

January 28, 2020

TOWN OF SOUTHAMPTON

SPECIAL TOWN MEETING WARRANT

WITH SUMMARIES & MOTIONS

Tuesday, February 11, 2020

7:00 P.M.



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

TABLE OF CONTENTS

ARTICLE 1	LAND DONATION TO TOWN 57 COLD SPRING ROAD FROM HENDRICKS' ACCEPTANCE.....	2
ARTICLE 2	TRANSFER FROM FREE CASH TO THE CAPITAL STABILIZATION FUND	3
ARTICLE 3	TRANSFER OF FREE CASH TO THE OPERATING STABILIZATION FUND	3
ARTICLE 4	TRANSFER OF FREE CASH TO THE OPEB FUND	3
ARTICLE 5	TRANSFER FOR AMORITIZATION OF THE WPAT BONDS FY 2020 BUDGET	4
ARTICLE 6	FUNDING FOR HEALTH INSURANCE DESIGN CHANGES PER MGL CHAPTER 32B.....	4
ARTICLE 7	FUNDING FOR INSURANCE - GENERAL	5
ARTICLE 8	TRANSFER FOR POLICE OVERTIME	5
ARTICLE 9	TRANSFER FOR ELECTION WAGES	6
ARTICLE 10	TRANSFER OF FREE CASH FOR RESERVE FUND	6
ARTICLE 11	TRANSFER FOR POLICE RETROACTIVE WAGES.....	7
ARTICLE 12	FUNDING FOR POLICE RETROACTIVE WAGES	7
ARTICLE 13	FUNDING FOR TREE WARDEN TREE REMOVAL EXPENSES	7
ARTICLE 14	FUNDING FOR HEALTH DIRECTOR	8
ARTICLE 15	CHANGE TREASURER/COLLECTOR TO APPOINTED POSITION	9
ARTICLE 16	TRANSFER CPC FUNDS FOR HISTORICAL COMMISSION INSTALL OF FLAG POLE AT OLD ONE ROOM SCHOOL HOUSE.....	9
ARTICLE 17	CONVEYANCE OF PROPERTY AT 93 COLLEGE HIGHWAY	10
ARTICLE 18	AMEND ZONING BY-LAW AMENDMENT TO ZONING MAP SECTION III-B	11
ARTICLE 19	AMEND ZONING BY-LAW AMENDMENT TO ZONING MAP SECTION III-B	11
ARTICLE 20	AMEND TOWN GENERAL BYLAWS AMEND ARTICLE I TOWN MEETING	12
ARTICLE 21	AMEND TOWN GENERAL BYLAWS ADD NEW ARTICLE IV TOWN ADMINISTRATOR	15
ARTICLE 22	AMEND TOWN GENERAL BYLAWS AMEND ARTICLE IV TOWN CLERK AND RENUMBER AS V.....	16
ARTICLE 23	AMEND TOWN GENERAL BYLAWS AMEND ARTICLE V TOWN TREASURER AND RENUMBER AS VI..	18

TOW OF SOUTHAMPTON
WARRANT FOR SPECIAL TOWN MEETING

February 11, 2020

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 11, 2020 at 7:00 p.m.,

then and there to act on the following articles:

PART 1. LAND DONATION

ARTICLE 1 LAND DONATION TO TOWN 57 COLD SPRING ROAD FROM HENDRICKS' ACCEPTANCE

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Select Board shall determine, a parcel of land commonly known as 57 Cold Spring Road, Southampton, being Tax Map 6, Parcel 19, to be preserved as open space and designated as "no motorized vehicles permitted," and to authorize the Select Board to enter into all agreements and take all related actions necessary or convenient to carry out said acquisition, or take any other action relative thereto.

SUMMARY: *Paula and Ted Hendrick are offering to donate to the Town their property parcel at 57 Cold Spring Road in Southampton, being Tax Map 6, Parcel 19 of approximately 8.5 +/- acres. Said parcel shall be preserved as open space and designated as "no motorized vehicles permitted".*

MOTION: Move that the Town vote to authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Select Board shall determine, a parcel of land commonly known as 57 Cold Spring Road, Southampton, being Tax Map 6, Parcel 19, to be preserved as open space and designated as "no motorized vehicles permitted," and to authorize the Select Board to enter into all agreements and take all related actions necessary or convenient to carry out said acquisition.

Simple Majority

FINANCE COMMITTEE - RECOMMENDED

PART 2. FINANCIAL ITEMS

ARTICLE 2 TRANSFER FROM FREE CASH TO THE CAPITAL STABILIZATION FUND (SPEAKER: TOWN ACCOUNTANT)

To see if the Town will vote to transfer/appropriate \$126,502.25 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 3 and 4 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 \$126,502.25 from Free Cash to the Capital Stabilization Fund.

Simple Majority

FINANCE COMMITTEE – RECOMMENDED

ARTICLE 3 TRANSFER FROM FREE CASH TO THE OPERATING STABILIZATION FUND (SPEAKER: TOWN ACCOUNTANT)

To see if the Town will vote to transfer/appropriate \$108,430.50 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 \$108,430.50 from Free Cash to the Operational Stabilization Account.

Simple Majority

FINANCE COMMITTEE – RECOMMENDED

ARTICLE 4 TRANSFER FROM FREE CASH TO THE OPEB FUND

(SPEAKER: TOWN ACCOUNTANT)

To see if the Town will vote to transfer/appropriate \$ 36,143.50 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 be 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 \$36,143.50 from Free Cash to the Other Post-Employment Benefits Account.

Simple Majority

FINANCE COMMITTEE – RECOMMENDED

ARTICLE 5 TRANSFER FOR AMORTIZATION OF WPAT BONDS FY 2020 BUDGET (SPEAKER: TOWN ACCOUNTANT)

To see if the town will vote to transfer two hundred dollars (\$200) to fund the amortization of the WPAT bonds, said sum to be taken from WPAT Loan Repayment Account: or take any action relative thereto.

