

October 15, 2019

# TOWN OF SOUTHAMPTON

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## SPECIAL TOWN MEETING WARRANT

With Summaries & Motions

**Tuesday, October 22, 2019**

**7:00 P.M.**



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

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# TOWN OF SOUTHAMPTON

## WARRANT FOR THE SPECIAL TOWN MEETING

October 22, 2019

HAMPSHIRE, ss.

To either of the Constables of the Town of Southampton in said County:

### GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the precincts of the Town of Southampton, County of Hampshire, qualified to vote in elections and Town affairs to meet in the **Cafeteria/Gymnasium, William E. Norris School, 34 Pomeroy Meadow Road, Southampton, Massachusetts**, on

**Tuesday, October 22, 2019 at 7:00 p.m.,**

then and there to act on the following articles:

## **PART 1: BONDED DEBT**

### **ARTICLE 1 REPLACEMENT OF EAST STREET BRIDGE**

To see if the Town will vote to appropriate \$1,600,000.00 or any other amount, to pay costs of replacing the East Street Bridge in the Town of Southampton, said funds to be used for construction, fees and permits, engineering, easements or any other eligible and incidental costs associated with the construction of the new bridge and the demolition of the existing bridge; to determine whether this appropriation shall be raised by borrowing or otherwise provided, or take any other action relative thereto.

#### **SUMMARY:**

*This Article would allow the Town to borrow under a debt exclusion that has been approved by the voters at a Town Election, \$1,600,000 for the replacement of the East Street Bridge which was built over eighty (80) years ago. The total cost of the bridge replacement is estimated to be \$2,600,000, but the town has obtained a MassWorks grant for this purpose in the amount of \$1,000,000. The borrowing of the \$1,600,000 would allow us to leverage the \$1,000,000 grant from the State which would mean that the Town's taxpayers would not be paying for the whole cost of the bridge replacement. If the voters do not approve the \$1,600,000 for borrowing then the Town would lose the grant funding and at some point in the future the Town will have to replace the East Street Bridge at its full cost of \$2,600,000, plus any inflation. This was originally passed as Article 27 at the February 5, 2019 Special Town Meeting but because the Special Town Meeting vote occurred before the Election ballot vote and the time exceeded the ninety (90) day statutory time limit the Town Meeting vote needs to re-occur.*

**MOTION:**

That the Town appropriates \$1,600,000 to pay costs of replacing the East Street Bridge in the Town of Southampton, said funds to be used for construction, fees and permits, engineering, temporary easements or any other eligible and incidental costs associated with the construction of the new bridge and the demolition of the existing bridge and, to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount pursuant to M.G.L. c.44, §7(1), or any other enabling authority and to issue bonds and notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of the costs approved by this vote in accordance with M.G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

***2/3rds Majority***

**FINANCE COMMITTEE - RECOMMENDS**

**ARTICLE 2 RESCIND ARTICLE 2 OF THE JULY 26, 2018 SPECIAL TOWN MEETING**

To see if the Town will vote to rescind the vote under Article 2 of the July 26, 2018 Southampton Special Town Meeting or take any other action relative thereto.

**SUMMARY:**

*This Article would rescind Article 2 of the July 26, 2018 Special Town Meeting which was voted approved by the voters at that meeting. There were two Articles presented and voted to be approved at that Town Meeting which were related to the Town's purchase of the 84.75-acre 111 Glendale Road property under the Town's statutory right of first refusal under MGL Chapter 61, Section 8. Two Articles as alternative funding were presented and both were approved and authorized by the voters at that Special Town Meeting as the Town did not know at the time of the Special Town Meeting if we would receive a LAND Grant of \$400,000 to be utilized to purchase the property. Article 1 used \$385,000 of Community Preservation funding plus the \$400,000 LAND Grant funding (if it was awarded to the Town) for the acquisition of this property. Article 2 would have used the \$385,000 of Community Preservation funding and then would allow borrowing of \$400,000 (in the case the Town did not receive the LAND Grant in the amount of \$400,000) to acquire the property. The Town did receive the \$400,000 from the State for the LAND Grant so Article 1 was utilized to acquire the property and Article 2 is not needed. Since both authorizations as approved are actual Town appropriations of funds the action to rescind Article 2 as an appropriation will remove the second appropriation which is not needed or used, and allow it to be removed from our financial books and our Department of Revenue records as an official appropriation to be counted against our debt capacity.*

**MOTION:**

Move that the Town vote to rescind the vote under Article 2 of the July 26, 2018 Southampton Special Town Meeting.

