

**The Town of Swampscott
Town Warrant
April 2012**

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 twenty-fourth day of April, 2012**, from 7:00 a.m. to 8:00 p.m. for the following purpose:

To choose a Moderator for one (1) year
To choose one (1) member 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 (1) 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 eighteen (18) Town Meeting Members in each of the six (6) Precincts for three (3) years
To choose eighteen (18) Town Meeting Members in each of the six (6) Precincts for two (2) years
To choose eighteen (18) Town Meeting Members in each of the six (6) Precincts for one (1) 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 getter.

At the close of the election, the meeting will adjourn to Monday, May 2, 2012, at 7:15 p.m. in the Swampscott High School Auditorium located at 200 Essex Street, Swampscott.

Official results of the April 24, 2012 Local Election are included at the end of this report.

2012 ANNUAL TOWN MEETING

RETURN OF SERVICE:

Pursuant to the within warrant to me directed, I have notified the inhabitants of The Town of Swampscott qualified to vote in elections and in town affairs by posting an attested copy thereof at the Town Administration Building, at the Post Office, and at least two public and conspicuous places in each precinct in the Town, and at or in the immediately vicinity of the Swampscott Railroad Station. Said posting was done on April 13, 2012, and not less than seven (7) days before the date appointed for said Election.

Attest:

Paul Minsky
Constable of Swampscott

MAILING OF WARRANTS:

The Warrants for the Annual and Special Town Meetings were mailed to the Town Meeting Members and to those who were running for a Town Meeting seat (listed on the ballot) on April 20, 2012. Copies of the warrant were available, free of charge, for any interested person at the Town Administration Building.

NOTICE OF ANNUAL TOWN MEETING

The Annual Town Meeting of 2012 will convene on Tuesday, April 24, 2012, 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 7, 2012, 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 7, 2012, 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 7, 2012, beginning at 7:15 p.m. in the Swampscott High School Auditorium located at 200 Essex Street, Swampscott.

Moderator Joseph Markarian Esquire presided.

MEETING CERTIFICATIONS:

I hereby certify that in accordance with the adjournment of the Annual Town Meeting of April 24, 2012, the Adjourned Town Meeting of May 7, 2012 was held at the Swampscott High School auditorium, 200 Essex St., Swampscott and was called to order at 7:30 p.m. with the necessary quorum being present (278). At 10:55 p.m. it was voted to adjourn to May 8, 2012.

I hereby certify that in accordance with the adjournment of the May 7, 2012 the Adjourned Annual Town Meeting of May 8, 2012 was held at the Swampscott High School auditorium, 200 Essex St., Swampscott and was called to order at 7:20 p.m. with the necessary quorum being present (239). At 10.10 p.m. it was voted to dissolve the 2012 Annual Town Meeting.

I further certify that the Special Town Meeting of May 7, 2012 was called to order at 8:50 p.m. The Special Town meeting was dissolved at 9:00 p.m. on May 7, 2012.

ATTENDANCE:

For the 2012 Town Meeting attendance, by precinct, see the list at the end of this report.

TOWN MEETING ACTION:

The Return of Service was read by Town Clerk Susan J. Duplin who then administered the Oath of Office to all the new Town Meeting Members.

Moderator Joseph Markarian announced this year's annual Swampscott Harbor Festival will be Saturday, June 23rd at Fisherman's Beach in Swampscott. At 11:00 a.m. will be the Duct Tape Regatta run by the Swampscott Rotary. More information is available on their website: www.swampscottrotary.org. The Swampscott Yacht Club will have a Blessing of the Fleet at 2:00pm. The concert at the Swampscott Public Library will run from 4 to 9pm.

Moderator Joseph Markarian announced Heavy Metal Drop-Off is available on the last Saturday of the month from 8:00 AM to NOON at the DPW Yard for non-hazardous metal bulk items.

Moderator Joseph Markarian introduced Tom Reid the Swampscott High School Video & Technology Director. Mr. Reid stated approximately \$14,000 to \$15,000 is raised yearly due to students, parents & business sponsors. The next fundraiser which is a bid by phone auction type fundraiser is May 21st thru May 24th; proceeds will support the students. Mr. Reid thanked his current students; Tyler Short, Kelsey Lombard & Thomas McEnaney.

Moderator Joseph Markarian introduced Marianne McDermott Chairperson of the Library of Trustees. Ms. McDermott invited everyone to a room dedication at the Library on May 19th; 2 rooms will be dedicated, one to Captain Jennifer Harris & one to Army Specialist Jared Raymond in honor of these young people who gave their lives for our country.

Moderator Joseph Markarian introduced the newly Elected Town Officials, various Department Heads plus the new Town Administrator Thomas Younger.

Moderator Joseph Markarian presented the Distinguished Citizen Award to Dave Whelan.

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

Sponsored by the Board of Selectmen

To accept the report from Martha Dandsdill Chairperson of the Board of Health with a presentation of the Town's waste reduction program.

To accept the report from Layne Millington Swampscott High School's Principle regarding how many class of 2012 graduating seniors have been accepted to Ivy League colleges and universities.

To accept the report of Roger Talkov Chairman of the Rail Trail Implementation Committee with a progress update of the foot path from Humphrey St. to the Swampscott Middle School.

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 \$14,000 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 \$14,000, the Board has the discretion to grant up to a 3% increase or an annual increase of \$420. Accordingly, by voting to increase the base to \$14,000, each eligible retiree and survivor of the Swampscott Retirement System will receive at maximum an additional \$2.50 per month in their retirement allowance.

ARTICLE 3
Majority Vote to postpone Indefinitely
5/7/12 ATM

ARTICLE 4. **Voted** that the Town 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 \$250 to \$500, or take any other action relative thereto.

Sponsored by the Swampscott Retirement Board

Comment: This Article provides a minimum allowance to a surviving spouse if the member designated the spouse as his/her beneficiary or the spouse elected to receive Option D benefits and the member dies as a member in service and was married for at least one year and had completed at least two years of credible service. This will currently affect three of the survivor's monthly retirement allowance.

