

THE TOWN OF SWAMPSCOTT



2013 ANNUAL TOWN MEETING WARRANT

Election Day, April 30, 2013

Annual Town Meeting, May 6, 2013

**2013
ANNUAL TOWN MEETING WARRANT
TABLE OF CONTENTS**

	<u>Page</u>
Report of the Finance Committee	2
Summary of Revenue and Expenditures	5
 <u>WARRANT FOR ANNUAL TOWN MEETING</u>	
Article 1 Elections	6
Article 2 Reports of Town Boards and Committees	8
 <u>GENERAL ARTICLES</u>	
Article 3 Authorize Increase Retirees Cost of Living Base	8
Article 4 Authorize Increase to Surviving Spouse Benefits	8
Article 5 Authorize Home Rule Petition for Retirement and Health Benefits	8
Article 6 Citizen's Petition – Committee Request	9
Article 7 Citizen's Petition – The Use of Leaf Blowers	9
Article 8 Authorize Purchase of 10 Railroad Ave.	10
Article 9 Authorize Lease of 10 Railroad Ave.	10
 <u>ZONING/GENERAL BY-LAW ARTICLES</u>	
Article 10 Amend Zoning By-Law	11
Article 11 Amend General By-Law Article IX	11
 <u>CAPITAL ARTICLES</u>	
Article 12 Appropriation for Chapter 90 Roadway Improvements	16
Article 13 Appropriation for Recommended Capital Projects	16
 <u>PERSONNEL ARTICLES</u>	
Article 14 Amend the Personnel Bylaw, Classification and Salary	17
Article 15 Amend the Personnel Bylaw, Reclassifications	17
Article 16 Authorize Salaries of Elected Officials	17
 <u>FINANCIAL ARTICLES</u>	
Article 17 Continue and Approve Council on Aging Revolving Account	17
Article 18 Continue and Approve Blue Bins Revolving Account	18
Article 19 Continue and Approve Recreation Revolving Account	18
Article 20 Authorize Creation of Library Revolving Account	18
Article 21 Appropriation for Fiscal 2014 Budget	18
Article 22 Approve Transfer of Water Enterprise Retained Earnings	29
Article 23 Acceptance of MGL c.32B, s.20 OPEB Trust Fund	29
Article 24 Approve the Transfer of Free Cash	29
Article 25 Closing Article – Omnibus Appropriation	29

**2013
SPECIAL TOWN MEETING WARRANT
TABLE OF CONTENTS**

Article 1 Amend FY13 Budget	33
Article 2 Authorize Board of Selectmen to grant an easement	33
Article 3 Authorize the Board of Selectmen to purchase land	33
Article 4 Authorize the payment of prior fiscal year bills	33
 Appendix A Report of the Capital Improvement Committee	
Appendix B Position Classification and Salary Classification	42
Appendix C Town Finance Terminology	46
Appendix D Table of Motions	47
Appendix E FY 2012 Reserve Fund Transfers	48
Appendix F Preservation of Historically Significant Buildings	49

REPORT OF THE FINANCE COMMITTEE

**MAY 2013 TOWN MEETING
(FY 2014 BUDGET)**

The Finance Committee is pleased to present the annual budget for FY2014. A relatively conservative approach has been taken regarding revenues, which show a total increase of only 0.6%, due largely to a flat figure for state aid. Revenue from property taxes increases by 1.0%, which reflects a decrease in required debt exclusion funding as the Lynn sewer debt declines substantially.

Total expenses increased 0.2% in line with the modest revenue projection, with expenses on the Town side being reduced by 3.3%, the sewer debt service costs contributed 6.3% to this decrease, offset by increases of 2.1% in Public Safety. A relatively small appropriation of one-time revenue (\$160,000) will provide a balanced budget.

	2013 Budget	2014 Recommended	Percentage Change
REVENUES			
Property Taxes	\$ 43,598,760	\$ 44,039,276	1.0%
State Aid	3,972,571	3,972,571	0.0%
All other	4,946,200	4,816,600	-2.6%
Total Revenues	\$ 52,517,531	\$ 52,828,447	0.6%
EXPENDITURES			
Town	\$ 12,382,420	\$ 11,974,078	-3.3%
Schools	24,665,818	24,909,220	1.0%
Benefits	8,828,025	9,047,374	2.5%
Debt Service	4,748,440	4,820,818	1.5%
Stabilization	100,000	100,000	0.0%
All Other	2,137,725	2,114,303	-1.1%
Total Expenditures	\$ 52,862,428	\$ 52,965,793	0.2%

As you review the FY2014 Town budget, please bear in mind that the figures for FY2013 shown above include adjustments that were made in at the Special Town Meeting in October of 2013, and thus do not tie out directly to the figures shown in last year's warrant. The Finance Committee has worked closely with the Town Administrator and Town Accountant this year and makes the following recommended changes to the budget presented to the Board of Selectmen in March 2013:

31	Total Insurance	\$ (50,000)	reflects current premium estimates for Property and Casualty Insurance
49	Building Department Salaries	\$ 5,200	compensation for in-house inspector
85	Library Salaries	\$ 6,546	staffing to support additional library hours
98	Total Schools	\$ 40,600	retention of inclusion teachers

As in any budget year, we welcome a dialogue with all Members in advance of Town Meeting, should you have any questions about these or other line items.

We would like to bring your attention to several items that we considered in our deliberations this year.

Police Overtime

In FY13, actual police overtime expenditures are likely to exceed the budgeted amount by more than \$159,000 due to multiple incidences of officers on long and short term disability as well as other reasons. Fire overtime exceeded its budgeted amount by \$83,500. Public protection overtime is a difficult figure to predict, and it is possible that by year-end, our deficit may be even greater. For FY14, we are recommending an increase of \$85,000 in the police overtime budget, with the hope that the unprecedented staffing shortages we faced this year are not repeated in FY14.

Unfunded Liabilities

The Town's exposure to unfunded pension liabilities and OPEB (Other Post-Employment Benefits, primarily health benefits) continues to be a matter of concern for the Finance Committee. As of this writing, the Town's unfunded pension liability exceeded \$38 million, and OPEB liability stood at about \$71 million. To put this in perspective, the Town's total revenue increase for FY14 is just over \$310,000. Our pension contribution increased by \$124,000, which is about 40% of this year's revenue increase. As we reported last year, the funding schedule for the pension liability will increase our annual payment by an average of 4% for the next 16 years. These payments assume the pension fund will earn an annual return around 8% over this period, which we believe is an aggressive figure. Should the real rate of return be lower, then the Town's required contributions into the pension system will increase even more.

As a result, the Finance Committee does not support Article 3 in this Warrant, which would further increase the pension liability.

The Finance Committee discussed at length the merits of Article 5, which calls for the Town to petition the General Court for an exemption from the statutes that govern public pensions. While we agree with the sentiment, and recognize that benefit reforms will be necessary in order to deal with the unfunded liability issues discussed above, we believe that this is a matter to be taken up at the State level. It is our contention that Swampscott is not in a position to unilaterally develop and implement its own retirement system. In addition, the Finance Committee was not provided with any specific proposal, or any analysis, projections or other data regarding the financial pros and cons of this home rule petition. In the absence of any facts upon which to deliberate, the Finance Committee cannot opine on the financial impact of the adoption of Article 5, and considers the request for special legislation premature.

Last year, the Finance Committee recommended that the Town establish a stabilization fund to begin to address the OPEB liability, which as noted above far exceeds the pension liability and for which there is currently no funding source. We support Article 23 in this warrant calling for the establishment of an OPEB stabilization fund of \$500,000 to be funded with a one-time transfer from free cash.

Capital Budgeting and Planning

Last year, the Town considered a proposal for a turf field at Phillip's Park, which ultimately was not accepted by Town Meeting. At the time, the issue raised the concern that the Town lacks a comprehensive capital plan, which would include timing and financing (including debt structure) of capital projects, and the sale of excess Town property. It is not prudent to discuss the merits and flaws of one capital proposal without considering all the other known and reasonably foreseeable capital needs that may exist, such as drainage repairs or school replacement. It was our hope that such a plan would be in place at this time, but it is clear that there is more work to be done. The Finance Committee urges the Town Administrator and the Board of Selectmen to work jointly with the Finance Committee, the Capital Improvements Committee and the School Department to establish a strategic capital plan within the next six months.

Regionalization/Outsourcing/Consolidation

We continue to advocate for sensible approaches toward regionalization and outsourcing, and for “out of the box’ visioning regarding the future of the Town. The current scenario is one in which funding for long term liabilities and capital investment are competing with operating costs for every new tax dollar. This model is not sustainable, whereby operating costs (primarily consumed by salaries and benefits) are increasing at a faster pace than the Town can generate revenue. To the extent that it will generate information useful to future planning needed to address these issues, the Finance Committee supports Article 6.

It is with deep sadness that we remember our friend Eileen Green, a valued member of our committee who passed away this winter. She was a dedicated hard working member and was missed during our deliberations.

Respectfully submitted,
Swampscott Finance Committee

Don Pinkerton, Chairman
Linso van der Burg, Vice Chairman
Ken Ardon
Gregory D’Antona
Marzie Galazka
Cinder McNerney
Maura Pilotte

**Town of Swampscott
Summary of Revenues and Expenditures
July 1, 2013**

	ADOPTED FY13	DEPARTMENT REQUEST FY14	ADMINISTRATOR RECOMMENDED FY14	FIN COMM RECOMMENDED FY14
I. REVENUES				
TAX LEVY	39,442,674	40,706,438	40,706,438	40,706,438
DEBT EXCLUSION	3,885,162	3,150,662	3,107,838	3,107,838
NEW GROWTH	<u>270,924</u>	<u>225,000</u>	<u>225,000</u>	<u>225,000</u>
SUBTOTAL	43,598,760	44,082,100	44,039,276	44,039,276
LOCAL RECEIPTS	2,880,000	2,780,000	2,780,000	2,780,000
OUTSIDE TUITIONS	1,264,200	1,234,600	1,234,600	1,234,600
EST CHERRY SHEET	3,972,571	3,972,571	3,972,571	3,972,571
INTERGOVERNMENTAL	<u>802,000</u>	<u>802,000</u>	<u>802,000</u>	<u>802,000</u>
SUBTOTAL	8,918,771	8,789,171	8,789,171	8,789,171
TOTAL REVENUE	52,517,531	52,871,271	52,828,447	52,828,447
II. EXPENSES				
TOWN BUDGETS	12,382,420	12,116,573	11,962,332	11,974,078
SCHOOL BUDGET	24,305,400	24,805,400	24,440,400	24,481,000
VOCATIONAL SCHOOL	360,418	428,220	428,220	428,220
SHARED EXPENSES				
HEALTH INSURANCE	4,530,000	4,756,500	4,625,000	4,625,000
RETIREMENT	3,798,025	3,922,374	3,922,374	3,922,374
MEDICARE	383,675	392,000	392,000	392,000
PROPERTY & CASUALTY INSURANCE	650,000	700,000	700,000	650,000
WORKER'S COMPENSATION	400,000	425,000	425,000	425,000
UNCOMPENSATED BALANCES	100,000	150,000	75,000	75,000
RESERVE FUND	200,000	200,000	175,000	175,000
DEBT	4,748,440	4,932,665	4,820,818	4,820,818
TOWN AUDIT	50,000	52,500	52,500	52,500
CAPITAL STABILIZATION	50,000	50,000	50,000	50,000
STABILIZATION	50,000	50,000	50,000	50,000
OVERLAY PROVISIONS	200,000	225,000	225,000	225,000
ASSESSMENTS/OFFSETS	616,350	619,803	619,803	619,803
2012 ATM Article 19	37,700	-	-	-
		-	-	-
		-	-	-
TOTAL EXPENSES	52,862,428	53,826,035	52,963,447	52,965,793
BALANCE AVAILABLE	(344,897)	(954,764)	(135,000)	(137,346)
ONE TIME REVENUES				
ASSESSORS OVERLAY	125,000	-	-	-
FREE CASH	315,000	160,000	160,000	160,000
STABILIZATION	-			
SALE OF LOTS FUND	-			
EXCESS/(DEFICIT)	95,103	(794,764)	25,000	22,654
ENTERPRISE FUNDS				
WATER RECEIPTS	3,621,476	3,700,782	3,722,637	3,722,637
SEWER RECEIPTS	2,245,601	2,404,932	2,408,052	2,408,052
SEWER EXPENSES	2,245,601	2,404,932	2,408,052	2,408,052
WATER EXPENSES	3,621,476	3,700,782	3,722,637	3,722,637
	58,729,505	59,931,749	59,094,136	58,251,679

NOTICE OF ANNUAL TOWN MEETING

The Annual Town Meeting of 2013 will convene on Tuesday, April 30, 2013, with Article 1 (the Town Election) at 7:00 a.m. in the Town's regular polling places. At 8:00 p.m., the Town Meeting will be adjourned until Monday, May 6, 2013, 7:15 p.m., when it will be reconvened in the Swampscott High School Auditorium located at 200 Essex Street, Swampscott.

NOTICE OF ADJOURNED ANNUAL TOWN MEETING
MONDAY, MAY 6, 2013, 7:15 P.M.

To the Town Meeting members:

Notice is hereby given in accordance with Article I, Section 2, of the Bylaws of the Town of Swampscott that the Adjourned Annual Town Meeting will be held on Monday, May 6, 2013, beginning at 7:15 p.m. in the Swampscott High School Auditorium located at 200 Essex Street, Swampscott.

The required identification badge is to be picked up at the auditorium entrance when you check in.

Town Moderator, Joseph Markarian will preside.