SUMMARY: The Department of Revenue created several Special Revenue Funds (SRF) to account for monies borrowed to assist municipalities in financing infrastructure improvements. The Water Pollution Abatement Trust is an entity that municipalities can borrow from for such projects. The town uses these funds to loan out to residents to improve, repair or replace septic systems. This article will transfer an additional \$200 to what was appropriated at the May 2019 Annual Town Meeting from a special revenue account to fund the payment of these loans.

MOTION: Move that the Town vote to transfer two hundred dollars (\$200) to fund the amortization of the WPAT bonds, said sum to be taken from WPAT Loan Repayment Account.

Simple Majority

FINANCE COMMITTEE - RECOMMENDED

ARTICLE 6 FUNDING FOR HEALTH INSURANCE PLAN DESIGN CHANGES PER MGL CHAPTER 32B

To see if the Town will vote to transfer/appropriate \$18,000 from Free Cash to a Health Insurance Plan Design Change Account (per MGL C 32B) to fund the payment for union employees for implemented health insurance plan design changes; or take any other action relative thereto.

(Speaker: Town Administrator)

SUMMARY: Under MGL C32B, Sec. 21 to 23 the Town is able to make plan design changes as part of the Hampshire Health Trust but the law requires sharing a portion of the estimated savings from the changes with the Town's Union employees who are enrolled in the health insurance program. This funding is to fulfill the financial requirement under the law.

MOTION: Move that the Town vote to transfer/appropriate \$18,000 from Free Cash to a Health Insurance Plan Design Change Account (per MGL C 32B) to fund the payment for union employees for implemented health insurance plan design changes.

Simple Majority

FINANCE COMMITTEE - RECOMMENDED

ARTICLE 7 FUNDING FOR INSURANCE – GENERAL

(SPEAKER: TOWN ADMINISTRATOR)

To see if the Town will vote to transfer/appropriate \$3,825 to the Town Insurance - General Expense Account for unanticipated increase in town owned building/property values; said sum to be taken from Free Cash; or take any other action relative thereto.

SUMMARY: *This is supplemental funding to the Insurance – General Expense Account which was funded at the May 2019 Annual Town Meeting. The Insurance General Expense Account funds the property and casualty portions of our insurance along with general liability. This year there was an increase in the Norris School value which was unanticipated at the time the FY 2020 budget was approved and there were less program credits to offset the increases than in prior fiscal years.*

MOTION: Move that the Town vote to transfer/appropriate \$3,825 to the Town Insurance – General Expense Account for unanticipated increase in town owned building/property values; said sum to be taken from Free Cash.

Simple Majority

FINANCE COMMITTEE - RECOMMENDED

ARTICLE 8 TRANSFER FOR POLICE OVERTIME

(SPEAKER: TOWN ACCOUNTANT/POLICE CHIEF)

To see if the Town will vote to transfer \$10,000 from the Police Communication Wages Account to the Police Overtime Wage Account to account for overtime incurred due to current staff shortage; or take any other action relative thereto.

SUMMARY: *This is a transfer of funds between Police Department accounts to transfer existing funding of \$10,000 from the Police Communication Wages Account to the Police Overtime Wage Account to account for unforeseen overtime costs due to a current staff shortage.*

MOTION: Move that the Town vote to transfer \$10,000 from the Police Communication Wages Account to the Police Overtime Wage Account to account for overtime incurred due to current staff shortage.

Simple Majority

FINANCE COMMITTEE – RECOMMENDED

ARTICLE 9 TRANSFER FOR ELECTION WAGES

(SPEAKER: TOWN ACCOUNTANT/TOWN CLERK)

To see if the Town will vote to transfer \$5,000 from Election/Registration Expenses to the Election/Registration Wages account to fund the payment of the election workers changed payment from Vendor to payroll per IRS regulations; or take any other action relative thereto.

SUMMARY: *This is a transfer of funds within the Election accounts to transfer existing funding of \$5,000 from the Election/Registration Expense Account to the Election/Registration Wages Account to account for an IRS ruling that our election workers should be paid from a payroll account rather than an expense account.*

MOTION: Move that the Town vote to transfer \$5,000 from Election/Registration Expenses to the Election/Registration Wages account to fund the payment of the election workers changed payment from Vendor to payroll per IRS regulations.

Simple Majority

FINANCE COMMITTEE - RECOMMENDED

ARTICLE 10 TRANSFER FOR RESERVE FUND

(SPEAKER: TOWN ACCOUNTANT)

To see if the Town will vote to transfer \$5,000 from Free Cash to the Reserve Fund account as it was not funded in the FY2020 budget. The reserve fund is necessary to be funded in case of extraordinary and unforeseen expenses through the fiscal year; or take any other action relative thereto.

SUMMARY: *This would transfer \$5,000 from Free Cash to fund the Reserve Fund account as it was not funded in the FY 2020 budget. The Reserve Fund Account may be utilized when there are unforeseen and unexpected costs which are occurred and the budgetary account which would regularly fund these costs does not have enough existing funding as the cost was not reasonably expected at the time the budget was approved. This fund is under the approval of the Finance Committee.*

MOTION: Move that the Town vote to transfer \$5,000 from Free Cash to the Reserve Fund account as it was not funded in the FY2020 budget. The reserve fund is necessary to be funded in case of extraordinary and unforeseen expenses through the fiscal year

Simple Majority

FINANCE COMMITTEE - RECOMMENDED

ARTICLE 11 TRANSFER FOR POLICE RETROACTIVE WAGES DUE TO NEW CONTRACT

To see if the Town will vote to transfer \$10,000 from the Police Communication Wages Account to the Police Wage Account to pay a portion of retroactive wages back to July 1, 2018 due to new Union Contract agreement: or take any other action relative thereto.