ARTICLE 4
Unanimous Vote in Favor
5/7/12 ATM

ARTICLE 5. To see if the Town will vote to transfer the care, custody, management and control of the land formerly known as the Machon School and located at 35 Burpee Road, Swampscott, identified on the Town Assessor's maps as: Map 6, Lot 130A-O, from the Board of Selectmen for the purposes for which such land is currently held to the Board of Selectmen for purposes of sale or lease including demolition of the building, and to authorize the Board of Selectmen to sell said parcel of land per the provisions of Massachusetts General Law Chapter 30B, or take any other action relative thereto.

Sponsored by the Board of Selectmen

Comment: This Article provides the Selectmen the authority to sell or lease the former Machon School.

Voted that the Town transfer the care, custody, management and control of the land formerly known as the Machon School and located at 35 Burpee Road, Swampscott, identified on the Town Assessor's maps as: Map 6, Lot 130A-O, from the Board of Selectmen for the purposes for which such land is currently held to the Board of Selectmen for purposes of sale or lease including demolition of the building, and to authorize the Board of Selectmen to sell said parcel of land per the provisions of Massachusetts General Law Chapter 30B, within the specific confines of residential zoning laws and with the specific approval of the Town Meeting Members and with the exception of a 20' wide walking access to Jackson Park Woods on the NW end of the lot, or take any other action relative thereto.

ARTICLE 5
Unanimous Vote in Favor as Amended
5/7/12 ATM

ARTICLE 6. 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, certain property identified on the Town Assessor's maps as Map 21 Lot 2A-O, Map 21 Lot 2B-O, Map 21 Lot 2C-O and Map 21 Lot 2D-O from the record title holder, Bertram Living Facilities, Inc., and to raise and appropriate, transfer from available funds or borrow the sum of \$50,000.00 for this purpose and any expenses related thereto, and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out these acquisitions, or to take any other action relative thereto.

Sponsored by the Town Administrator

Comment: This article would allow the Town to raise and appropriate money for the purpose of purchasing four (4) lots of land totaling 134,597 sq. ft. from Bertram Living Facilities, Inc.

ARTICLE 6
Majority Vote to postpone Indefinitely
5/7/12 ATM

ARTICLE 7. **Voted** that the Town, pursuant to G.L. c.164, §134(a), to authorize the Board of Selectmen to initiate the process to aggregate the electric load of interested electricity consumers within the Town of Swampscott and enter into agreements for services to facilitate the sale and purchase of electric energy and other related services, or to take any other action relative thereto.

Sponsored by the Board of Selectmen

Comment: Per MGL Chapter 164 Section 134(a), the Town of Swampscott is able to seek alternative energy suppliers for residents and businesses through a Municipal Aggregation Plan. These plans provide the town with an alternative power supply option. The plan essentially pools the residents and businesses together to increase the buying power. These plans set a low, steady rate for the energy supply based on the contract length (typically 2-3 years). Standard utility basic service rates change every 6 months, so these plans offer price stability. The plan, once approved by Town Meeting, will set the utility supply rate for residents and customers who then will be able to opt out of the program at any time. The end goal of the aggregation plan will be to provide savings to residents and businesses on their energy supply rates.

ARTICLE 7
Majority Vote in Favor
5/7/12 ATM

ARTICLE 8. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money not to exceed \$25,000 for the purpose of funding a community visioning study, including all costs incidental and necessary thereto, including costs associated with outside consultants, and to authorize the Planning Board to enter into all agreements and take all related actions necessary or appropriate to carry out this study, or to take any other action relative thereto.

Sponsored by the Planning Board

Comment: The Planning Board has applied for MAPC District Local Technical Assistance grant money for this process. In the case that the grant is not awarded, the article money will act as replacement funding to ensure the community visioning study is performed. In the case that the grant is awarded, the article money will either be used to expand that study or be held for use in a second phase of the study process. The community visioning study will focus on outlining the strengths and assets of the Town while identifying issues and concerns, as they relate to land use and development. The study will provide a "vision" of what is possible and desired for the development of the Town and will be utilized as the first phase in developing an updated Master Plan.

ARTICLE 8
Majority Vote to postpone Indefinitely
5/7/12 ATM

ARTICLE 9. **Voted** that the Town in accordance with G.L. c.6, §172 BY2, to adopt a new by-law entitled, Article XVII, "Civil Fingerprinting for Certain License Applicants", which by-law requires the Police Department to conduct state and national fingerprint based criminal history checks for individuals applying for specified licenses, and further authorizes the Board of Selectmen, in consultation with the Chief of Police, to adopt appropriate policies and procedures to effectuate the purposes of the by-law, or take any other action relative thereto:

Civil Fingerprinting for Certain License Applications

1. In accordance with the provisions of G.L. c.6, §172BY2, the Police Department shall, fingerprint the persons listed below and conduct state and national fingerprint-based criminal history checks for such individuals. To carry out these criminal history checks, the Police Department shall be authorized to utilize Federal Bureau of Investigation records; provided, however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with law.

The licensing authority is hereby authorized to deny an application for any license specified herein, including renewals and transfers thereof, from any person who is determined unfit for the license due to information obtained pursuant to this by-law. Factors that shall be considered in making a determination of fitness shall include but not be limited to whether the record subject has been convicted of, or is under pending indictment for a crime that bears upon the subject's ability or fitness to serve in that capacity, including any felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, or a sex-related offense.

2. All applicants for Hawkers and Peddlers, Door-to-Door Sales, Pawn Broker, Dealers of Second Hand Articles, Ice Cream Truck Vendor, Taxi and Livery licenses, and for any license to sell alcoholic beverages, including the "responsible manager" listed on the license application, shall be subject to the requirements of this by-law.