NOTICE OF PRECINCT CAUCUS MEETINGS

Caucus meetings for all Swampscott precincts have been scheduled for Monday, May 6, 2013, beginning at 6:45 p.m. in the Swampscott High School located at 200 Essex Street, Swampscott. Room assignments are as follows:

Precinct 1 – Room TBA
Precinct 2 – Room TBA
Precinct 3 – Room TBA

Precinct 4 – Room TBA
Precinct 5 – Room TBA
Precinct 6 – Room TBA

NOTES:

Please remember that it is **YOUR** responsibility to be recorded as being present with the door checkers prior to entering the auditorium for **EACH** session. Excessive absences are cause for removal from Town Meeting membership. Also, please remember the following:

1. You must wear (display) your Town Meeting identification badge at all times;
2. Remember to use the microphones when speaking on any issue so that your comments may be recorded on the official transcript of the meeting and be heard by your fellow members in the hall and residents viewing the live cable telecast.

Susan Duplin
Clerk of Swampscott

**The Town of Swampscott
Town Warrant
April 30, 2013**

SS.

To either of the Constables of the Town of Swampscott

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in elections and Town affairs to vote at:

Precinct One	Swampscott Senior Center	200 Rear Essex Street
Precinct Two	Swampscott Senior Center	200 Rear Essex Street
Precinct Three	First Church Congregational	40 Monument Avenue
Precinct Four	First Church Congregational	40 Monument Avenue
Precinct Five	Swampscott Middle School	207 Forest Avenue
Precinct Six	Swampscott Middle School	207 Forest Avenue

on **Tuesday, the thirtieth day of April, 2013**, from 7:00 a.m. to 8:00 p.m. for the following purpose:

To choose a Moderator for one (1) year
To choose two (2) members for the Board of Selectmen for three (3) years
To choose one (1) member for the Board of Assessors for three (3) years
To choose two (2) members for the School Committee for three (3) years
To choose one (1) member for the Trustees of the Public Library for three (3) years
To choose one (1) member for the Board of Health for three (3) years
To choose one (1) member for the Planning Board for five (5) years
To choose one (1) member for the Housing Authority for five (5) years
To choose three (3) members for Constable for three (3) years

To choose Town Meeting Members in each of the six (6) precincts filling any three (3) year vacant seats with the highest vote getters, filling any two (2) year vacant seats with the next highest vote getters, and filling any one (1) year vacant seats with the next highest vote getters.

At the close of the election, the meeting will adjourn to Monday, May 6, 2013, at 7:15 p.m. in the Swampscott High School Auditorium located at 200 Essex Street, Swampscott.

ARTICLE 2. To hear and act on the reports of Town Officials, Boards and Committees.
Sponsored by the Board of Selectmen

Comment: This routine Article appears every year to allow Town groups to make reports.

ARTICLE 3. To see if the Town will vote to approve the Swampscott Retirement Board's vote to increase the cost of living base from \$13,000 to \$15,000 consistent with the provisions of Massachusetts General Laws Chapter 32, Section 103, as recently amended by Chapter 188, Section 19, of the Acts of 2010, or take any action related thereto.
Sponsored by the Swampscott Retirement Board

Comment: Retirees and survivors of the Swampscott Retirement System who are eligible to receive an annual cost of living adjustment receive that adjustment based only on the first \$13,000 of the retiree's allowance and the cost of living adjustment in any given year cannot exceed 3% by statute. Thus, in any given year the Swampscott Retirement Board can only grant a \$390 cost of living adjustment allowance. By increasing the base to \$15,000, the Board has the discretion to grant up to a 3% increase or an annual increase of \$450. Accordingly, by voting to increase the base to \$15,000, each eligible retiree and survivor of the Swampscott Retirement System will receive at maximum an additional \$5.00 per month in their retirement allowance.

The Finance Committee recommends indefinite postponement.

ARTICLE 4. To see if the Town will vote to accept the provisions of Chapter 176, Sections 29 and 30 of the Acts of 2011 to amend Massachusetts General Laws, Chapter 32, Section 12, to increase the benefit provided therein from \$750 to \$1,000, or take any other action relative thereto.
Sponsored by the Swampscott Retirement Board

Comment: This Article only impacts survivors of members of the Swampscott Retirement System who retired for accidental (job-related) disability on or before November 11, 1996. Prior to that date, accidental disabilities could not provide a benefit for a surviving spouse in the event the retiree died for a reason unrelated to the reason for which the member retired. In such a case, Section 101 currently provides that the surviving spouse receives \$9,000 annually for life. An affirmative vote on this warrant article will increase the benefit from \$9,000 to \$12,000 annually.

The Finance Committee recommends favorable action on this Article.

ARTICLE 5. To see if the Town will vote to authorize the Board of Selectmen to file a petition with the General Court for special legislation as set forth below to allow the Town to provide new employees hired after the effective date of this act retirement and/or health insurance benefits outside of the provisions of Chapters 32 and 32B of the General Laws c. 32 and 32B; provided, however, that the General Court may make grammatical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition; or to act in any manner in relation thereto.

An Act relative to Retirement and Health Insurance Benefits in the Town of Swampscott

SECTION 1. Notwithstanding the provisions of section 4B of Chapter 4 or of Chapters 32 and 32B of the General Laws, or of any other general or special law to the contrary, the town of Swampscott shall have the option at the discretion of the board of selectmen of providing a retirement/pension plan and/or health insurance benefits to employees hired after the effective date of this Act, including health insurance to such employees upon retirement on such terms and conditions as said board of selectmen determines to be fair, reasonable and equitable, and in the best interests of the town. Prior to providing such plans or benefits, said board of selectmen shall hold at least one public hearing, notice of which shall be provided in a newspaper of general circulation in the town in each of two weeks immediately prior to said hearing. Said retirement/pension plan and/or health insurance benefits shall be subject to bargaining under chapter 150E of the General laws for employees represented by employee organizations that are covered by said chapter. The Town may provide

different premiums, contribution rates, plan designs, and/or retirement benefits to different groups or classes of employees.

SECTION 2. Section 1 shall not affect the health insurance or retirement benefits of employees or retirees that were employed for the Town prior to the effective date of this Act. Section 1 shall also not affect the retirement/pension plan of any teacher or retired teacher regardless of their date of hire.

SECTION 3. This act shall take effect ninety (90) days following its passage or upon the July 1st immediately following its passage, whichever date is later.

Sponsored by the Board of Selectmen

Comment: This Article provides the Selectmen to file a home rule petition which would authorize them to negotiate an alternative pension plan with newly hired municipal employees excluding teachers.

ARTICLE 6. To see if the Town will create a committee to research and evaluate regionalization opportunities, including shared services, shared departments, disincorporation, or annexation by neighboring municipalities; said committee to consist of seven residents to be appointed as follows: the Finance Committee and the School Committee shall each appoint one of their members or a designee, the Board of Selectmen shall appoint one of their members, plus two residents, and the remaining two residents shall be appointed by the Moderator; reports by the committee to be made yearly at Annual Town Meeting; or take any other action relative thereto.

Sponsored by Michael McClung, et al.

Comment: This article would create the process to appoint a town-wide Regionalization Committee.

ARTICLE 7. To see if the Town will vote to adopt the following by-law:

The Use of Leaf Blowers.

Section 1. STATEMENT OF PURPOSE

Reducing the use of gasoline and oil fuels and reducing carbon emissions into the environment are public purpose of the Town and the reduction of noise and emissions of particular matter resulting from the use of leaf blowers are public purpose in protecting the health, welfare and environment of the Town. Therefore, this by-law shall limit and regulate the use of leaf blowers as defined and set forth herein.

Section 2. USE REGULATIONS

1. Leaf Blowers.

Leaf blowers are defined as any portable powered machine used to blow leaves, dirt, and other debris off lawns, sidewalks, driveways, and other horizontal surfaces.

2. Limitations on Use

- a. Leaf blowers shall not be operated except between March 15 and May 15 and between September 15 and December 15 in any year. The provisions of this subsection do not apply to the use of leaf blowers by the Town and its contractors. The provisions of this section also do not apply to non-residential property owners but only with respect to parcels that contain at least five acres of open space. The provision of this subsection also shall not apply to the use of leaf blowers by the Town or its designees for performing emergency operations and clean-up associated with storms, hurricanes and the like.

3. Regulations

The Commissioner of Public Works with the approval of the Board of Selectmen shall have the authority to promulgate regulations to implement the provisions of this Leaf Blower By-Law.

4. Enforcement and Penalties
 - a. This bylaw may be enforced in accordance with the General By-Laws by a police officer, the Building Commissioner or his/her designee, the Commissioner of Public Works or his/her designee and/or the Director of Public Health or his/her designee.
 - b. For the purpose of this section “person” shall be defined as any individual, company, occupant, real property owner, or agent in control of real property. Each violation shall be subject to fines according to the following schedule:
 - (a) a warning or \$50.00 for the first offense;
 - (b) \$100.00 for the second offense;
 - (c) \$200.00 for the third offense;
 - (d) \$200.00 for successive violations, plus
 - (e) Court costs for any enforcement action.

5. Effective Date.
 The provision of this Leaf Blower By-Law shall be effective in accordance with the provisions of other By Laws in the Town of Swampscott.

,or to take any other action relative thereto.

Sponsored by Eric Bachman, et.al.

Comment: This proposed by-law would restrict the use of leaf blowers in the Town of Swampscott to the Spring and Fall and provide a fining mechanism.

ARTICLE 8. To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, for general municipal purposes, all or any portion or any interest in the property identified as 10 Railroad Avenue, being Town Assessor’s Map 3, Parcel 94, consisting of at least a building, the land underneath the building, and such land and/or easements as may be required in order to access the building, any portions of the building that the Town may be required to maintain, and to provide suitable parking therefor, and to raise and appropriate or transfer from available funds the sum of \$50,000 for this purpose and any costs and expenses related thereto, and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out the acquisition of the property, or to take any other action relative thereto.

Sponsored by The Board of Selectmen

Comment: This article authorizes the Town to purchase the MBTA Rail Depot located adjacent to Railroad Ave.

Article 8 requires a 2/3 affirmative vote to adopt.

The Finance Committee recommends favorable action on this Article.

ARTICLE 9. To see if the Town will vote to authorize the Board of Selectmen to dispose of all or any portion or any interest in the property identified as 10 Railroad Avenue, being Town Assessor’s Map 3, Parcel 94, consisting of at least a building, the land underneath the building, and such land and/or easements as may be required in order to access the building, any portions of the building that the Town may be required to maintain, and to provide suitable parking therefor, for the purpose to lease said property to a third party, for a term not to exceed fifty (50) years, and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out the disposition and lease of the property per the provisions of Massachusetts General Law Chapter 30B, or to take any other action relative thereto.

Sponsored by The Board of Selectmen

Comment: This article authorizes the Town to lease the MBTA Rail Depot located adjacent to Railroad Ave. (once the Town acquires such) to a third party for a term not to exceed 50 years.

Article 9 requires a majority vote to adopt.

The Finance Committee recommends favorable action on this Article.

ARTICLE 10. To see if the Town will vote to amend the Zoning By-Law and Zoning Map to zone the following parcels of land that are currently not zoned, and in doing to zone them within the zoning districts as established by the Zoning By-Law as follows:

- 10 Railroad Avenue (Map 3, Lot 94)-to be zoned B-1
- 100 Pine Street (Map 3, Lot 49)-to be zoned as B-1
- Columbia Street (Map 3, Lot 97)-to be zoned B-2

or take any action relative thereto.

Sponsored by The Board of Selectmen

Comment: The MBTA land on Railroad Ave., Pine St. and Columbia St. is currently unzoned land. Any future use of these lands is uncertain due to the lack of zoning on these properties. The proposed article allows the Town to zone these properties so as to be contiguous with surrounding parcels and outlines potential future uses of those lands (based on the proposed zoning district).

Article 10 requires 2/3's affirmative vote to adopt.

ARTICLE 11. To see if the Town will vote to amend the General By-Laws, Article IX Uses of Land, Section 4 by deleting the provisions shown as strikethrough and inserting those provisions as shown in bold/italics, as set forth in Appendix F, or take any action relative thereto.

The current version of Article IX, Uses of Land, Section 4 appears below. The proposed amendments appear in Appendix F.

Section 4. **The Preservation of Historically Significant Buildings**

(a) Intent and Purpose

This by-law is enacted for the purpose of preserving and protecting significant buildings within the Town of Swampscott that constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Inspector with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this by-law.

(b) Definitions

For the purposes of this by-law, the following words and phrases shall have the meanings set forth below:

1. **APPLICANT**-Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.
2. **APPLICATION**-An application for the demolition of a building.
3. **BOARD OF SURVEY**-the board that is ordered to respond under Massachusetts General Laws Chapter 143 Section 8, when an owner of a building or structure fail to take action on a notice that the building or structure is unsafe. The board shall consist of the Town Engineer, the Fire Chief, and one disinterested person to be appointed by

the Building Inspector.

4. BUILDING-Any combination of materials forming a shelter for persons, animals, or property.
5. BUILDING INSPECTOR - The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.
6. BUSINESS DAY - a day that is not a Saturday, Sunday or a recognized municipal or federal holiday.
7. CHAIRPERSON- the head of the Commission, the person performing the functions of the chairperson in the event that no one holds that title, or any other person to whom the chairperson has delegated authority to act according to this ordinance.
8. COMMISSION - The Swampscott Historical Commission or its designee.
9. DEMOLITION-Any act of pulling down, destroying, removing, dismantling or razing a building or any part thereof.
10. DEMOLITION PERMIT - The building permit issued by the Building Inspector, as required by the State Building Code, for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.
11. FINAL DETERMINATION- a decision made by the Commission in accordance with Section (d) 3.C. of this chapter.
12. INITIAL DETERMINATION- any determination made by the Commission in accordance with Section (d) 3.A. of this chapter.
13. OWNER- the person with legal title to a building or structure. Where the term "owner" is used, it shall include the owner's legally authorized representative.
14. PERMIT- the document issued by the Building Inspector for demolition of a building or structure pursuant to an application.
15. PERSON- a private individual, firm, corporation, partnership, association, trust or society.
16. PREFERABLY PRESERVED - Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the nine-month demolition delay review period of this bylaw.
17. SIGNIFICANT BUILDING OR STRUCTURE - Any building or structure within the town which is in whole or in part seventy-five years or more old (at the time of the request for the demolition permit) and which:
 - A. Is-listed on, or is within an area listed on, the National Register of Historic Places; or which is the subject of a pending application for listing on the National Register, or
 - B. Is or has been designated by the Commission to be eligible as a significant building or structure after a finding that the building or structure is either:
 - (1.) Importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town of Swampscott or the Commonwealth of Massachusetts; or

(2.) Historically or architecturally significant (in terms of period, style, method of building or construction, or association with a reputed architect or builder) either by itself or in the context of a group of buildings or structures, or

(3.) Listed in the Swampscott Historical Commission Survey, originally published in 1986, as periodically amended. A copy is available for review at Town Hall and the Swampscott Public Library.

and therefore it is in the public interest to be preserved or rehabilitated rather than to be demolished.

