



Select Board Regular Session Minutes  
Swampscott High School  
200 Essex St., B129  
March 11, 2024  
6:00 PM

**SELECT BOARD MEMBERS PRESENT:** MARYELLEN FLETCHER, DAVID GRISHMAN, KATIE PHELAN, PETER SPELLIOS, DOUG THOMPSON

**OTHER TOWN OFFICIALS PRESENT:** SEAN FITZGERALD, TOWN ADMINISTRATOR; AMY SARRO, DIRECTOR OF FINANCE & ADMINISTRATION; PETE KANE, ASSISTANT TOWN ADMINISTRATOR/DIRECTOR OF PLANNING; PATRICK LUDDY, TOWN TREASURER

**OTHER:** TOM MCENANEY, ATTORNEY, K.P. LAW

MEETING OPENED AT 6:01 PM

**A. NEW & OLD BUSINESS (POSSIBLE ACTION/VOTES OF THE BOARD):**

**1. DISCUSSION & POSSIBLE VOTE FOR SOCIAL CLUB ALL ALCOHOL ANNUAL LIQUOR LICENSE PERMITS:**

UPON **MOTION**, DULY MADE BY PETER SPELLIOS, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED** TO APPROVE THE ANNUAL LIQUOR LICENSES FOR THE SOCIAL CLUBS: ANY IN FAVOR: ALL. ANY AGAINST: NONE. **MOTION CARRIES.**

MR. SPELLIOS STATED THAT THE BOARD HAS LEARNED THAT STATE LIQUOR LAW HAS A PROCESS THAT ALLOWS A PRIVATE CLUB TO LIMIT MEMBERSHIP (SUCH AS BY RELIGION, RACE, GENDER, SEXUAL ORIENTATION) AND SUGGESTED THAT STATE LAW SHOULD CONSIDER THIS SINCE THE TOWN, THROUGH THE LICENSE, IS GIVING THE CLUBS A REVENUE SOURCE. HE HAD A CONCERN THAT SOME CLUBS IN TOWN LIMIT BY GENDER AND RECOMMENDS THAT CLUBS IN TOWN HAVE BYLAWS THAT ALLOW WOMEN.

**2. DISCUSSION & POSSIBLE VOTES ON SPECIAL TOWN MEETING WARRANT ARTICLES:**

i. **ARTICLE 5 – ELECTION DATE CHANGES:** NO ACTION HAS BEEN TAKEN ON ARTICLE 5.

ii. **ARTICLE 6 – ALLOWING 16- & 17-YEAR OLDS TO VOTE IN LOCAL ELECTIONS AND RUN FOR TOWN MEETING:** NO ACTION HAS BEEN TAKEN ON ARTICLE 6.

THE BOARD REVIEWED THE PROPOSED MOTION TO COMBINE ARTICLES 5 & 6. MR. SPELLIOS NOTED THAT ANY VOTE WILL REQUIRE A CHARTER CHANGE AND THEN ACTION BY THE LEGISLATURE. MS. FLETCHER HAD CONCERNS ABOUT THE NUMBER OF MEMBERS FOR THE COMMITTEE, HOW MANY OF THEM WOULD BE SELECTED BY THE TOWN MODERATOR, AND THE OCT 1 TIMING. SHE SUGGESTED A LONGER PERIOD OF TIME AND STATED THAT SOME RESIDENTS HAD PUT TOGETHER IDEAS ABOUT A STUDY ON VOTING RELATED TO ARTICLES 5 & 6. MR. THOMPSON THANKED MR. SPELLIOS FOR BRINGING UP THE TOPICS AND IS GOOD WITH THE MOTION/AMENDMENT AND THE DATE. HE AGREES WITH MS. FLETCHER ABOUT THE MEMBERSHIP. MR. THOMPSON STATED THAT THE RESIDENT RECOMMENDATION INCLUDES A RECOMMENDATION ON THE COMMITTEE MAKEUP. MS. FLETCHER SUGGESTED EDITING THE MOTION: TO HAVE 11 MEMBERS (1 SELECT BOARD, 1 SCHOOL COMMITTEE, 1 ALL AGES COMMITTEE, 1 DISABILITY COMMISSION, 1 PERSON 18-22 Y.O. REGISTERED VOTER APPOINTED BY THE TOWN MODERATOR, OTHERS TO BE A DIVERSE MIX OF AGES AND PROFESSIONS AND ONE FROM EACH PRECINCT BUT NOT HAVING TO BE TOWN MEETING MEMBERS. MR. SPELLIOS SUGGESTED POSSIBLY GOING TO 13 MEMBERS IN ORDER TO INCLUDE TWO 16-17 Y.O. MEMBERS. MS. FLETCHER AGREED WITH THE 13-MEMBER IDEA AND ASKED ABOUT WHAT OTHER ITEMS FROM THE RESIDENT PROPOSAL SHOULD BE INCLUDED IN THE MOTION. THE BOARD AGREED THAT THE MAKEUP SHOULD BE INCLUDED AND COLLABORATED TO REVISE THE MOTION.