3. The Board of Selectmen, in consultation with the Chief of Police, shall promulgate regulations for the implementation of this by-law, which may include, but shall not be limited to: establishment of submission deadlines; procedures for making recommendations to the licensing authority or making a licensing decision as a result of such criminal history check; procedures for accessing, correcting or amending any such record; criteria for fitness determinations in addition to those set forth in Section 1 of this by-law; and penalties for failure to comply with this by-law.

4. The Police Department shall charge a fee of one hundred dollars (\$100.00) for each fingerprinting and criminal history check. A portion of the fee, as specified in G.L. c.6, §172B Y2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Police Department for costs associated with the administration of the fingerprinting system.

5. This by-law and any regulations adopted hereunder shall be enforceable through any means available at law or in equity, including but not limited to non-criminal disposition under G.L. c.40, §21 D. The Chief of Police or any police officer of the Town of Swampscott shall be an enforcing person for purposes of this by-law. Each day of violation shall constitute a separate offense.

6. This by-law shall take effect after compliance with all requirements of G.L. c.40, §32 have been met.

Sponsored by the Police Department

Comment: This by-law requires the Police Department to conduct state and national fingerprint based criminal history checks for individuals applying for specified licenses, and further authorizes the Board of Selectmen, in consultation with the Chief of Police, to adopt appropriate policies and procedures to effectuate the purposes of the by-law.

ARTICLE 9
Majority Vote in Favor
5/7/12 ATM

ARTICLE 10. Voted that the Town of Swampscott approve the following resolution to call upon the United States Congress to pass and send to the states for ratification a constitutional amendment to overturn the Supreme Court's decision in Citizen's United v. Federal Elections Commission and to restore democracy to the people.

In a 5-4 ruling in the Citizens United v. Federal Election Commission, the Supreme Court held for the first time that corporations , both for-profit and not-for-profit, and unions have a First Amendment right to spend unlimited amounts from their treasuries to support or oppose candidates for elected office. Prohibitions on corporate political donations, according to the court, violate the First Amendment-guaranteed free speech rights of corporations. This ruling essentially established that according to the meaning and intent of the First Amendment, corporations should be treated as natural persons and that money equals free speech. While special interest money was always a concern in elections, corporations-including foreign corporations- may now intervene directly in elections, taking power away from voters.

Resolution

Whereas, government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern is guaranteed in the US Constitution, and;
Whereas, corporations are not mentioned in the Constitution, and The People have never granted constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of We The People of the United States; Whereas, corporations are not and have never been human beings, and therefore are rightfully subservient to human beings and governments as our legal creations;

Whereas, the recent Citizens United v. the Federal Election Commission Supreme Court decision that rolled back the legal limits on corporate spending in the electoral process creates an unequal playing field for We the People and allows unlimited corporate spending to influence elections, candidate selection, and policy decisions; Whereas, free and fair elections are essential to democracy and effective self-governance;

Therefore be it resolved that it is the sense of the Town of Swampscott, in Town Meeting assembled, that the

Constitution of the United States ought to be amended to effect that, corporations are not people and do not have the same constitutional rights as human beings, the people have the right to regulate corporations, corporations are prohibited from making campaign contributions, and Congress and states shall have the power to set reasonable limits on election spending.

Be it further resolved that the Town of Swampscott, Massachusetts calls on other communities and jurisdictions to join with us in this action by passing similar Resolutions.

Sponsored by Richard Frenkel, et al

ARTICLE 10
Majority Vote in Favor
5/7/12 ATM

ARTICLE 11. **Voted** that the Town appropriate a sum of **\$302,863** 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.

ARTICLE 11
Unanimous Vote in Favor
5/7/12 ATM

ARTICLE 12. 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.

| No. | Purpose | Requested | Recommended | |
|-----------------------------------|--|------------------|------------------|-------------|
| Funding Source | | | | |
| School Department | | | | |
| 13-01 | Replace Kitchen Equipment | 40,000 | 40,000 | Taxes |
| 13-02 | Replace Delivery Van | 30,000 | 30,000 | Taxes |
| Department of Public Works | | | | |
| 13-03 | Essex Avenue Drain Repair | 200,000 | 200,000 | STM Article |
| 13-04 | Public Building Maintenance | 141,000 | 141,000 | Taxes |
| 13-05 | Lower Paradise Road Drainage Study | 40,000 | 40,000 | Taxes |
| 13-06 | Hawthorne Brook Maintenance | 350,000 | 350,000 | Taxes |
| 13-07 | Paving Non Chapter 90 | 150,000 | 150,000 | Taxes |
| 13-08 | Open Space Maintenance and Improvements | 75,000 | 75,000 | Taxes |
| 13-09 | Paving Chapter 90 | 303,000 | 303,000 | Grant |
| 13-10 | Water Main Replacement | 501,000 | 501,000 | MWRA Loan |
| 13-11 | Replacing 4 One Ton Dump Trucks | 160,000 | 120,000 | Water/Sewer |
| 13-12 | Movement/Replacement Communication Tower | 150,000 | 150,000 | Taxes |
| Library | | | | |
| 13-13 | Technology Upgrade | 20,000 | 20,000 | Taxes |
| Board of Selectmen | | | | |
| 13-14 | Blockside Field Improvements | <u>1,857,856</u> | <u>1,857,856</u> | Taxes |
| | Total | 4,017,856 | 3,977,856 | |

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 FY2013 by the Capital Improvement Committee (CIC). Refer to Appendix A for the complete CIC report.