C. Any additions, outbuildings or other structures relating to the significant building, that are less than 75 years old are exempted from this by-law, with sufficient documented proof of age as determined by the Commission.

18. STRUCTURE- any constructed, erected, or placed material or combination of materials in or upon the ground, excluding sidewalks and paving on streets, driveways, parking areas, and patios.

19. VOLUNTARILY- any act(s) done by design or intention, which is proposed, intended, or not accidental.

(c) Computation of Time

For the purposes of computing any period of time regarding the demolition review process, excluding age of the building or structure, the day of the act after which the designated period of time begins to run is excluded: The last day shall be included, unless it is a Saturday, Sunday, or municipal or federal holiday, in which case, the period runs to the next business day.

For the purpose of calculating the age of a building or structure, any point on a calendar year shall be counted as a complete year; e.g.: a building or structure built in June 1930 shall be considered 75 years old on January 1, 2005.

(d) Procedure

1. Upon receipt of a demolition permit application, the Building Inspector will immediately date stamp the application. If the Building Inspector can determine with certainty that the building or structure is not significant per Section (b) 17, then the permit may be issued according to current laws.

2. If the building or structure is significant per Section (b) 17, or the Building Inspector cannot determine its status with certainty, then the Inspector shall notify the Historical Commission in writing within seven (7) business days, that he/she has received a demolition permit request, attaching a copy of the application to the notice. The Building Inspector shall also forward copies of the notice to the applicant and the owner (if different).

3. Commission's Determinations

A. Initial Determination: The Commission shall make a written determination of whether the building or structure to be demolished is significant within forty-five (45) days after receipt of the written notice from the Building Inspector, or sixty (60) days after the receipt of the application by the Building Inspector, whichever shall first occur, and complete the following:

If the Commission determines that the building or structure is not significant, the Commission shall so notify the Building Inspector, the applicant, the owner (if different) and the Town Clerk in writing. The applicant shall not be required to take any further action in regard to this ordinance.

If the Commission determines that the building or structure is significant, the Commission shall so notify the Building Inspector, the applicant, the owner (if different) and the Town Clerk of their determination in writing.

If the Commission fails to respond to the Building Inspector's notice within forty five (45) days of receipt of the written notice from the Building Inspector, or within sixty (60) days of the receipt of the application by the Building Inspector, whichever ever shall first occur, the Building Inspector may grant the demolition permit.

- B. Public Hearing: The Commission shall hold a public hearing on the initial determination and the application within (45) days of filing the initial determination with the Town Clerk. The Town of Swampscott shall give public notice of the hearing by publishing the time, place and purpose of the hearing in a local newspaper and in a conspicuous place in town hall for a period of not less than seven (7) days prior to the hearing. The Town of Swampscott shall also send notice of the public hearing to applicant and owner (if different), and abutters by certified mail, at least seven (7) days prior to the hearing, as defined in Chapter 40A of Massachusetts General Laws.

The applicant for demolition permit may voluntarily submit to the Commission a demolition plan that may include:

A brief description of the type of building or structure and the reason for the proposed demolition, with supporting data.

A scaled plot plan showing the location of the significant building or structure on the property and with reference to neighboring properties.

Photographs of all elevations of the building or structure in the context of its surroundings.

- C. Final Determination: Within ten (10) days of the close of the public hearing the Commission shall file a written final determination with the Town Clerk. The Commission shall simultaneously send a copy of the final determination to the Building Inspector and send copies to the applicant and the owner (if different) by certified mail. If the Commission determines that demolition of the significant building or structure would be detrimental to the architectural, cultural, political, economic, or social heritage of the Town, such building or structure shall be considered as preferably preserved.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Inspector and applicant and owner (if different) in writing. The Building Inspector may then issue the demolition permit.

4. If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant and owner (if different) in writing. No demolition permit may then be issued for a period of nine (9) months from the date of the determination. If the Commission does not so notify the Building Inspector in writing within ten (10) days of the public hearing, the Building Inspector may issue the demolition permit.

Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of nine (9) months from the date of the determination. During this period, the applicant is encouraged to locate a purchaser for the building or structure who is willing to preserve, restore or relocate the building or structure.

No permit for demolition of a building determined to be a preferably preserved building shall be granted until all approvals necessary for the issuance of a building permit are obtained; including without limitation any necessary zoning variances or special permits, and all appeals from the granting of such approvals must be concluded.

The Building Inspector may issue a demolition permit or a building permit for a preferably preserved building within the nine months if the Commission notifies the Building Inspector in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.

Following the nine-month review period, the Building Inspector may issue the demolition permit.

Prior to the commencement of the demolition process, the property owner shall allow the Commission to make a proper photographic record of the interior and exterior of the building, and allow for salvage of any unique architectural detail that would otherwise be lost during the demolition process.

5. Emergency Demolition and Unsafe Structure

- A. Emergency Demolition: If after an inspection, the Building Inspector finds that a building or structure subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Inspector may issue an emergency demolition permit to the owner of the building or structure. The Building Inspector shall then prepare a report explaining the condition of the building and the basis for his decision, which shall be forwarded to the Commission.
- B. Unsafe Structure: In the event that a Board of Survey is convened to consider the condition of a building or structure under Massachusetts General Laws Chapter 143, Section 8, the Chairperson shall be notified to accompany the Board during its inspection.

6. Enforcement

- A. The Commission and/or the Building Inspector are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.
- B. Anyone who voluntarily demolishes a building or structure without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than ten percent of the assessed property value. No building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration or unless otherwise agreed to by the Commission.

Section 5: Historic Districts Act.

If any of the provisions of this by-law conflict with the Historic Districts Act, Massachusetts General Law, Chapter 40C, that act shall prevail.

Section 6: Severability

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

Sponsored by The Historical Commission

Comment: The proposed article makes changes to the demolition delay by-law.

ARTICLE 12. To see if the Town will vote to appropriate a sum of money to repair, construct or reconstruct streets, together with all necessary work incidental thereto, including engineering, in conjunction with the Commonwealth of Massachusetts, under General Laws, Chapter 90 or otherwise; and to transfer for this purpose any unexpended balance of appropriations voted for this purpose at prior Town Meetings, or take any action relative thereto.

Sponsored by the Director of Public Works

Comment: The purpose of this article is to appropriate monies approved by the Legislature for highway and traffic safety projects as approved by the Massachusetts Highway Department. The monies may be spent for more than one year

The Finance Committee will report at town meeting

ARTICLE 13. To see if the Town will vote to appropriate the necessary funds, by borrowing or otherwise, for the following projects, or take any action relative thereto and that to meet this appropriation (i) \$18,553.15 is hereby transferred from the amount previously appropriated under Article 9 of the Warrant at the May 3, 2010 Town Meeting for Police Station exterior repair, which funds are no longer needed to complete the project for which they were initially borrowed, and applied to the payment of the costs of item 13-11 Odor Mitigation, (ii) \$43,968.72 is hereby transferred from the amount previously appropriated under Article 9 of the Warrant at the May 3, 2010 Town Meeting for Police Station interior repair, which funds are no longer needed to complete the project for which they were initially borrowed, and applied to the payment of the costs of item 13-11 Odor Mitigation, and (iii) the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$2,276,858.13 under Chapter 44 of the General Laws or any other enabling authority.

<u>No.</u>	<u>Purpose</u>	<u>Request</u>	<u>Recommended</u>	<u>Funding Source</u>
School Department				
13-01	District wide technology upgrade	218,000	105,000	Taxes
Treasurer/Collector				
13-02	Technology Upgrade	50,000	50,000	Taxes
Department of Public Works				
13-03	Cassidy Park Seawall	75,000	75,000	Taxes
13-04	Public Building remodeling and equipment	100,000	75,000	Taxes
13-05	Fisherman's Beach Improvements	95,000	90,000	Taxes
13-06	Paving Non Chapter 90	150,000	150,000	Taxes
13-07	Open Space Improvements	50,000	50,000	Taxes
13-08	Paving Chapter 90	303,000	303,000	Grant
13-09	Water Main Replacement	1,250,000	1,250,000	MWRA Loan
13-10	Replacing Street Signage	25,000	25,000	Taxes
13-11	Odor Mitigation	80,000	80,000	Taxes
Fire Dept.				
13-12	Asbestos Floor Tile Removal	<u>86,380</u>	<u>86,380</u>	Taxes
Total		\$2,482,380	\$2,339,380	

Each numbered item will be considered a separate appropriation. The budgeted amount may be spent only for the stated purpose.

Sponsored by the Capital Improvement Committee

Comment: The above projects were recommended for funding in FY2014 by the Capital Improvement Committee (CIC). Refer to Appendix A for the complete CIC report.

Article 13 requires 2/3's affirmative vote if borrowing.

The Finance Committee recommends favorable action on this Article.

ARTICLE 14. To see if the Town will vote to amend the Position Classification and Salary Classification Plans of the Personnel By-Laws, exclusive of reclassification, as it applies to those positions not covered by collective bargaining agreements as recommended by the Personnel Board, or take any action relative thereto. The proposed modified classification plans can be found in Appendix B.

Sponsored by the Personnel Board

Comment: This article allows the Town to adopt changes to the Job Classification and Salary Classification Plans of the Personnel By-Laws. There is a 2% cost of living increase proposed in Fiscal 2014 for employees subject to the Personnel By-Law.

The Finance Committee recommends favorable action on this Article.

ARTICLE 15. To see if the Town will vote to amend the Personnel By-Laws so as to reclassify certain existing positions, as recommended by the Personnel Board, or take any action relative thereto. The proposed modified classification schedule can be found in Appendix B.

Sponsored by the Personnel Board

Comment: This article allows the Town to reclassify positions covered by the Personnel By-Laws.

The Finance Committee recommends favorable action on this Article.

ARTICLE 16. To see what action the Town will take in relation to the salaries of elected Town Officials for the ensuing year, or take any action relative thereto.

Sponsored by the Board of Selectmen

Comment: The statutes require that the Town vote to fix salaries of elected Officers annually. The appropriation is in Article 25.

Constable \$100

The Finance Committee recommends favorable action on this Article.

ARTICLE 17. To see if the Town will vote to authorize the continuation of the Council on Aging Revolving Account as authorized by Chapter 44, Section 53E1/2, of the Massachusetts General Laws, said account to be under the direction of the Council on Aging and used for the deposit of receipts collected through user fees of Council on Aging programs; and further to allow the Council on Aging to expend funds not to exceed \$30,000 for fiscal year 2014 from said account for ongoing salaries, supplies, equipment and programs. This would be contingent upon an annual report from the Council on Aging to the Town on the total receipts and expenditures of the Account each fiscal year, or take any action relative thereto.

Sponsored by the Town Administrator

Comment: The intent of this article is to allow funds received from Council on Aging (COA) activities to be used solely for additional COA programs and activities. The COA would also have the responsibility of reporting to the Town the total receipts and expenditures through this account each fiscal year

The Finance Committee recommends favorable action on this Article.

ARTICLE 18. To see if the Town will vote to authorize the continuation of the Recycling – Blue Bins Revolving Account as authorized by Chapter 44, Section 53E1/2, of the Massachusetts General Laws, said account to be under the direction of the Health Department and used for the deposit of receipts collected through the sale of recycling bins; and further to allow the Health Department to expend funds not to exceed \$5,000 for fiscal year 2014 from said account for ongoing supplies and equipment. This would be contingent upon an annual report from the Health Department to the Town on the total receipts and expenditures of the Account each fiscal year, or take any action relative thereto.

Sponsored by the Town Administrator

Comment: The intent of this article is to allow funds received from recycling activities (e.g., sale of recycling bins) to be used solely for additional recycling and health activities. The Health Department would also have the responsibility of reporting to the Town the total receipts and expenditures through this account each fiscal year.

The Finance Committee recommends favorable action on this Article.

ARTICLE 19. To see if the Town will vote to authorize the continuation of a Recreation Revolving Account as authorized by Chapter 44, Section 53E1/2, of the Massachusetts General Laws, said account to be under the direction of the Town Administrator and used for the deposit of receipts collected through user fees of recreation programs; and further, to allow the Town Administrator to expend funds not to exceed \$250,000 for fiscal year 2014 from said account for ongoing supplies, salaries and equipment. This would be contingent upon an annual report from the Recreation Department to the Town on the total receipts and expenditures of the Account each fiscal year, or take any action relative thereto.

Sponsored by the Town Administrator

Comment: The intent of this article is to allow funds received from recreation activities to be used solely for additional recreation activities. The Town Administrator/Recreation Department would also have the responsibility of reporting to the Town the total receipts and expenditures through this account each fiscal year.

The Finance Committee recommends favorable action on this Article.

