

Town of Southamptton

Special Town Meeting Summaries and Motions

Saturday, March 22, 2025
10:00 A.M.



**NORRIS ELEMENTARY SCHOOL
34 POMEROY MEADOW ROAD
SOUTHAMPTON, MASSACHUSETTS**

- Article 1 Public Safety Complex Design and Construction Costs (Debt Exclusion)
- Article 2 Prudent Investor Rule
- Article 3 OPEB Declaration of Trust
- Article 4 Amendment to General Bylaws Chapter 93, Section 1: Annual Town Meeting and Election Dates
- Article 5 Amendment to General Bylaws , Chapter 234: Swimming Pool Safety
- Article 6 Amendment to General Bylaws , Chapter 66, Article III, Sections 66-5 and 66-6: Naming of Public Buildings, Structures and Lands
- Article 7 Transfer of Funds for Legal Costs
- Article 8 Unpaid Accounts from Prior Fiscal Years
- Article 9 CPA Funding for Historical Preservation of First Congregational Church of Southampton

Article 1 Public Safety Building Planning Bonds (Debt Exclusion)

To see if the Town will vote to appropriate a sum of money for engineering/architectural services to build a public safety building, and all costs incidental and related thereto including an owners project manager; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

Summary: This Article would allow the Select Board to move forward with the next phase of designing and building a new public safety building for the Police and Fire Departments.

Motion: That \$3,200,000 is appropriated for engineering/architectural services to build a public safety building, and all costs incidental and related thereto including an owners project manager; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$3,200,000 under G.L. c.44, §7(7) or any other enabling authority; and that the Treasurer and Board of Selectmen are authorized to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

2/3rds Majority Vote

Finance Committee:

Article 2 Prudent Investor Rule

To see if the Town will vote to accept the provisions of G.L. c.44, §54(b) to allow Town trust funds to be invested in accordance with G.L. c.203C, the so-called "Prudent Investment Rule", or take any other action relative thereto.

Summary: This article allows the Treasurer Collector the ability to invest Town funds as outlined by this rule. Legislation has passed to amend M.G.L. c.44, §54; the Investment of Trust Funds. Cities, towns, and districts now have the local option to allow the Custodian of the community to invest Trust Funds under the Prudent Investor Act. "Prudent" investing can be flexible and diverse in terms of its actual application. The key is that investment decisions are based on the specific intentions of the funds being invested. Essentially, Prudent investing means that the investment fiduciary understands the unique goals and objectives of the funds under management and chooses an investment strategy based on available relevant information. Essentially, prudent investing opens the doors to all different investment products, methods, and risk profiles – as long as those decisions were made with as much applicable information as possible. Benefit to communities is that prudent investing allows for much greater diversification opportunities than currently allowed under the MA Legal List of Investments. Where appropriate, investment managers can use US and international mutual funds, ETFs, stocks, bonds, alternative investments, etc. where they previously had to adhere to a very short list of investments.

Motion: Move that the Town hereby accept the article as written to authorize the Town Treasurer to invest Town of Southampton funds in accordance with the Prudent Investor Rule.

Simple Majority Vote

Finance Committee:

Article 3 OPEB Declaration of Trust

To see if the Town will vote to adopt/ re-adopt and accept the provisions of Section 20 of Chapter 32B of the Massachusetts General Laws, as amended by Section 15 of Chapter 218 of the Acts of 2016, establishing an Other Post-Employment Benefits Liability Trust Fund; to authorize the Select Board and Treasurer to execute a declaration of trust creating an expendable trust for the purpose of holding monies appropriated to such fund; to designate the Treasurer as the trustee of such trust; to authorize the transfer of any and all monies currently held for the purpose of paying retiree health and life benefits to such trust; and to authorize the trustee to invest and reinvest the monies in such fund accordance with the Prudent Investor Rule established under Chapter 203C of the Massachusetts General Laws; or take any other action relative thereto.

Summary: An OPEB Fund is a trust fund established by a governmental unit for the deposit of appropriations, gifts, grants and other funds for the benefit of retired employees and their dependents; payment of required contributions by the governmental unit for the group health insurance benefits provided to employees and their dependents after retirement; and reduction and elimination of the unfunded liability of the governmental unit for those benefits. The OPEB Fund is an expendable trust fund, subject to appropriation, that is managed by a trustee or board of trustees. The assets of the trust are held solely to meet the current and future liabilities of the governmental unit for group health insurance benefits for retirees and their dependents. All monies in the OPEB Fund must be accounted for separately from other funds of the governmental unit and are not subject to the claims of any general creditor of the governmental unit.