ARTICLE 12 (Part 1) Voted that the Town appropriate **\$2,120,000** to pay costs of the various capital items and projects set forth in the Warrant as items 13-01 through 13-13, except that the Funding Source for line 13-03 "Essex Avenue Drain Repair" be amended to "Taxes" rather than "STM Article:"

| No. | Purpose | Requested | Recommended | Funding |
|-----------------------------------|--|--------------------|-----------------------|----------------|
| Source | | | | |
| School Department | | | | |
| 13-01 | Replace Kitchen Equipment | \$40,000 | \$40,000 | Taxes |
| 13-02 | Replace Delivery Van | 30,000 | 30,000 | Taxes |
| Department of Public Works | | | | |
| 13-03 | Essex Avenue Drain Repair | 200,000 | 200,000 | Taxes |
| 13-04 | Public Building Maintenance | 141,000 | 141,000 | Taxes |
| 13-05 | Lower Paradise Road Drainage Study | 40,000 | 40,000 | Taxes |
| 13-06 | Hawthorne Brook Maintenance | 350,000 | 350,000 | Taxes |
| 13-07 | Paving Non Chapter 90 | 150,000 | 150,000 | Taxes |
| 13-08 | Open Space Maintenance and Improvements | 75,000 | 75,000 | Taxes |
| 13-09 | Paving Chapter 90 | 303,000 | 303,000 | Grant |
| 13-10 | Water Main Replacement | 501,000 | 501,000 | MWRA Loan |
| 13-11 | Replacing 4 One Ton Dump Trucks | 160,000 | 120,000 | Water/Sewer |
| 13-12 | Movement/Replacement Communication Tower | 150,000 | 150,000 | Taxes |
| Library | | | | |
| 13-13 | Technology Upgrade | <u>20,000</u> | <u>20,000</u> | Taxes |
| | Total | \$2,160,000 | \$2,120,000.00 | |

and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount, under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Article 12 (Part 1)
Unanimous Vote in Favor
5/7/2012 ATM

ARTICLE 13. Voted that the Town 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 2013 for employees subject to the Personnel By-Law.

ARTICLE 13
Unanimous Vote in Favor
5/8/12 ATM

ARTICLE 14. Voted that the Town 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.

ARTICLE 14
Unanimous Vote in Favor
5/8/12 ATM

ARTICLE 15. To see if the Town will vote to ratify the collective bargaining agreements between the Board of Selectmen and the various unions under the Board of Selectmen for the fiscal year beginning July 1, 2012, or take any action relative thereto.

Sponsored by the Board of Selectmen

Comment: The purpose of this Article is to fund the collective bargaining agreements.

ARTICLE 15
Unanimous Vote to Postpone Indefinitely
5/8/12 ATM

ARTICLE 16. **Voted** that the Town 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

Constable – \$100

ARTICLE 16
Unanimous Vote in Favor
5/8/12 ATM

ARTICLE 17. To see if the Town will vote to amend the Zoning By-Law, Section 3.2.3.7 by inserting "c. In the B- 1, B-2, B-3, and I Districts flags for commercial purposes are permitted provided such do not exceed six (6) square feet if projecting out from the face of the building, and which are not illuminated."; or take any action relative thereto.
Sponsored by Kellee Bossman et al

Article 17 requires 2/3's affirmative vote to adopt.

Voted as amended that the Town of Swampscott amend the Zoning By-Laws by adding the following clause to section 3.2.3.7:

c. In the B-1, B-2, B-3, and I Districts flags for commercial purposes are permitted provided such flags comply with the following requirements:

- i. Only one flag, projecting out from the face of the building, may be used as a sign in addition to any other sign or signs otherwise permitted in this By-Law;**
- ii. Such a flag shall be mounted in a temporary manner in order to be displayed only during business hours;**
- iii. Such a flag shall may not exceed six (6) square feet and shall be rectangular or square in shape;**
- iv. When displayed, the height of the bottom point of such flag or banner shall not be less than seven (7) feet from the path of travel;**
- v. If such flags project over Town property, permission from the Board of Selectmen is required;**
- vi. The flag shall be made of woven material, manufactured using man-made or natural fibers.**

ARTICLE 17
Unanimous Vote in Favor as Amended
5/8/12 ATM

Motion Made/2nd to reconsider Article 12 (part 2); Standing Vote: 127 YES, 98 NO RECONSIDERATION PASSES

AMENDMENT MOTION/2ND That the Town appropriate **\$1,857,856** to pay costs of the various capital items and projects set forth in the Warrant as item 13-14:

| <u>No.</u> | <u>Purpose</u> | <u>Requested</u> | <u>Recommended</u> | <u>Funding Source</u> |
|-------------------|-----------------------|-------------------------|---------------------------|------------------------------|
|-------------------|-----------------------|-------------------------|---------------------------|------------------------------|

Board of Selectmen

| | | | | |
|--------------|-------------------------------------|--------------------|--------------------|--------------|
| 13-14 | Blockside Field Improvements | \$1,857,856 | \$1,857,856 | Taxes |
|--------------|-------------------------------------|--------------------|--------------------|--------------|

and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount, under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. No funds shall be borrowed or expended

pursuant to this vote unless and until the Selectmen and Treasurer have received proof that private fundraising of at least **\$800,000** has been successfully raised. If such amount of private funds for the project is not raised by May 1, 2013, then this appropriation and its related borrowing authority shall be rescinded and of no further force or effect. I move the recommendation of the Finance Committee.

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.

ARTICLE 12 (part 2)

Majority Vote in Favor

5/8/12 ATM

ARTICLE 12 (Part 2) That the Town appropriate **\$1,857,856** to pay costs of the various capital items and projects set forth in the Warrant as item 13-14:

| <u>No.</u> | <u>Purpose</u> | <u>Requested</u> | <u>Recommended</u> | <u>Funding Source</u> |
|-------------------|-----------------------|-------------------------|---------------------------|------------------------------|
|-------------------|-----------------------|-------------------------|---------------------------|------------------------------|

Board of Selectmen

| | | | | |
|--------------|-------------------------------------|--------------------|--------------------|--------------|
| 13-14 | Blockside Field Improvements | \$1,857,856 | \$1,857,856 | Taxes |
|--------------|-------------------------------------|--------------------|--------------------|--------------|

and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount, under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. No funds shall be borrowed or expended

pursuant to this vote unless and until the Selectmen and Treasurer have received proof that private fundraising of at least \$750,000 has been successfully raised. If such amount of private funds for the project is not raised by May 1, 2013, then this appropriation and its related borrowing authority shall be rescinded and of no further

force or effect. I move the recommendation of the Finance Committee.