ARTICLE 20. To see if the Town will vote to authorize the creation of a Public Library Revolving Account as authorized by Chapter 44, Section 53E1/2, of the Massachusetts General Laws, said account to be under the direction of the Town Administrator and used for the deposit of receipts collected through the uses of the library public copier and computer printers; and further, to allow the Town Administrator to expend funds not to exceed \$3,500 for fiscal year 2014 from said account for ongoing supplies and paper for said copier and printers. This would be contingent upon an annual report from the Library Department to the Town on the total receipts and expenditures of the Account each fiscal year, or take any action relative thereto.

Sponsored by the Town Administrator

Comment: The intent of this article is to allow funds received from the Library Department copier and printers to be used solely for the supplies and paper for those items. The Town Administrator/Library Department would also have the responsibility of reporting to the Town the total receipts and expenditures through this account each fiscal year.

The Finance Committee recommends indefinite postponement on this Article.

ARTICLE 21. To act on the report of the Finance Committee on the Fiscal Year 2014 budget and to raise and appropriate or transfer from available funds money for the operation of the Town's Departments and the payment of debt service and all other necessary and proper expenses for the year, or take any action relative thereto.

Sponsored by the Finance Committee

Comment: The Finance Committee's recommendation will be the initial motion on the floor to deal with this budget. The budget as printed here will be amended to reflect any changes voted at this Town Meeting. The Moderator has traditionally allowed for discussion and reconsideration of each line item within this budget individually and in any order.

The Finance Committee recommends favorable action on this Article.

DEPARTMENTAL BUDGET
July 1, 2013 through June 30, 2014

Approp. FY'12	Approp. FY'13	It. No.		Department Requested FY'14	Administrator Recommended FY'14	Finance Committee Recommended FY'14
<u>GENERAL GOVERNMENT</u>						
<u>MODERATOR</u>						
\$ -	\$ -		Expenses	\$ 200	\$ 200	\$ 200
\$ -	\$ -		Total Moderator Budget	\$ 200	\$ 200	\$ 200
<u>FINANCE COMMITTEE</u>						
2,280	2,326	1	Secretary	2,373	2,373	2,373
400	400	2	Expenses	650	650	650
\$ 2,680	\$ 2,726		Total Finance Committee Budget	\$ 3,023	\$ 3,023	\$ 3,023
<u>SELECTMEN'S OFFICE</u>						
-	-		Board Expenses	-	-	-
8,000	8,000		Office Expenses	8,000	8,000	8,000
4,750	4,750		Mass. Municipal Assoc.	4,750	4,750	4,750
-	10,000	3	Outside Services	-	-	-
-	-		Contingent	-	-	-
12,750	22,750	4	Total Expenses	12,750	12,750	12,750
\$ 12,750	\$ 22,750		Total Budget	\$ 12,750	\$ 12,750	\$ 12,750
<u>TOWN ADMINISTRATOR</u>						
135,119	130,000		Town Administrator	132,600	132,600	132,600
-	-		Personnel Manager	-	-	-
48,685	48,720		Administrative Assistant	49,695	49,695	49,695
2,000	2,000		Other Compensation	2,500	2,500	2,500
\$ 185,804	\$ 180,720	5	Total Salaries	\$ 184,795	\$ 184,795	\$ 184,795
2,750	3,000	6	Expenses	3,000	3,000	3,000
\$ 188,554	\$ 183,720		Total Town Administrator Budget	\$ 187,795	\$ 187,795	\$ 187,795
<u>LAW DEPARTMENT</u>						
-	55,000	7	Town Counsel Salary	-	-	-
90,000	35,000	8	Town Counsel Contract Expense	90,000	90,000	90,000
\$ 90,000	\$ 90,000		Total Law Budget	\$ 90,000	\$ 90,000	\$ 90,000
<u>PARKING CLERK</u>						
-	-	9	Salary	-	-	-
8,000	6,000	10	Expenses	6,000	6,000	6,000
\$ 8,000	\$ 6,000		Total Parking Clerk Budget	\$ 6,000	\$ 6,000	\$ 6,000
<u>WORKERS' COMPENSATION</u>						
120,000	120,000		Expenses (Police & Fire)	150,000	150,000	150,000
195,000	400,000		Benefits/Insurance	425,000	425,000	425,000
\$ 315,000	\$ 520,000	11	Total Workers' Comp Budget	\$ 575,000	\$ 575,000	\$ 575,000
<u>PERSONNEL</u>						
48,010	52,415		Personnel Manager	53,464	53,464	53,464
-	-		Assistant	-	-	-
1,183	1,323		Other Compensation	1,545	1,545	1,545
49,193	53,738	12	Total Salaries	55,009	55,009	55,009
1,800	1,800	13	Expenses	1,800	1,800	1,800
\$ 50,993	\$ 55,538		Total Personnel Budget	\$ 56,809	\$ 56,809	\$ 56,809

Approp. FY'12	Approp. FY'13	It. No.		Department Requested FY'14	Administrator Recommended FY'14	Finance Committee Recommended FY'14
<u>ACCOUNTING DEPARTMENT</u>						
92,669	92,737		Accountant	94,592	94,592	94,592
47,581	47,617		Asst. Town Accountant	48,670	48,670	48,670
3,650	3,650		Other Compensation	7,500	6,000	6,000
143,900	144,004	14	Total Salaries	150,762	149,262	149,262
100,000	100,000	15	Uncompensated Balances	150,000	75,000	75,000
-	-		Salary Reserve	-	-	-
6,500	6,500		Office Expenses	6,500	6,500	6,500
3,500	3,500		Educational Expense	3,500	3,500	3,500
8,250	8,250		Outside Services	8,250	8,250	8,250
18,250	18,250	16	Total Expenses	18,250	18,250	18,250
\$ 262,150	\$ 262,254		Total Accounting Budget	\$ 319,012	\$ 242,512	\$ 242,512
<u>TECHNOLOGY DEPARTMENT</u>						
5,300	5,304	17	Network Specialist	5,411	5,411	5,411
106,130	108,000		Outside Services	119,833	119,833	119,833
3,000	7,500		Supplies	6,500	6,500	6,500
-	-		Educational Expense	-	-	-
109,130	115,500	18	Total Expense	126,333	126,333	126,333
\$ 114,430	\$ 120,804		Total Technology Budget	\$ 131,744	\$ 131,744	\$ 131,744
<u>TREASURER/COLLECTOR</u>						
75,705	75,761		Treasurer	77,277	77,277	77,277
47,581	47,617		Asst. Treasurer/Collector	48,569	48,569	48,569
91,840	91,460		Clerical (2)	93,287	93,287	93,287
4,650	4,650		Other Compensation	5,250	5,250	5,250
219,776	219,488	19	Total Salaries	224,383	224,383	224,383
6,000	8,750		Office Expenses	8,250	8,250	8,250
850	1,000		Travel/Seminars	1,000	1,000	1,000
3,500	3,000		Tax Title	1,500	1,500	1,500
50,000	52,500		Postage	55,000	55,000	55,000
-	-		Bank Service Fees	2,500	2,500	2,500
60,350	65,250	20	Total Expenses	68,250	68,250	68,250
\$ 280,126	\$ 284,738		Total Treasurer/Collector Budget	\$ 292,633	\$ 292,633	\$ 292,633
<u>TOWN CLERK</u>						
59,358	59,403		Town Clerk	60,000	60,000	60,000
45,920	45,730		Clerical	46,645	46,645	46,645
8,500	9,630		Poll Workers	9,630	9,630	9,630
800	800		Custodians	800	800	800
2,750	3,000		Other Compensation	4,000	4,000	4,000
\$ 117,328	\$ 118,563	21	Total Salaries	\$ 121,075	\$ 121,075	\$ 121,075
-	-		Town Postage Account*	-	-	-
			*Moved to Treasurer/Collector Budget			
-	-		Machine Preparation	-	-	-
3,880	3,880		Office Expenses	3,938	3,938	3,938
2,425	2,425		Town Meeting	2,461	2,461	2,461
8,500	8,500		Election Expenses	8,628	8,628	8,628
750	750		Travel/Seminars	761	761	761
15,555	15,555	22	Total Expenses	15,788	15,788	15,788
\$ 132,883	\$ 134,118		Total Clerk Budget	\$ 136,863	\$ 136,863	\$ 136,863

Approp. FY'12	Approp. FY'13	It. No.	Department Requested FY'14	Administrator Recommended FY'14	Finance Committee Recommended FY'14
<u>ASSESSOR'S</u>					
61,273	65,000		61,000	61,000	61,000
91,840	91,460		93,287	68,595	68,595
10,061	5,000		5,000	5,000	5,000
\$ 163,174	\$ 161,460	23	\$ 159,287	\$ 134,595	\$ 134,595
-	-		-	-	-
1,000	1,000		1,000	1,000	1,000
1,500	1,750		1,750	1,750	1,750
-	-		250	250	250
1,000	1,250		1,750	1,750	1,750
3,500	4,000	24	4,750	4,750	4,750
9,000	125,000	25	25,000	15,000	15,000
175,674	290,460		189,037	154,345	154,345
<u>ZONING BOARD OF APPEALS</u>					
2,000	2,000	26	2,081	2,081	2,081
6,180	6,180	27	6,180	6,180	6,180
\$ 8,180	\$ 8,180		\$ 8,261	\$ 8,261	\$ 8,261
<u>PLANNING</u>					
32,000	32,640		48,900	48,900	48,900
2,000	2,000		2,081	2,081	2,081
34,000	34,640	28	50,981	50,981	50,981
808	1,500		1,000	1,000	1,000
-	1,500		750	750	750
808	3,000	29	1,750	1,750	1,750
		30	1,250	1,250	1,250
\$ 34,808	\$ 37,640		\$ 53,981	\$ 53,981	\$ 53,981
<u>INSURANCE</u>					
4,400,000	4,530,000		4,756,500	4,625,000	4,625,000
330,000	650,000		700,000	700,000	650,000
\$ 4,730,000	\$ 5,180,000	31	\$ 5,456,500	\$ 5,325,000	\$ 5,275,000
<u>PENSIONS</u>					
<u>CONTRIBUTORY RETIREMENT</u>					
3,470,567	3,700,000	32	3,841,097	3,841,097	3,841,097
\$ 3,470,567	\$ 3,700,000		\$ 3,841,097	\$ 3,841,097	\$ 3,841,097
<u>NON-CONTRIBUTORY PENSIONS</u>					
145,000	98,025	33	81,277	81,277	81,277
\$ 145,000	\$ 98,025		\$ 81,277	\$ 81,277	\$ 81,277
\$ 3,615,567	\$ 3,798,025		\$ 3,922,374	\$ 3,922,374	\$ 3,922,374
\$ 10,021,795	\$ 10,996,953		\$ 11,441,982	\$ 11,199,290	\$ 11,149,290

Approp. FY'12	Approp. FY'13	It. No.	Department Requested FY'14	Administrator Recommended FY'14	Finance Committee Recommended FY'14
Public Protection					
<u>POLICE DEPARTMENT</u>					
110,380	110,464		Chief (1)	112,675	112,675
78,802	82,227		Captain (1)	85,011	85,011
262,676	276,392		Lieutenants (4)	285,754	285,754
358,196	370,170		Sergeants (6)	382,707	382,707
1,001,415	1,054,620		Patrolmen (20)	1,081,089	1,081,089
26,375	40,187		Administrative Assistants (1)	56,718	56,718
7,000	7,000		Matrons	7,000	7,000
425,000	425,000		Vacation/Overtime	510,000	510,000
106,246	109,628		Holidays	109,715	109,715
15,116	15,605		Investigations/ID	16,268	16,268
348,540	357,198		Educational Incentive	358,598	358,598
166,645	212,289		Differential	225,376	225,376
110,000	115,000		Other Compensation	140,000	140,000
-	15,000		Injury Leave	20,000	15,000
-	-		Custodian	35,000	-
3,016,391	3,190,780	34	Total Salaries	3,425,911	3,385,911
34,000	34,000		Building Expenses	39,000	48,500
13,000	14,000		Office Expenses	17,000	15,000
-	-		Travel	-	-
38,000	38,000		Equipment Maintenance	41,000	40,000
9,000	9,000		Mobile Radio	9,000	9,000
9,000	9,500		Police Training	10,000	10,000
29,000	29,000		Uniforms	29,000	29,000
-	-		Regional Dispatch	-	-
-	-		Computer Maintenance/Supplies	-	-
132,000	133,500	35	Total Expenses	145,000	151,500
60,000	27,500	36	Police Vehicles (1)	60,000	35,000
\$ 3,208,391	\$ 3,351,780		Total Police Budget	\$ 3,630,911	\$ 3,572,411
<u>FIRE DEPARTMENT</u>					
105,490	105,490		Chief (1)	107,600	107,600
81,321	81,382		Deputy Chief (1)	82,603	82,603
287,435	287,611		Captains (4)	291,925	291,925
252,717	252,696		Lieutenants (4)	256,486	256,486
1,327,153	1,339,531		Fire Fighters (24)	1,359,624	1,359,624
5,987	5,992		Office Clerk	6,082	6,082
5,987	5,992		Mechanic	6,082	6,082
274,355	295,000		Minimum Manning including O.T. & Vacation	297,160	300,000
117,294	113,022		Holidays	114,717	114,717
10,000	10,000		Injury Leave	10,000	10,000
44,885	43,056		Personal Time	43,702	43,702
60,809	58,772		Shift Differential /Night	59,654	59,654
101,054	97,952		Shift Differential/Weekend	99,421	99,421
20,400	20,400		Clothing Allowance	20,400	20,400
30,100	26,792		Longevity	28,992	28,992
-	-		EMT Stipend	-	-
7,800	7,800		Out of Grade Pay	7,800	7,822
-	-		Defibrillator Stipend	-	-
20,000	20,000		Sick Leave Buy Backs	20,000	20,000
2,752,787	2,771,488	37	Total Salaries	2,812,248	2,815,110
37,000	39,000		Building Expenses	40,000	40,000
3,800	3,989		Office Expenses	5,889	5,250
500	500		Travel	500	250
36,000	39,000		Maintenance	40,000	40,000
5,000	5,000		Communications	5,000	5,000
3,500	3,500		Fire Prevention	3,500	3,500
2,000	2,000		Fire Hose	2,000	2,000
-	-		Fire Investigations	-	-
87,800	92,989	38	Total Expenses	96,889	96,000
21,500	21,500	39	Protective Clothing	23,600	23,600
78,000	78,000	40	Dispatch/Mutual Aid	78,000	78,000
18,000	18,000	41	Training	18,000	18,000
\$ 2,958,087	\$ 2,981,977		Total Fire Budget	\$ 3,028,737	\$ 3,030,710

