



**Special Town Meeting**  
**December 5, 2023**  
**Norris School**  
**34 Pomeroy Meadow Rd, Southhampton, MA**

The Special Town Meeting was held on December 5, 2023, Town Moderator, Robert Floyd, opened the meeting at 7:01 pm with a quorum of fifty present, 147 registered voters were in attendance. The workers were Eileen Hamel, Marion Hamel, Jane Howard, Susan Seybolt, Patricia Izatt and Sabina McCarthy.

After the pledge of allegiance, which was led by Karl Kuehner, a welcome message, and reading a disclosure statement, Mr. Moderator proceeded to read the warrant, and return of the warrant, a moment of silence was held. He announced that the meeting was being livestreamed and recorded. Mr. Moderator read an introduction to town meeting guidelines. It was motioned and seconded, and all voted unanimously to move forward with all articles. Moderator then asked for a motion on Article 1.

**Article 1-** Christine Fowles motioned and Jon Lumbra second 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 Southhampton School District for school transportation fees which were not paid during FY23, as well as \$4,709.00 to the Southhampton 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.

**Article 1- passes unanimously.**

**Article 2-** Christine Fowles motioned Dan LaValley second 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.

**Article 2-passes unanimously.**

**Article 3-** Dan LaValley motioned and Stephen Thor Johnson second 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 a \$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.

**Article 3-passes unanimously.**

**Article 4-** Dan LaValley motioned and Stephen Thor Johnson second 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.

**Article 4 passes unanimously**

**Article-5-** Stephen Thor Johnson motioned and Jon Lumbra second 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.

**Mr. Moderator announced that the Finance Committee recommended that the Article be split into two Articles: For Culvert Replacement- Transfer and Wage Correction-No Action to be taken pending the receipt of the Collins Center report for the classification and compensation study.**

**Article 5**

**Mr. Moderator split the Articles into two and the Culvert transfer for \$14,000.00-passes unanimously.**

**There was an amendment brought to Mr. Moderator, by the Highway Superintendent, Randall Kemp,**

**The amendment read:**

**Move that the Town vote of transfer the sum of \$2572.80 (reduce from \$7,227.86) from General Highway Wage Line to Admin Assistant Highway Wage line as an amendment of Article 5 of the December 5, 2023, Special Town meeting Warrant.**

**The vote on the amendment passed unanimously.**

**The second part of Article 5 with the corrected amount being \$ 2572.80 passed unanimously.**

**A copy of the amendment will be scanned into the minutes as an additional document.**

**Article 6-** Stephen Thor Johnson motioned and Jon Lumbra second 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.

**Article 6 passes unanimously.**

**Article-7-** Jon Lumbra motioned and Stephen Thor Johnson second 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.

**Article 7-** passes unanimously.

**Article 8-** Jon Lumbra motioned and Stephen Thor Johnson second that the Town vote to take no action (due to Free cash not being certified as of Town meeting date) 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.

**Article 8-** passes unanimously to take no action.

**Article 9-** Jon Lumbra motioned and Stephen Thor Johnson second that the Town vote to take no action (due to free cash not being certified as of Town meeting date) to transfer/appropriate \$96,564 from Free Cash to the Capital Stabilization Fund.

**Article 9** passes unanimously to take no action.

**Article 10-** Jon Lumbra motioned and Stephen Thor Johnson second that the Town vote to take no action (due to free cash not being certified as of Town meeting date) transfer \$82,769 from free Cash to the Operating Stabilization Account.

**Article 10** passes unanimously to take no action.

**Article 11-** Jon Lumbra motioned and Stephen Thor Johnson second that the Town vote to take no action (due to free cash not being certified as of Town meeting date) to transfer \$27,590. from Free Cash to the Other Post-Employment Benefits Account.

**Article 11** passes unanimously to take no action.

**Article 12-**Jon Lumbra motioned and Stephen Thor Johnson second 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.

**Article 12-** passes by majority the counters had to take a count of the votes.

**Article-13-** Christine Fowles motioned and Dan LaValley second 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.

**Article 13 – This is a borrowing article therefore, secret votes were taken and counted by the counters. The total was 126 yes and 11 no. Article 13 passes by majority meeting 2/3 majority.**

**Article-14 –** Christine Fowles motioned and Dan LaValley second 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.

**Article 14 passes unanimously, meeting 2/3 majority requirement.**

**Article-15-** Dan LaValley motioned and Stephen Thos Johnson second 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.

**Article 15 passes by majority 2/3 majority requirement**

**Article-16-** Sierra Simmons of the Conservation Commission motioned and Dan LaValley second 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.

**Article 16 passes unanimously**

**Article 17-** Sierra Simmons of the Conservation Commission motioned and Jon Lumbra second 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.

**Article 17 passes unanimously**

**Article 18-** Stephen Thor Johnson motioned and Jon Lumbra second 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.

**Article 18 passes by majority**

**Article 19-** Jon Lumbra motioned and Stephen Thor Johnson second 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.

**Mr. Moderator received an amendment from resident Karl Kuehner. The amendment read to remove section 9. Discussion was held. There was a second amendment by resident Francine Tishman who is also chair of the By-Law Committee.**

**The amendment submitted by Ms. Tishman read to amend the proposed Section 9**

**From: For groups whose policies, procedures and past practices are not included in the Town’s By-Laws and are not determined by statute, creation of, or changes to those procedures must be approved by the Selectboard.**

**To: For appointed groups whose policies, procedures and past practices are not included in the Town’s By-Laws and are not determined by statute, creation of, or changes to those procedures must be approved by the Selectboard.**

**There was a motion and a second for Mr. Kuehner’s amendment and it passed unanimously. After hearing Ms. Tishman’s amendment Mr. Kuehner withdrew his amendment. Ms. Tishman motioned for her amendment to be voted on Jim Seney second. The amendment passed unanimously.**

**Article 19 passed unanimously with amended section 9.**

**Article 20-** Jon Lumbra motioned and Stephen Thor Johnson second 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.

**After discussion a count of votes by the counters was as follows  
76 yes and 20 no**

**Article 20 passes by simple majority**

**A motion was made and seconded to dissolve the Special Town Meeting at 8:44 pm**

**A true copy Attest,**

**Lucille A Dalton  
Town Clerk**

**The Annual Town Meeting can be found on the Southampton Town website under the Southampton TV link.**

**Speakers on articles:**

**Randall Kemp**

**Lucinda Palmer**

**Mark Kassis**

**Ed Gibson**

**Sierra Simmons**

**Handouts:**

**Map and Information on Mountain Waters Project**

**Special Town Meeting Articles Warrant.**

**Amendments received by**

**Randall Kemp- Highway Superintendent Article 5**

**Karl Kuehner -Resident Article 19**

**Francine Tishman-Article 19**