(Speaker: Town Accountant/Police Chief)

SUMMARY: *This is a transfer of funds between Police Department accounts to transfer existing funding of \$10,000 from the Police Communication Wages Account to the Police Wage Account to pay retroactive Police Wages back to July 1, 2018 due to the new Union Contract Agreement which was recently settled for fiscal years 2019, 2020 and 2021.*

MOTION: Move that the Town vote to transfer \$10,000 from the Police Communication Wages Account to the Police Wage Account to pay a portion of retroactive wages back to July 1, 2018 due to new Union Contract agreement.

Simple Majority

FINANCE COMMITTEE - RECOMMENDED

ARTICLE 12 TRANSFER FOR POLICE RETROACTIVE WAGES DUE TO NEW CONTRACT

To see if the Town will vote to transfer/appropriate \$25,000 from Free Cash to the Police Wage Account to pay a portion of retroactive wages back to July 1, 2018 due to new Union Contract agreement: or take any other action relative thereto. (Speaker: Town Accountant/Police Chief)

SUMMARY: *This Article will transfer/appropriate funds from Free Cash to the Police Wage Account to pay retroactive Police Wages back to July 1, 2018 as required by the new Union Contract Agreement which was recently settled for fiscal years 2019, 2020 and 2021.*

MOTION: Move that the Town vote to transfer/appropriate \$25,000 from Free Cash to the Police Wage Account to pay a portion of retroactive wages back to July 1, 2018 due to new Union Contract agreement.

Simple Majority

FINANCE COMMITTEE - RECOMMENDED

ARTICLE 13 FUNDING FOR TREE WARDEN TREE REMOVAL EXPENSES (SPEAKER: TOWN ADMINISTRATOR/TREE WARDEN)

To see if the Town will vote to transfer/appropriate \$5,000 from Free Cash to the Tree Warden Expenses account to fund the removal and trimming of additional trees during FY 2020; or take any other action relative thereto.

SUMMARY: *This Article will transfer/appropriate funds from Free Cash to the Tree Warden Expense Account to pay for additional tree removal during fiscal year 2020. The Town has been hit by several storms already this year which have required the removal of a larger number of trees than*

normal. The Tree Warden is still expecting additional trees will be required to be removed this year and this funding will supplement the original budget to allow for more potentially dangerous or damaged trees to be removed from town right of ways.

MOTION: Move that the Town vote to transfer/appropriate \$5,000 from Free Cash to the Tree Warden Expenses account to fund the removal and trimming of additional trees during FY 2020.

Simple Majority

FINANCE COMMITTEE - RECOMMENDED

ARTICLE 14 FUNDING FOR HEALTH DIRECTOR

(SPEAKER: BOARD OF HEALTH)

To see if the Town will vote to transfer/appropriate \$16,328.60 from Free Cash to the Health Director Wage Account to fund the position through the remainder of the fiscal year; or take any other action relative thereto.

SUMMARY: *On July 1, 2018 the Massachusetts Pay Equity Act became effective. This Act requires employers to pay similar wages for similar job functions where the job duties, education, training and experience are similar or equal. The Board of Health requested that I compare the Building Commissioner and Health Director job descriptions, required duties and education, training and experience levels under this new law. In my role as Town Administrator I found that the two positions were similar but not entirely equal due to some statutory requirements for the Building Commissioner position. I have worked with our Town Counsel and applied the Attorney General's Guide which governs this law to perform the analysis of the two positions. After completing this analysis, I had determined that the Health Director position with the existing employee should be compensated for 87% of the Building Commissioner's wages on an hourly basis compared with the current individual in that position. During FY 2019 the hourly pay of the Health Director was brought into line with the Massachusetts Pay Equity Act, this funding would fund the position through the remainder of FY 2020 at thirty-two hours per week.*

MOTION: Move that the Town vote to transfer/appropriate \$16,328.60 from Free Cash to the Health Director Wage Account to fund the position through the remainder of the fiscal year.

Simple Majority

FINANCE COMMITTEE – NOT RECOMMENDED

PART 3. ADMINISTRATIVE

ARTICLE 15 CHANGE TREASURER/COLLECTOR TO APPOINTED POSITION (SPEAKER: SELECT BOARD/TOWN ADMIN.)

To see if the Town, will vote pursuant to the provisions of G.L. c.41, §1B to change the position of elected Treasurer/Collector to an appointed position to be appointed by the Select Board for a term of up to three years; provided, however, that such change shall not take effect unless it is also approved by the voters at the 2020 Annual Town Election; or take any other action relative thereto.

SUMMARY: *This would make the Treasurer/Collector position an appointed position of the Select Board rather than an elected position. The individual hired for this position under the Select Board appointment would be subject to a hiring and interview process to check their knowledge and experience and the Treasurer/Collector position would then be directly supervised by the Town Administrator and be directly responsible to the Town Administrator and the Select Board. This change would only take place after an affirmative majority vote of Town Meeting and also an affirmative majority vote at the May 2020 Annual Town Election.*

MOTION: Move that the Town vote pursuant to the provisions of G.L. c.41, §1B to change the position of elected Treasurer/Collector to an appointed position to be appointed by the Select Board for a term of up to three years; provided, however, that such change shall not take effect unless it is also approved by the voters at the 2020 Annual Town Election.

Simple Majority

FINANCE COMMITTEE – NOT WITHIN PURVIEW

PART 4. COMMUNITY PRESERVATION FUNDING

ARTICLE 16 TRANSFER CPC FUNDS FOR HISTORICAL COMMISSION INSTALLING FLAG POLE AT OLD ONE ROOM SCHOOL HOUSE

(SPEAKER: COMMUNITY PRESERVATION CHAIR)

To see if the Town will vote to transfer \$2,000 from Community Preservation Funds to the Historical Commission to purchase and install a flag pole in the area of the historical One Room School House in Conant Park to add to the historical appearance of the school; said sum to be transferred from Community Preservation Surcharges – Historical Preservation Account; or take any other action relative thereto.

SUMMARY:

This Article would provide funds for the Southampton Historical Commission to purchase and install a

flag pole at the historical One Room School House located on College Highway at Conant Park. This will add to the historical appearance of the school.

