a chapter/article number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article, section and subsection titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the Final Draft of the Code of the Town of Southampton, dated March 2023, on file with the Town Clerk, or take any other action relative thereto.

SUMMARY: *The Bylaw Advisory Review Committee was charged with reviewing the existing Town General Bylaws and working with the ECode 360 team to ensure these Bylaws were in conformity with one another, correctly referenced sections of MGL, reduced redundancy and corrected language so that the Bylaws are easier to understand. By codifying the Town's General Bylaws and re-numbering them in an indexed online platform, they will be more easily searchable and provide clarity for users.*

MOTION: Move that the Town vote to renumber and recaption the General Bylaws of the Town by (a) assigning a chapter/article number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article, section and subsection titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the Final Draft of the Code of the Town of Southampton, dated March 2023 and Article 30 of the Warrant for the May 9, 2023 Annual Town Meeting or take any action thereto.

Simple Majority

ARTICLE 31 AMENDMENT TO GENERAL BYLAWS

(Speaker: Bylaw Review Committee)

To see if the Town will vote to adopt the following changes to the General Bylaws as set forth in the Final Draft of the Code of the Town of Southampton, dated March 2023, on file with the Town Clerk, or take any other action relative thereto.

General Revisions:

- References to the Massachusetts General Laws are standardized to the following format: MGL c. __, § ___.

- Throughout the General Bylaws, the titles "Board of Selectmen" and "Selectboard" are amended to "Select Board"; the titles "Tax Collector" and "Treasurer" are amended to "Treasurer/Collector"; and the title "Building Commissioner" is amended to "Building Commissioner/Inspector."

Repeal: Article XXXI, Conservation Commission Fees, of the General Bylaws is repealed.

Specific Revisions:

Ch. 9. Agricultural Commission.

Section 9-1 is amended as follows: "The Agricultural Commission is established to represent the Southampton commercial farming and agricultural community, as well as other farming and forestry activities."

Ch. 20. Community Preservation Committee.

Section 20-3 is amended as follows: "Funds received are to be used in the designated areas and while they are under the supervision of the Community Preservation Committee may not be spent without a majority vote of a Town Meeting."

Section 20-9 is amended to change "Attorney of the commonwealth" to "Attorney General of the commonwealth."

Ch. 24. Council on Aging.

Section 24-1 is amended to change "two alternatives" to "two alternates."

Ch. 35. Finance.

Section 35-3 is amended as follows:

> The Finance Committee shall consider all articles in any warrant thereafter issued for any Town Meeting, Annual or Special, calling for the expenditure and/or transfer of money ~~shall consider such articles~~ and report in writing or otherwise to the Town Meeting its recommendations as deemed to be in the best interest of the Town. No appropriation and/or transfer of money shall be made under the report of a committee or an individual until the matter has been considered and reported upon by the ~~Financial~~ Finance Committee.

Section 35-4 is amended as follows:

~~It shall also be the duty of the Finance Committee to make an Annual report in print of its doings, with the recommendations relative to financial matters.~~ The Select Board, before the Annual Town Meeting, shall, at the expense of the Town, make available the Annual Town Report for the use of the residents. The Annual Report will include the report from the Finance Committee of its activities and recommendations, made available in print and online.

Section 35-11, Revolving funds established, is amended to change "Town Clerk and Dog Officer" to "Town Clerk and Animal Control Officer" in the table for the "Dog licensing and control" program and to revise the first sentence as follows:

~~Revolving funds as set forth in Article 24 of the Warrant for the Annual Town Meeting of May 16, 2017, be hereby established; and further, that the limitation on expenditures for each revolving fund be established according to Article 24 of the May 16, 2017, Annual Town Meeting.~~ The following revolving funds are hereby established:

Ch. 55. Officers and Employees.

Section 55-2 is amended to correct "appointed Town gro" at the end of the section to "appointed Town group."

Ch. 61. Personnel Policies and Procedures.

Section 61-1 is amended to read as follows: "The Town's personnel policies and procedures are contained in a manual titled 'Town of Southampton, Massachusetts, Personnel Policies and Procedures and Wage and Salary Administration Program,' which is on file in the office of the Town Clerk."

Ch. 74. Reports.

Section 74-1 is amended to change "to be printed in the Annual Report" to read "to be included in the Annual Report."

Ch. 93. Town Meeting.

Section 93-5 is amended to add the word "For" at the beginning of the sentence: "For any Town Meeting article requiring bonding, the Moderator shall require a paper ballot vote."

