

November 20, 2023

TOWN OF SOUTHAMPTON

SPECIAL TOWN MEETING WARRANT

With Summaries and Motions

Tuesday, December 5, 2023

7:00 P.M.



**WILLIAM E. NORRIS ELEMENTARY SCHOOL
34 POMEROY MEADOW ROAD
SOUTHAMPTON, MASSACHUSETTS**

TABLE OF CONTENTS

ARTICLE 1	UNPAID BILLS.....	2
ARTICLE 2	TRANSFERS FOR POLICE DEPARTMENT OPERATING EXPENSES	3
ARTICLE 3	TRANSFER FOR FIRE/EMS DEPARTMENT OPERATING EXPENSES.....	4
ARTICLE 4	TRANSFER FOR ASSESSORS DEPARTMENT OPERATING EXPENSES	5
ARTICLE 5	TRANSFER FOR HIGHWAY DEPARTMENT OPERATING EXPENSES	6
ARTICLE 6	TRANSFER FOR TREASURER/INTERGOVERNMENTAL DEPARTMENTT FOR OPERATING EXPENSES	6
ARTICLE 7	TRANSFER FOR HEALTH DEPARTMENTT FOR OPERATING EXPENSES	7
ARTICLE 8	TRANSFER FROM FREE CASH TO OPERATIONAL STABILIZATION TO REPLENISH IT FOR USE FOR FY 2024 HAMPSHIRE REGIONAL ASSESSEMENT.....	8
ARTICLE 9	TRANSFER FROM FREE CASH TO THE CAPITAL STABILIZATION FUND	8
ARTICLE 10	TRANSFER FROM FREE CASH TO THE OPERATNG STABILIZATION FUND	9
ARTICLE 11	TRANSFER FROM FREE CASH TO THE OPEB FUND	9
ARTICLE 12	VOTE TO ESTABLISH AN OPIOD STABILIZATION FUND	9
ARTICLE 13	FUNDING FOR NORRIS ELEMENTARY SCHOOL 7D STUDENT TRANSPORTATION VAN	10
ARTICLE 14	FUNDING SUPPLEMENTAL FOR HIGHWAY DEPARTMENT ONE TON TRUCK.....	11
ARTICLE 15	FUNDING FOR NORRIS ELEMENTARY SCHOOL REPLACEMENT OF CEILING TILES	11
ARTICLE 16	CPC FUNDING FOR FEE ACQUISITION (LANDSCAPE PARTNERSHIP GRANT – MOUNTAIN WATERS PROJECT)	12
ARTICLE 17	CPC FUNDING FOR CONSERVATION RESTRICTIONS (LANDSCAPE PARTNERSHIP GRANT – MOUNTAIN WATERS PROJECT).....	15
ARTICLE 18	NEW GENERAL BY-LAW PROPOSED BYLAW: ARTICLE xlv – MEMBERSHIP ON BOARDS/COMMITTEES/COMMISSIONS/COUNCILS (AKA GROUPS)	17
ARTICLE 19	NEW GENERAL BY-LAW PROPOSED BYLAW ARTICLE XLVI, ELECTED AND APPOINTED COMMITTEES/BOARDS/COMMISSIONS/COUNCILS/AD HOC COMMITTEES (GROUPS): OPERATING PROCEDURES.....	19
ARTICLE 20	VOTE TO RESCIND MASSACHUSETTS GENERAL LAW C 48, SECTION 42 AND ACCEPT MASSACHUSETTS GENERAL LAW C 48, SECTION 42A	22

WARRANT FOR THE SPECIAL TOWN MEETING

December 5, 2023

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 at the **William E. Norris Elementary School, 34 Pomeroy Meadow Road, Southampton, Massachusetts**, on

Tuesday, December 5, 2023 at 7:00 p.m.,

then and there to act on the following articles:

BUDGET AND FINANCIAL ITEMS

ARTICLE 1 UNPAID BILLS

(Speaker: Town Administrator)

To see if the Town will vote to transfer funds for six previous fiscal year bills totaling \$11,918.78 to the Prior Year Bills accounts for unpaid bills from previous Fiscal Years;

\$40.00	Western Mass Fire Prevention Association	FY23 Invoice received late
\$32.99	Amazon	FY23 Invoice not paid
\$6,895.00	FY23 School Transportation Fees	FY23 Invoice not paid
\$4,709.00	Westfield Technical Academy Student Tuition	FY23 Invoice not paid
\$27.96	Rocky’s ACE Hardware	FY23 Invoice not paid
\$213.83	McKesson	FY23 Invoice not paid

said sum to be taken from the FY24 Fire Expense account (Western Mass Fire Prevention Association, \$40.00; Amazon, \$32.99), the FY24 Elementary School Expense account (FY23 School Transportation Fees, \$6,895.00), the FY 24 Vocational Tuition account (Westfield Technical Academy Student Tuition, \$4,709.00), the FY 24 Water Operating Expenses (Rocky’s ACE

Hardware, \$27.96), and the FY 24 EMS Expense account (McKesson, \$213.83); or take any other action relative thereto.

SUMMARY:

These invoices are for the work/services which were done in a preceding fiscal year. The Western Mass Fire Prevention Association invoice is for the Fire Department’s 2023 membership, the Amazon invoice is for wheel chocks for the Fire Department, the Southampton School District owes for FY23 school transportation fees and FY23 vocational tuition, the Rocky’s invoice pertains to the Water Department’s purchase of four gallons of vinegar, and the McKesson invoice was an EMS order of red dot electrodes. All invoices are for services provided during FY 2023.