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.

Article 12 (Part 2)

Standing Vote: Yes 150 No 120

Motion Failed (2/3rd's required)

5/8/2012 ATM

ARTICLE 18.

To see if the Town will vote to amend the Zoning By-Law as follows:

Section 4.5.2.4. Insert "single family" to the section so that it provides: "In the Temple POD, single family and multi-family dwellings and an accessory garage or storage area, located either beside or under the dwellings, for private automobiles are allowed as right."

Section 4.5.3.0 . Amend the table of POD Dimensional Regulations for the Temple POD by inserting the following:

"Multi-family " as a header in the column listing the Dimensional Requirements in the Temple POD

A new column with the header "Single-family" listing the following Dimensional Requirements in the Temple POD

Minimum Lot Area (sf: square feet) 3,600 sf

Minimum Lot Frontage 10 feet

Front Yard Setback 5 feet

Rear Yard Setback 5 feet (north side)

Side Yard Setback 5 feet (south side)

Side Yard Setback 5 feet (east side)

Open Space Requirement Not Applicable

Maximum Height 35 feet

Minimum Size Parking Space 8ft by 16ft

Maximum Number of Dwelling Units 19

Maximum Number of Principal Structures per Lot 1

Section 4.5.4.0. Delete the current text and replace it with the following:

"4.5.4.0 Parcel Subdivision. No parcel of land in the Phillips Fire Station Planned Development District, the Burrill Senior Center Planned Development District, or the Greenwood Planned Development District may be subdivided. Or take any action relative thereto.

Sponsored by The Board of Selectmen

Comment: In 2011, the town issued an RFP soliciting offers for the former Temple Israel property. On (insert date) the Board of Selectmen voted to accept the offer submitted by Atlantic Crossing LCC. In order for Atlantic Crossing, LCC to proceed with the permitting process, amendments to the zoning bylaw as pertains to the Temple Israel Planned Development District are required.

Article 18

Standing Vote: Yes 93 No 104

Motion Failed (2/3rd's required)

5/8/2012 ATM

ARTICLE 19. Voted that the Town authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, in connection with improvements to be made within the layouts of Orchard Road, Orchard Circle, Whitman Road and Neighborhood Road under the Massachusetts Safe Routes to School Program , temporary construction easements in the portions of the parcels of land described below as shown on a plan entitled "Massachusetts Department of Transportation Highway Division Safe Routes to School Stanley School Orchard Road Orchard Circle Whitman Road Neighborhood Road Preliminary Right-of-Way Plans in the Town of Swampscott Essex County," dated October 31, 2011, prepared by Toole Design Group, on file with the Town Clerk; and, further to see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of **\$37,700.00** for this purpose and any expenses related thereto and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out these acquisitions, said parcels being described as follows:

- (a) land now or formerly owned by Deanna Cooper, and described in a deed recorded with the Essex Registry of Deeds in Book 6176, Page 13 (165 Sq.Ft.);
- (b) land now or formerly owned by Kevin S. Hill and Mary Dolarita Hill, and described in a deed recorded with said Deeds in Book 15247, Page 75 (1 ,280 Sq.Ft.);
- (c) land now or formerly owned by Douglas G. Dubin and Elizabeth Dubin, and described in a deed recorded with said Deeds in Book 18273, Page 446 (415 Sq. Ft.);
- (d) land now or formerly owned by Donald G. McBrien and Joan S. McBrien, and described in a deed recorded with said Deeds in Book 6009, Page 74 (285 Sq.Ft.);
- (e) land now or formerly owned by Arnon Vered, and described in a deed recorded with said Deeds in Book 29504, Page 99 (650 Sq.Ft.);
- (f) land now or formerly owned by Michael J. Rosenbaum and Rachelle A. Rosenbaum, and described in a deed recorded with said Deeds in Book 6627, Page 410 (750 Sq.Ft.);
- (g) land now or formerly owned by Ina Resnikoff, and described in a deed recorded with said Deeds in Book 7240, Page 550 (320 Sq.Ft.);
- (h) land now or formerly owned by Bryan A. Benevento and Stephanie J. Benevento, and described in a deed recorded with said Deeds in Land Court Case 20580A, Certificate of Title 73805 (130 Sq.Ft.);
- (i) land now or formerly owned by Domenic Potenzzone and Sherri A. Maffucci, and described in a deed recorded with said Deeds in Book 20476, Page 554 (805 Sq.Ft.);
- U) land now or formerly owned by Eleanor C. Dubin, and described in a deed recorded with said Deeds in Book 5742, Page 358 (320 Sq.Ft.);
- (k) land now or formerly owned by Faina I. Skuratovsky, and described in a deed recorded with said Deeds in Book 19987, Page 455 (320 Sq.Ft.);
- (l) land now or formerly owned by Barnacle Properties, LLC, and described in a deed recorded with said Deeds in Book 27732, Page 290 (555 Sq.Ft.);
- (m) land now or formerly owned by Michael Shea and Jean Shea, and described in a deed recorded with said Deeds in Book 9156, Page 553 (85 Sq. Ft.);
- (n) land now or formerly owned by Timothy Mouradian and Hripsime Gasparyan, and described in a deed recorded with said Deeds in Book 16653, Page 292 (815 Sq.Ft.),
or take any other action relative thereto.

Sponsored by Board of Selectmen

Comment: This will authorize the Board of Selectmen to enter into all agreements and take all related actions necessary to carry out these acquisitions of said parcels being described.

ARTICLE 19
Unanimous Vote in Favor
5/8/12 ATM

ARTICLE 20. **Voted** that the Town amend the Zoning By-Law, Section 4.2.2.0, Coastal Flood Area Overlay District (CFAOD), by deleting the provisions shown as strikethrough and inserting those provisions as shown in bold below, the remainder of the text shown below in regular type is not being changed and is provided for informational purposes only.