Motion: I move that the Town vote to adopt and accept the provisions of Section 20 of Chapter 32B of the Massachusetts General Laws, as amended by Section 15 of Chapter 218 of the Acts of 2016, establishing an Other Post-Employment Benefits Liability Trust Fund; to authorize the Select Board and Treasurer to execute a declaration of trust creating an expendable trust for the purpose of holding monies appropriated to such fund; to designate the Treasurer as the trustee of such trust; to authorize the transfer of any and all monies currently held for the purpose of paying retiree health and life benefits to such trust; and to authorize the trustee to invest and reinvest the monies in such fund accordance with the Prudent Investor Rule established under Chapter 203C of the Massachusetts General Laws.

Simple Majority Vote

Finance Committee:

Article 4 Amendment to General Bylaws: Annual Town Meeting and Election Dates

To see if the Town will vote to change the Town By-Laws, Chapter 93, Section 1 by amending the existing language as noted below, deleting existing language with a strikethrough and adding new language shown in boldface text which reads as follows:

“The Annual Meeting of the Town shall be held on the first ~~Tuesday~~ **Saturday** in May, commencing at ~~7:00 p.m.~~ **10:00 a.m.** in the ~~evening~~ **morning**, 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.”

Or take any other action relative thereto.

Summary: This revision to the by-laws would reschedule the date of the Town’s Annual Town Meeting from the first Tuesday in May to the first Saturday in May.

Motion: Move that the Town amend Chapter 93, Section 1 of the Town’s General Bylaws, entitled “Annual Town Meeting and Election Dates” by amending the existing language as noted, deleting existing language where noted and replacing it with the new language as shown, as set forth in Article 4 of the Warrant for the March 22, 2025 Special Town Meeting.

Simple Majority Vote

Finance Committee:

Article 5 Amendment to General Bylaws: Swimming Pools Safety

To see if the Town will vote to change the town bylaw entitled Swimming Pools, Chapter 234, by amending the existing language as noted below, deleting existing language with a strikethrough and replacing it with new language shown in boldface text which reads as follows:

“Chapter 234. Swimming Pools

~~[HISTORY: Adopted by the Town Meeting of the Town of Southampton as Art. X of the General Bylaws. Amendments noted where applicable.]~~

~~§ 234 1. Swimming pool defined.~~

~~A swimming pool, within the meaning of this bylaw, shall be any permanent depression in the ground, or a permanent container of water, either above or below the ground, in which water of more than 12 inches in depth is contained and which is primarily for the purpose of bathing and swimming.~~

~~§ 234 2. Barrier required.~~

~~All outdoor pools to be constructed or which are already constructed shall be enclosed by a barrier not less than four feet in height, which shall be constructed in such a manner and of a type not readily climbed by children. All gates and doors opening through such enclosures shall be of the self-latching hook type and shall be kept locked when the pool is not in actual use or left unattended.~~

~~§ 234 3. Setback from lot lines.~~

~~A pool shall not be nearer than 10 feet to any lot line.~~

~~§ 234 4. Violations and penalties.~~

~~[Amended 5-9-2023 ATM by Art. 31]~~

~~A person who violates this bylaw shall be liable to a penalty as provided in Chapter 203, Noncriminal Disposition.”~~

“Chapter 234. Swimming Pools

Definitions:

Definitions for the purposes of this bylaw:

Swimming Pools et al: Any body of water more than **twenty-four (24)** or more inches in depth above or below ground in an artificial or semi-artificial receptacle or container, permanent or temporary, whether located indoors or outdoors, used or intended to be used for swimming by adults and/or children, and includes all structures, equipment, appliances, and all other facilities appurtenant to or intended for the operation and maintenance of a swimming pool. (780 CMR, §R105.2)

Restrictions:

- 1. All swimming pools when installed in the rear yard shall be placed no less than fifteen (15) feet from the rear and/or side lot line.**
- 2. No swimming pool shall be placed less than forty feet (40 ft.) from the front lot line.**

3. Pools, inground or above ground, will be enclosed in a barrier at least 4 feet in height. Above ground pools may include the height of the pool and may require an addition on the pool to attain the required height. In addition to any other protective measures, a fence is still required by Southampton. Chain link fencing mesh size shall not exceed 2¼ inches.
4. Pools located on fenced property also require an adequate barrier immediately surrounding the pool.
5. Pool fencing must have a self-latching gate and swing outward. All gates and doors opening through such enclosures shall be kept locked when the pool is not in actual use or left unattended.
6. In compliance with MA Building Code 780 CMR, above-ground pools must be removed when the pool is not in use, if not secured by fencing.
7. Permits for swimming pools can be obtained from the Building Department.