MOTION:

Move that the Town vote to transfer \$2,000 from Community Preservation Funds to the Historical Commission to purchase and install a flag pole in the area of the historical One Room School House in Conant Park to add to the historical appearance of the school; said sum to be transferred from Community Preservation Surcharges – Historical Preservation Account.

Simple Majority

FINANCE COMMITTEE – RECOMMENDED

PART 5. LAND DISPOSAL AS SURPLUS PROPERTY

ARTICLE 17 CONVEYANCE OF PROPERTY AT 93 COLLEGE HIGHWAY

(SPEAKER: SELECT BOARD)

To see if the Town will vote to transfer the care, custody and control of that property located at 93 College Highway, described in a deed recorded with the Hampshire Registry of Deeds in Book 6098, Page 95, containing 8 acres, more or less, from the Select Board for general municipal purposes, and authorize the Select Board to convey said property on such terms and conditions and for such consideration as the Select Board deems appropriate, including reserving such drainage easements as the Town may require, and to execute such documents as may be necessary to carry out the purpose of this article; or take any other action relative thereto.

SUMMARY: *This Article would allow the Select Board to dispose of the property at 93 College Highway which it acquired to clean up an old tire dump with State grant funds as surplus property. The tires have been removed from the property which is approximately 8.42 acres and has several farming APR restrictions on it. The property was originally a part of an adjacent farm and was allowed to be subdivided by the Department of Agricultural so the town could use State grant funds to remove the tires. This would allow the parcel to be returned to the tax rolls.*

MOTION: Move that the Town vote to transfer the care, custody and control of that property located at 93 College Highway, described in a deed recorded with the Hampshire Registry of Deeds in Book 6098, Page 95, containing 8 acres, more or less, from the Select Board for general municipal purposes, and authorize the Select Board to convey said property on such terms and conditions and for such consideration as the Select Board deems appropriate, including reserving such drainage easements as the Town may require, and to execute such documents as may be necessary to carry out the purpose of this article.

Simple Majority

FINANCE COMMITTEE – RECOMMENDED

PART 6. ZONING BY-LAWS

ARTICLE 18 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 designation of subject parcel consisting of 1.6 +/- acres located at 173 and 175 College Highway, and also identified on Assessors' Map 24, Parcels 2 and 57, from the present zoning designation of Residential Village (RV) to Commercial Village (CV), or take any other action relative hereto.

SUMMARY: *This article was requested by the property owner and would amend the Southampton Zoning Map for these two parcels (which are to the right of the old Opa-Opa/JPs Steakhouse Restaurant) from their current zoning designation of Residential Village (RV) to Commercial Village (CV) which would allow them to move the location of the current Southampton Dunkin Donuts to this new location.*

MOTION: Move that the Town vote to amend the Southampton Zoning Map, ZBL Section III-B, by changing the designation of subject parcel consisting of 1.6 +/- acres located at 173 and 175 College Highway, and also identified on Assessors' Map 24, Parcels 2 and 57, from the present zoning designation of Residential Village (RV) to Commercial Village (CV).

2/3rds Majority

PLANNING BOARD – NOT RECOMMENDED
FINANCE COMMITTEE – NOT WITHIN PURVIEW

ARTICLE 19 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
FINANCE COMMITTEE – NOT WITHIN PURVIEW

PART 7. GENERAL BY-LAWS

ARTICLE 20 AMEND GENERAL TOWN BY-LAWS: AMEND ARTICLE I TOWN MEETING (SPEAKER: BY-LAW REVIEW COM.)

To see if the Town will vote to amend Article I of the Town's General By-laws, entitled "Town Meeting," as follows, or take any other action relative thereto.

ARTICLE I Town Meeting

Replace existing Section 1 ("The Annual Election of Town Officers shall be held on the third Tuesday in May of each year. The Annual Meeting of the Town shall be held on the first Tuesday in May, commencing at 7:00pm in the evening, and if not completed in a reasonable time, prescribed by the Moderator, shall continue on successive evenings beginning at 7:00pm until its conclusion, excluding Sundays and Holidays."), with the following new Section 1:

Sec. 1. The Annual Meeting of the Town shall be held on the first Tuesday in May, commencing at 7:00 p.m. in the evening, and if not completed in a reasonable time, prescribed by the Moderator, shall continue on successive evenings beginning at 7:00 p.m. until its conclusion, excluding Sundays and Holidays.

The Annual Election of Town Officers shall be held on the third Tuesday in May of each year.

Replace existing Section 2 ("Warrants for all Town meetings shall be served by posting attested copies of the same in six (6) places in the Town (to include the Town's website); at least seven (7) days before

the time of holding an Annual Town Meeting, and at least fourteen (14) days before the time of holding a Special Town Meeting.”) with the following new Section 2:

Sec. 2. Warrants for all Town meetings shall be posted in six (6) places in the Town (including the Town’s website); at least seven (7) days in advance of the scheduled Annual Town Meeting and, at least fourteen (14) days in advance of a Special Town Meeting.

Replace existing Section 3 (“A motion made in Town meeting shall be reduced to writing when required by the Moderator.”) with the following new Section 3:

Sec. 3. After a motion is made orally in Town meeting, it will be presented in writing, when required by the Moderator, with copies provided to the Town Clerk and the Town Moderator.

Replace existing Section 4 (“To vote on any question before the meeting shall be taken by use of the checklist, if the Moderator, or the meeting by vote, so orders.”) with the following new Section 4:

Sec. 4. If the Moderator, or the meeting by majority vote, so orders, a vote on any question at a Town Meeting shall be conducted by paper ballot.

Insert a new Section 5, as follows:

Sec. 5. Any Town Meeting Article requiring bonding, the Moderator shall require a paper ballot vote.

Replace existing Section 5 (“Articles in the warrant shall be acted upon in the order of their arrangement unless the meeting by vote otherwise determines.”) with the following new Section 6:

Sec. 6. Articles in the warrant shall be acted upon in the order of their arrangement unless the meeting, by majority vote, revises the order in which the articles will be considered.

