

October 2, 2019

# TOWN OF SOUTHAMPTON

## SPECIAL TOWN MEETING WARRANT

**Tuesday, October 22, 2019  
7:00 P.M.**



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

A True Copy, Attest  
*Lucille A. Dalton*  
Clerk - Town of Southamptton

**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.

**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.

A True Copy, Attest

*Zucille A Dalton*  
Clerk - Town of Southampton

## **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.

## **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.

### **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.

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Clerk - Town of Southampton

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, fee, 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 Southampton 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.

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Clerk - Town of Southampton

**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:

**ARTICLE VII**

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

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*Lucille A. Dalton*  
Clerk - Town of Southampton

**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

**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 Southampton 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 Southampton (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.

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Clerk - Town of Southampton

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 Southampton 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 Southampton Board of Health or their designated agent.

A True Copy, Attest  
*Zucille A. Dalton*  
Clerk - Town of Southampton

**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 Southampton 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.

**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."

A True Copy, Attest  
*Lucille A. Dalton*  
Clerk - Town of Southampton

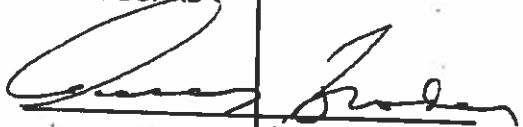


And you are hereby directed to serve this Warrant by posting attested copies thereof in six usual places in said Town, fourteen (14) days at least before the time of holding said meeting.

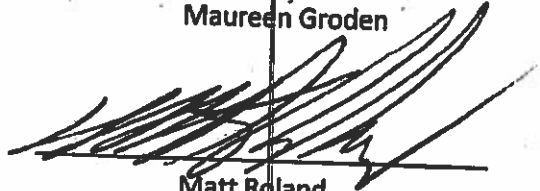
Hereof, fail not, and make due return of the Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this 2nd day of October in the year Two Thousand and Nineteen.

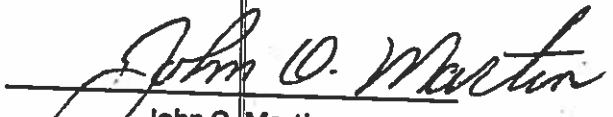
SELECT BOARD



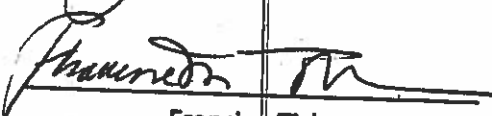
Maureen Groden



Matt Roland



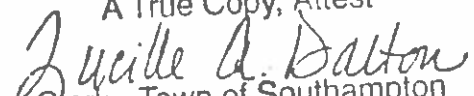
John O. Martin



Francine Tishman

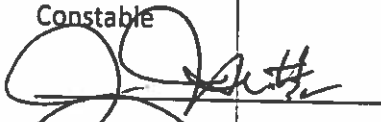


Christine Fowles

A True Copy, Attest  
  
Clerk - Town of Southampton

Southampton Town Warrant Return

Constable

  
Jared Hamel

- Southampton Country Club ✓
- Southampton Public Library ✓
- County Liquors ✓
- Southampton Liquors ✓
- Quick Stop Convenience ✓
- Big Y ✓
- Town Hall ✓
- Pure Foods —

10/7/19

A True Copy, Attest  
*Jucille A. Dalton*  
Clerk - Town of Southampton

RECEIVED  
OCT 08 2019  
BY: *LAD - 3:30 pm*