Ch. 106. Alcoholic Beverages.

Section 106-2 is amended as follows: "Any person who violates this bylaw shall be subject to a ~~fine of $50 for each violation thereof~~ penalty as provided in Chapter 203, Noncriminal Disposition."

Ch. 112. Animals.

Section 112-2I is amended as follows: "Any person who violates §§ 112-1 and 112-2 of this bylaw, as determined by the Southampton Police Department or Animal Control Officer, shall be subject to ~~fines as follows: first offense, $50; second offense, $100; third offense, $300; fourth and subsequent offenses, $500~~ a penalty as provided in Chapter 203, Noncriminal Disposition."

Section 112-3G is amended as follows: "Any person who violates any of the provisions of § 112-3 of this bylaw, as determined by the Southampton Police Department and/or the Town's designated Animal Control Officer, shall be subject to ~~fines as follows: first offense, $500; second and subsequent offenses, $750~~ a penalty as provided in Chapter 203, Noncriminal Disposition."

Section 112-9 is amended as follows: "Any person who violates this bylaw, as determined by the Southampton Police Department or the designated Animal Control Officer, shall be subject to ~~fines as follows: first offense, $50; second offense, $100; third and subsequent offenses, $300~~ a penalty as provided in Chapter 203, Noncriminal Disposition.

Ch. 123. Building Construction.

Section 123-4 is amended to change "Stretch Code" to "Stretch Energy Code."

Section 123-5 is amended to change "Stretch Code" to "Stretch Energy Code" and to change "Inspector of Buildings or Building Commissioner" to "Building Commissioner/Inspector."

Ch. 144. Farming.

Section 144-4C is amended to read as follows: "The Town is authorized to enforce § 144-4 under the noncriminal disposition provisions of MGL c. 40, § 21D, and Chapter 203, Noncriminal Disposition, of the General Bylaws, with the fine amounts as provided in Chapter 203."

Ch. 153. Fires and Fire Prevention.

Section 153-1C is amended to change "according to the rates established by the Selectboard or Town Meeting. (See Fee/Penalty Schedule.)" to "according to Chapter 203, Noncriminal Disposition."

Section 153-2 is amended to change "penalty shall not exceed $200 per offense" to "the penalty shall be as provided in Chapter 203, Noncriminal Disposition."

Ch. 165. Historic Preservation.

Section 165-5 is amended as follows: "If after an inspection the Building Commissioner/Inspector finds that a building subject to this bylaw ~~is found to pose~~ poses an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building, then the Building Commissioner/Inspector may issue an emergency demolition permit to the owner of the building."

Section 165-6B is amended as follows: "Any owner of a building subject to this bylaw that demolished the building without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a ~~fine of not more than $300~~ penalty as provided in Chapter 203, Noncriminal Disposition."

Ch. 186. Licenses and Permits.

Section 186-1 is amended to delete "Such by-law or shall provide that:" from the end of the first paragraph and to revise § 186-1A as follows:

> The Treasurer/Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Treasurer/Collector," shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve-month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

Ch. 193. Marijuana.

Section 193-1 is amended to change "adult uses marijuana retailer establishments" to "adult use marijuana retailers."

Section 193-2B is amended as follows: "The fine for violation of this bylaw shall be ~~$300 for each offense~~ as provided in Chapter 203, Noncriminal Disposition."

Ch. 203. Noncriminal Disposition.

Section 203-2 is amended as follows:

> Without intending to limit the generality of the foregoing, it is the intention of this bylaw that the following ~~bylaws and~~ regulations are to be included within the scope of this bylaw, that the specific penalties as listed here shall apply in such cases, that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this bylaw, the municipal personnel listed for each ~~section~~ regulation, if any, shall also be enforcing persons for such ~~section~~ regulation, and that each day on which any violation exists shall be deemed to be a separate offense.

Section 203-3C is amended to revise the first sentence to read as follows: "Any person notified to appear before the Clerk of the District Court as herein provided may, either personally or through a duly authorized agent, appear and make payment of the fine stipulated to the District Court Clerk or mail to the Southampton Town Clerk, together with the notice, such sum of money as the Town may fix for the penalty for violation of the bylaw, rule or regulation according to § 203-3F."