Replace existing Section 6 (“At all Town Meetings, except meetings that are devoted exclusively to the election of officers, fifty (50) legal voters shall be necessary to constitute a quorum; provided that a number less than a quorum may from time to time adjourn the same.”) with the following new Section 7:

Sec. 7. At all Town Meetings, fifty (50) registered voters shall be necessary to constitute a quorum to conduct business, provided that a number less than a quorum may from time to time adjourn the meeting.

Replace existing Section 7 (“The Warrant for an Annual or Special Town Meeting may specify that the meeting is to be held in a suitable auditorium or other facility in any of the contiguous municipalities; and the Town meeting may also vote to adjourn to such a facility if it deems appropriate.”) with the following new Section 8:

Sec. 8. The Warrant for an Annual or Special Town Meeting may specify that the meeting is to be held in an accessible auditorium or other facility in any of the surrounding municipalities; and, the Town Meeting may also, by majority vote, adjourn to such a facility if it deems appropriate.

Renumber existing Section 8 (“(a.) All speakers at Town Meeting shall be recognized by and address the moderator, and shall face and speak directly to the voters in attendance in the meeting hall; and (b.) All public officials located at tables in the front of the hall shall face toward the voters and shall also stand and be recognized by and first address the Moderator, and shall then also face and speak directly to the voters; and (c.) Speakers shall not address specific individuals within the hall nor engage in any rude behavior toward any individuals.”) as Section 9.

Renumber existing Section 9 (“The formal Rules of evidence, including those relating to hearsay evidence, that apply at formal proceedings such as court trials, shall not be applied to Town Meetings, inasmuch as their complexity makes it difficult, if not impossible, to apply consistently. Accordingly, duly recognized speakers, whose statements comport with requirements for decorum, shall not be prevented from speaking by the Moderator when the speakers are acting in good faith, with the reasonable belief their statements are true and that their statements are material and pertinent to matters legitimately before the Town Meeting.”) as Section 10.

Insert a new Section 11, as follows:

Sec 11. Candidates running for Town offices secure a place on the ballot either by timely submitting valid nomination papers with a sufficient number of signatures of registered voters, or being so voted at the Town Caucus. A non-partisan town caucus shall be held at least thirty-eight (38) days prior to the annual town election, as described in MGL c. 53, §. 121.

Not part of By-law

**Footnote to Sec. 10: from the Attorney General’s letter dated August 3, 2018, Attorney General’s comment....” cannot be applied in a manner that interferes with the Moderator’s authority to preside over and regulate Town Meeting, including the Moderator’s authority to request a person to “be silent.” (See G.L. c. 39, §§ 15-17).

SUMMARY:

The By-law Review Committee was charged with reviewing the existing Town By-laws and making recommendations to ensure the By-laws were in conformity with one another, modernize their language, move By-laws or sections of By-laws around and renumber them so that they were easier to understand and make sense. This is their recommendation for Article 1 Town Meeting and would amend the existing language as noted, deleting existing language where noted and add adding new language shown in boldface text.

MOTION:

Move that the Town vote to change the Town By-Laws, to amend Article I of the Town's General By-laws, entitled "Town Meeting," by amending the existing language as noted, deleting existing language where noted and adding new language shown in **boldface text** as set forth in Article 20 of the Warrant for the February 11, 2020 Special Town Meeting.

Simple Majority

FINANCE COMMITTEE – NOT WITHIN PURVIEW

ARTICLE 21 AMEND GENERAL TOWN BYLAWS: NEW ARTICLE IV TOWN ADMINISTRATOR

To see if the Town will vote to insert a new Article IV, entitled "Town Administrator," as follows, into the Town's General By-laws, and renumber the subsequent sections of the General By-laws accordingly, or take any other action relative thereto.

(Speaker: By-law Review Com.)

Article IV Town Administrator

The Town Administrator serves as an Agent of the Select Board with duties and responsibilities delegated by the Select Board and delineated in the Town Administrator's contract, which may not exceed three years.

The Town Administrator may not hold elective office and may not be a voting member of any appointed Town group.

The Town Administrator acts as the Town's Chief Administrative Officer, Chief Procurement Officer pursuant to MGL c. 30B, and Chief Financial Officer.

SUMMARY:

The By-law Review Committee was charged with reviewing the existing Town By-laws and making recommendations to ensure the By-laws were in conformity with one another, modernize their language, move By-laws or sections of By-laws around and renumber them so that they were easier to understand and make sense. This is their recommendation for the addition of a new Article IV Town Administrator and would add the new Article and language as noted, and renumber the subsequent Articles of the General By-laws of the Town accordingly.

MOTION:

Move that the Town vote to insert a new Article IV, entitled "Town Administrator," as set forth in Article 21 of the Warrant for the February 11, 2020 Special Town Meeting, into the Town's General By-laws, and renumber the subsequent sections of the General By-laws accordingly.

Simple Majority

FINANCE COMMITTEE – NOT WITHIN PURVIEW

ARTICLE 22 AMEND GENERAL TOWN BYLAWS/AMEND ARTICLE IV TOWN CLERK AND RENUMBER AS V

To see if the Town will vote to amend the Town’s General By-laws, Article IV, entitled “Town Clerk,” by renumbering the Section as Article “V” and renumbering subsequent sections of the General By-laws as may be necessary, and making the following additional changes shown in bold below, as follows, or take any other action relative thereto. (Speaker: By-law Review Com.)

ARTICLE V Town Clerk

Insert a new Section 1, to read as follows:

Sec. 1. The Town Clerk is an elected position with a three-year term. S/he is the official keeper of town records and the town seal and serves as the main Public Records Access Officer, s/he responds to inquiries from the public in a timely fashion, as determined by MA State Law.

Move existing Section 1 to a Section 3, as stated below.