*Simple Majority*

**FINANCE COMMITTEE - RECOMMENDS**

**PART 2. FINANCIAL ITEMS**

**ARTICLE 3 UNPAID BILLS**

To see if the town will vote to transfer \$270.00 to the Prior Year Bills Account for unpaid bills from Fiscal 2018 for the reprogram of radios for the Police Department from Goosetown Communications; said sum to be taken from Operating Stabilization; or take any other action relative thereto.

**SUMMARY:**

*This invoice for the work Goosetown Communications performed to reprogram portable radios for the Police Department was received after the fiscal year 2018 books were closed.*

**MOTION:**

Move that the Town vote to transfer a total of \$270.00 from Operating Stabilization to the Prior Year Bills Account for the unpaid bill from Goosetown Communications from Fiscal Year 2018.

*9/10ths Majority*

**FINANCE COMMITTEE – RECOMMENDS**

## **PART 3. COMMUNITY PRESERVATION FUNDING**

### **ARTICLE 4 FUNDING FOR MOVEABLE SCOREBOARD**

To see if the Town will vote to transfer six thousand dollars (\$6,000.00) from Community Preservation Funds to the Southampton Youth Athletic Association for the purchase of a moveable scoreboard to be used for the softball teams, said funds to be transferred from Community Preservation Surcharges – Undesignated Account; or take any other action relative thereto.

#### **SUMMARY:**

*This Article would provide funds for the Southampton Youth Athletic Association to purchase a battery powered moveable score board for primary use at the softball fields. It will be stored when not in use and when not used for softball, could be used for other sports.*

#### **MOTION:**

Move that the Town vote to transfer six thousand dollars (\$6,000.00) from Community Preservation Funds to the Southampton Youth Athletic Association for the purchase of a moveable scoreboard to be used for the softball teams, said funds to be transferred from Community Preservation Surcharges – Undesignated Account

*Simple Majority*

**FINANCE COMMITTEE - RECOMMENDS**

### **ARTICLE 5 FUNDING FOR PLAYGROUND SHADE SHELTER FOR NORRIS SCHOOL**

To see if the Town will vote to transfer sixteen thousand dollars (\$16,000.00) from Community Preservation Funds to the Parent Teacher Organization of the Norris School for the purchase of a playground shade shelter for the PreK – K playground area, said funds to be transferred from Community Preservation Surcharges – Undesignated Account; or take any other action relative thereto.

#### **SUMMARY:**

*This Article would approve funding which will allow for the purchase of two playground shade structures to be installed at the Pre-Kindergarten/Kindergarten Playground at the Norris Elementary School creating a more comfortable play area for the smallest Norris School students.*

#### **MOTION:**

Move that the Town vote to transfer sixteen thousand dollars (\$16,000.00) from Community Preservation Funds to the Parent Teacher Organization of the Norris School for the purchase of a playground shade shelter for the PreK – K playground area, said funds to be transferred from Community Preservation Surcharges – Undesignated Account.

*Simple Majority*

**FINANCE COMMITTEE - RECOMMENDS**

## **PART 4. GENERAL BY-LAWS**

### **ARTICLE 6 AMEND GENERAL TOWN BY-LAW - ARTICLE VII RESTRICTION ON ISSUANCES OF LOCAL LICENSES OR PERMITS**

To see if the Town will vote to change the Town By-Laws, Article VII, Section 1 by amending the existing language as noted below, deleting existing language with a strikethrough and with adding new language shown in boldface text which reads as follows; or take any other action relative thereto.

### ARTICLE VII

#### Restriction on Issuances of Local Licenses or Permits

#### M.G.L. Chapter 40, Section 57

*(Amended to add section 1 (e) 10-20-15; AG's approval 1-22-16)*

Sec. 1 The Town of Southampton may deny any application for, or revoke or suspend a building permit or any local license or permit including renewals and transfer issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of section twenty-one D or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges. Such by-law or shall provide that:

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

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfer of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector provided, however,

that written notice is given to the party and tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(d) ~~The board of selectmen~~ **Select Board** may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in M.G.L. Chapter 268A, §1 in the business or activity conducted in or on said property.

(e) No demolition permit for a building which is in whole or in part 100 years or more old and/or listed on the Massachusetts Cultural Resource Inventory System for Southamptton shall be issued without following the provisions of ARTICLE XXXVII - THE PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS. If a building is of unknown age, it shall be assumed that the building is over 100 years old for the purposes of this bylaw.

Sec. 2. This bylaw shall not apply to the following licenses and permits: open burning; bicycle permits; sales of articles for charitable purposes; children work permits; clubs, association dispensing food or beverage licenses; dog licenses; fishing, hunting, trapping licenses; marriage licenses; and theatrical events or public exhibition permits.

**SUMMARY:**

*This Article would amend the General Town By-Law – Article VII Restriction on Issuances of Local Licenses or Permits by adding in Section 1 (a) allowing the tax collector to **periodically** rather than just annually furnish to each department, board, commission or division of the Town which issues licenses or permits a list of any person, corporation, or business enterprise that has neglected to pay any local taxes, fees, assessments, betterments or other municipal charges and*



*removes the requirement that the time of delinquency shall be **greater than a twelve month period** and in Section 1 (d) changing the title of Board of Selectmen to Select Board. The Select Board has a Policy that the time of delinquency to withhold/deny licenses or permits shall be greater than a six-Month period.*

**MOTION:**

Move that the Town vote to change the Town By-Laws, Article VII, Section 1 by amending the existing language as noted, deleting existing language with a strikethrough and with adding new language shown in boldface text as set forth in Article 6 of the Warrant for the October 22, 2019 Special Town Meeting.

*Simple Majority*

**FINANCE COMMITTEE - RECOMMENDS**

**ARTICLE 7 TOWN BY-LAW NEW ARTICLE --- SOLID WASTE RECYCLING BY-LAW**

To see if the Town will vote to accept as an addition to the Southamptton General Bylaws the SOLID WASTE RECYCLING BY-LAW as printed herein below or take any other action relative thereto.

**SOLID WASTE RECYCLING BY-LAW**

**Section 1. AUTHORITY:**

1.1) In accordance with Massachusetts General Law Chapter 40 Section 8H, the Board of Health (Board) of the Town of Southamptton (Town) shall be charged with the promulgation and implementation of this by-law and any regulation adopted under this by-law.

**Section 2. PURPOSE:**

2.1) In order to protect the environment, promote recycling, and in compliance with Massachusetts mandated waste bans; the Town hereby establishes mandatory separation of recyclable and compostable yard waste from the solid waste stream.

**Section 3. DEFINITIONS**

“Recyclable” or “Recyclable Material” means a material that has the potential to be recycled and which is pre-sorted. Such materials shall include but are not limited to: 1) containers, films and wraps made from metal, glass, plastic or paper and 2) newspaper, office paper, cardboard and other grades of paper.

Recyclable or Recyclable Material means a material that has the potential to be recycled and which is pre-sorted. Recyclable material includes biodegradable paper, but does not include:

- (a) organic materials that will be composted or converted; or
- (b) construction and demolition waste unless it has been separated and kept separate into at least the following categories: asphalt, brick and concrete; ceiling tiles; wood; metals; plaster and wallboard; roofing materials; and carpet.

“Compostable yard waste” means leaves, grass clippings, garden wastes, weeds, prunings and brush.

#### Section 4. APPLICABILITY

4.1) This applies to all owners, tenants, occupants, and property managers of residential, multifamily, commercial, industrial, municipal, and institutional structures and properties in the Town and to any and all waste haulers duly licensed by the Board.

#### Section 5. WASTE HAULERS

5.1) Every waste hauler must be duly licensed by the Board on an annual basis to operate within the Town.

5.2) Every waste hauler shall provide an integrated waste management service whereby collection of recyclables is provided to all trash collection customers.

5.3) Every waste hauler shall, upon request, provide the Board with an updated customer list, which includes the names and addresses of customers within the Town, the degree of service, and pick-up schedule. Upon request by the Board, every waste hauler shall also provide educational material to customers.