MOTION:

Move that the Town vote to transfer for the six previous fiscal year bills totaling \$11,918.78 to the Prior Year Bills accounts for unpaid bills from the previous Fiscal Year from the current FY 2024 matching accounts; \$40.00 to Western Mass Fire Prevention Association for an invoice received late, \$32.99 to Amazon for an invoice unpaid, \$6,895.00 to the Southampton School District for school transportation fees which were not paid during FY23, as well as \$4,709.00 to the Southampton School District for vocational tuition not paid in FY23, and \$27.96 to Rocky’s ACE Hardware for a missed invoice from the Water Department, and \$213.83 for McKesson from EMS for an unpaid invoice, said sums to be taken from the FY24 Fire Expense account (Western Mass Fire Prevention Association, \$40.00; Amazon, \$32.99), the Elementary School Expense account (FY23 School Transportation Fees, \$6,895.00), the Vocational Tuition account (Westfield Technical Academy Student Tuition, \$4,709.00), the Water Operating Expenses (Rocky’s ACE Hardware, \$27.96), and the EMS Expense account (McKesson, \$213.83) as listed in Article 1 of the December 5, 2023 Special Town Meeting Warrant.

9/10ths Majority

Finance Committee: Recommends

ARTICLE 2 TRANSFERS FOR POLICE DEPARTMENT OPERATING EXPENSES

(Speaker: Police Chief)

To see if the Town will vote to transfer an amount totaling \$119,766.50 from the Communications Wage Account to the Police & Fire Operating Budget accounts as listed below;

<u>Amount</u>	<u>From</u>	<u>To</u>	<u>Reason</u>
\$60,000	Comm. Wages Account	Police Wages Account	Unexpected Impact Bargaining
\$27,000	Comm. Wages Account	Police Overtime Account	Unexpected Impact Bargaining
	and Staff shortages		
\$7,000	Comm. Wages Account	Ed. Incentive Account	Unexpected Impact Bargaining
\$14,782.50	Comm. Wages Acct.	Police Chief Salary Account	Unexpected Impact Bargaining
\$5,492	Comm. Wages Account	Police Admin Assist. Acct.	Unexpected Impact Bargaining

\$5,492 Comm. Wages Account Fire Admin Assist. Acct. Unexpected Impact Bargaining

Said sums to come from the FY 2024 accounts listed above; or 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 2024.

MOTION:

Move that the Town vote to transfer an amount totaling \$119,766.50 within their operating budget accounts; \$60,000 from the Communications Wage Account to the Police Wage Account due to Impact Bargaining, \$27,000 from the Communications Wage Account to the Police Overtime Account due to Staff Shortages and Impact Bargaining, \$7,000 from the Communications Wage Account to the Education Incentive Account, \$14,782.50 from the Communications Wage Account to the Police Chief Salary Account due to Impact Bargaining, \$5,492 from the Communication Wage Account to the Shared Police Admin. Assistant Wage Account and \$5,492 from the Communication Wage Account to the Shared Fire Admin. Assistant Wage Account both due to the Impact bargaining; said sums to come from the FY 2024 accounts listed.

Simple Majority

Finance Committee: Recommends

ARTICLE 3 TRANSFER/APPROPRIATE FOR FIRE/EMS OPERATING EXPENSES

(Speaker: Interim Fire Chief)

To see if the Town will vote to transfer/appropriate an amount totaling \$20,000.00. \$9,000.00 appropriated from Ambulance Receipts, Reserve for Appropriation, and transfer \$2,000.00 from EMT Standby and \$9,000.00 from Fire Department Wages to the Fire Truck Maintenance Account for the FY 24 Operating accounts as listed below.

<u>Amount</u>	<u>From</u>	<u>To</u>	<u>Reason</u>
\$4,000	Amb. Fees Res. For Approp.	Ambulance Billing Account	Increased Ambulance Runs
\$5,000	Amb. Fees Res. For Approp.	Amb. Maint. Account	Unexpected Inc. Maint.
\$2,000	EMT Standby Account	Fire Truck Maint. Account	Unexpected Inc. Maint.
\$9,000	Fire Dept. Wages Account	Fire Truck Maint. Account	Unexpected Inc. Maint.

Said sums to come from the FY 2024 Ambulance Fees Reserved for Appropriation and the FY 2024 Operating accounts listed above; or take any other action relative thereto.

SUMMARY:

These transfers/appropriations are all within the Fire/EMS Department wage and expense accounts and the Ambulance Fees Reserved for Appropriation and are due to unforeseen circumstances when the budgets were requested and approved by Town Meeting. These transfers requested by Interim Chief Fasoli within the Fire/EMS Department budgeted accounts and from the Ambulance Fees Reserved for Appropriation will allow the department to operate during the rest of fiscal year 2024.

MOTION:

Move that the Town vote to transfer/appropriate an amount totaling \$20,000.00. \$9,000.00 appropriated from Ambulance Receipts, Reserve for Appropriation, \$4,000 to the Ambulance billing account and \$5,000 to the Ambulance Maintenance Account and transfer \$2,000.00 from EMT Standby and \$9,000.00 from Fire Department Wages to the Fire Truck Maintenance Account for the FY 24 Operating accounts as listed in Article 3 of the December 5, 2023 Special Town Meeting Warrant.

Simple Majority

Finance Committee: Recommends

ARTICLE 4 TRANSFER FOR ASSESSORS’ DEPARTMENT OPERATING EXPENSES

(Speaker: Board of Assessors)

To see if the Town will vote to transfer an amount totaling \$36,000 within the Assessor Department Operating budget accounts as listed below;

<u>Amount</u>	<u>From</u>	<u>To</u>	<u>Reason</u>
\$36,000	Assessor Consultants	Principal Assessor Sal. Acct.	Temp. Principal Assessor Sal.

said sums to come from the FY 2024 account listed above; or to take any other action relative thereto.