Exemptions:

Small plastic or inflatable children’s pools are exempt as are hot tubs with approved safety covers.

Enforcement:

The Building Commissioner/Inspector is the enforcing authority and will issue notices of violation to property owners for failure to comply with this bylaw. Penalties/fines will be levied per bylaw Ch. 203, Non-Criminal Disposition.”

Or take any other action relative thereto.

Summary: This revision to the by-laws would strengthen the regulations for securing a swimming pool.

Motion: Move that the Town amend Chapter 234 of the Town’s General Bylaws, entitled “Swimming Pools” by amending the existing language as noted, deleting existing language where noted and replacing it with the new language as shown, as set forth in Article 5 of the Warrant for the March 22, 2025 Special Town Meeting.

Simple Majority Vote

Finance Committee:

Article 6 Amendment to General Bylaws: Naming of Public Buildings, Structures and Lands

To see if the Town will vote to change the town bylaw entitled The Naming of Public Buildings, Structures and Lands, Chapter 66, Article III, Sections 66-5 and 66-6, by amending the existing language as noted below, deleting existing language with a strikethrough and replacing it with new language shown in boldface text which reads as follows:

“§ 66-3. Purpose.

This bylaw is enacted to establish the process by which, in naming, renaming or otherwise designating public buildings, structures, bridges, and public lands, the Town seeks to recognize individuals, locations and/or events of significance in local history and local affairs.

§ 66-4. Definitions.

DESIGNATE

The act of calling by a distinctive title, term, or expression any public buildings, structures or public lands as defined in this bylaw.

FEATURES

Benches, bricks, flagpoles, plaques, parking spaces, trees, scoreboards, and signs or other markers located on public lands or within public buildings or structures.

NAME

A word or phrase that constitutes the distinctive designation of any public building, structure, bridges, or public lands as defined in this bylaw.

NOMINEE

The individual or entity whose name is proposed.

PUBLIC BUILDING/STRUCTURE

Any structure, edifice, bridge or other facility owned or maintained by the Town of Southampton or any department or agency thereof.

PUBLIC LANDS

Any real property owned or maintained by the Town of Southampton, or any department or agency thereof, including, but not limited to, playgrounds, parks, courts, athletic fields, intersections and medians, and private ways on public lands, but not including public ways regulated by § 82-9 of the General Bylaws.

RENAME

The act of redesignating any public buildings, structures, bridges, or public lands as defined in this bylaw.

§ 66-5. Procedure.

The naming, renaming or other designation of any public building, structure, bridge, or public lands shall be by majority vote ~~at an Annual or Special Town Meeting~~ **of the Select Board**. Once public buildings, structures, bridges, or public lands have been named, they shall not be renamed unless changes are recommended by the Select Board and approved by Town Meeting.

§ 66-6. Criteria.

Any proposed name or designation of any public building, structure, bridge, or public lands shall be submitted to the Select Board, in writing, **accompanied by a recommendation from any department or agency having jurisdiction**, for its review and recommendation as to the appropriateness thereof, **and a letter of support from the Southampton Historical Commission, where applicable**.

If named after a person, the Select Board shall take into account the nominee's past residence in Southampton, extraordinary service and/or contributions to the Town.

Public lands may be named according to natural descriptors of the land or after a specific individual as part of a bequest, or some kind of special circumstance.

~~A. Applicable criteria for naming/renaming consideration shall include, but is not limited to:~~

- ~~—(1) Nominee's past residence in Southampton.~~
- ~~—(2) Nominee's extraordinary service to the Town.~~
- ~~—(3) Nominee's significant contribution to the Town.~~
- ~~—(4) The designated item to be named relates to the individual's service or contribution to the Town.~~
- ~~(5) No public building, structure, bridge, or public lands shall be named for any living person, or commercial enterprise.~~

~~—(6) Letter of support from the Southampton Historical Commission, where applicable.~~

~~B. The Select Board may consider additional standards and criteria for consideration of proposed names or designations. **Following following a duly advertised scheduled public hearing meeting**, the Select Board shall forward its recommendation(s) to Special or Annual Town Meeting for approval.~~

~~C. The naming, renaming or other designation of individual rooms, areas or subareas within a public building or structure or areas or subareas associated with any public lands shall be by the department or agency having jurisdiction over the same. The Select Board shall be notified in writing in advance of the intent to name/rename or designate any subarea within public buildings, structures, and public lands. The Select Board shall be notified within seven days of the installation and naming or renaming permitted under this section. The requirements of Subsection B shall not apply to the naming, renaming or other designation authorized by this Subsection C, provided that the naming, renaming, or other designation is consistent with the following criteria:~~