Section 203-3F is amended to replace the table of fines with the following:

Violation	Enforcement	Fine
Alcohol on public grounds (§ 106-2)	Police Department	$50 per offense
Dog kennels (§ 112-3G)	Animal Control Officer(s) Police Department	$500 – 1st offense $750 – 2nd and subsequent offenses
Dogs (§ 112-2I)	Police Department	$50 – 1st offense $100 – 2nd offense $300 – 3rd offense $500 – 4th and subsequent offenses
Humane care/animals (§ 112-9)	Animal Control Officer Animal Inspector	$50 – 1st offense $100 – 2nd offense $300 – 3rd and subsequent offenses
Fire lanes (parking) (§ 153-1C)	Police Department Fire Chief or designee	$50 per offense plus towing charges
Fire hydrants (tampering and unauthorized taking of water) (§ 153-2)	Fire Chief or designee Water Superintendent	$200 per offense
Illicit connections/discharge (§ 224-9D)	Highway Superintendent or authorized designee	$50 – 1st offense $100 – 2nd offense $300 – 3rd and subsequent offenses
Littering and dumping materials on public ways (§ 230-12)	Police Department	$300 per offense plus costs incurred by Town to clean up the violation

Marijuana (§ 193-2B)	Police Department	$300 per offense
Numbering buildings (§ 127-4C)	Building Commissioner/Inspector	$100 per offense
Overnight parking (§ 230-3)	Police Department	$50 per violation plus towing charges
Preservation of historical buildings (§ 165-6B)	Building Commissioner/Inspector Historical Commission	$300 per day
Right to farm disclosure notification (§ 144-4C)	Select Board or authorized designee	$300 per offense
Sidewalk clearing (§ 230-4)	Police Department Highway Department	$20 per day
Soliciting and canvassing Failure to apply for permit (§ 219-13A)	Police Department	$100 – 1st offense $200 – 2nd offense $300 – 3rd and subsequent offenses
Soliciting and Canvassing Failure to display permit (§ 219-13C)	Police Department	$100/person/day $100/company/day
Stormwater management (§ 227-6D)	Planning Board or designee	$100 – 1st offense $200 – 2nd offense $300 – 3rd and subsequent offenses
Swimming pools (§ 234-4)	Building Commissioner/Inspector	$50 per day

Unregistered motor vehicle (§ 248-5)	Building Commissioner/Inspector	$25 per day/vehicle
Water use (§ 259-9)	Water Superintendent	$0 – 1st offense $25 – 2nd offense $50 – 3rd and subsequent offenses
Waste management/recycling (§ 255-8A)	Highway Department Health Department	$25 – 1st offense $50 – 2nd offense Permit suspension for remainder of fiscal year – 3rd offense
Wetlands (§ 264-12C)	Conservation Commission	$300 per offense

Ch. 219. Soliciting and Canvassing.

Section 219-4D is amended as follows: "Fees for this ~~license~~ permit shall be consistent with the fees required pursuant to § 219-5C."

Section 219-6C is amended to change "the name of the licensee's organization" to "the name of the permittee's organization."

Section 219-6D is amended as follows: "The Chief of Police or designee shall retain a record of all ~~licenses~~ permits for soliciting and canvassing that have been issued for a period of one year after date of issue."

Section 219-13A is amended as follows: "Violations of the terms, conditions, and restrictions of this bylaw, exclusive of the fine regarding the display of permit identification (see § 219-5B) issued pursuant to the same, may result in a fine ~~as follows: first offense $100; second offense $200; third and any subsequent offense $300~~ as set forth in Chapter 203, Noncriminal Disposition."

Section 219-13C is amended as follows: "Failure to prominently wear/display the provided permit may result in a ~~violation~~ fine ~~of up to $100~~ per individual and ~~up to $100 per~~ their respective primary employing entity per violation ~~per day~~ as set forth in Chapter 203, Noncriminal Disposition."

Ch. 224. Storm Drain System.

The definition of "illegal discharge" in § 224-2 is amended as follows: "Any direct or indirect non-stormwater discharge to the municipal storm drain system, except as specifically exempted in § 224-6D ~~or permitted pursuant to Section 8 of this bylaw~~."

Section 224-9D is amended as follows:

> As an alternative to criminal prosecution or civil action, the Town of Southampton may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D. ~~The Highway Department shall be the enforcing person. The penalty for the first violation shall be $50. The penalty for the second violation shall be $100. The penalty for the third and subsequent violations shall be $300.~~ The enforcing person and penalty shall be as provided in Chapter 203, Noncriminal Disposition. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Section 224-11 is amended as follows: "Residential property owners shall have 120 days from the effective date of the bylaw to comply with its provisions ~~provided good cause is shown for the failure to comply with the bylaw during that period~~."