Approp. FY'12	Approp. FY'13	It. No.		Department Requested FY'14	Administrator Recommended FY'14	Finance Committee Recommended FY'14
<u>HARBORMASTER</u>						
7,230	7,375	42	Salary	7,486	7,523	7,523
3,500	3,500	43	Expenses	8,098	5,000	5,000
\$ 10,730	\$ 10,875		Total Harbormaster Budget	\$ 15,584	\$ 12,523	\$ 12,523
<u>EMERGENCY MANAGEMENT</u>						
1,000	1,020	44	Director	1,040	1,041	1,041
2,000	2,000	45	Expenses	2,020	2,020	2,020
\$ 3,000	\$ 3,020		Total Emergency Mngmt Budget	\$ 3,060	\$ 3,061	\$ 3,061
<u>WEIGHTS & MEASURES</u>						
5,000	5,000	46	Inspector	5,000	5,000	5,000
-	-		Expenses	-	-	-
-	-		Travel	-	-	-
-	-	47	Total Expenses	-	-	-
\$ 5,000	\$ 5,000		Total Weight's & Measures Budget	\$ 5,000	\$ 5,000	\$ 5,000
<u>CONSTABLE</u>						
\$ 100	\$ 100	48	Salaries	\$ 100	\$ 100	\$ 100
\$ 100	\$ 100		Total Constable Budget	\$ 100	\$ 100	\$ 100
<u>BUILDING DEPARTMENT</u>						
12,500	12,500		Building Inspector/Commissioner	12,500	-	5,200
62,108	64,616		Local Inspector	65,908	65,908	65,908
21,930	22,369		Plumbing Inspector	22,844	22,817	22,817
21,930	22,369		Wire Inspector	22,844	22,817	22,817
-	-		Fire Alarm Inspector	-	-	-
1,000	1,000		Assistant Electric Inspector	1,000	1,000	1,000
-	-		Traffic Light Inspector	-	-	-
1,000	1,000		Assistant Plumbing Inspector	1,000	1,000	1,000
45,920	45,730		Clerical	46,645	46,645	46,645
2,100	1,000		Other Compensation	1,000	1,000	1,000
168,488	170,584	49	Total Salaries	173,741	161,187	166,387
5,000	5,000		Expenses	4,500	4,500	4,500
300	300		Travel/Seminars	300	300	300
-	-		Alarm Maintenance	-	-	-
5,300	5,300	50	Total Expenses	4,800	4,800	4,800
\$ 173,788	\$ 175,884		Total Building Budget	\$ 178,541	\$ 165,987	\$ 171,187
<u>CONSERVATION COMMISSION</u>						
-	-	51	Conservation Agent Secretary	-	-	-
800	800		Expenses	800	500	500
800	800		Professional Develop/Memberships	800	800	800
\$ 1,600	\$ 1,600	52	Total Expenses	\$ 1,600	\$ 1,300	\$ 1,300
\$ 1,600	\$ 1,600		Total Conservation Budget	\$ 1,600	\$ 1,300	\$ 1,300
\$ 6,360,696	\$ 6,530,236		Total Public Protection	\$ 6,863,533	\$ 6,791,092	\$ 6,796,292

Approp. FY'12	Approp. FY'13	It. No.	Department Requested FY'14	Administrator Recommended FY'14	Finance Committee Recommended FY'14
WAGES - Sewer					
355,147	339,454		353,998	353,998	353,998
27,000	27,000		27,000	27,000	27,000
5,000	5,000		5,000	5,000	5,000
-	-		-	-	-
3,750	3,750		3,750	6,250	6,250
-	-		-	-	-
31,500	31,500		31,500	31,500	31,500
-	-		-	-	-
\$ 422,397	\$ 406,704	63	\$ 421,248	\$ 423,748	\$ 423,748
EXPENSES - Sewer					
100,000	100,000		100,000	100,000	100,000
45,000	46,500		46,500	46,500	46,500
70,000	70,000		70,000	70,000	70,000
50,000	51,250		51,250	51,250	51,250
15,000	15,000		15,000	15,000	15,000
-	-		-	-	-
-	-		-	-	-
2,600	2,600		2,600	2,600	2,600
850,000	875,000		950,000	950,000	950,000
1,132,600	1,160,350	64	1,235,350	1,235,350	1,235,350
-	-	65	-	-	-
25,000	25,000	66	50,000	30,000	30,000
380,000	401,000		401,000	401,000	401,000
17,500	17,500		17,500	17,500	17,500
134,232	124,459		128,254	128,254	128,254
108,083	95,878		130,750	151,928	151,928
20,198	14,710		20,830	20,272	20,272
660,013	653,547	67	698,334	718,954	718,954
\$ 1,817,613	\$ 1,838,897		\$ 1,983,684	\$ 1,984,304	\$ 1,984,304
\$ 2,240,010	\$ 2,245,601		\$ 2,404,932	\$ 2,408,052	\$ 2,408,052
Total Budget - Sewer Enterprise Fund Funded by Sewer Revenue					
WAGES - Water					
362,054	369,355		352,899	352,899	352,899
27,000	27,000		27,000	27,000	27,000
5,000	5,000		5,000	5,000	5,000
-	-		-	-	-
7,000	7,000		7,000	9,500	9,500
-	-		-	-	-
24,500	24,500		24,500	24,500	24,500
-	-		-	-	-
\$ 425,554	\$ 432,855	68	\$ 416,399	\$ 418,899	\$ 418,899
EXPENSES - Water					
45,000	46,500		46,500	46,500	46,500
85,000	85,000		85,000	85,000	85,000
15,000	15,000		15,000	15,000	15,000
-	-		-	-	-
2,000	2,000		2,000	2,000	2,000
2,600	2,600		2,600	2,600	2,600
1,500,000	1,700,000		1,800,000	1,800,000	1,800,000
1,649,600	1,851,100	69	1,951,100	1,951,100	1,951,100
-	-		-	-	-
25,000	25,000	70	50,000	25,000	25,000
380,000	401,000		401,000	401,000	401,000
134,232	126,715		141,797	141,797	141,797
758,240	758,239		722,963	766,683	766,683
26,567	26,567		17,523	18,158	18,158
1,299,039	1,312,521	71	1,283,283	1,327,638	1,327,638
\$ 2,973,639	\$ 3,188,621		\$ 3,284,383	\$ 3,303,738	\$ 3,303,738
\$ 3,399,193	\$ 3,621,476		\$ 3,700,782	\$ 3,722,637	\$ 3,722,637
Total Budget - Water Enterprise Fund Funded by Water Revenue					
\$ 5,639,203	\$ 5,867,077		\$ 6,105,714	\$ 6,130,689	\$ 6,130,689
TOTAL WATER & SEWER BUDGET					

Approp. FY'12	Approp. FY'13	It. No.	Department Requested FY'14	Administrator Recommended FY'14	Finance Committee Recommended FY'14
<u>WAGES - Buildings & Grounds</u>					
122,339	124,353		125,566	125,566	125,566
1,500	1,500		1,500	1,500	1,500
-	-		-	-	-
-	-		-	-	-
\$ 123,839	\$ 125,853	72	\$ 127,066	\$ 127,066	\$ 127,066
<u>EXPENSES - Buildings & Grounds</u>					
-	-		-	-	-
10,000	10,500		15,500	12,500	12,500
7,000	7,500		2,500	2,500	2,500
600	600		600	600	600
\$ 17,600	\$ 18,600	73	\$ 18,600	\$ 15,600	\$ 15,600
\$ 141,439	\$ 144,453		\$ 145,666	\$ 142,666	\$ 142,666
<u>SPECIAL ACCOUNTS</u>					
4,000	4,000		4,000	4,000	4,000
5,000	5,000		5,000	5,000	5,000
100,000	100,000		100,000	100,000	100,000
8,000	8,000		8,000	8,000	8,000
5,000	5,000		5,000	5,000	5,000
40,000	40,000		40,000	40,000	40,000
13,000	13,000		24,000	24,000	24,000
\$ 175,000	\$ 175,000	74	\$ 186,000	\$ 186,000	\$ 186,000
\$ 6,586,062	\$ 6,874,789		\$ 7,159,050	\$ 7,166,525	\$ 7,166,525
<u>RECREATION</u>					
-	-		-	-	-
-	-		-	-	-
31,500	31,500		31,500	20,000	20,000
31,500	31,500	75	31,500	20,000	20,000
-	-		-	-	-
-	-		-	-	-
-	-		-	-	-
\$ 31,500	\$ 31,500	76	\$ 31,500	\$ 20,000	\$ 20,000

Approp. FY'12	Approp. FY'13	It. No.	Department Requested FY'14	Administrator Recommended FY'14	Finance Committee Recommended FY'14
<u>COUNCIL ON AGING</u>					
45,390	50,473		50,688	50,473	50,473
10,975	10,979		14,400	12,000	12,000
15,079	15,080		15,380	15,080	15,080
71,444	76,532	77	80,468	77,553	77,553
9,195	13,497	78	10,502	10,502	10,502
30,255	32,000	79	32,000	32,000	32,000
\$ 110,894	\$ 122,029		\$ 122,970	\$ 120,055	\$ 120,055
<u>VETERANS' SERVICE</u>					
9,852	10,049	80	10,250	10,455	10,455
150	150		150	150	150
2,000	2,000		2,300	2,300	2,300
550	550		500	550	550
2,700	2,700	81	2,950	3,000	3,000
5,500	6,000	82	6,500	6,500	6,500
\$ 18,052	\$ 18,749		\$ 19,700	\$ 19,955	\$ 19,955
<u>Maturing Debt</u>					
<u>NON-SEWER DEBT SERVICE</u>					
3,853,630	3,415,815		3,747,135	3,692,233	3,692,233
1,310,593	1,287,625		1,140,530	1,083,585	1,083,585
-	-		-	-	-
40,000	45,000		45,000	45,000	45,000
-	-		-	-	-
\$ 5,204,223	\$ 4,748,440	83	\$ 4,932,665	\$ 4,820,818	\$ 4,820,818
<u>SEWER DEBT SERVICE</u>					
1,134,788	1,172,242		498,905	498,902	498,902
36,200	16,118		-	-	-
6,900	7,000		1,000	1,000	1,000
\$ 1,177,888	\$ 1,195,360	84	\$ 499,905	\$ 499,902	\$ 499,902
\$ 6,382,111	\$ 5,943,800		\$ 5,432,570	\$ 5,320,720	\$ 5,320,720
<u>LIBRARY</u>					
67,954	68,005		69,365	69,365	69,365
49,043	49,080		50,062	50,062	50,062
20,217	20,520		20,930	20,930	20,930
51,216	51,984		53,024	53,024	53,024
47,173	46,977		47,917	47,917	47,917
47,173	46,977		47,917	47,917	47,917
26,956	27,360		27,907	27,907	27,907
38,617	37,461		38,210	38,210	38,210
38,974	41,293		67,906	61,360	67,906
25,200	25,587		26,099	26,099	26,099
-	-		-	-	-
19,000	19,400		20,574	20,574	20,574
431,523	434,644	85	469,911	463,365	469,911
1,200	1,200		1,200	1,200	1,200
49,000	49,750		50,000	50,000	50,000
400	400		400	400	400
50,600	51,350	86	51,600	51,600	51,600
136,500	139,268	87	148,045	148,045	148,045
\$ 618,623	\$ 625,262		\$ 669,556	\$ 663,010	\$ 669,556

Approp. FY'12	Approp. FY'13	It. No.	Department Requested FY'14	Administrator Recommended FY'14	Finance Committee Recommended FY'14
UNCLASSIFIED					
3,000	3,000	88	Town Reports	3,000	3,000
29,500	29,500	89	Telephones (most Depts.)	29,500	27,500
185,000	185,000	90	Street Lighting	185,000	185,000
180,000	200,000	91	Reserve Fund	200,000	175,000
50,000	50,000	92	Audit	52,500	52,500
800	1,500	93	Historical Commission	1,500	1,250
372,500	383,675	94	Medicare Tax	392,000	392,000
1,000,000	50,000	95	Stabilization Fund	50,000	50,000
100,000	50,000	96	Capital Stabilization Fund	50,000	50,000
-	8,000		Unemployment	5,000	5,000
-	-		Town Building Study Committee	-	-
\$ 1,920,800	\$ 960,675		Total Unclassified Budget	\$ 968,500	\$ 941,250
Schools					
\$ 335,262	\$ 360,418	97	REGIONAL VOCATIONAL SCHOOL	\$ 428,220	\$ 428,220
\$ 23,555,400	\$ 24,305,400	98	SCHOOLS - SWAMPSCOTT	\$ 24,805,400	\$ 24,481,000
-	-		Total Budget	24,440,400	24,481,000
-	-		Less Anticipated Rev.-Nahant, Metco, ...	-	-
\$ 23,555,400	\$ 24,305,400		Net Budget	\$ 24,440,400	\$ 24,481,000
\$ 23,890,662	\$ 24,665,818		TOTAL SCHOOLS	\$ 25,233,620	\$ 24,909,220
\$ 57,082,592	\$ 57,875,455		TOTAL FY2014 BUDGET	\$ 59,086,946	\$ 58,251,679

* Excludes Non Appropriated Expenses (i.e. State Assessments & Assessor's Overlay) of \$844,803
Total Town Budget including State Assessments and Assessor's Overlay and Net of Water/Sewer= \$52,965,793

ARTICLE 22. To see if the Town will vote to transfer from the Water Retained Earnings of the Water Enterprise Fund to the account of Current Revenue the sum of \$400,000 to be used and applied by the Board of Selectmen in the reduction of the water rate, or take any action relative thereto.