SUMMARY:

These transfers are within the Assessors 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 the Board of Assessors within the Assessors Department budgeted accounts will allow the department to operate during the rest of fiscal year 2024.

MOTION:

Move that the Town vote to transfer an amount totaling \$36,000 within the Assessor Department Operating budget accounts as listed in Article 4 of the December 5, 2023 Special Town Meeting Warrant.

Simple Majority

Finance Committee: Recommends

ARTICLE 5 TRANSFER FOR HIGHWAY DEPARTMENT OPERATING EXPENSES

(Speaker: Highway Superintendent)

To see if the Town will vote to transfer the sum of \$21,227.86 from General Highway Wage line to General Highway Department Operating budget lines as listed below.

Amount	From	To	Reason
\$14,000.00	General Highway Wages	General Highway Expenses	Culvert Assessment
\$7,227.86	General Highway Wages	Admin. Assistant Highway	Wage Correction

Said sums to come from the FY 2024 accounts listed above; or take any other action relative thereto.

SUMMARY:

These transfers/appropriations are all within the Highway 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 Highway Superintendent Randall Kemp within the Highway Department budgeted accounts will allow the department to operate during the rest of fiscal year 2024.

MOTION:

Move that the Town vote to transfer the sum of \$21,227.86 from General Highway Wage line to General Highway Department Operating budget lines as listed in Article 5 of the December 5, 2023 Special Town Meeting Warrant.

Simple Majority

Finance Committee recommends and will ask the Moderator to split this into two Articles; then:

**Finance Committee: Recommends for Culvert Replacement Transfer
Finance Committee: Recommends for Wage correction; No Action pending the Receipt of the Collins Center Report for the Classification and Compensation Study**

ARTICLE 6 TRANSFER FOR TREASURER/INTERGOVERNMENTAL DEPARTMENT OPERATING EXPENSES

(Speaker: Treasurer/Collector)

To see if the Town will vote to transfer the sum of \$6,000.00 from Group Health Insurance Account line to Unemployment Operating budget line in the Treasurer-Intergovernmental Department FY 2024 Operating Budget.

Said sum to come from the FY 2024 account as listed above; or take any other action relative thereto.

SUMMARY:

These transfers are within the Treasurer/Collector Intergovernmental 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 the Treasurer/Collector, Jennifer Day within the Treasurer/Collector Intergovernmental Department budgeted accounts will allow the department to operate during the rest of fiscal year 2024.

MOTION:

Move that the Town vote to transfer the sum of \$6,000.00 from Group Health Insurance Account line to Unemployment Operating budget line in the Treasurer-Intergovernmental Department FY 2024 Operating Budget.

Simple Majority

Finance Committee: Recommends

ARTICLE 7 TRANSFER FOR HEALTH DEPARTMENT FOR OPERATING EXPENSES

Speaker: (Board of Health, Chair)

To see if the Town will vote to transfer an amount totaling \$19,195.00. \$6,195.00 from the Health Agent Wage Account and \$13,000 from the Group Health Insurance account to the BOH Contracted Expenses Budget accounts as listed below;

<u>Amount</u>	<u>From</u>	<u>To</u>	<u>Reason</u>
\$6,195	Health Agent Wages	BOH Contracted Expenses Acct.	Contracted Health Agent
\$13,000	Group Health Ins.	BOH Contracted Expenses Acct.	Contracted Health Agent

Said sums to come from the FY 2024 accounts listed above; or take any other action relative thereto.

SUMMARY:

These transfers are within the Health 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 the Board of Health within the Health Department & from the Treasurer/Collector Intergovernmental Department budgeted accounts will allow the department to operate during the rest of fiscal year 2024.

MOTION:

Move that the Town vote to transfer the sum of \$19,195.00. \$6,195.00 from the Health Agent Wage Account and \$13,000 from the Group Health Insurance account to the BOH Contracted Expenses Budget accounts as listed in Article 7 of the December 5, 2023 Special Town meeting Warrant.

Simple Majority

Finance Committee: Recommends

**ARTICLE 8 TRANSFER FROM FREE CASH TO OPERATIONAL STABILIZATION
TO REPLENISH IT FOR USE FOR HAMPSHIRE REGIONAL ASSESSEMENT**

(Speaker: Town Administrator)

To see if the Town will vote to transfer/appropriate an amount totaling \$350,387 to the Operational Stabilization Fund account to replenish what was used in the FY 2024 budget process for the Hampshire Regional School Assessment Account from Free Cash; or take any other action relative thereto.

SUMMARY:

This Transfer will replenish the Operating Stabilization account from the actions taken at the May 2023 Annual Town Meeting to balance the fiscal year 2024 operating budget, realizing that the Town would be due funding from the FY 2023 Hampshire Regional Excess and Deficiencies Account, but these funds would not be available to the town until the Town's fiscal year 2023 Free cash was certified by the Massachusetts Department of Local Services.

MOTION:

Move that the Town vote to transfer/appropriate an amount totaling \$350,387 to the Operating Stabilization Fund account to replenish what was used in the FY 2024 budget process for the Hampshire Regional School Assessment Account from Free Cash.

Simple Majority

Finance Committee: Recommends

**ARTICLE 9 TRANSFER FROM FREE CASH TO THE CAPITAL STABILIZATION
FUND**

(Speaker: Town Administrator)

To see if the Town will vote to transfer/appropriate \$96,564 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 10 and 11 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 Operating 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 \$96,564 from Free Cash to the Capital Stabilization Fund.