UPON **MOTION**, DULY MADE BY MARYELLEN FLETCHER, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED** TO AMEND THE MOTION FOR ARTICLES 5 & 6 TO INCLUDE 13 MEMBERS AS FOLLOWS: ONE SELECT BOARD MEMBER, ONE

SCHOOL COMMITTEE MEMBER, ONE MEMBER OF SWAMPSCOTT FOR ALL AGES, ONE COMMISSION ON DISABILITY MEMBER, ONE MEMBER PREFERABLY AGED 18-22, REGISTERED TO VOTE IN SWAMPSCOTT AND APPOINTED BY THE TOWN MODERATOR, TWO 16-17 YEAR OLD RESIDENTS AND ONE REGISTERED VOTER FROM EACH OF THE SIX PRECINCTS, APPOINTED BY THE SELECT BOARD WITH THE TOWN CLERK SERVING AS EX-OFFICIO TO THE COMMITTEE: ANY IN FAVOR: ALL. ANY AGAINST: NONE. MOTION CARRIES.

III. ARTICLE 8 – PARC GRANT FOR FOUR PICKLEBALL COURTS: UPON **MOTION**, DULY MADE BY PETER SPELLIOS, SECONDED BY DOUG THOMPSON, IT WAS **VOTED** TO RECOMMEND FAVORABLE ACTION ON ARTICLE 8: ANY FOR: (PHELAN, SPELLIOS, THOMPSON, GRISHMAN). ANY AGAINST: (FLETCHER). MOTION CARRIES.

SELECT BOARD:

MR. THOMPSON FEELS THAT ARTICLE 8 SHOULD GET A FAVORABLE RECOMMENDATION FROM THE BOARD BUT THAT THE PROCESS COULD HAVE BEEN BETTER. HE'S HEARD FROM MANY PEOPLE ON BOTH SIDES. HE'S HOPEFUL THAT, BASED ON MARZIE'S PRESENTATION, PEOPLE WILL UNDERSTAND THE PROJECT BETTER AND MOVE FORWARD WITH IT WHILE ADDRESSING PEOPLE'S CONCERNS.

MS. FLETCHER FEELS OPPOSITE TO MR. THOMPSON; SHE'S VERY DISAPPOINTED IN THE PROCESS AND WISHES IT CAME TO THE BOARD MUCH EARLIER SO THERE WERE MORE CONVERSATIONS AND CONSIDERATIONS OF OTHER LOCATIONS. SHE WAS SURPRISED TO SEE IT ON THE WARRANT AGAIN AND CAN'T SUPPORT IT AT THIS TIME AFTER READING A LETTER FROM MR. MALONEY (PREVIOUS CONCOM MEMBER) AND JOE SMULLIN (AN ACOUSTICS PROFESSIONAL), AS WELL AS CONCERNS ABOUT PARKING. MS. FLETCHER IS NOT WILLING TO VOTE YES BUT WANTS TO TAKE A STEP BACK AND FIND ANOTHER LOCATION (TEDESCO, AGGREGATE).

MS. PHELAN NOTED THAT A MAJORITY OF TOWN MEETING HAD VOTED IN FAVOR AND THAT THOSE PEOPLE FEEL LIKE THEY AREN'T BEING HEARD. SHE FEELS THE LOGIC IS FAULTY DUE TO THE PREVIOUS VOTE REQUIRING SUPER MAJORITY VS CURRENT VOTE REQUIRING SIMPLE MAJORITY, THAT PARKING CAN BE ACCOMMODATED AND NOTED THAT THE BOATS WILL BE REMOVED, WHICH WILL OPEN UP MORE PARKING SPACES. SHE ALSO NOTED THAT THE PROJECT WILL HAVE TO GO THROUGH CONCOM DUE TO FLOODING – THEY AREN'T JUST "YES" SAYERS AND SHE ISN'T WORRIED ABOUT THAT PROCESS. SHE AGREES WITH MR. THOMPSON THAT IT SHOULD BE FAVORABLY RECOMMENDED.