Ch. 227. Stormwater Management and Erosion and Sediment Control.

The definition of "best management practices" in § 227-2 is amended as follows: "BMPs are described in the Massachusetts Stormwater Handbook ~~described~~ defined below."

The definition of "forest cutting plan" in § 227-2 is amended to correct the reference to MGL c. 132, §§ 40 to 46A, to MGL c. 132, §§ 40 to 46.

Section 227-5E is amended as follows: "The Planning Board may establish a permit review fee schedule, based on the type and complexity of projects, and may update this fee schedule as needed, to cover the costs of permit administration for stormwater management permits."

Section 227-6D is amended to read as follows: "The Town of Southampton may elect to utilize the noncriminal disposition procedure set forth in Chapter 203, Noncriminal Disposition, of the General Bylaws. The Planning Board or its designee shall be the enforcing entity and the penalty shall be as provided in Chapter 203, Noncriminal Disposition. Each day or part thereof that such violation occurs or continues shall constitute a separate offense."

Ch. 230. Streets, Sidewalks and Public Areas.

Section 230-3 is amended as follows: "Any person who violates this bylaw shall be ~~liable to a $50 fine for each violation or an amount according to rates set by the Select Board or Town Meeting~~ subject to a penalty as provided in Chapter 203, Noncriminal Disposition."

Section 230-4 is amended as follows: "If said property is not cleared, fines will be assessed according to

~~the rates set by the Selectboard or Town Meeting. (See fee/penalty schedule)~~ Chapter 203, Noncriminal Disposition. When removing snow and ice, consideration must be given to not worsening the problems for adjacent property owners. If snow or ice cannot be wholly removed

from the sidewalk, the property owner shall sprinkle thereon sand, ashes, sawdust, or other suitable substance so that such sidewalk shall not be slippery and shall be safe and convenient for public use."

Section 230-13 is amended as follows: "No such repairs shall commence unless and until a cash deposit equal to the estimated cost of such repairs ~~are determined by the Town of Southampton to do the work,~~ is paid over to the Town of Southampton."

Section 230-14 is amended to update the reference to "Department of Public Works of the Commonwealth of Massachusetts" to "Massachusetts Department of Transportation."

Ch. 234. Swimming Pools.

Section 234-4 is amended as follows: "A person who violates this bylaw shall be liable to a penalty ~~not to exceed $5 for each day of violation~~ as provided in Chapter 203, Noncriminal Disposition."

Ch. 248. Vehicles, Unregistered.

Section 248-1 is amended to add the word "by": "The keeping of more than one unregistered motor vehicle, assembled or disassembled, except by a person licensed under MGL c. 140, § 59, on any premises shall not be permitted, unless said motor vehicles are stored within an enclosed building."

Section 248-5 is amended as follows: "Whoever violates any provisions of this bylaw shall be liable to a penalty ~~of $10 per day of violation~~ as provided in Chapter 203, Noncriminal Disposition, commencing 10 days following the date of receipt of written notice from the ~~Select Board~~ enforcing authority."

Ch. 255. Waste Management.

Sections 255-1 and 255-2 are amended to change "sanitary landfill" to "transfer station."

The definition of "recyclable or recyclable material" in § 255-5 is amended to revise the first paragraph to read as follows:

> Means a material that has the potential to be recycled and which is pre-sorted. Such materials shall include but are not limited to containers, films and wraps made from metal, glass, plastic or paper; and newspaper, office paper, cardboard and other grades of paper. "Recyclable material" does not include:

Section 255-6 is amended to change "This applies" at the beginning of the section to "This bylaw applies."

Ch. 259. Water.

Section 259-4 is amended as follows: "Public notice of a state of water supply conservation shall be given under § 259-6 of this bylaw before it may be enforced."

Section 259-9 is amended to read as follows:

Any person violating this bylaw shall be liable to the Town in amounts as provided in Chapter 203, Noncriminal Disposition. This penalty shall be paid to the Southampton Water Department Enterprise Fund for such uses as the Board of Water Commissioners may direct. A warning shall be given for the first violation. Each day of violation shall constitute a separate offense. On the fourth violation the Water Department may throttle the offending water service to reduce flow of water to the water consumer until accommodation is reached.

Ch. 264. Wetlands Protection.

Section 264-4B(1) is amended as follows: "Any activity proposed or undertaken within 100 feet of a resource area, which shall be referred to as a buffer zone, ~~and~~ shall be subject to regulation under this bylaw."