Replace existing Section 2 (“Sec. 2. The Town Clerk shall keep and cause to be permanently one or more files of the Town reports.”) with the following new Section 2, to read as follows:

Sec. 2. The Town Clerk, as Notary Public, attests by signature and seal to bonds, all borrowing, contracts, by-laws, resolutions and any other documents requiring town certification. The Town Clerk records and certifies town meeting legislation, appropriations and decisions of the Planning and Zoning Board of Appeals.

Replace existing Section 3 (“Sec. 3. He shall not allow original paper or documents of the Town to be taken from his office, except as they remain in his custody, or by authority of law.”) with the following new Section 3, to read as follows:

Sec. 3. The Town Clerk is the Chief Election Official and Public Records Access Officer and, serves on the Board of Registrars. The Town Clerk shall, immediately after every Town Meeting, notify or cause to be notified, any person elected, chosen or appointed to any Town office or to serve upon any board or committee, of his election, choice or appointment.

(Note, the second sentence of the new Section 3 is from the existing Section 1 of Article IV.)

Add the following new sections, as numbered:

Sec. 4. The Town Clerk conducts the annual town census and prepares the street list of residents.

Sec. 5. The Town Clerk submits general by-laws and zoning by-laws, as approved at Annual and/or Special Town Meetings, to the Attorney General for approval.

Sec. 6. The Town Clerk issues marriage licenses, gasoline dispensing licenses and dog licenses and provides certified copies of vital records (births, marriages, and deaths). S/he also serves as the Burial Agent for the Town.

Sec.7. The Town Clerk shall permanently retain official Town records, as may be required to be retained by the Town Clerk according to the Commonwealth of Massachusetts Records Retention Schedule and Town By-Laws. The Town Clerk shall not allow original paper or documents of the Town to be removed from the Town Clerk's office, except as they remain in his/her custody, or by authority of law.

(Note, the second sentence of the new Section 7 is derived from and substantially similar although not identical to, the existing Section 3 of Article IV, which provides "Sec. 3. He shall not allow original paper or documents of the Town to be taken from his office, except as they remain in his custody, or by authority of law.")

SUMMARY:

*The By-law Review Committee was charged with reviewing the existing Town By-laws and making recommendations to ensure the By-laws were in conformity with one another, modernize their language, move By-laws or sections of By-laws around and renumber them so that they were easier to understand and make sense. This is their recommendation for old Article IV Town Clerk and would amend the existing language as noted, deleting existing language where noted and add adding new language shown in **boldface text** and renumber the Article/Section as Article V.*

MOTION:

*Move that the Town vote to change the Town By-Laws, to amend Article IV of the Town's General By-laws, entitled "Town Clerk," by amending the existing language as noted, deleting existing language where noted and adding new language shown in **boldface text** and renumber this Article/Section as Article V as set forth in Article 22 of the Warrant for the February 11, 2020 Special Town Meeting.*

Simple Majority

FINANCE COMMITTEE – NOT WITHIN PURVIEW

ARTICLE 23 **AMEND GENERAL TOWN BYLAWS/ARTICLE V TOWN TREASURER AND RENUMBER AS VI**

To see if the Town will vote to amend Article V of the Town's General By-laws, entitled "Town Treasurer," by renumbering the Section as Article "VI" and renaming the title "Town Treasurer/Collector," and renumbering subsequent sections of the General By-laws as may be necessary, and making the following additional changes shown in bold below, as follows, or take any other action relative thereto.

(Speaker: By-law Review Com.)

Article VI Town Treasurer/Collector

Replace existing Section 1 ("Sec. 1. The Town Treasurer shall make a detailed report of receipts and expenditures and of all trust funds in his charge together with a statement of Town debt, which shall be printed, in the annual report.") with the following new Section 1:

Sec. 1. The Treasurer/Collector is an elected position with a three-year term. S/he receives all money belonging to the Town and expends and accounts for it. The Treasurer/Collector performs duties in accordance with the General Laws of Massachusetts as it relates to the management of all town finances, which include, but are not limited to:

- 1. Maintaining custody of all monies belonging to the Town and accounting for these monies;***
- 2. Issuing debt required for authorized short-term and long-term borrowing;***
- 3. Issuing bonds to raise money for certain projects or expenditures;***
- 4. Issuing and maintaining records of Municipal Lien Certificates which are filed at the Registry of Deeds;***
- 5. Collecting and recording all taxes, payments, fees and/or penalties received by various Town Departments, Boards, Commissions, and Committees;***
- 6. Having the authority to take title to the taxpayer's property and to undertake proceedings to foreclose the owner's right to redeem that property when a taxpayer becomes delinquent;***
- 7. Possessing a number of responsibilities relating to payment of salaries and wages;***
- 8. Issuing, in the Town Annual Report, a detailed report of payroll earnings, trust fund balances and committed, collected and outstanding taxes and a statement of Town debt.***

SUMMARY:

The By-law Review Committee was charged with reviewing the existing Town By-laws and making recommendations to ensure the By-laws were in conformity with one another, modernize their language, move By-laws or sections of By-laws around and renumber them so that they were easier to understand and make sense. This is their recommendation for old Article V Town Treasurer/Collector and would amend the existing language as noted, deleting existing language where noted and add adding new language shown in **boldface text** and renumber the Article/Section as Article VI.