4.2.3.0. *Location of District.* The CFAOD is herein established as an overlay district. The CFAOD includes all special flood hazard areas **within the Town of Swampscott designated as Zone AE, AO, or VE** on the **Essex County** Flood Insurance Rate Map (FIRM), issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program, ~~dated July 2, 1992 as Zone A and V, which indicates the 100-year regulatory floodplain.~~ **The map panels of the Essex County FIRM that are wholly or partially within the Town of Swampscott are panel number 25009C0531F, 25009C0532F, 25009C0533F, and 25009C0534F dated July 3, 2012.** The exact boundaries of the CFAOD may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the ~~Flood Insurance Study booklet~~ **Essex Country Flood Insurance Study (FIS) report dated July 3, 2012.** The FIRM and ~~Flood Insurance Study booklet~~ **FIS report** are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Inspector of Buildings.

4.2.4.1. *Floodway Data.* In Zones ~~A, A1-30,~~ and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

4.2.5.1. *Reference to Existing Regulations.* All development in the CFAOD, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with the following state statute(s) and regulations. Any variance from the provisions and requirements of the below-referenced state regulations may only be granted in accordance with the required variance procedures of said regulations:

- a. G.L. Chapter 131, § 40;
- b. that section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (at the effective date hereof 780 CMR 3107.0 "~~Flood Resistant Construction~~");
- c. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (at the effective date hereof 310 CMR 10.00);
- d. Inland Wetlands Restriction, DEP (at the effective date hereof ~~302 CMR 6.00~~ **310 CMR 13.00**);
- e. Coastal Wetlands Restriction, DEP (at the effective date hereof ~~302 CMR 4.00~~ **310 CRM 12.00**); and
- f. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (at the effective date hereof 310 CMR 15, Title 5).

4.2.5.2. *Other Use Regulations:*

- a. Within Zones ~~AH and~~ AO on the FIRM, adequate drainage paths around structures on slopes is required to guide floodwaters around and away from proposed structures.
- b. In Zones ~~A1-30 and~~ AE, along watercourses that have a regulatory floodway designated on the Swampscott FIRM, encroachments are prohibited in the regulatory floodway which would result in increased flood levels within the community during the occurrence of the base flood discharge.
- c. Man-made alteration of sand dunes within Zone ~~V~~ **VE** which would increase potential flood discharge is prohibited.
- d. All new construction within Zone ~~V~~ **VE** must be located landward of the reach of mean high tide.
- e. All subdivision proposals shall be reviewed to assure that (1) such proposals minimize flood damage; (2) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and (3) adequate drainage is provided to reduce exposure to flood hazards.
- f. Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
- g. There shall be established a "routing procedure" which will circulate or transmit one (1) copy of the development plan to the Conservation Commission, Planning Board, Board of

Health and Inspector of Buildings for comments which will **be** considered by the appropriate permitting board prior to issuing applicable permits.

4.2.6.0. *Permitted Uses – A **AE** and \surd **VE** Zones.* Building permits for new construction or alteration of structures shall be approved subject to the following:

4.2.6.1. *Flood Proofing Regulations A **AE** and \surd **VE** Zones:* Any new construction or substantial improvement to be undertaken within Zones A **AE** and \surd **VE** shall be in accordance with the Massachusetts State Building Code, ~~Section 3107.0~~ **(780 CMR)**.

4.2.6.2. Storm drainage systems shall be designed in accordance with the Massachusetts State Building Code, ~~Section 3107.0~~ **(780 CMR)**.

4.2.6.3. All public utility systems, including power, communications and gas, shall be designed in accordance with the Massachusetts State Building Code, ~~Section 3107.0~~ **(780 CMR)**.

4.2.6.4. No mobile homes shall be placed within the areas designated on the Town's Flood Insurance Rate Maps (FIRM) as A **AE** or \surd **VE** Zones.

4.2.7.0. *Special Rules – Zone \surd **VE**.*

4.2.7.1. No land within the areas designated as \surd **VE** (Velocity) Zones on the Town's Flood Insurance Rate Maps (FIRM) shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide, and meets the additional requirements of this Zoning By-Law.

4.2.7.2. Existing uses/structures located on the land below the base flood elevation in coastal high hazard area (Zone \surd **VE**) shall not be expanded; repairs and alterations not exceeding substantial improvement shall be in accordance with the Massachusetts State Building Code, ~~Section 3107.0~~ **(780 CMR)**.

4.2.7.3. Any man-made alteration of sand dunes within Zone \surd **VE** which might increase the potential for flood damage to existing structures is prohibited.

4.2.7.4. New construction or substantial improvements of structures within Zone \surd **VE** shall have the space below the lowest floor free of obstructions or be constructed with "breakaway walls" intended to collapse under stress without jeopardizing the structural support of the structure so that impact on the structure by abnormally high tides or wind-driven water is minimized. Such temporary enclosed space shall not be used for human habitation.

4.2.7.5. All new construction and substantial improvements within Zone \surd **VE** shall be elevated on adequately anchored pilings or columns, and securely anchored to such pilings or columns so that the lowest portion of all structural members supporting the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. A registered engineer or architect shall certify that the structure is adequately anchored to withstand velocity waters and hurricane wave wash.

4.2.7.6. The use of fill for structural support for existing structures, new construction, or substantial improvements of structures within Zone \surd **VE** is prohibited.

4.2.10.1. For the purpose of the determination of applicable flood insurance risk premium rates within the Zone \surd **VE** on a community's FIRM:

a. Obtain the elevation (in relation to mean sea level) of the lowest portion of all structural members supporting the lowest floor of all new or substantially improved structures, and whether or not such structure contain a basement.

b. Obtain, if the structure has been flood proofed, the elevation (in relation to mean sea level) to which the structure was flood proofed.

c. Maintain a record of all such information.