Section 264-20 is amended to change "Chairman" to "Chair."

SUMMARY: *The Bylaw Advisory Review Committee was charged with reviewing the existing Town General Bylaws and making recommendations to ensure these Bylaws were in conformity with one another, update their language, reorganize sections of Bylaws so that they were easier to understand. Working with ECode 360, this is their recommendation for Articles that would amend the existing language as noted, deleting existing language where noted and adding new language shown in boldface text.*

MOTION: Move that the Town accept all the changes in the Town's General Bylaws as presented in the Final Draft of the Code of the Town of Southampton, dated March 2023 and as set forth in Article 31 of the Warrant for the May 9, 2023 Annual Town Meeting or take any action thereto.

Simple Majority

ZONING BYLAW CHANGES

ARTICLE 32 AMEND ZONING BYLAW/ AMENDMENT OF ZONING MAP, BYLAW SECTION III-B BY AMENDING THE MAP

(SPEAKER: PLANNING BOARD)

To see if the Town will vote to amend the Southampton Zoning Map, ZBL Section III-B, by changing the zoning designation of a parcel of land consisting of 14.7 +/- acres and located at the Southwest corner of College Highway and Valley Road, also identified on Assessors' Map 39, Parcel 26, and as shown on a plan prepared by Heritage Surveys, Inc., "Proposed Zone Change Area, Industrial Park (I-P) to Commercial Highway (C-H), Map 39 Parcel 26, Eugene R. Labrie, College Highway and Valley Road, Southampton MA", from the present zoning designation of Industrial Park (I-P) to Commercial Highway (C-H), or take any other action relative hereto.

SUMMARY: *This article was requested by the property owner and would amend the Southampton Zoning Map for a portion of this parcel (as shown on the plan prepared by Heritage Surveys, Inc.) which has frontage on College Highway (Route. 10) from their current zoning designation of Industrial Park (I-P) to Commercial Highway (CH).*

MOTION: Move that the Town vote to amend the Southampton Zoning Map, ZBL Section III-B, by changing the zoning designation of a parcel of land consisting of 14.7 +/- acres and located at the Southwest corner of College Highway and Valley Road, also identified on Assessors' Map 39, Parcel 26, and as shown on a plan prepared by Heritage Surveys, Inc., "Proposed Zone Change Area, Industrial Park (I-P) to Commercial Highway (C-H), Map 39 Parcel 26, Eugene R. Labrie, College Highway and Valley Road, Southampton MA", from the present zoning designation of Industrial Park (I-P) to Commercial Highway (C-H).

2/3rds Majority

PLANNING BOARD – RECOMMENDED

ZONING BYLAW AMENDMENTS

ARTICLE 33 REPEAL AND REPLACE EXISTING ZONING BYLAWS AMENDED BY THE PLANNING BOARD AND THE REVISIONS EDITED BY THE GENERAL CODE CORPORATION FOR CHAPTER 275

(Speaker: Planning Board)

To see if the Town will vote to adopt the renumbering and revision of the Zoning Bylaw of the Town as set forth in the Final Draft of the Zoning Bylaw dated March 2023, said renumbering and revision of the Zoning Bylaw having been done under the direction of the Planning Board, and being a compilation and comprehensive update of the present Zoning Bylaw, including amendments thereto. All Zoning Bylaws, as amended, heretofore in force shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law; or what it will do in relation thereto.

(Attachment C Table of Summary Changes)

SUMMARY: *The Planning Board has been working with reviewing the existing Town Zoning Bylaws for several years and making recommendations to ensure these Bylaws were in conformity with one another, modernize their language, move sections of the Zoning Bylaws so that they were easier to understand. Working with ECode 360, this is their recommendation for Articles that would amend the existing language, deleting existing language and adding new language*. Please see the attached Summary of these Zoning Bylaw updates.

MOTION: Move that the Town vote to adopt the renumbering and revision of the Zoning Bylaw of the Town as set forth in the Final Draft of the Zoning Bylaw dated March 2023, said renumbering and revision of the Zoning Bylaw having been done under the direction of the Planning Board, and being a compilation and comprehensive update of the present Zoning Bylaw, including amendments thereto. All Zoning Bylaws, as amended, heretofore in force shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law, as presented in Article 33 of the May 9, 2023 Annual Town Meeting.

2/3rds Majority

PLANNING BOARD – RECOMMENDED