Simple Majority

Finance Committee: Recommends

ARTICLE 10 TRANSFER FROM FREE CASH TO THE OPERATING STABILIZATION FUND

(Speaker: Town Administrator)

To see if the Town will vote to transfer/appropriate \$82,769 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 Operating Stabilization Account according to established Town policy.

MOTION:

Move that the Town vote to transfer \$82,769 from Free Cash to the Operating Stabilization Account.

Simple Majority

Finance Committee: Recommends

ARTICLE 11 TRANSFER FROM FREE CASH TO THE OPEB FUND

(Speaker: Town Administrator)

To see if the Town will vote to transfer/appropriate \$27,590 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 \$27,590 from Free Cash to the Other Post-Employment Benefits Account.

Simple Majority

Finance Committee: Recommends

ARTICLE 12 VOTE TO ESTABLISH AN OPIOID STABILIZATION ACCOUNT

(Speaker: 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; and further, to transfer from available funds a sum of money equal to that received or to be received by the Town from opioid litigation settlements resulting from the Town's participation in the national Opioid Multi-District Litigation into said Opioid Settlement Stabilization Fund; 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

Finance Committee: Recommends

ARTICLE 13 FUNDING FOR NORRIS ELEMENTARY SCHOOL 7D STUDENT TRANSPORTATION VAN

(Speaker: Norris Principal/School Committee Chair)

To see if the Town will vote to appropriate the sum of \$98,000.00 to purchase a new school 7D student transportation van for Norris Elementary School to replace the existing student transportation van; to determine whether this appropriation shall be raised by borrowing or otherwise, or to take any other action relative thereto.

SUMMARY: *This Article will provide funding and authorize the Treasurer, with the approval of the Select Board, to borrow the sum of \$98,000.00 for said appropriation to purchase a new replacement Norris Elementary School Department Student Transportation Van. This vehicle would replace the existing Student Transportation Van. The debt payments will be paid from funds from the Norris Elementary School.*

MOTION: Move that the Town appropriates the sum of \$98,000.00 to purchase a new Norris school 7D school Transportation Van for the Norris Elementary School, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow the sum of \$98,000.00 under G.L. c. 44, §7(1) or any other enabling authority and to issue bonds and notes therefor; provided; and, in accordance with G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes thereunder, less any premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for such project shall be reduced by the amount of any such premium so applied that may be necessary for that purpose.

2/3rds Majority

Finance Committee: Recommends

ARTICLE 14 FUNDING SUPPLEMENTAL FOR HIGHWAY DEPARTMENT ONE TON TRUCK

(Speaker: Highway Superintendent)

To see if the Town will vote to transfer/appropriate the sum of \$17,339.70 as additional funding for a new Ford F-350 One Ton Truck with plow and drop in sander for the Highway Department which was originally approved for funding at the June 2021, Annual Town Meeting, funding to come from the Capital Stabilization Fund; or to take any other action relative thereto.

SUMMARY:

This Article transfers \$17,339.70 of supplemental funding from the Capital Stabilization Account to purchase a new Ford F-350 or equivalent One Ton Truck with plow and drop in sander for the Highway Department. The funding for this truck was originally approved at the June 2021 Annual Town Meeting and the order was cancelled by Ford during the pandemic due to supply issues. This additional funding is required to purchase the equivalent truck in the 2024 model year.

MOTION:

Move that the Town vote to transfer/appropriate the sum of \$17,339.70 as additional funding for a new Ford F-350 One Ton Truck with plow and drop in sander for the Highway Department which was originally approved for funding at the June 2021, Annual Town Meeting, funding to come from the Capital Stabilization Fund.

2/3rds Majority

Finance Committee: Recommends

Capital Committee: Recommends

ARTICLE 15 FUNDING FOR NORRIS ELEMENTARY SCHOOL FOR REPLACEMENT OF CEILING TILES

(Speaker: Norris Principal/School Committee Chair)

To see if the Town will vote to transfer/appropriate the sum of \$6,500.00 for the replacement of water damaged ceiling tiles in the Norris Elementary School, funding to come from the Capital Stabilization Fund; or to take any other action relative thereto.

SUMMARY:

This will provide funding from the Capital Stabilization Account to replace water damaged ceiling tiles in the Norris Elementary School.

MOTION:

Move that the Town vote to transfer/appropriate the sum of \$6,500.00 for the replacement of water damaged ceiling tiles in the Norris Elementary School, funding to come from the Capital Stabilization Fund.

2/3rds Majority

Finance Committee: Recommends

Capital Committee: Recommends

COMMUNITY PRESERVATION PROJECTS

ARTICLE 16 CPC FUNDING FOR FEE ACQUISITION (LANDSCAPE PARTNERSHIP GRANT – MOUNTAIN WATERS PROJECT)

(Speaker: Community Preservation Committee Co-Chairs)

To see if the Town will vote to:

(a) appropriate \$97,588 for the purpose of acquiring, by purchase, gift, eminent domain or otherwise, for the purposes below, the following:

in fee, 19 acres of land, more or less, located at Wolcott Road, Southampton, being Tax Map 18, Lot 34,

in fee, 158 acres of land, more or less, located at Fomer Road, Southampton, being Tax Map 9, Lots 1B, 1C, 3, 3A, and Map 3, Lot 1;

(b) that, to meet this appropriation, the sum of \$97,588 shall be transferred from the Community Preservation Fund Undesignated Account, provided however, that such funds shall not be expended unless the Town is approved for a Landscape Partnership Grant as described below, from the

Massachusetts Division of Conservation Services, and/or any other such sources, for reimbursement of all or a percentage of the project cost;