4.2.11.0. *Notification of Watercourse Alteration.* A property owner shall notify the following, in a riverine situation, of any alteration or relocation of a watercourse: Adjacent communities; NFIP State Coordinator, ~~Massachusetts Office of Water Resources, 100 Cambridge Street, Boston, MA 02202~~; NFIP Program Specialist, ~~FEMA Region I, Room 462, J.W. McCormack Post Office & Courthouse, Boston, MA 02109~~.

Sponsored by the Planning Board

Comment: The Federal Emergency Management Agency (FEMA) has updated its Flood Insurance Rate Maps (FIRM). In order to Swampscott to remain a participating community within

the National Flood Insurance Program, a number of revisions need to be made to the Coastal Flood Area Overlay District Bylaw. These revisions reflect changes to zone designations and reference information. In short the changes include:

- 4.2.3.0 – rewording to reflect the new Essex County maps and applicable zones within Swampscott as well as the date of the new map.
- 4.2.4.1 – removal of reference to Zones A1-A30 as FEMA no longer uses these zone designations. There also is no Zone A in Swampscott.
- 4.2.5.1(b), (d), (e) – updating building code reference.
- 4.2.5.2(a) – removal of reference to Zone AH as Swampscott does not include this zone.
- 4.2.5.2(b) - removal of reference to Zones A1-A30 as FEMA no longer uses these zone designations.
- 4.2.5.2(c), (d) – replace references of Zone V to Zone VE as this is the new zone designation.
- 4.2.6.0 through 4.2.10.0 - replace references of Zone A to Zone AE and Zone V to Zone VE as these are the new zone designations.
- 4.2.6.1, 4.2.6.2, 4.2.6.3, 4.2.7.2 – updating building code reference.
- 4.2.11.0 – removing address information for NFIP State Coordinator and NFIP Program Specialist as the addresses have changed – removing address will negate the need to update the By-Law should the addresses change again in the future.

Sponsored by the Planning Board

ARTICLE 20
Unanimous Vote in Favor
5/8/12 ATM

ARTICLE 21. To see if the Town will vote to amend the Zoning By-Law, Section 5.2.2.1, Site Plan Special Permit Granting Authority, and Section 5.4.3.0, Site Plan Special Permit Procedures, by deleting the provisions shown as strikethrough and inserting those provisions as shown in bold below, the remainder of the text shown below in regular type is not being changed and is provided for informational purposes only.

5.2.2.1. The Board of Appeals shall have the power to hear and decide applications for special permits, including, without limitation, dimensional special permits, ~~site plan special permits~~ and any other special permits permitted under this By-Law. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of this By-Law. The Planning Board shall have the power to hear and decide applications for site plan special permits ~~where it serves~~ **and shall serve** as the Site Plan Special Permit Granting Authority pursuant to Section 5.4.3.0. below.

5.4.3.0. ~~Procedures In order to streamline the permitting process, the special permit granting authority for the purposes of site plan special permits under Section 5.4.0.0. (the "Site Plan Special Permit Granting Authority") shall be (i) the Board of Appeals if the project or development requiring the site plan special permit also requires one (1) or more additional special permits or variances from the Board of Appeals, or (ii) the Planning Board in all other cases. Notwithstanding the foregoing, any application for a Site Plan Special Permit filed with the Board of Appeals shall be automatically transferred to the Planning Board, and the Planning Board shall become the Site Plan Special Permit Granting Authority and the Board of Appeals shall take no further action with regard to an application for a Site Plan Special Permit, in either of the following circumstances: (a) the application pending before the Board of Appeals is amended so as to no longer require any other special permits or variances (except for a Site Plan Special Permit), or (b) all of the applicant's requests for variances (except for a Site Plan Special Permit) are denied by the Board of Appeals.~~ **The Special Permit Granting Authority for the purposes of site plan special permits under this Section 5.4.0.0. shall be the Planning Board in all cases, whether the project or development requires only the site plan special permit and no additional special permits or variances, or if the project or development requiring the site plan special permit also requires one (1) or more additional special permits or variances from the Board of Appeals.**

~~Applicants for site plan special permits~~ **In the case where a project or development requires a site plan special permit but no additional special permits or variances, the applicant shall submit six (6) copies of the site plan to the Planning Board. Seven (7) copies are required if the project entails the demolition, in whole or in part, of any building structures which are seventy-five (75) years or older, two (2) copies of the site plan review materials with the application to the Town Clerk, one (1) copy of the site plan to the Town Planner, and within three (3) days thereafter shall also submit a copy of the site plan materials to the Board of Health, Inspector of Buildings, Town Engineer, Fire Department and Conservation Commission for their advisory review and written recommendations and/or comments.**

~~if it is the Site Plan Special Permit Granting Authority for review,~~ **In the case where a project or development requires a site plan special permit and one (1) or more additional special permits or variances, the applicant shall submit six (6) copies of the site plan to the Planning Board, seven (7) if the project entails the demolition, in whole or in part, of any building structures which are seventy-five (75) years or older, nine (9) copies of the site plan to the Board of Appeals if it is the Site Plan Special Permit Granting Authority, two (2) copies of the site plan review materials with the application to the Town Clerk, one (1) copy of the site plan to the Town Planner, and within three (3) days thereafter shall also submit a copy of the site plan materials to the Board of Health, Inspector of Buildings, Town Engineer, Fire Department, and Conservation Commission and, if the Planning Board is not the Site Plan Special Permit Granting Authority, the Planning Board, for each of their advisory review and written recommendations and/or comments.**

~~Where the Board of Appeals is the Site Plan Special Permit Granting Authority, the Site Plan Special Permit Granting Authority shall not take final action on any Site Plan Special Permit until the earlier of (i) thirty-five (35) days after filing of the Site Plan Special Permit application with the Site Plan Special Permit Granting Authority, and (ii) receipt by the Site Plan Special Permit Granting Authority of written reports from the Board of Health, Inspector of Buildings, Town~~

~~Engineer, Fire Department, Conservation Commission and, if the Planning Board is not the Site Plan Special Permit Granting Authority, the Planning Board. Where the Planning Board is the Site Plan Special Permit Granting Authority, t~~The Site Plan Special Permit Granting Authority shall not take final action on any Site Plan Special permit until the earlier of (i) twenty (20) days after filing of the Site Plan Special Permit application with the Site Plan Special Permit Granting Authority, and (ii) receipt by the Site Plan Special Permit Granting Authority of written reports from the Board of Health, Inspector of Buildings, Town Engineer, Fire Department, and Conservation Commission.