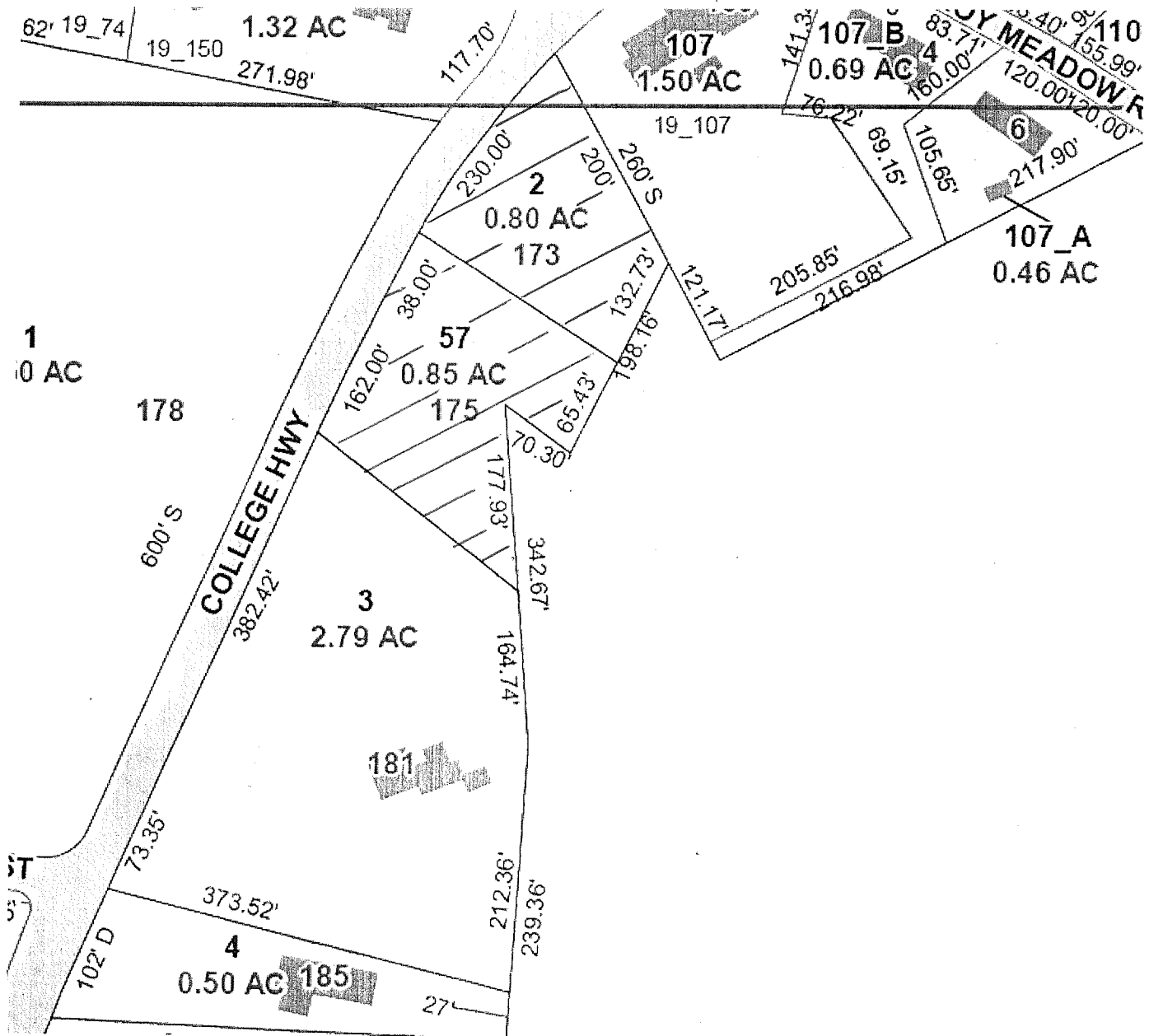
MOTION:

Move that the Town vote to change the Town By-Laws, to amend Article V of the Town's General By-laws, entitled "Town Treasurer/Collector," by amending the existing language as noted, deleting existing language where noted and adding new language shown in **boldface text** and renumber this Article/Section as Article VI as set forth in Article 23 of the Warrant for the February 11, 2020 Special Town Meeting.