- ~~(1) Such rooms, areas, or subareas constitute less than 25% of the public building, structure or public lands at or in which the same may be located;~~
- ~~—(2) No such room, area or subarea shall be named for any living person;~~
- ~~—(3) No such room, area or subarea shall bear the name of a commercial enterprise; and~~
- ~~(4) A duly advertised public hearing is held at which such naming, renaming or designation is considered and acted upon by said department or agency. Any person objecting to such naming, renaming or designation by the department or agency may, within 10 days thereafter, appeal the action in writing to the Select Board, which shall, after a duly advertised public hearing, approve or reject the action.~~

~~D. The installation and naming, renaming or other designation of features shall be by the department or agency having jurisdiction over the same. The Select Board may, after a **duly advertised scheduled public hearing meeting**, establish standards and specifications for signs, plaques, markers or other features to be erected on public property within the Town.”~~

Or take any other action relative thereto.

Summary: This revision to the by-law would streamline the process for the naming of a Town building, structure or land and update the criteria for naming it after a person, organization or entity.

Motion: Move that the Town amend Chapter 66, Article III, Sections 66-5 and 66-6 of the Town’s General Bylaws, entitled “Naming of Public Buildings, Structures and Lands” by amending the existing language as noted, deleting existing language where noted and replacing it with the new language as shown, as set forth in Article 6 of the Warrant for the March 22, 2025 Special Town Meeting.

Simple Majority Vote

Finance Committee:

Article 7 Transfer of Funds for Legal Costs

To see if the Town will vote to transfer an amount totaling \$5,000 from the Group Health Insurance account to Town Hall accounts as listed below;

Amount	From	To	Reason
\$5,000	Group Health Insurance	Legal Expenses	Additional legal expenses

Or take any other action relative thereto.

Summary: This transfer would fund ongoing legal expenses related to land use planning, by-law changes, land acquisition, cannabis host agreement and other situations.

Motion: Move that the Town transfer \$5,000 from the Group Health Insurance account to the Legal Expenses account.

Simple Majority Vote

Finance Committee:

Article 8 Unpaid Accounts from Prior Fiscal Years

To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Southamptton, or take any other action relative thereto.

Account	Title	Vendor	Amount
01-163-5700-00000	Election/Registration Expenses	Paradise Copies	\$97.06
01-196-5701-00000	Technology Services	Northeast IT	\$202.60
01-422-5701-00000	Machinery Maintenance	Skyline Services	\$112.00
01-422-5702-00000	MS4 Storm Water Management	Tighe & Bond	\$1,748.75
25-200-5008-00000	Dog Control	LL Data Designs	\$495.00
01-220-5700-00000	FY 22 Fire Safe Grant	Dept. of Fire Services	\$7,430.00
25-200-5024-00000	Weights and Measures	COMA Div. of Standards	\$4,462.00
01-300-5700-00000	Elementary School	Pearson	\$141.40
01-300-5700-00000	Elementary School	Jees	\$1,122.00
01-300-5700-00000	Elementary School	Supreme Systems	\$3,217.24
01-300-5700-00000	Elementary School	CH Neurology Foundation	\$1,128.97
01-300-5700-00000	Elementary School	CH Neurology Foundation	\$397.94
01-300-5700-00000	Elementary School	CH Neurology Foundation	\$374.70
01-300-5700-00000	Elementary School	CH Neurology Foundation	\$128.18
22-300-5700-00000	Elementary School	HPC Foodservice Dist.	\$394.44

Summary: These invoices are for the work/services which were done in a preceding fiscal year.

Motion: Move that the Town vote to transfer for the previous fiscal year bills totaling \$21,452.28 as listed in Article 8 of the March 22, 2025 Special Town Meeting Warrant..

9/10th Majority Vote

Finance Committee:

Article 9 CPA Funding for Historical Preservation of First Congregational Church of Southamptton

To see if the Town will vote to transfer the sum of \$15,000 from Community Preservation Act Funds to the First Congregational Church of Southamptton for installation of three heat pumps, in the portion of the Church used by the public for community activities, to preserve this historic building. Said funds to be transferred from Community Preservation Surcharges—Historic Preservation Account; or take any other action relative thereto.

Summary: This funding transfer would appropriate \$15,000 to preserve the historic First Congregational Church and provide the necessary heating, cooling and ventilation to hold public events.

Motion: Move that the Town vote to transfer the sum of fifteen thousand dollars from Community Preservation Surcharges to the First Congregational Church of Southampton for installation of three heat pumps in the portion of the Church used by the public for community activities and to preserve the historic building.

Simple Majority Vote

Finance Committee: