



**Special Town Meeting
January 16, 2018
William E. Norris School
34 Pomeroy Meadow Rd., Southhampton, MA**

Town Moderator, Robert Floyd, opened the meeting at 7:00 p.m. with a quorum present. One hundred thirty eight (138) registered voters were present. The checkers/counters were Lucille Dalton, Kristine Canton, Eileen Hamel, and Art Lawrence. Ed Gibson, Interim Town Administrator, led the pledge of allegiance.

Mr. Moderator welcomed everyone and read an introduction on town meeting procedures, as well as a disclosure statement. Mr. Moderator proceeded to read the return of the warrant. There was no objection to allow Ed Gibson, newly hired Town Administrator, and Debra Boronski, Western Mass Regional Director for MA Office of Business Development to speak.

Mr. Moderator then called for a motion for Article 1.

Article 1: It was moved and seconded that the Town vote to change the Town By-Laws, Article 1, Section 1 by amending the existing language as noted below, with new language shown in boldface text which reads as follows:

“The Annual Election of town Officers shall be held on the first Monday of May of each year. The annual meeting of the Town shall be held on the third Tuesday in May, commencing at 7:00p.m. in the evening, and if not completed in a reasonable time period prescribed by the Moderator, shall continue on successive evenings beginning at 7:00 p.m. until it’s conclusion, excluding Sundays and Holidays.” to:

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

➤ **Article 1 passed unanimously**

Article 2: It was moved and seconded that the Town vote to amend Article XVII of the Town By-Laws, by replacing the current Section 4, which reads as follows:

“Sec. 4. The Council on Aging may appoint such clerks and other employees as it may require.” with the following:

“Sec. 4. The COA Director is hired by and ultimately responsible to the appointing authority, the Select Board. The Select Board has the power to hire, evaluate and/or terminate the Director, and may delegate some or all of these functions to the Town

Administrator. The Director has the responsibility for the hiring and supervision of paid staff and unpaid volunteers.

Sec. 6. The COA Board serves as an advisory board.

➤ **Article 2 passed unanimously**

Article 3: It was moved and seconded that the Town vote to amend the Town By-Laws, Article II, by amending the existing language as noted below, with new language shown in boldface text and deleted language shown as stricken through:

“Sec. 1 There shall be a Finance Committee for the Town consisting of five (5) voters of the Town, who shall perform the duties set forth in the following sections of this article and be governed by the provisions thereof. The committee shall be elected as provided in Section II of this article. **Finance Committee members may serve as liaisons to other committees, boards, commissions, and/or *ad hoc* committees, as needed, to maintain communication and coordination between those bodies and the Finance Committee. Finance Committee members may serve on appointed committees, commissions, boards, or *ad hoc* committees, with voting rights, unless otherwise stipulated in the Town’s By-laws.**

Sec. 3. **The Finance Committee shall consider** all articles in any warrant thereafter issued for any Town meeting, Annual or Special, calling for the expenditures and/or transfer of money and report in writing or otherwise to the Town meeting its recommendations as deemed in the best interest of the Town. ~~No appropriation and/or transfer of money shall be made under the report of a committee, or an individual until the matter has been considered and reported upon by the Financial Committee;~~

➤ **Article 3 passed by majority vote**

Article 4: It was moved that the Town vote to amend the Town By-Laws to establish a process for creating the Annual Operating Budget of the Town by adding Article XLIII as follows:

- a) **The Select Board determines budget priorities after consultation with the Finance Team (Town Administrator, Finance Committee Member(s), Town Accountant, Treasurer, and Principal Assessor).**
- b) **On or about December 1, the Town Administrator forwards to all Departments and Committees the Select Board’s budget priorities, a set of guidelines for budget preparation, and schedule for all Departments and Committees to meet with the Town Administrator, Finance Committee, and the Town Accountant.**
- c) **On or about January 15, based on the Select Board’s budget priorities and following the guidelines established by the Town Administrator, Departments and Committees compile their budget proposal, meet with the Town Administrator, Finance Committee, and the Town Accountant to discuss their proposal, and afterwards send their final proposal to the Town Administrator.**
- d) **On or about February 15, after consulting with Departments/Committees as appropriate, the Town Administrator sends a Draft Budget to the Select Board and the Finance Committee.**

- e) On or about March 1, the Select Board and Finance Committee meet to discuss the Administrator's Draft Budget.
 - f) The Select Board reviews the Draft Budget, and after consultation with Departments/Committees as appropriate, adopts or modifies the Draft Budget to create the Select Board Budget.
 - g) On or about March 15, the Select Board sends their budget to Finance Committee.
 - h) On or about April 1, the Finance Committee sends Finance Committee's budget recommendations to the Select Board.
 - i) On or about April 15, the Select Board and Finance Committee meet to discuss their respective positions, make revisions, and share their respective, revised drafts. Should there be further changes to these drafts, the Select Board and Finance Committee must meet to discuss the changes.
 - j) To provide voters with ample time to review all budget-related items prior to consideration at Town Meeting, to mandate early, timely budget deliberations, to reinforce collaboration and communication, and to discourage budget-related items being introduced at Town Meeting without ample opportunity for all stakeholders to consider the implications, one week prior to the Annual Town Meeting, the Select Board's Final Budget and Finance Committee's Final Budget Recommendation for each line item of the Select Board's Final Budget shall be posted on the Town's website and shall be available at Town Hall.;
- *Prior to asking for a second to the motion, Mr. Moderator clarified that we were voting on the Town Budget Process handout, which is the body of the proposed by-law, as recommended by Town Counsel and reads as follows: Motion was then seconded.*

Town Budget Process

1. Purpose: To provide voters with ample time to review all budget-related items prior to consideration at Town Meeting, to mandate early, timely budget deliberations, to reinforce collaboration and communication, and to discourage budget-related items being introduced at Town Meeting without ample opportunity for all stakeholders to consider the implications, this bylaw sets forth a process for development of the annual budget presented to Town Meeting.

2. Annual Operating Budget and Selectboard Budget Priorities. The Selectboard shall prepare the annual operating budget for submission to Town Meeting. Annually, the Selectboard shall determine budget priorities for the upcoming Fiscal Year, after consultation with the Finance Team (Town Administrator, Finance Committee Member(s), Town Accountant, Treasurer, and Principal Assessor) as the Selectboard deems necessary and appropriate.

3. Budget Schedule. On or about December 1, the Town Administrator shall forward to all Departments and Committees a budget schedule, which schedule shall include time frames and deadlines for actions necessary to prepare the annual budget, together with the Selectboard's budget priorities and guidelines for budget preparation. This schedule shall include a date, no later than April 1 (or at least two weeks after the Selectboard's Budget is submitted to the Finance Committee as provided for in the budget schedule, whichever is later), for the Finance Committee to provide its budget recommendations to the Selectboard.

4. Availability of Final Budget and Final Budget Recommendations. The Selectboard’s Final Budget, and the Finance Committee’s Final Budget Recommendations for each line item of the Selectboard’s Final Budget, shall, at least one week prior to the Annual Town Meeting, be posted on the Town’s website and be made available at Town Hall.

- **Article 4 passed unanimously, as recommended by the Town Attorney in the handout**

Article 5: It was moved and seconded that the Town vote pursuant to Massachusetts General Laws Chapter 41, Section 110A, that any public office of the Town may remain closed on any or all Saturdays, and where the last day for performance of any act in any such office falls on a Saturday when said office is closed, the act may be performed on the next succeeding business day.

- **Article 5 passed unanimously**

Article 6: It was moved and seconded that the Town vote to **take no action** to accept Woodmar Lane as a public way, as shown on a plan entitled Woodmar Estates prepared for the Southampton Planning Board and recorded in the Hampshire County Registry of Deeds Plan Book 236, Pages 76-79.

- **Article 6 passed unanimously to take no action**

Article 7: It was moved and seconded that the Town vote to amend the zoning of 155 Middle Road, (Plan Book 79, Page 82, Deed Book 7705, Page 352) from Residential Village (R-V) to Commercial Village (C-V).

- **Article 7 passed by majority vote and met the 2/3rds requirement (97 Ayes) & (16 Nays)**

Article 8: It was moved and seconded that the Town vote to **take no action** to amend the Southampton Zoning By-Laws, Section V, Use Regulations, by adding a new use to Table 1. Use Regulations, by adding the following new Principal Use under Retail and Service:

Retail and Service

Principal Use	Residential			Commercial		Industrial I-P
	R-R	R-N	R-V	C-V	C-H	
17.* Marijuana Establishment (All types of marijuana establishments consistent with and defined in MGL c. 94G, but not including registered Medical Marijuana Treatment Centers)	-	-	-	-	-	-

- **Article 8 passed unanimously to take no action, as recommended by Town Counsel**

Article 9: It was moved and seconded that the Town vote to amend the Town's Zoning Bylaw by adding a new Section XVIII, TEMPORARY MORATORIUM ON RECREATIONAL

MARIJUANA ESTABLISHMENTS, that would provide as follows, and further to amend the Table of Contents to add Section XVIII:

Section XVIII TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS

A. Authority and purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. This law was amended on December 30, 2016 by extending certain deadlines by six months and the Cannabis Control Commission is required to issue regulations regarding implementation by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Bylaw, Marijuana Establishments and Marijuana Retailers are not a permitted use in the Town and any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to the Town in regulating Marijuana Establishments and Marijuana Retailers. Further, the ballot measure establishes two important provisions that require ballot action by the Town prior to the adoption of zoning: First, the Town must, by ballot, determine whether it will issue licenses for Marijuana Establishments and Marijuana Retailers; and, second, by ballot that cannot occur prior to November 6, 2018, the next biennial state election, on whether to allow on-site consumption of marijuana products should the Town decide to allow licenses for such facilities.

The regulation of Marijuana Establishments and Marijuana Retailers raise novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Establishments and Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

B. Definitions

For purposes of this moratorium, the definitions set forth in G.L. c. 94G, § 1 shall apply.

C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Marijuana Establishments and other uses related to recreational marijuana. Because of the statutory requirement to have the state Attorney General's Office approve all Zoning changes approved at Town Meeting, and the time that it takes to prepare such submission and for the Attorney General's Office to conduct their review and respond, the moratorium shall take effect through December 31, 2018 or 120 days from the date of the Town Meeting action, whichever occurs latter; or until such time as the Town adopts Zoning Bylaw amendments that regulate Marijuana Establishments and

obtain the Attorney General's Office approval, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in Southamptton, consider the Cannabis Advisory Board regulations regarding marijuana establishments and marijuana retailers and related uses, determine whether the Town shall restrict any or all licenses for such marijuana establishments and marijuana retailers, and consider such other and further matters as set forth in G.L. c. 94G, § 3 and G.L. c. 64N, § 3.

- **Article 9 passed by majority vote and met the 2/3rds requirement (Ayes 89) (Nays 30)**

Article 10: It was moved and seconded that the Town vote pursuant to G.L. c.40, §59 and G.L. c.23A, §§3E and 3F to: (a) approve a Tax Increment Financing ("TIF") Agreement between J & E Precision Tool Company and the Town of Southamptton, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), for property located at 115 Valley Road (Map 39, Lot 26a) and as described more fully in the TIF Agreement, which TIF Agreement provides for real estate tax exemptions at the exemption rate schedule set forth therein; (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto; and (c) authorize the Board of Selectmen to approve submission of the TIF Agreement and Certified Project Application, and any associated documents to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the Southamptton EOA and Certified Project Application, and take such other and further action as may be necessary or appropriate to obtain EACC approval, implement these documents and carry out the purposes of this article.

- **Article 10 passed by majority vote**

Article 11: It was moved and seconded that the Town vote to transfer \$2, 365.10 from Free Cash for unpaid bills from **Fiscal Year 2017**.

- **Article 11 passed unanimously, therefore meeting the 9/10ths requirement**

Article 12: It was moved and seconded that the Town vote to transfer \$13,000 to the Town Hall Building Expense Account for the new service contract and other expenses related to repair of the HVAC control system; said sum to be taken from the Town Administrator Salary Account.

An amendment to the motion was made and seconded to amend the dollar amount to \$12,000.00.

- **Article 12 as amended passed by majority vote**

Article 13: It was moved and seconded that the Town vote to transfer \$148,246.50 from Free Cash to the Capital Stabilization Fund.

- **Article 13 passed unanimously**

Article 14: It was moved and seconded that the Town vote to transfer \$ 42,356.10 to the Other Post-Employment Benefits (OPEB) account; said sum to be taken from Free Cash.

- **Article 14 passed unanimously**

Article 15: It was moved and seconded that the Town vote to transfer \$127,068.30 to the Operating Stabilization Fund; said sum to be taken from Free Cash.

➤ **Article 15 passed unanimously**

Article 16: It was moved and seconded that the Town vote to transfer \$4,800 from Free Cash to the Police Department Expense Account for the purchase of 5 high velocity vest and 5 Kevlar helmets for active shooter situations.

➤ **Article 16 passed unanimously**

Article 17: It was moved and seconded that the Town vote to transfer \$6,800 from the Town Administrator Salary Account to the Building Commissioner Salary Account to compensate the Commissioner for an additional four hours of work per week.

➤ **Article 17 passed by majority vote**

Article 18: It was moved and seconded that the Town vote to transfer \$55,600.24 to the Halloween 1029-11 Account to pay off the loan from the 2011 Halloween Storm; said sum to be taken from Free Cash.

➤ **Article 18 passed unanimously**

Article 19: It was moved and seconded that the Town vote to transfer \$10,000 to the legal budget to fund extraordinary legal costs this fiscal year (2018); said sum to be transferred from Free Cash.

➤ **Article 19 passed unanimously**

Article 20: It was moved and seconded that the Town vote to transfer \$1,000 from Free Cash to the Certification Stipends Account to fund the Town approved stipend for attaining Treasurer/Collector certification.

➤ **Article 20 passed unanimously**

Article 21: It was moved and seconded that the Town vote to transfer \$56,375 from Ambulance Receipts, Reserve for Appropriation, to the EMS Wage Account and to transfer \$5,833.31 from Ambulance Receipts to the Fire Building Expense Account.

➤ **Article 21 passed by majority vote**

Article 22: It was moved and seconded that the Town vote to transfer \$6,346 from Ambulance Receipts, Reserve for Appropriation, to the Fire Chief's Salary Account to cover negotiated salary for the Fire Chief's service as EMS Director.

➤ **Article 22 passed by majority vote**

Article 23: It was moved and seconded that the Town vote to transfer \$15,000 from the Free Cash Fund to the Select Board Expenses Account for the purchase of land at 215 College Highway, as described in a deed recorded with the Hampshire Registry of Deeds in Book 10432, Page 49.

➤ **Article 23 passed by majority vote**

Article 24: It was moved and seconded that the Town vote to transfer \$5,020 from Free Cash to the Police Department Expenses Account to cover the cost of replacing a failing video dash camera system in a police cruiser.

➤ **Article 24 passed unanimously**

Article 25: It was moved and seconded that the Town vote to transfer \$1,400 to the Select Board Expense Account to pay the remaining balance to the Collins Institute for background checks and travel during the search for a new town administrator; said sum to be taken from the Town Administrator Salary Account.

➤ **Article 25 passed unanimously**

Article 26: It was moved and seconded that the Town vote to transfer \$4,900 from Free Cash to the Police Department Expense Account for the purchase of a portable radar speed limit sign.

➤ **Article 26 passed by majority vote (Ayes 61) (Nays 38)**

Article 27: It was moved and seconded that the Town vote to transfer up to \$10,000 from Community Preservation Funds to the Town Hall Door Account to create access through the front doors at Town Hall; said sum to be transferred from Community Preservation Surcharges – Historical Preservation Account.

➤ **Article 27 passed unanimously**

Article 28: It was moved and seconded that the Town vote to transfer up to \$40,000 to the Conservation Commission to fund necessary preservation, including a new roof for the Szczypta Barn; said sum to be taken from the Community Preservation Surcharges- Undesignated account.

➤ **Article 28 passed by majority vote**

Article 29: It was moved and seconded that the Town vote to transfer \$30,000 to the Select Board to prepare a feasibility study for a preliminary design for the restoration of the Old Town Hall; said sum to be taken from Community Preservation Surcharges-Undesignated Account.

➤ **Article 29 passed by majority vote**

Article 30: It was moved and seconded that the Town vote to transfer \$3,718.98 to the Town Accountant to pay legal fees accrued during the purchase of property known as the Cook/County Roads project; said sum to be taken from Community Preservation Surcharges-Undesignated Account.

➤ **Article 30 passed unanimously**

Article 31: It was moved and seconded that the Town vote to transfer \$12,000 to the Historical Commission to match a Massachusetts Records Advisory Board Preservation Grant for the straightening and cleaning of Revolutionary War and Civil War veterans' grave markers in Center Cemetery; said sum to be taken from Community Preservation Surcharges-Historical Preservation and are contingent upon receiving the aforementioned grant.

➤ **Article 31 passed unanimously**

Article 32: It was moved and seconded that the Town vote to transfer \$15,000 from the Operational Stabilization Fund to the Norris School Capital Budget to fund replacement of the carpeting in the Library.

➤ **Article 32 passed unanimously, therefore met the 2/3rds requirement**

Article 33: It was moved and seconded that the Town vote to transfer \$45,000 from the Capital Stabilization Fund to the Norris School Capital Budget to fund repair of a boiler at the Norris School.

➤ **Article 33 passed unanimously, therefore met the 2/3rds requirement**

Article 34: It was moved and seconded that the Town vote to transfer \$35,000 from the Capital Stabilization Fund to the Fire Department Building Account for the purchase and installation of a modular trailer unit as sleeping quarters for Fire personnel.

➤ **Article 34 passed by majority vote, and met the 2/3rds requirement (Ayes 88) (Nays 2)**

Article 35: It was moved and seconded that the Town vote to transfer \$62,000 from the Capital Stabilization Fund to the Highway Department Account for the purchase a large lawn mower.

➤ **Article 35 passed by majority vote, and met the 2/3rds requirement (Ayes 69) (Nays 5)**

Article 36: It was moved and seconded that the Town vote to authorize the Select Board, acting by and through the Water Commission, to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Select Board shall determine, a permanent easement, containing 40,000 square feet, more or less, on a parcel of land located in Southampton and Easthampton, commonly known as 10 College Highway, being Assessor's Map 14, Lot 2 in Southampton and Assessor's Map 164, Lot 11 in Easthampton, said easement as approximately shown on a sketch plan, as may be amended, on file with the Town Clerk, for the purpose of siting, constructing, operating and maintaining a water pump station, and appurtenances related thereto, as well as access rights to said easement, said property to be acquired for water supply protection and water distribution purposes, pursuant to G.L. c. 40, §§39, 41 and 15B; and, further, to authorize the Select Board to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisition and other acts authorized herein, upon such terms and conditions as the Select Board may deem appropriate.

Article 36 passed unanimously, therefore met the 2/3rds requirement

A motion was made and seconded to continue the meeting past 10:10 PM. Passed by majority vote.

Article 37: It was moved and seconded that the Town vote to raise and appropriate, transfer, borrow or otherwise provide the sum of \$200,000 for the purpose of financing the certain water pollution abatement facilities projects, including, without limitation, the repair, replacement and/or update of septic systems pursuant to agreements between the Board of Health and residential property owners, including without limitation, all costs thereof as defined by Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c. 78; that to meet this appropriation, the Treasurer, with the approval of the Board of Select Board, is authorized to borrow the sum of \$200,000 and issue bonds or notes therefore under G.L. c.111, s.127B ½ and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c. 78; that project and financing costs shall be repaid by the property owners, in accordance with those agreements; but such bonds or notes shall be general obligations of the Town; that the Treasurer,

with the approval of the Board of Select Board, is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust, established pursuant to Chapter 29C, as most recently amended by St. 1998, c. 78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Select Board, Board of Public Works or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and take any other action necessary to carry out the project.

Article 37 passed unanimously, therefore met the 2/3rds requirement

A motion was made and seconded to dissolve the Special Town Meeting at 10:16 PM.

Approved unanimously

A true copy of the warrant, return of the warrant, and the minutes of the meeting.

Attest:

Janine Domina, Clerk
Town of Southampton