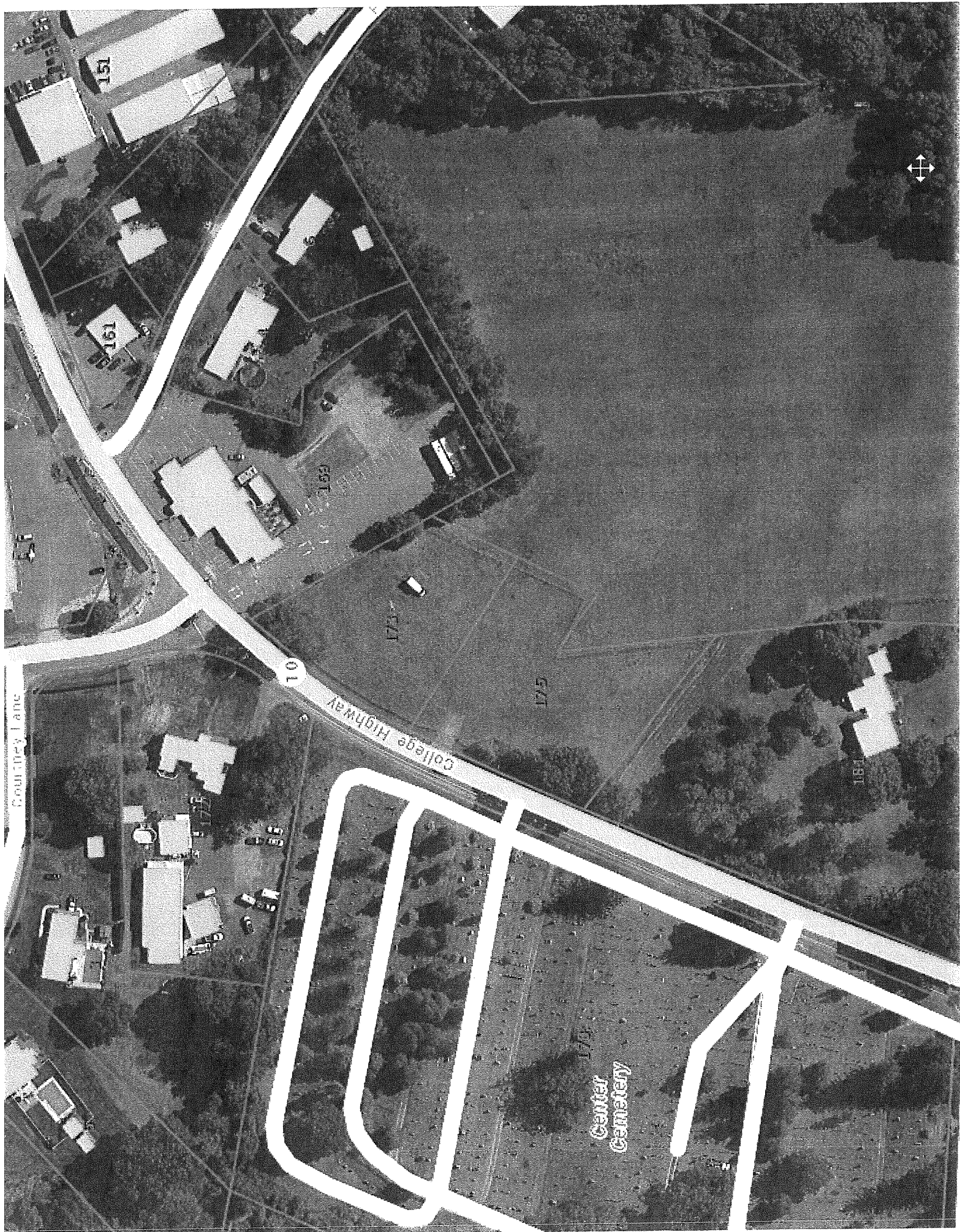
Simple Majority

FINANCE COMMITTEE – NOT WITHIN PURVIEW





Article 18 Zone change



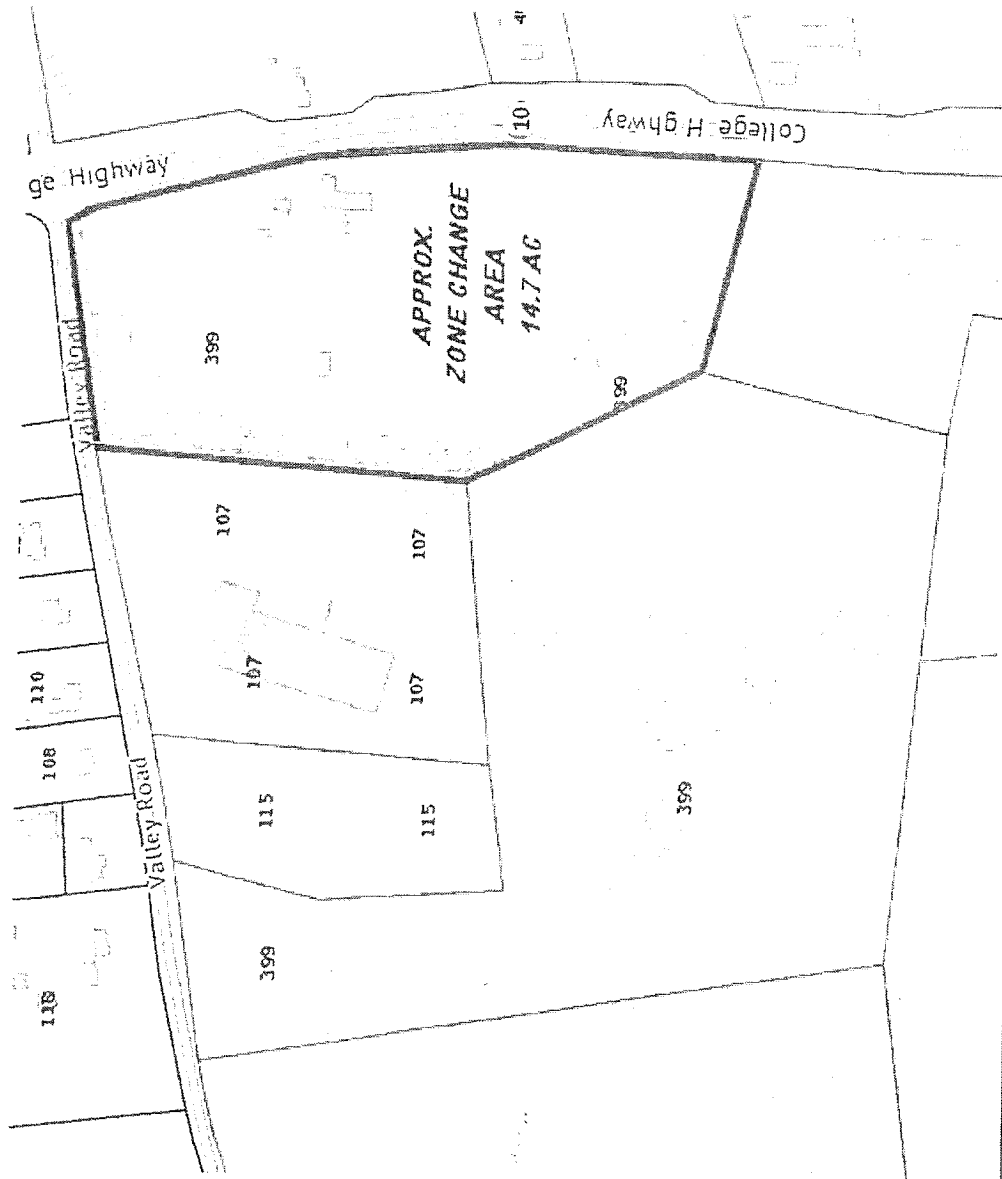


FIGURE 1

**PROPOSED ZONE CHANGE AREA
INDUSTRIAL PARK (I-P) TO COMMERCIAL HIGHWAY (C-H)
MAP 39 PARCEL 26**

HERITAGE SURVEYS, INC.
Professional Surveyors and Engineers
241 College Highway & Clark Street
Post Office Box 1
Southampton, MA 01073
(413) 527-3600

EUGENE R. LABRIE
COLLEGE HIGHWAY & VALLEY ROAD
SOUTHAMPTON, MA

JOB#3998-191028

Article 19