Sponsored by the Board of Selectmen

Comment: Surplus revenue is money not set aside for any special purpose. It results from the difference between estimates and actual receipts of water user fees and other revenues plus unexpended funds from the water department's budget. This is normally surplus revenue available for Town Meeting to be used to reduce rates for the coming year.

The Finance Committee recommends favorable action on this Article.

ARTICLE 23. To see if the Town will vote to accept the provisions of G.L. c.32B, §20, which would authorize the Town to establish an Other Post-Employment Benefits Liability Trust Fund, and to raise and appropriate or transfer from available funds the sum of \$500,000 to be added to said Fund, or take any other action in relation thereto

Sponsored by the Town Administrator

Comment: This article will allow the Town to establish an Other Post-Employment Benefits Liability Trust und and to place \$500,000 in to the Trust Fund.

The Finance Committee recommends favorable action on this Article.

ARTICLE 24. To see if the Town will vote to transfer from Free Cash of the Town to the account of Current Revenue a sum of money to be used and applied by the Board of Assessors in the reduction of the tax levy, or take any action relative thereto.

Sponsored by the Town Administrator

Comment: Surplus revenue is money not set aside for any special purpose. It results from the difference between estimates and actual receipts of departmental collections and revenues (such as licenses, permits, etc.) plus unexpended funds from departmental budgets. When uncollected taxes are subtracted from surplus revenue, the total is "Free Cash". This is normally surplus revenue available for Town Meeting to be used to reduce taxes for the coming year.

The Finance Committee recommends favorable action on this Article.

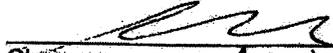
ARTICLE 25. To see if the Town will vote to appropriate and raise, by borrowing or otherwise, under any general or special law which authorizes the Town to raise money, by borrowing or otherwise, such sums of money as may be necessary for any and all of the purposes mentioned in the foregoing articles, or take any action relative thereto.

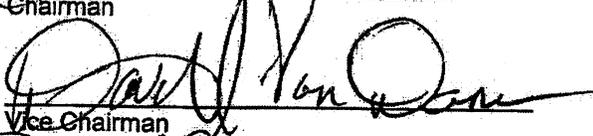
Sponsored by the Board of Selectmen

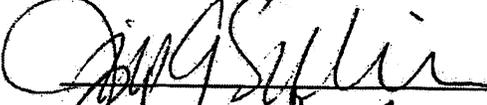
The Finance Committee will report on this article at Town Meeting.

Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said meeting.
Given under our hand this 10th day of April, 2013

BOARD OF SELECTMEN


Chairman


Vice Chairman




The Town of Swampscott
Town Warrant
May 2013

SS.

To either of the Constables of the Town of Swampscott

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town that a Special Town Meeting will be held on **Monday, May 6, 2013**, beginning at 8:30 P.M. in the Swampscott High School Auditorium located at 200 Essex Street, Swampscott.

NOTICE OF SPECIAL TOWN MEETING
MONDAY, MAY 6, 2013, 8:30 P.M.

To the Town Meeting Members:

Notice is hereby given in accordance with Article II, Section 2, of the Bylaws of the Town of Swampscott that a Special Town Meeting will be held on Monday, May 6, 2013, beginning at 8:30 p.m. in the Swampscott High School Auditorium located at 200 Essex Street, Swampscott.

Town Moderator, Joseph Markarian will preside.

ARTICLE 1. To see if the Town will vote to amend the FY13 Budget voted under Article 25 of the May 7, 2012 Annual Town Meeting warrant to increase under Line No. 33, Police Overtime from \$425,000 to \$584,000 (\$159,000), increase under Line No. 36, Fire Overtime from \$295,000 to \$378,500 (\$83,500), increase Line No. 60 Snow and Ice from \$170,000 to \$220,000 (\$50,000) and to reduce under Line No.23 Assistant Assessor from \$65,000 to \$36,250 (\$28,750) and Assessor Clerical from \$91,460 to \$70,460 (\$21,000), reduce under Line No.30 Employee Group Health from \$4,530,000 to \$4,390,460 (\$210,000) and to reduce under Line No. 82 Interest from \$1,287,625 to \$1,254,875 (\$32,750) and furthermore, transfer from Town Counsel Salary Line No. 7 \$55,000 to Town Counsel Contract Expense Line No. 8 \$55,000, or take any other action relative thereto.

Sponsored by the Town Administrator.

Comment: This article increases the appropriation to FY13 Police and Fire Overtime and also increases the appropriation to the town's Snow & Ice Account to cover deficits.

The Finance Committee recommends favorable action on this Article.

ARTICLE 2. To see if the Town will vote to transfer the care, custody, maintenance and custody of a parcel of land described below from the board or officer currently having control thereof to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, and further to authorize the Board of Selectmen to grant an easement upon the property at 17 Park Square, identified as "Swampscott, Massachusetts Plan Of Land Prepared For A. James Real Estate 17 Park Square Parcel ID10-38-0 Reid Land Surveyors, 365 Chatham Street, Lynn, Massachusetts Date: March 20, 2013 Scale 1"=20" to clear title on the property of A. James Lynch Inc. due to a house encroachment of 88 square feet more or less, upon such terms and conditions as the Board of Selectmen shall establish, or to take any other action relative thereto.

Sponsored by the Town Administrator.

Comment: This article would authorize the Board of Selectmen to grant an 88+ square foot easement to resolve an encroachment issue and clear title to a single family home constructed in 1890. The home was constructed partially on this approximately 29' x 3' portion of Park Square.

Article 2 requires 2/3's affirmative vote to adopt.

ARTICLE 3. To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, for general municipal purposes, all or any portion or any interest in the property identified on Swampscott Assessor's Map 33, Lots 53, 10 and 10D abutting Ocean Avenue of 3.7 ± acres of undeveloped land and to raise and appropriate or transfer from available funds the sum of \$140,000 for this purpose and any costs and expenses related thereto, or take any other action relative thereto.

Sponsored by the Board of Selectmen

Comment: This article authorizes the Town to acquire and clear property rights to access Phillips Beach.

Article 3 requires 2/3's affirmative vote to adopt.

The Finance Committee recommends favorable action on this Article.

ARTICLE 4. To see if the Town will vote to appropriate or transfer the sum of \$1,708.01 to the account of unpaid bills for the purpose of settling all bills contracted prior to July 1, 2012, and remaining unpaid at the time of the closing of the Town's books for the year ending June 30, 2012, according to the Town Accountant, or take any other action relative thereto.

Sponsored by the Board of Selectmen.

Election Systems & Software	\$1,063.41	The Newark Group	\$644.60
--	------------	-------------------------	----------

Comment: This article authorizes the payment of bills from FY12 that were not paid or received prior to June 30, 2012.

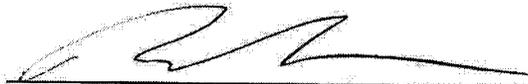
Article 4 requires 9/10ths affirmative vote to adopt.

The Finance Committee recommends favorable action on this Article.

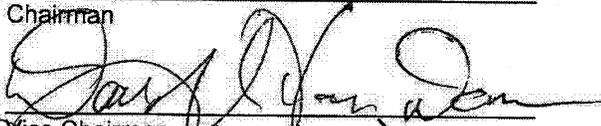
Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said meeting.

Given under our hand this 10th day of April, 2013

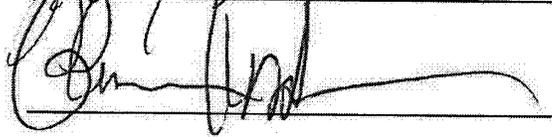
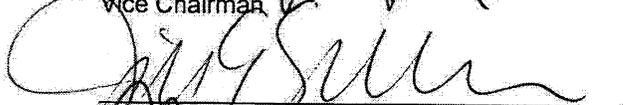
BOARD OF SELECTMEN



Chairman



Vice Chairman



APPENDIX A

REPORT OF THE SWAMPSCOTT CAPITAL IMPROVEMENT COMMITTEE FISCAL YEAR 2014

Submitted February 21, 2013

Ray Patalano, Chair

Kelley Begin

Leah Ryan

Patricia Shanahan

Gino Cresta

GENERAL

The Swampscott Capital Improvement Committee (CIC) is currently required by the town by-laws to: (1) study all proposed capital improvement projects and purchases for Town Meeting; (2) prepare a capital improvement budget for the next fiscal year; (3) prepare a five-year capital improvement plan; (4) report its findings and recommendations to the finance committee; and (5) submit a report to the Swampscott Town Meeting that presents its conclusions.

The CIC has met regularly in an effort to formulate an appropriate recommendation that takes into consideration these difficult economic times and the uncertainty surrounding a number of proposed town projects, most notably a new Police station. The CIC reports that it has accomplished these goals through collaboration with the finance committee, board of selectmen, school department and town administrator.

Warrant Articles for FY2014

The CIC received twenty five (25) departmental requests, which met the definition of a capital expenditure. The associated total dollar cost was **\$3,527,052.00**. Under town by-laws, to qualify as a capital expenditure, a requested purchase or project must have a cost of at least \$20,000 and have an anticipated useful life of at least three years. Each request was evaluated by the CIC on its own merits and was measured against requests of other departments based on information provided. All requests were reviewed in the context of town-wide needs and priorities. Final recommendations for capital expenditures in FY14 fall within the town's funding capacity and comply with the guidelines established in capital program policies and represent the collective deliberations of the CIC.

FY2013 Review of Completed Capital Improvements

The following projects were approved by Town Meeting in by Town Meeting in May 2012 / FY 2013 and completed by requesting town departments. They include:

- Schools: The Schools took delivery of a new van and kitchen equipment as a result of the 70K funding request that was approved by town meeting in May
- Library: The Library upgraded the computers and printers as requested using the \$20,000 approved by town meeting.
- DPW: Lower Paradise Drainage Study: \$40,000 approved for the beginning of ongoing drainage projects.
- DPW Replaced three (3) DPW dump trucks
- DPW, Paving: The following streets were paved using the Chapter 90 monies along with the additional \$150,000.00 that town meeting approved.

Street	From	To	Year Paved
Allen Road	Humphrey Street	Sumner Street	2012
Aycliffe Road	Harrison Avenue	End	2012
Belleair Drive	Morningside Drive	Sunset Drive	2012
Cutting Road	Shepard Avenue	Bradlee Avenue	2012
Duke Street	Stetson Avenue	Nantucket Avenue	2012
Humphrey Street	Atlantic Avenue	Marblehead Line	2012
Lewis Road	Kensington Lane	Pleasant Street	2012
Mostyn Street	Eulow Street	Beach Bluff Avenue	2012
Oakledge Road	Paradise Road	Swampscott Avenue	2012
Palmer Road	Atlantic Avenue	End	2012
Plymouth Lane	Plymouth Avenue	End	2012
Puritan Road	Woodbine Avenue	Gale Road	2012
Ryan Place	Essex Street	End	2012
Salem Street	Humphrey Street	Salem Line	2012
Smith Lane	Puritan Road	End	2012
Spring Court	Paradise Road	End	2012

CIC Recommendations

Table 1, attached, shows the capital expenditures recommended by the CIC for approval by the May 2013 / FY 2014 annual Town Meeting. In the CIC evaluation, requests were initially and informally ranked based on the following criteria:

- Is the expenditure necessary to address public health or safety issues;
- Is the expenditure legally required (e.g., the result of a court judgment);
- Is the expenditure necessary to avert a potential liability (e.g., to comply with ADA requirements);
- Is the expenditure necessary to secure a grant, a loan or to receive other matching funds;
- Will the expenditure increase future town operating expenses or require the addition of new staff;
- Is the expenditure cost effective (e.g., does the request fully complete a project or reflect a piecemeal funding approach);
- Does the expenditure benefit a small, large or special group of residents;
- Does the expenditure have aesthetic value?

The requests submitted to the Capital Improvement Committee totaled **\$3,527,052.00**. The CIC recommends that twelve (12) of the twenty five (25) departmental requests be approved by Town Meeting. Of the **\$2,072,380.00** in recommended total expenditures, **\$786,380.00** would be funded through general obligation bonds and repaid, over time, through the tax levy. The remaining **\$1,709,000.00** would be financed by **other sources**, as follows:

- \$303,000.00 for road paving through state funded Chapter 90 funds
- \$1,250,000 for upgrades and replacements to our water mains. This amount would not necessarily be borrowed in the same year. The request allows the Town of Swampscott to take advantage of low interest loans from the MWRA to finance the upgrades to our water and sewer systems.
- \$60,000 for the odor mitigation project at the new Police Station.

Once again this year the CIC strongly feels that the requested funding for the town wide paving project line item required increased funding in the amount of \$150,000.00. The CIC also recommends that a number of other important projects are funded including:

- \$50,000 for the completion of the Jackson Park Playground Project.
- \$36,000 for repairs and maintenance to the library including painting and new windows.

The CIC feels that after vigorous debate and discussion that the following recommendations attached are necessary and appropriate and respectfully submit them to the Board of Selectman and the Town of Swampscott.