Sponsored by the Planning Board

Comment: The Planning Board is requesting that it become the site plan special permit granting authority in all cases. Currently the Planning Board is the granting authority only if petitioner is requesting a site plan special permit. For instances that also include any other special permits or variances, the site plan special permit granting authority shifts to the ZBA. By maintaining site plan special permit granting authority under the Planning Board, it will ensure ease-of-understanding for applicants while also consistency of decisions in cases of site plan special permits.

ARTICLE 21
Unanimous Vote to Postpone Indefinitely
5/8/12 ATM

ARTICLE 22. **Voted** that the Town 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 COA programs; and further to allow the Council on Aging to expend funds not to exceed \$30,000 for fiscal year 2013 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 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

ARTICLE 22
Unanimous Vote in Favor
5/8/12 ATM

ARTICLE 23. **Voted** that the Town 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 2013 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.

ARTICLE 23
Unanimous Vote in Favor
5/8/12 ATM

ARTICLE 24. **Voted** that the Town 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 2013 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.

ARTICLE 24
Unanimous Vote in Favor
5/8/12 ATM

ARTICLE 25. **Voted** that the report of the Finance Committee on the Fiscal Year 2013 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.

VOTED AMENDMENT: INSURANCE pg. 23 of the Annual Town Meeting Warrant under line item "Property & Casualty Insurance" to increase Finance Committee Recommended FY13 from 350,000 to 650,000.

VOTED AMENDMENT that the Board of Health unanimously recommends an amendment to Article 25, under Health and Sanitation, Health Department, to increase the line item for Health Nurse by \$14, 634 to level fund the Public Health Nurse for the Town of Swampscott.

ARTICLE 25
Majority Vote in Favor as Amended
5/8/12 ATM

ARTICLE 26. Voted that the Town transfer from the Water Retained Earnings of the Water Enterprise Fund to the account of Current Revenue the sum of **\$250,000** 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.

ARTICLE 26
Unanimous Vote in Favor
5/8/12 ATM

ARTICLE 27. **Voted** that the Town transfer from the Sewer Retained Earnings of the Sewer Enterprise Fund to the account of Current Revenue the sum of **\$150,000** to be used and applied by the Board of Selectmen in the reduction of the sewer 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 sewer user fees and other revenues plus unexpended funds from the sewer department's budget. This is normally surplus revenue available for Town Meeting to be used to reduce rates for the coming year.

ARTICLE 27
Unanimous Vote in Favor
5/8/12 ATM

ARTICLE 28. **Voted** that the Town transfer **\$125,000** from the Assessor's Overlay Surplus Account of the Town to the account of Current Revenue 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: These funds have been deemed surplus and will be used to offset the cost for the town's full measure and list which is in the Assessor's Budget.

ARTICLE 28
Unanimous Vote in Favor
5/8/12 ATM

ARTICLE 29. Voted that the Town transfer from Free Cash of the Town to the account of Current Revenue **\$220,000** 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

ARTICLE 29
Unanimous Vote in Favor
5/8/12 ATM

ARTICLE 30. **Voted** that the Town 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

ARTICLE 30
Unanimous Vote in Favor
5/8/12 ATM

The Town of Swampscott
Town Warrant
May 2012

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 7, 2012**, 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 7, 2012, 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 7, 2012, 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. **Voted** that the Town appropriate **\$1,400,000** to improve the Town's sewer system and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow \$1,400,000 under MGL c. 44 or any other enabling authority; and the Board of Selectmen and/or the Town Administrator be authorized to contract for and expend any federal, state or State Revolving Fund (SRF) aid available for the project, and to authorize the Board of Selectmen and/or the Town Administrator to submit, on behalf of the Town, any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts or the United States under any state and/or federal programs to receive and accept such grants or reimbursement for this purpose, and/or any others in any way connected with the scope of this Article, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this vote and that the Board of Selectmen and/or the Town Administrator be authorized to take any other action necessary to carry out this project., or take any action relative thereto.

Sponsored by the Town Administrator

Comment: The original vote taken under Article 12 at the 2007 Annual Town Meeting restricted the use of this money to FY08. This article will allow the town to use this money in any fiscal year.

ARTICLE 1
Majority Vote in Favor
5/7/12 STM

ARTICLE 2. To see if the Town will vote to appropriate the funds necessary, by borrowing or otherwise, to fund and implement the first year of the collective bargaining agreements between the Board of Selectmen and Department of Public Works and Police Department for the fiscal year beginning July 1, 2011, or take any action relative thereto.

Sponsored by the Town Administrator

Comment: The purpose of this Article is to fund the collective bargaining agreements with the Police and DPW.

Voted that the Town appropriate **\$23,479 to the Department of Public Works and \$80,662 to the Police Department**, by borrowing or otherwise, to fund and implement the first year of the collective bargaining agreements between the Board of Selectmen and Department of Public Works and Police Department for the fiscal year beginning July 1, 2011, or take any action relative thereto.

ARTICLE 2
Unanimous Vote in Favor
5/7/12 STM

ARTICLE 3. **Voted** that the Town transfer from Free Cash of the Town to the account of Current Revenue **\$95,000** 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.

ARTICLE 3
Unanimous Vote in Favor
5/7/12 STM