5.4) Waste haulers shall allow for unannounced inspections of collected refuse or recyclables by the Board or its designated agent(s) where the Waste Hauler is required to demonstrate satisfactory collection procedures.

## Section 6: PENALTIES

6.1) The following penalties apply to residents who are permitted to use the Town of Southamptton Transfer Station.

- a. First offense - \$25.00
- b. Second offense - \$50.00
- c. Third offense- Permit suspension (for the remainder of the fiscal-year (July 1<sup>st</sup>, to June 30<sup>th</sup>))

Commercial trash haulers are subject to penalties as stated in **Trash Hauler and Recycling Licensing and Operational Regulations**. All penalties are enforced by the Southamptton Board of Health or their designated agent.

## Section 7: SEVERABILITY

7.1) If any section of this by-law is declared invalid or unenforceable for any reason, said decision shall not affect any other section of this by-law, which shall remain in full force and effect or take any other action relative thereto.

## Section 8: APPEAL

Any party cited for a violation of this by-law may obtain review of such citation by filing a written notice of appeal with the Town of Southamptton Board of Health within seven (7) days exclusive of Saturdays; Sundays and legal holidays from the date of said citation. A hearing will be held within 60 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two weeks prior to the scheduled date.

The hearing will be conducted in accordance with the established procedures of the Board of Health. Following such hearing, the Board of Health may uphold, rescind or modify any such citation.

### **SUMMARY:**

*This Solid Waste Recycling By-law if adopted by the Town would allow the Town to be eligible to receive grant funding for the operation of the Transfer Station. Having a Solid Waste Recycling By-Law has become one of the funding requirements to receive a State Grant which the Town has used to offset some of the cost to run the Town Transfer Station.*

### **MOTION:**

Move that the Town vote to amend the Town By-Laws by adding an Article - Solid Waste Recycling By-Law, as set forth in Article 7 of the Warrant for the October 22, 2019 Special Town Meeting.

***Simple Majority***

**FINANCE COMMITTEE – NOT IN THEIR PURVIEW**

## **PART 5. ADMINISTRATIVE**

### **ARTICLE 8 ADOPT CLAUSE OF MGL C. 59, SECTION 5 PROVISIONS VETERANS EXEMPTIONS REDUCING RESIDENCE REQUIREMENTS**

To see if the Town will vote to accept the following clause in M.G.L. C. 59, Section 5, reducing the number of years of residency for veterans to qualify for certain tax exemptions from two years to one year, or take any other action relative thereto:

“Notwithstanding this section, in any city or town which accepts this clause, the exemptions available pursuant to clauses Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, and Twenty-second F may be granted to otherwise eligible persons who have resided in the commonwealth for 1 year prior to the date of filing for exemptions pursuant to the applicable clause.”

#### **SUMMARY:**

*The local adoption of this clause of the Massachusetts statutes would allow that veterans or their surviving spouses and families be eligible for certain allowed veterans tax exemptions, upon having one full tax year of residency in the Town of Southamptton rather than the two full tax years of residency requirement under the Massachusetts General Statutes. The beneficiaries include some veterans, their spouses who own the domicile and their surviving spouses, and some surviving parents and spouses of active duty military personnel who died during or due to military service. Under MGL. CH.59 Section 5, in short, the residency requirement is to have lived in MA for 2 consecutive years before the tax year begins. Reducing the residency requirement would allow the applicant to receive this benefit after having lived in MA for only one full tax year and not to have to wait the additional year. The quantity of (Veterans) who move to Southamptton from out of state and fall under one of the clauses to receive any of the 7 levels of property tax exemption would be minimal, if any each year. However, although the exemption could be as low as \$400. for that one additional year, the positive impact it could be for that veteran, parent or surviving spouse could be significant in the feeling of being welcomed with open arms as a purple Heart Community that Southamptton is. Voting for this local option gives Southamptton another tool to assist Veterans and their families.*

#### **MOTION:**

Move that the Town vote to accept the clause in M.G.L. C. 59, Section 5, reducing the number of years of residency for veterans to qualify for certain tax exemptions from two years to one year, as set forth in Article 8 of the Warrant for the October 22, 2019 Special Town Meeting.

***Simple Majority***

**FINANCE COMMITTEE - RECOMMENDS**