Respectfully Submitted,

The CIC Committee:

Ray Patalano, Chair
Kelley Begin
Leah Ryan
Patricia Shanahan
Gino Cresta

Request	FY 14 REQUEST	FY15 Request	FY16 Request	FY17 Request	FY18 Request	CIC Recommendations	FUNDING BY BOND/TAXES	OTHER FUNDING SOURCES	COMMENTS
School Department									
District Wide Technology Upgrades	\$218,000.00					\$105,000.00	\$105,000.00		Approved for 2 sets of COWS and Middle School Upgrade ONLY
Elevator	\$30,000.00								
Asbestos Removal	\$100,000.00								
Total School Department	\$348,000.00					\$105,000.00	\$105,000.00		
Treasurer / Collector									
Technology Upgrades	\$50,000.00		\$50,000.00			\$50,000.00	\$50,000.00		
Technology Upgrades					\$50,000.00				
Technology Upgrades			\$50,000.00		\$50,000.00	\$50,000.00	\$50,000.00		
Total Treasurer/Collector	\$50,000.00		\$50,000.00		\$50,000.00	\$50,000.00	\$50,000.00		
Department Public Works									
Cassidy Park Seawall Town Building Maintenance Funds	\$75,000.00					\$75,000.00	\$75,000.00		36K for Library Improvements
Windsor North Lift Station Fishermans' Beach Improvements	\$50,000.00					\$0.00	\$0.00		
Paving	\$95,000.00					\$90,000.00	\$90,000.00		
Open Space Maintenance and Improvements	\$303,000.00					\$0.00	\$0.00	\$303,000.00	Completion of the Jackson Park Project
Paving Non Chapter 90	\$50,000.00					\$50,000.00	\$50,000.00		
Water Main Replacement	\$150,000.00					\$150,000.00	\$150,000.00		
Replace Street Signage	\$1,250,000.00					\$1,250,000.00	\$0.00	\$1,250,000.00	
	\$25,000.00					\$25,000.00	\$25,000.00		

Odor Mitigation	\$140,000.00								\$80,000.00	\$80,000.00	\$60,000.00	60K transfer of funds from PD Funded out of Open Space
Jackson Park Playground Town Wide Drainage Study	\$60,000.00								\$0.00	\$0.00	\$60,000.00	
Walnut Road Drainage Improvements	\$350,000.00								\$0.00	\$0.00		
Surf Rake	\$50,000.00								\$0.00	\$0.00		
	\$85,000.00								\$0.00	\$0.00		
Total DPW	\$2,783,000.00								\$1,795,000.00	\$545,000.00	\$1,673,000.00	
Police Department												
Automated License Plate Readers	\$22,272.00								\$0.00	\$0.00	\$0.00	
Training Simulator	\$45,000.00								\$0.00	\$0.00	\$0.00	
Ballistic Vests		\$30,000.00										
Police Motorcycles		\$27,000.00										
Radio Replacement Unit			\$21,000.00									
Portable Radio Replacement				\$42,000.00								
Portable Radio Replacement					\$38,000.00							
Total Police	\$67,272.00	\$57,000.00	\$21,000.00	\$42,000.00	\$38,000.00				\$0.00	\$0.00	\$0.00	
Library												
Interior Maintenance and Renovations	\$36,000.00								\$36,000.00	\$0.00	\$36,000.00	Public Building Maintenance Funds
HVAC Repairs		\$30,000.00										
Exterior Renovations			\$40,000.00									
Second Floor Renovations				\$40,000.00								
Technology Upgrades					\$30,000.00							
Total Library	\$36,000.00	\$30,000.00	\$40,000.00	\$40,000.00	\$30,000.00				\$36,000.00	\$0.00	\$36,000.00	

APPENDIX B

TOWN OF SWAMPSCOTT POSITION CLASSIFICATION PLAN FOR EMPLOYEES

Grade M16

Police Chief

Grade M15

Town Administrator

Grade M14

Open

Grade M13

Fire Chief

Grade M12

Town Accountant
Director of Public Works (2)

Grade M11

Open

Grade M10

Library Director
Treasurer/Collector
Assistant Engineer (2)

Grade M9

Health Director

Grade M8

Town Clerk
Assistant Assessor
Personnel Manager (1)

Grade M7

Recreation Director (1)
Facilities Coordinator/Local Building Inspector

Grade M6

Council on Aging Director
Assistant Library Director
Town Planner
Administrative Assistant

Grade M5

Assistant Town Accountant
Assistant Treasurer

Grade M4

Open

Grade M3

Open

Grade M2

Open

Grade M1

Open

**TOWN OF SWAMPSCOTT
POSITION CLASSIFICATION PLAN
FOR EMPLOYEES
(Continued)**

Grade S1

Plumbing/Gas Inspector
Wiring Inspector
Municipal Hearing Officer
Veterans' Agent
Harbormaster
Appeals Board Secretary
Emergency Management Director
Assistant Plumbing Inspector
Assistant Electrical Inspector
Planning Board Secretary
Parking Clerk
Animal Control Officer
Finance Committee Secretary
Director of Information & Technology
Inspector of Buildings

Grade H

Outreach Worker
Activities Coordinator
COA Office Assistant
COA Data Clerk
Van Driver
Police Matrons
Police Reserves/Special Officers
Public Health Nurse
Library Pages
Local Building Inspector

Town of Swampscott
SALARY CLASSIFICATION PLAN FOR EMPLOYEES
As of July 1, 2013(2% Increase)

Grade	Min	Mid	Max
M16	\$129,215	\$ 142,136	\$ 155,058
M15	\$117,469	\$ 129,216	\$ 140,962
M14	\$105,720	\$ 116,293	\$ 126,865
M13	\$ 95,151	\$ 104,666	\$ 114,181
M12	\$ 85,633	\$ 94,197	\$ 102,760
M11	\$ 77,071	\$ 84,778	\$ 92,485
M10	\$ 69,364	\$ 76,300	\$ 83,236
M9	\$ 62,429	\$ 68,672	\$ 74,914
M8	\$ 56,184	\$ 61,802	\$ 67,420
M7	\$ 50,566	\$ 55,622	\$ 60,679
M6	\$ 45,509	\$ 50,060	\$ 54,611
M5	\$ 40,958	\$ 45,055	\$ 49,151
M4	\$ 36,861	\$ 40,548	\$ 44,234
M3	\$ 33,174	\$ 36,492	\$ 39,809
M2	\$ 29,859	\$ 32,845	\$ 35,830
M1	\$ 26,874	\$ 29,562	\$ 32,249

Notes for “M” classified positions:

20% differential min to max, approximately 10% differential between grades

- (1) Salary Classification based on FTE salary for employees working less than full-time.
- (2) Salary Classification of Director of Public Works and Assistant Engineer is based on a forty (40) hour work week as opposed to all other “M” positions which are based on an thirty-four (34) hour work week.

<u>Grade</u>	Annual Compensation
S1	
Plumbing/Gas Inspector	\$22,816
Wiring Inspector	\$22,816
Municipal Hearing Officer	\$2,500
Veterans’ Agent	\$10,250
Harbormaster	\$7,523
Parking Clerk	\$1,639
Appeals Board Secretary	\$2,081
Emergency Management Director	\$1,040
Assistant Plumbing Inspector	\$1,000
Assistant Electrical Inspector	\$1,000
Planning Board Secretary	\$2,081
Animal Control Officer	\$15,300
Finance Committee Secretary	\$2,373
Director of Information & Technology	\$5,410
Inspector of Buildings	\$5,200

Town of Swampscott
SALARY CLASSIFICATION PLAN FOR EMPLOYEES
As of July 1, 2013 (2% Increase)
(Continued)

<u>Grade</u>	Min	Mid	Max
Activities Coordinator	\$12.25	\$13.46	\$14.80
Outreach Worker	\$17.81	\$19.58	\$21.56
Van Driver	\$14.44	\$15.92	\$17.51
COA Office Assistant	\$13.08	\$14.37	\$15.81
COA Data Clerk	\$12.25	\$13.46	\$14.80
Public Health Nurse	\$29.71	\$32.69	\$35.65
Police Matrons	\$13.60	\$14.95	\$16.32
Police Reserve/Special Officers	\$13.60	\$14.95	\$16.32
Library Pages	\$8.70	\$9.57	\$10.45
Local Building Inspector	\$30.73	\$33.81	\$37.19

Notes for "H" classified positions
20% differential min to max

APPENDIX C

DEFINITION OF FINANCIAL TERMS COMMONLY USED AT TOWN MEETINGS

Appropriation – An authorization by the Town Meeting to make expenditures and incur liabilities for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended.

Assessed Valuation – A valuation set upon real estate or other property by the Assessors as a basis for levying taxes.

Available Funds – See free cash.

Bond – A written promise to pay a specified sum of money by a fixed date, and carrying with it interest payments at a fixed rate, paid periodically. A **Note** is similar, but issued for a shorter period.

Cherry Sheet – A State form which shows an estimate of all of the State and County charges and reimbursements to the Town.

Debt and Interest – The amount of money necessary annually to pay the interest and the principal on the Town's outstanding debt. Also known as "Debt Service."

Fiscal Year – The budget period used by the Town running from July 1 of one year to June 30 of the next year. At the end of this period, the Town closes its books in order to determine its financial condition and the results of its operation.

Free Cash – The amount of money left after all prior years' uncollected taxes have been deducted from surplus revenue. This amount may be used as available funds by vote of the Town Meeting.

Overlay – The amount, up to 5% of the tax levy, raised by the Assessors in excess of appropriations and other charges to cover abatements and exemptions.

Overlay Reserve – Unused amount of the overlay for previous years, which the Town may transfer to Surplus Revenue after all abatements for such fiscal year are settled.

Receipts – The cash, which is actually received by the Town.

Reserve Fund – A fund voted by the Annual Town Meeting and controlled by the Finance Committee for extraordinary and unforeseen expenditures incurred by Town departments during the year.

Stabilization Fund – Special Reserve Fund that can be used by a 2/3 vote of the Town Meeting.

Surplus Revenue – The amount by which cash, accounts receivable and other assets exceed the liabilities and reserves. Used in calculating free cash.

Transfer – The movement of funds from one account to another. Transfers between accounts (other than the Reserve Fund) can be made only by vote of the Town Meeting.

Unexpended Balance – That portion of an appropriation or account not yet expended. Any such balances left at the end of the fiscal year are generally used as Surplus Revenue in calculating Free Cash.

APPENDIX D

TABLE OF MOTIONS

Reprinted from **Town Meeting Time**, by Johnson, Trustman and Wadsworth.
Copyright © 1962, by Little, Brown and Company (Inc.)

Table of Basic Points of Motion

Rank		Second Required	Debatable	Amendable	Vote Required	May Reconsider	May Interrupt
PRIVILEGED MOTIONS							
1	Dissolve or adjourn sine die	Yes	No	No	Maj.	No	No
2	Adjourn to fix time or recess	Yes	Yes	Yes	Maj.	No	No
3	Point of no quorum	No	No	No	None	No	No
4	Fix the time to (or at) which to adjourn	Yes	Yes	Yes	Maj.	Yes	No
5	Question of privilege	No	No	No	None	No	Yes
SUBSIDIARY MOTIONS							
6	Lay on the table	Yes	No	No	2/3	Yes	No
7	The previous question	Yes	No	No	2/3	No	No
8	Limit or extend debate	Yes	No	No	2/3	Yes	No
9	Postpone to a time certain	Yes	Yes	Yes	Maj.	Yes	No
10	Commit or refer	Yes	Yes	Yes	Maj.	Yes	No
11	Amend (or substitute)	Yes	Yes	Yes	Maj.	Yes	No
12	Postpone indefinitely	Yes	Yes	No	Maj.	Yes	No
INCIDENTAL MOTIONS							
*	Point of order	No	No	No	None	No	Yes
*	Appeal	Yes	Yes	No	Maj.	Yes	No
*	Division of a question	Yes	Yes	Yes	Maj.	No	No
*	Separate consideration	Yes	Yes	Yes	Maj.	No	No
*	Fix the method of voting	Yes	Yes	Yes	Maj.	Yes	No
*	Nominations to committees	No	No	No	Plur.	No	No
*	Withdraw or modify a motion	No	No	No	Maj.	No	No
*	Suspension of rules	Yes	No	No	2/3***	No	No
MAIN MOTIONS							
None	Main Motion	Yes	Yes	Yes	Var.	Yes	No
**	Reconsider or rescind	Yes	**	No	Maj.	No	No
None	Take from the table	Yes	No	No	Maj.	No	No
None	Advance an article	Yes	Yes	Yes	Maj.	Yes	No

* Same rank as motion out of which they arise.

** Same rank and debatable to same extent as motion being reconsidered.

*** Unanimous if rule protects minorities; out of order if rule protects absentees.

(Originally reprinted by permission of Richard B. Johnson.)

APPENDIX E

FY 2012 Reserve Fund Transfers

Date	Department	Amount	Balance
			\$ 180,000.00
March 22, 2012	Fire Dept-Building Expense	\$ (10,000.00)	\$ 170,000.00
April 9, 2012	Historical Commission	\$ (250.00)	\$ 169,750.00

APPENDIX F

Section 4. **The Preservation of Historically Significant Buildings**

(a) ~~(a)~~ Intent and Purpose

This by-law is enacted for the purpose of preserving and protecting significant buildings or structures within the Town of Swampscott that constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this bylaw, owners of preferably preserved buildings or structures are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings or structures and residents of the town are alerted to impending demolitions of significant buildings or structures. By preserving and protecting significant buildings, structures, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Inspector with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this by-law.

(b) ~~(b)~~ Definitions

For the purposes of this by-law, the following words and phrases shall have the meanings set forth below:

1. ~~1.~~ APPLICANT-Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building or structure is situated, the owner must indicate on or with the application his/her assent to the filing of the application.
2. ~~2.~~ APPLICATION-An application for the demolition of a building or structure.
3. ~~3.~~ BOARD OF SURVEY-the board that is ordered to respond under Massachusetts General Laws Chapter 143 Section 8, when an owner of a building or structure fail to take action on a notice that the building or structure is unsafe. The board shall consist ~~e~~ of the Town Engineer, the Fire Chief, and one disinterested person to be appointed by the Building Inspector.
4. ~~4.~~ BUILDING-Any combination of materials forming a shelter for persons, animals, or property.
5. ~~5.~~ BUILDING INSPECTOR - The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.
- ~~6.~~ ~~BUSINESS-DAY~~ - a day that is not a Saturday, Sunday or a recognized state, municipal or federal holiday.
- ~~7.~~ CHAIRPERSON- the head of the Commission, the person performing the functions of
7. the chairperson in the event that no one holds that title, or any other person to whom the chairperson has delegated authority to act according to this ordinance.