(c) that the Select Board is authorized to acquire said property by gift, negotiated purchase, eminent domain or otherwise, including pursuant to the Town's statutory right of first refusal pursuant to Chapter 61, Section 8, for conservation and passive recreation purposes subject to the protections of Article 97 of the Amendments to the Massachusetts Constitution; and that said property shall be under the care, custody and control of the Conservation Commission pursuant to the provisions of Chapter 40, Section 8C, as it may hereafter be amended, and other Massachusetts statutes relating to conservation;

(d) that the Select Board and/or the Conservation Commission is authorized to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under the Landscape Partnership Grant (Massachusetts General Laws Chapter 132A, Section 11) and/or any grants or reimbursement programs in any way connected with the scope of this Article, which grants and/or funds so received shall be used to repay all or a portion of the sums transferred from the Community Preservation Act Fund hereunder; and that the Select Board and/or the Conservation Commission is authorized to grant a perpetual conservation restriction(s) to Kestrel Land Trust, or such other non-profit corporation or trust pursuant to the provisions of Chapter 184, Sections 31 through 33, in compliance with Chapter 44B, Section 12(a), protecting the properties for the purposes for which they were acquired, and, further to authorize the Select Board and/or the Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes; or take any other action relative thereto.

SUMMARY:

This article will provide funding in the amount of \$97,588 from the Community Preservation – Undesignated Account to acquire in fee 2 parcels of land, totaling approximately 177 acres, for conservation and recreation purposes. This purchase will preserve Southampton's iconic landscapes, as well as wildlife habitat, public recreation and drinking water supply areas. Permanent protection of this land will formally open a large area to recreational activities. This Article is recommended by and brought forward by the Southampton Community Preservation Committee at the request of the Southampton Open Space Committee and Conservation Commission.

MOTION:

Move that the Town vote to:

(a) appropriate \$97,588 for the purpose of acquiring, by purchase, gift, eminent domain or otherwise, for the purposes below, the following:

in fee, 19 acres of land, more or less, located at Wolcott Road, Southampton, being Tax Map 18, Lot 34,

in fee, 158 acres of land, more or less, located at Fomer Road, Southampton, being Tax Map 9, Lots 1B, 1C, 3, 3A, and Map 3, Lot 1;

(b) that, to meet this appropriation, the sum of \$97,588 shall be transferred from the Community Preservation Fund Undesignated Account, provided however, that such funds shall not be expended unless the Town is approved for a Landscape Partnership Grant as described below, from the Massachusetts Division of Conservation Services, and/or any other such sources, for reimbursement of all or a percentage of the project cost;

(c) that the Select Board is authorized to acquire said property by gift, negotiated purchase, eminent domain or otherwise, including pursuant to the Town's statutory right of first refusal pursuant to Chapter 61, Section 8, for conservation and passive recreation purposes subject to the protections of Article 97 of the Amendments to the Massachusetts Constitution; and that said property shall be under the care, custody and control of the Conservation Commission pursuant to the provisions of Chapter 40, Section 8C, as it may hereafter be amended, and other Massachusetts statutes relating to conservation;

(d) that the Select Board and/or the Conservation Commission is authorized to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under the Landscape Partnership Grant (Massachusetts General Laws Chapter 132A, Section 11) and/or any grants or reimbursement programs in any way connected with the scope of this Article, which grants and/or funds so received shall be used to repay all or a portion of the sums transferred from the Community Preservation Act Fund hereunder; and that the Select Board and/or the Conservation Commission is authorized to grant a perpetual conservation restriction(s) to Kestrel Land Trust, or such other non-profit corporation or trust pursuant to the provisions of Chapter 184, Sections 31 through 33, in compliance with Chapter 44B, Section 12(a), protecting the properties for the purposes for which they were acquired, and, further to authorize the Select Board and/or the Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes.

Simple Majority

ARTICLE 17 CPC FUNDING FOR CONSERVATION RESTRICTIONS (LANDSCAPE PARTNERSHIP GRANT – MOUNTAIN WATERS PROJECT)

(Speaker: Community Preservation Committee Co-Chairs)

To see if the Town will vote to:

(a) Appropriate \$323,100 for the purpose of acquiring, by purchase, gift, eminent domain or otherwise, for the purposes below, the following:

a conservation restriction, on 25 acres, more or less, located at Fomer Road, Southampton, being Tax Map 27, Lot 4,

Co-held with Kestrel Land Trust, a conservation restriction, on 236 acres, more or less, located at Fomer Road, Southampton, being Tax Map 9, Lot 1 and 1D,

Co-held with Kestrel Land Trust, a conservation restriction, on 135 acres, more or less, located at Edwards Road, Southampton, and 87 Cold Spring Road, Southampton, being Tax Map 5, Lot 3 and Map 6, Lot 1 respectively,

Co-held with Kestrel Land Trust, a conservation restriction, on 81 acres, more or less, located at 69 Maple Street, Southampton, being Tax Map 23, Lot 27,

Co-held with Kestrel Land Trust, a conservation restriction, on 43 acres, more or less, located at 155 Glendale Road, Southampton, being Tax Map 2, Lot 9,

Co-held with the Massachusetts Department of Agricultural Resources, on 33.8 acres, more or less, located at 156 Glendale Road, Southampton, being, Tax Map 2 Lot 8;

(b) that, to meet this appropriation, the sum of \$323,100 shall be transferred from the Community Preservation Fund Undesignated Account, provided however, that such funds shall not be expended unless the Town is approved for a Landscape Partnership Grant as described below, from the Massachusetts Division of Conservation Services, and/or any other such sources, for reimbursement of all or a percentage of the project cost;

(c) that the Select Board is authorized to acquire said interests by gift, negotiated purchase, eminent domain or otherwise, including pursuant to the Town's statutory right of first refusal pursuant to Chapter 61, Section 8, for conservation and passive recreation purposes subject to the protections of Article 97 of the Amendments to the Massachusetts Constitution; and that said interests shall be under the care, custody and control of the Conservation Commission pursuant to the provisions of Chapter 40, Section 8C, as it may hereafter be amended, and other Massachusetts statutes relating to conservation;

(d) that the Select Board and/or the Conservation Commission is authorized to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under the Landscape Partnership Grant (Massachusetts General Laws Chapter 132A, Section 11) and/or any grants or reimbursement

programs in any way connected with the scope of this Article, which grants and/or funds so received shall be used to repay all or a portion of the sums transferred from the Community Preservation Act Fund hereunder, and, further to authorize the Select Board and/or the Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes; or take any other action relative thereto.

SUMMARY:

This article will provide funding in the amount of \$323,100 from the Community Preservation – Undesignated Account to acquire conservation restrictions, and one agricultural preservation restriction, on 6 parcels of land, totaling approximately 554 acres, for conservation and recreation purposes. This purchase will preserve Southampton's iconic landscapes, as well as wildlife habitat, agriculture, public recreation and drinking water supply areas in town. Permanent protection will formally open the majority of the land to recreational activities. This Article is recommended by and brought forward by the Southampton Community Preservation Committee at the request of the Southampton Open Space Committee and Conservation Commission.

MOTION:

Move that the Town vote to:

(a) Appropriate \$323,100 for the purpose of acquiring, by purchase, gift, eminent domain or otherwise, for the purposes below, the following:

a conservation restriction, on 25 acres, more or less, located at Fomer Road, Southampton, being Tax Map 27, Lot 4,

Co-held with Kestrel Land Trust, a conservation restriction, on 236 acres, more or less, located at Fomer Road, Southampton, being Tax Map 9, Lot 1 and 1D,

Co-held with Kestrel Land Trust, a conservation restriction, on 135 acres, more or less, located at Edwards Road, Southampton, and 87 Cold Spring Road, Southampton, being Tax Map 5, Lot 3 and Map 6, Lot 1 respectively,

Co-held with Kestrel Land Trust, a conservation restriction, on 81 acres, more or less, located at 69 Maple Street, Southampton, being Tax Map 23, Lot 27,

Co-held with Kestrel Land Trust, a conservation restriction, on 43 acres, more or less, located at 155 Glendale Road, Southampton, being Tax Map 2, Lot 9,

Co-held with the Massachusetts Department of Agricultural Resources, on 33.8 acres, more or less, located at 156 Glendale Road, Southampton, being, Tax Map 2 Lot 8;

(b) that, to meet this appropriation, the sum of \$323,100 shall be transferred from the Community Preservation Fund Undesignated Account, provided however, that such funds shall not be expended unless the Town is approved for a Landscape Partnership Grant as described below, from the

Massachusetts Division of Conservation Services, and/or any other such sources, for reimbursement of all or a percentage of the project cost;

(c) that the Select Board is authorized to acquire said interests by gift, negotiated purchase, eminent domain or otherwise, including pursuant to the Town's statutory right of first refusal pursuant to Chapter 61, Section 8, for conservation and passive recreation purposes subject to the protections of Article 97 of the Amendments to the Massachusetts Constitution; and that said interests shall be under the care, custody and control of the Conservation Commission pursuant to the provisions of Chapter 40, Section 8C, as it may hereafter be amended, and other Massachusetts statutes relating to conservation;

(d) that the Select Board and/or the Conservation Commission is authorized to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under the Landscape Partnership Grant (Massachusetts General Laws Chapter 132A, Section 11) and/or any grants or reimbursement programs in any way connected with the scope of this Article, which grants and/or funds so received shall be used to repay all or a portion of the sums transferred from the Community Preservation Act Fund hereunder, and, further to authorize the Select Board and/or the Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes.

Simple Majority

GENERAL BY-LAWS - NEW

ARTICLE 18 GENERAL BY-LAW PROPOSED NEW BYLAW: MEMBERSHIP ON BOARDS/COMMITTEES/COMMISSIONS/COUNCILS (AKA GROUPS)

(Speaker: By-Law Review Committee Chair)

To see if the Town will vote to adopt a new General By-Law Article XLV, Membership on Boards/Committee/Commissions/Councils (aka Groups), to the Town's General By-Laws with the language below and to authorize the Town Clerk to make any necessary renumbering changes to comply with ECode 360 Code; or take any action thereto.

**PROPOSED BYLAW: Membership on
Boards/Committees/Commissions/Councils (aka Groups)**

Sec. 1. It is the intent that all Town Boards, Committees, Commissions, Councils, et al. have the maximum number of members and alternates, if appropriate and where alternates are authorized

by law, as specified in the origination charge or bylaw. The maximum number of members shall be an odd number.

Sec. 2. Should an existing group, which was originally established with an even number of members and where such number is not set by bylaw, consistently not be able to conduct necessary business due to tie votes, the group may petition the Select Board, or the Select Board may so decide, to increase or decrease the official membership of the group by one. In this case, the vote by the Select Board would supersede any previous stipulation of the official number of members of the group.

Sec. 3. Individuals may request to join a particular appointed group by submitting an application form to the Select Board via the Town Administrator. New applicants as well as applicants seeking reappointment shall submit, in addition to the application form, a resume or cover letter detailing their background and experience. All application forms received by the Select Board/Town Administrator will also be forwarded to the Chair of the group to which the individual is making application. The form, Application to Serve on a Town Board or Committee, may be found at Town Hall or on the Town's webpage (<https://www.townofsouthampton.org>) It is strongly recommended that potential applicants attend at least one meeting of the group before submitting an application.