8. ~~8-~~ COMMISSION - The Swampscott Historical Commission or its designee.

~~9-~~ DEMOLITION-Any act of pulling down, destroying, removing, dismantling or razing a building or any part thereof.

9. **DEMOLITION-Any act of partial or total pulling down, destroying, removing, relocating, dismantling or razing a building or structure or any part thereof, including, but not limited to changes in roof pitch, changes in footprint, the envelopment by subsequent additions of 50 to 100% of any exterior wall surface, or additions or removals to the building or structure of any architectural detail determined to be historically or architecturally significant by the Commission. Demolition also includes (but is not limited to) the commencing of the work of total or substantial destruction with the intent of completing same.**

10. ~~10-~~ DEMOLITION PERMIT - The ~~building~~-permit issued by the Building Inspector, as required by the State Building Code, for a **partial, substantial or total** demolition **or removal** of a building **or structure**, excluding a building permit issued solely for the demolition of the interior of a building **or structure**.

11. ~~11-~~ FINAL DETERMINATION- a decision made by the Commission in accordance with Section (d) 3.C. of this chapter.

12. ~~12-~~ INITIAL DETERMINATION- any determination made by the Commission in accordance with Section (d) 3.A. of this chapter.

13. ~~13-~~ OWNER- the person with legal title to a building or structure. Where the term "owner" is used, it shall include the owner's legally authorized representative.

14. ~~14-~~ PERMIT- the document issued by the Building Inspector for demolition of a building or structure pursuant to an application.

15. ~~15-~~ PERSON- a private individual, firm, corporation, partnership, association, trust or society.

16. ~~16-~~ PREFERABLY PRESERVED - Any significant building **or structure** which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building **or structure** is subject to the nine-month demolition delay review period of this bylaw.

17. ~~17-~~ SIGNIFICANT BUILDING OR STRUCTURE - Any building or structure within the town which is in whole or in part seventy-five **(75)** years or more old (at the time of the request for the demolition permit) and which:

A. ~~A-~~ **Is listed** **is listed** on, or is within an area listed on, the National Register of Historic Places; or which is the subject of a pending application for listing on the National Register, or

B. ~~B-~~ Is or has been designated by the Commission to be eligible as a significant building or structure after a finding that the building or structure is either:

(1.) ~~(1-)~~ Importantly associated with one or more historic persons or events,

or with the broad architectural, cultural, political, economic or social history of the Town of Swampscott or the Commonwealth of Massachusetts; or

(2.) ~~(2.)~~ Historically or architecturally significant (in terms of period, style, method of building or construction, or association with a reputed architect or builder) either by itself or in the context of a group of buildings or structures, or

~~(3.)~~ Listed in the Swampscott Historical Commission Survey, originally published in ~~1986~~**1993**, as periodically amended. A copy is available for review at Town Hall and the Swampscott Public Library.

and therefore it is in the public interest to be preserved or rehabilitated rather than to be demolished.

C. ~~C.~~ Any additions, outbuildings or other structures relating to the significant building or structure, that are less than seventy-five (75) years old are exempted from this by-law, with sufficient documented proof of age as determined by the Commission.

18. ~~18.~~ STRUCTURE- any constructed, erected, or placed material or combination of materials in or upon the ground, excluding sidewalks and paving on streets, driveways, parking areas, and patios.

19. ~~19.~~ VOLUNTARILY- any act(s) done by design or intention, which is proposed, intended, or not accidental.

(c) ~~(c)~~ Computation of Time

For the purposes of computing any period of time regarding the demolition review process, excluding age of the building or structure, the day of the act after which the designated period of time begins to run is excluded: The last day shall be included, unless it is a Saturday, Sunday, or municipal or federal holiday, in which case, the period runs to the next business day.

For the purpose of calculating the age of a building or structure, any point on a calendar year shall be counted as a complete year; e.g.: a building or structure built in June 1930 shall be considered seventy-five (75) years old on January 1, 2005.

(d) ~~(d)~~ Procedure

~~1.~~ Upon receipt of a demolition permit application, the Building Inspector will immediately
1. **No demolition permit for a building or structure that is in whole or in part seventy-five (75) years or more old shall be issued without following the provisions of this bylaw. If a building or structure is of unknown or undetermined age, such building or structure shall be assumed to be over seventy-five (75) years old for the purposes of this bylaw.**

~~date stamp the application. If the Building Inspector can determine with certainty that the building or structure is not significant per Section (b) 17, then the permit may be issued according to current laws.~~

2. **If any applicant and the owner of the building or structure, if different from the applicant, seeks to demolish, in whole or part, a building or structure that is in whole or in part seventy-five (75) years or older, the owner of the building or structure shall file a demolition permit with the Building Inspector, which application shall include the following information:**

A. ~~2.~~ **If a brief description of the building or structure is significant per Section (b) 17, or the Building Inspector and the reason for the proposed demolition, with supporting data; and**

B. **Photographs of all existing façade elevations of the building or structure, along with a photograph showing the building or structure in relation to the surrounding buildings or structures.**

~~cannot determine its status with certainty, then the~~**Upon receipt of a complete demolition permit application, the Building Inspector shall will immediately date stamp the application and** notify

the ~~Historical~~ Commission in writing within seven (7) ~~business~~ days, that he/she has received a demolition permit request, attaching a copy of the **complete** application to the notice. The Building Inspector shall also forward copies of the notice to the ~~applicant and the owner~~ (if different **from the applicant**).

3. ~~3-~~ Commission's Determinations

A. Initial Determination: The Commission shall make a written determination of whether the building or structure to be demolished is significant within ~~forty-five~~**thirty (4530)** days after receipt of the ~~written notice from the Building Inspector, or sixty (60) days after the receipt of the application by the Building Inspector, which ever shall first occur~~**of all information required pursuant to Section (d) 2. of this chapter,** and complete the following:

(1.) If the Commission determines that the building or structure is not significant, the Commission shall so notify the Building Inspector, the applicant, the owner (if different) and the Town Clerk in writing. The applicant shall not be required to take any further action in regard to this **by-law**.

(2.) If the Commission determines that the building or structure is significant, the Commission shall so notify the Building Inspector, the applicant, the owner (if different) and the Town Clerk of ~~its~~ determination in writing. **Within twenty days of the Commission's filing of the initial determination with the Town Clerk, the applicant for a demolition permit shall provide the Commission with the following information:**

(i) a site plan or copy of that portion of the tax assessor's map that shows the building or structure to be demolished and the property on which it is located, along with photographs of all elevations of the building or structure in the context of its surroundings; and

(ii) a description of any new proposed construction on the site, including plans showing the proposed construction along with existing elevations of neighboring buildings or structures, along with a statement identifying all zoning variances and/or special permits that may be required in order to implement the proposed use or development.

(3.) If the Commission fails to respond to the Building Inspector's notice **as set forth above** within ~~forty-five~~**thirty (4530)** days of receipt of the ~~written notice from the Building Inspector, or within sixty (60) days of the receipt of the application by the Building Inspector, which ever shall first occur~~ **of all information required pursuant to Section (d) 2. of this chapter,** the Building Inspector may grant the demolition permit.

B. Public Hearing: The Commission shall hold a public hearing on the initial determination and the application within **thirty (4530)** days of filing the initial determination with the Town Clerk. The Town of Swampscott shall give public notice of the hearing by publishing the time, place and purpose of the hearing in a local newspaper and in a conspicuous place in town hall for a period of not less than seven (7) days prior to the hearing. The Town of Swampscott shall also send notice of the public hearing to applicant and owner (if different), and abutters by certified mail, at least seven (7) days prior to the hearing, as defined in Chapter 40A of Massachusetts General Laws.

~~— The applicant for demolition permit may voluntarily submit to the Commission a demolition plan that may include:~~

~~— A brief description of the type of building or structure and the reason for the proposed demolition, with supporting data.~~

~~— A scaled plot plan showing the location of the significant building or structure on the property and with reference to neighboring properties.~~

~~— Photographs of all elevations of the building or structure in the context of its surroundings.~~

C. Final Determination: Within ten (10) days of the close of the public hearing the Commission shall file a written final determination with the Town Clerk. The Commission shall simultaneously send a copy of the final determination to the Building Inspector and send copies to the applicant and the owner (if different) by certified mail. If the Commission determines that demolition of the significant building or structure would be detrimental to the architectural, cultural, political, economic, or social heritage of the Town, such building or structure shall be considered as preferably preserved.

If the Commission determines that the building **or structure** is not preferably preserved, the Commission shall so notify the Building Inspector and applicant and owner (if different) in writing. The Building Inspector may then issue the demolition permit.

4.—If the Commission determines that the building **or structure** is preferably preserved, the Commission shall notify the Building Inspector and applicant and owner (if different) in writing. No demolition permit may then be issued for a period of nine (9) months from the date of the determination. If the Commission does not so notify the Building Inspector in writing within ten (10) days of the public hearing, the Building Inspector may issue the demolition permit.

~~Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of nine (9) months from the date of the determination. During this period, the applicant is encouraged to locate a purchaser for the building or structure who is willing to preserve, restore or relocate the building or structure.~~

4. No **demolition** permit for ~~demolition~~ of a building **or structure** determined to be a preferably preserved building shall be granted until all approvals necessary for the issuance of a building permit are obtained; including without limitation any necessary zoning variances or special permits, and all appeals from the granting of such approvals must be concluded. **Any demolition permit that issues under this chapter shall be valid for a period of one year from the date of issuance, following which time a new application must be submitted.**

5. **During the nine-month demolition delay period, the Commission shall invite the applicant to participate in an investigation of alternatives to demolition. On or before the expiration of the nine month period, the owner and/or applicant or a designated representative must appear before the commission and document that for at least six months the owner and/or applicant has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the building or structure, and that such efforts have been unsuccessful.** The Building Inspector may issue a demolition permit or a building permit for a preferably preserved building **or structure** within the nine (9) months if the Commission notifies the Building Inspector in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit: **(a) the Commission is satisfied that for at least six months the owner and/or applicant has made continuing, bona fide and reasonable efforts to rehabilitate or restore the subject building or structure or pursue alternatives to demolition, and that such efforts have been unsuccessful; and (b) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, relocate, preserve, rehabilitate or restore such building or structure.**

Following the nine-month review period, the Building Inspector may issue the demolition permit.

6. Prior to the commencement of the demolition process, the property owner shall allow the Commission to make a proper photographic record of the interior and exterior of the building **or structure**, and allow for salvage of any unique architectural detail that would otherwise be lost during the demolition process.

7. **Responsibility of Owners**

It shall be the affirmative responsibility of the owner of record or his designee to assist in the facilitation of the process set forth above by providing information; allowing access to the property and securing the premises; for participating in the investigation of preservation options; and for actively cooperating in seeking alternatives with the Commission and any interested parties.

8. Securing Historically Significant or Preferable Preserved Buildings and Structures

If, following an application for a demolition permit, a building or structure has been determined to be historically significant or preferably preserved, and the building or structure is subsequently destroyed by fire or other cause, whether before or during a demolition delay, a rebuttable presumption shall arise that the owner voluntarily demolished the building or structure without obtaining a demolition permit in accordance with the provisions of this ordinance. In such cases, the Building Inspector shall not issue any permit required under the State Building Code pertaining to the property on which the historically significant building or structure was located (except as necessary to secure public safety or health) for a period of two (2) years from the date of destruction of the building or structure, unless the owner can provide evidence satisfactory to the Commission that he took reasonable steps to secure the building or structure against fire or other loss or that the cause of the destruction was not otherwise due to the owner's negligence.

9. - ~~5.~~ Emergency Demolition and Unsafe Structure

- B. Emergency Demolition: If after an inspection, the Building Inspector finds that a building or structure subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Inspector may issue an emergency demolition permit to the owner of the building or structure. The Building Inspector shall then prepare a report explaining the condition of the building **or structure** and the basis for his decision, which shall be forwarded to the Commission.
- C. Unsafe Structure: In the event that a Board of Survey is convened to consider the condition of a building or structure under Massachusetts General Laws Chapter 143, Section 8, the Chairperson shall be notified to accompany the Board during its inspection. **A copy of the written report prepared as a result of such inspection shall be filed with the Commission.**

10. Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw, including, but not limited to, the adoption of a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

11. Applicability

Notwithstanding the foregoing, this section shall not apply and a demolition permit shall be issued for the reconstruction substantially similar in exterior design of a building or structure or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within six (6) months thereafter and is carried forward with due diligence. This exception shall be limited to reconstruction of only that portion of the building or structure damaged by such catastrophic event.

~~6.~~ Enforcement

12. Enforcement

- C. The Commission and/or the Building Inspector are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.
- D. Anyone who ~~voluntarily~~ demolishes a building or structure without first obtaining a

demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than ~~ten percent of the assessed property value~~ **Three Hundred Dollars (\$300.00) per day. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building or structure is completed or unless otherwise agreed to by the Commission.** No building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any **of the** adjoining parcels of land under common ownership and control unless **if** the building permit is for the faithful restoration **of the demolished building or structure** or unless otherwise agreed to by the Commission.

Section 5: Historic Districts Act.

If any of the provisions of this by-law conflict with the Historic Districts Act, Massachusetts General Law, Chapter 40C, that act shall prevail.

Section 6: Severability

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

NOTES