Sec. 4. The Select Board shall evaluate the qualifications of all new applicants in light of the needs of the group. In considering new applicants and reappointment applicants, members of the group to which the individual applied, may provide an endorsement of the applicant to the Select Board. Based on its review, the Select Board may vote to appoint the applicant with or without a recommendation from the group in question. Reappointments will be considered along with new applicants for a position.

Sec. 5. For appointed and elected positions, the Town Clerk will maintain the list of term expiration dates and resignations.

Sec. 6. For elected committee/board positions, should a vacancy exist, the Select Board will appoint a qualified individual to fill the position, as per MGL, until the next Town election.

Sec. 7. Once the Select Board appoints an individual, the Town Administrator's Office sends a notice to the individual advising them of their appointment. A copy of the certificate of appointment will be forwarded to the Town Clerk's Office. Individuals must formally accept the appointment and be sworn in by the Town Clerk prior to voting at any meeting.

SUMMARY:

In an effort to continue to attract and maintain an active and committed volunteer base to assist this municipal government in carrying out several important functions, it is the recommendation of the Bylaw Review Advisory Committee to add a new Article to the General Bylaws and the corresponding ECode 360 codification system. This Article defines what constitutes membership on a town committee, board, commission or council, and sets forth the procedures of the Select Board to review requests and appoint members to such positions.

MOTION:

Move that the Town vote to adopt a new General By-Law; “Membership on Boards/Committee/Commissions/Councils (aka Groups)” for inclusion and numbering per the ECode 360 system of General Bylaws as set forth in Article 18 of the Special Town Meeting Warrant of December 5, 2023.

Simple Majority

ARTICLE 19 GENERAL BY-LAW PROPOSED NEW BYLAW: ELECTED AND APPOINTED COMMITTEES/BOARDS/COMMISSIONS/COUNCILS/AD HOC COMMITTEES (GROUPS): OPERATING PROCEDURES

(Speaker: By-Law Review Committee Chair)

To see if the Town will vote to adopt a new General By-Law Article XLVI, Elected and Appointed Committees/boards/Committee/Commissions/Councils (aka Groups), to the Town’s General By-Laws with the language below and to authorize the Town Clerk to make any necessary renumbering changes to comply with ECode 360 Code; or take any action thereto.

PROPOSED BYLAW: Elected and Appointed

Committees/Boards/Commissions/Councils/Ad Hoc Committees (Groups): Operating Procedures

Sec. 1. The regulations in this Article pertain to all

Committees/Boards/Commissions/Councils (aka Groups), both elected and appointed, except as otherwise stipulated by law.

Sec. 2 Within the first month of the fiscal year for appointed committees, and within the first month after the Town election for elected committees, each group shall elect a Chair, Vice Chair, and Clerk. The newly elected Chair shall immediately communicate the results of these appointments to the Town Clerk and the Town Administrator. Positions of Chair and Vice Chair must be served by two different individuals.

Normally, the responsibilities of the officers of a group are as follows; however, a group may reassign responsibilities as it sees fit as long as all responsibilities are covered, providing this action does not conflict with state laws and regulations:

- a.** The Chair is responsible for managing the group’s meeting schedule, documents, and communications including monitoring the group’s common email, recommending updates to the webpage as necessary, and maintaining ongoing communication with the Select Board. The Chair is responsible for ensuring that meeting schedules are posted on the Town website along with official documents and useful information for future reference. The Vice Chair shall collect and submit to the Town Clerk and Town Administrator up-to-date contact information

(address, phone, email) for each member. This information shall not be shared with the general public without an individual's permission; it is solely for official use. It is the Chair's responsibility to notify the Town Clerk of any changes to membership. The Vice Chair acts in the absence of the Chair.

- b.** The meeting time, agenda, and approved minutes for each meeting must be posted on a Town-designated site (mytown.gov) according to the timeframe stipulated in the Open Meeting Law.
- c.** It shall be the duty of the Committee Clerk to draft the minutes of each meeting for approval by the membership. Meeting minutes must be approved by a quorum and posted on the Town website within three (3) subsequent meetings at which the minutes were approved. If the Committee Clerk is unable to post the minutes, the Town Clerk will ensure that the minutes are posted on the Town website within the requisite timeframe.
- d.** The group shall make a concerted effort to assist in recruiting qualified applicants to fill appointed and elected vacancies.

Sec. 3. All members of a group are responsible for obeying the Open Meeting Law regulations and adhering to the requirements of the State Ethics Commission. The Town Clerk will advise appointed and elected officials of these requirements and provide a link to the State Ethics Commission training/testing resource. Each member shall provide documentation to the Town Clerk as proof that they successfully completed the online State Ethics training program within 30 days of being elected or appointed. The Town Clerk shall notify the appropriate Chair of any violations, in a timely manner.

Sec. 4. All individuals must be sworn in by the Town Clerk, as newly elected or appointed members, prior to being eligible to vote at the group's meetings.

Sec. 5. A quorum for conducting business shall be a simple majority of the members of the group as constituted in the charge, unless another percentage is required by law; however, a quorum shall not be less than two. Motions are passed, unless otherwise noted, by majority vote providing a quorum is present.

Sec. 6. Membership should notify the Chair of intended absence(s). If a member of an appointed group is absent for more than half of the group's regularly scheduled meetings over a six-month period, and/or does not participate in the group's work for over a six-month period, said member may be removed from the group by majority vote. Upon removal, the individual may appeal the decision to the Select Board.

Sec. 7. With approval by majority vote, a member may request a leave of absence, in writing, from a group for no longer than two (2) months, provided that the membership would remain at

greater than 50% of maximum membership for the group. If the latter is not the case, the leave of absence may not be granted and the individual must either remain or resign to ensure a quorum.

Sec. 8. It is the responsibility of the Chair to acknowledge receipt of resident inquiries by mail, email, or phone within ten (10) business days of having received the communication. That acknowledgement will inform the resident that a response to their inquiry will be provided after the group has had an opportunity to meet and discuss their concern/issues.

Sec. 9. For groups whose policies, procedures and past practices are not included in the Town's Bylaws and are not determined by statute, creation of, or changes to those procedures must be approved by the Select Board.

Sec. 10. Individuals must disclose to the Select Board and to the group any conflict-of-interest present at the time of their appointment or that may arise during their tenure on the committee or group. These individuals must also file a Conflict-of-Interest Disclosure Form (G.L. c. 268A, §23(b)(3) with the Town Clerk. Based on the specific circumstances of the conflict of interest, further consultation with the State Ethics Commission may be necessary at requestadvice@mass-mail.state.ma.us. Any written opinions not issued as confidential received from the State Ethics Commission should also be filed with the Town Clerk.

Sec. 11. All resignations must be written, signed and submitted to the Town Clerk and the Chair of the relevant public body in a timely manner. All vacancies should be posted within 30 business days of receipt of the resignation by the committee/board. A description of the group's function/purpose and the requisite time commitment shall be listed in the Volunteer Section of the Town website. Filling vacant positions is a shared responsibility of group members and the Select Board to recruit qualified candidates.

Sec. 12. The Select Board shall appoint all replacements for vacant positions, elected or appointed, with terms extending until the next town election or the completion of the term of the appointed position, whichever is applicable as per MGL.

Sec. 13. All members of elected or appointed boards, commissions, committees, councils or groups shall serve without compensation.

Sec. 14. Records are maintained according to requirements under Massachusetts Public Records Law.

Sec. 15. The Select Board may vote to remove some or all members of an appointed group for cause. The Select Board's consideration of such an action may be initiated by the Select Board.

SUMMARY:

With various changes in leadership and membership on town committees and specific length of service, it is the recommendation of the Bylaw Review Advisory Committee to add a new Article to

the General Bylaws and the corresponding ECode 360 codification system defining the operating procedures, inclusive of rules and procedures, of both elected and appointed town committees, boards, commissions, councils and ad hoc committees.

MOTION:

Move that the Town vote to adopt a new General By-Law; “Membership on Boards/Committee/Commissions/Councils/Ad Hoc Committees (Groups): Operating Procedures” for inclusion and numbering per the ECode 360 system of General Bylaws as set forth in Article 19 of the Special Town Meeting Warrant of December 5, 2023.

Simple Majority

MASSACHUSETTS GENERAL LAWS – RESCISSION/ACCEPTANCE

ARTICLE 20 MASSACHUSETTS GENERAL LAW – RESCIND MGL C 48, SECTION 42 AND ACCEPT MGL C 48, SECTION 42A

(Speaker: Town Administrator)

To see if the Town will vote to rescind its prior acceptance of G.L. c. 48, §§42, 43, 44, or any predecessor versions of said statutes, and adopt the provisions of G.L. c. 48, §42A, or take any other action relative thereto.

~~Section 42. Towns accepting the provisions of this section and sections forty three and forty four, or which have accepted corresponding provisions of earlier laws may establish a fire department to be under the control of an officer to be known as the chief of the fire department. The chief shall be appointed by the selectmen, and shall receive such salary as the selectmen may from time to time determine, not exceeding in the aggregate the amount annually appropriated therefor. He may be removed for cause by the selectmen at any time after a hearing. He shall have charge of extinguishing fires in the town and the protection of life and property in case of fire. He shall purchase subject to the approval of the selectmen and keep in repair all property and apparatus used for and by the fire department. He shall have and exercise all the powers and discharge all the duties conferred or imposed by statute upon engineers in towns except as herein provided, and shall appoint a deputy chief and such officers and firemen as he may think necessary, and may remove the same at any time for cause and after a hearing. He shall have full and absolute authority in the administration of the department, shall make all~~

~~rules and regulations for its operation, shall report to the selectmen from time to time as they may require, and shall annually report to the town the condition of the department with his recommendations thereon; he shall fix the compensation of the permanent and call members of the fire department subject to the approval of the selectmen. In the expenditure of money the chief shall be subject to such further limitations as the town may from time to time prescribe. The appointment of the chief of the fire department in any town or district having a population of five thousand or less may be for a period of three years.~~

Section 42A. In towns which accept this section or have accepted corresponding provisions of earlier laws there shall be a fire department established under the direction of the selectmen, who shall appoint a chief of the fire department and such other officers and firemen as they deem necessary, and fix their compensation in an amount not in the aggregate exceeding the annual appropriation therefor. The selectmen may make suitable regulations governing the fire department and the officers and firemen thereof, and in towns which are not subject to chapter thirty-one may remove the chief and other officers and firemen at pleasure. The chief of the fire department shall be in immediate control of all town property used by the department, and of the officers and firemen, who shall obey his orders.

SUMMARY:

Rescission of M.G.L. c. 48, §42 in favor of acceptance of M.G.L. c. 48, §42A will place responsibility for appointment, discipline and removal of fire personnel under the Select Board rather than the Fire Chief, consistent with members of the police department. While the Fire Chief would still have immediate control over the Department personnel, operations and equipment, departmental regulations would need to be presented to the Select Board for approval.

MOTION:

Move that the Town vote to rescind its prior acceptance of G.L. c. 48, §§42, 43, 44, or any predecessor versions of said statutes, and adopt the provisions of G.L. c. 48, §42A.

Simple Majority