MR. SPELLIOS ALSO NOTED THAT IT WAS A MAJORITY OF TOWN MEETING THAT SUPPORTED IT AND FEELS THAT HAD IT PREVIOUSLY BEEN FOR FREE CASH THERE WOULDN'T BE A SUPER MAJORITY REQUIREMENT.

MR. GRISHMAN STATED THAT HE'S IN SUPPORT AND HAS RECEIVED A LOT OF OUTREACH FROM RESIDENTS. HE FEELS DISHEARTENED DUE TO THE NEGATIVE ACTIONS OF RESIDENTS – INCLUDING THE STAFF AT BERTRAM HOUSE.

THE BOARD REVIEWED WHO WILL BE MAKING VARIOUS MOTIONS AT TOWN MEETING. MR. THOMPSON STATED HE WILL MAKE THE MOTION FOR ARTICLE 7 (SPECIALIZED CODE). TA FITZGERALD WILL SPEAK ON ARTICLE 4.

UPON **MOTION**, DULY MADE BY MR. SPELLIOS, SECONDED BY MS. PHELAN, IT WAS UNANIMOUSLY **VOTED** TO ADJOURN AT 6:36 P.M.: ALL IN FAVOR: YES. ANY AGAINST: NO. MOTION CARRIES.

TRUE ATTEST,

*Dianne Marchese*

DIANNE MARCHESE, ADMINISTRATIVE ASSISTANT TO THE TOWN ADMINISTRATOR & SELECT BOARD

MINUTES APPROVED BY THE SELECT BOARD ON APRIL 3, 2024

ATTACHMENTS:

TOWN MEETING WARRANT



**2024 Special Town Meeting**

# **WARRANT REPORT**

*Town of Swampscott*



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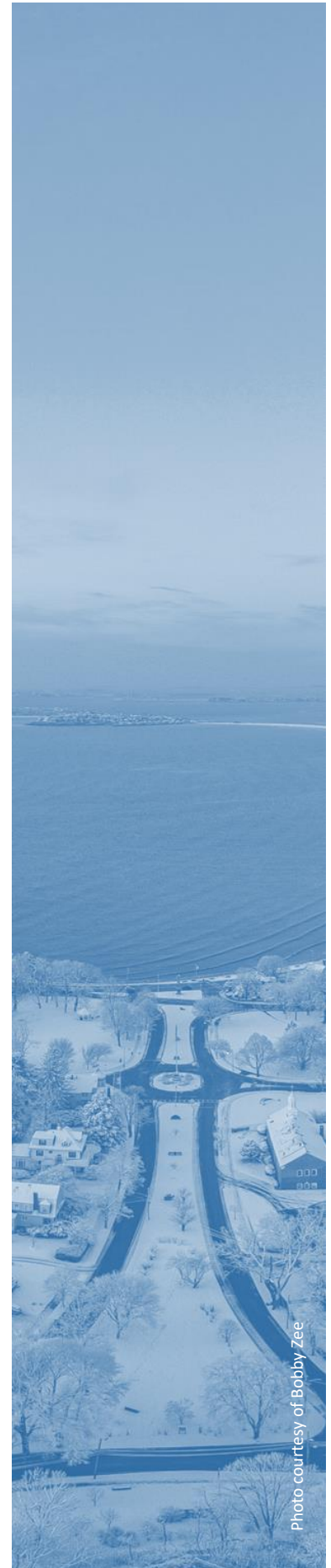


Photo courtesy of Bobby Zee

# NOTICE OF SPECIAL TOWN MEETING

Monday, March 11, 2024, 7:00 PM

To Town Meeting Members:

Notice is hereby given in accordance with Article II, Section 2 of the General Bylaws of the Town of Swampscott that the Special Town Meeting will be held on Monday, March 11, 2024, beginning at 7:00 pm 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 Michael McClung will preside.

Respectfully,

Jared H. LaLiberte  
Town Clerk

## NOTICE OF PRECINCT CAUCUS MEETINGS

Caucus meetings for all Swampscott precincts have been scheduled for Monday, March 11, 2024, beginning at 6:45 pm in the Swampscott High School located at 200 Essex Street, Swampscott. Room assignments are as follows:

Precinct 1 – Room C101  
Precinct 2 – Room C103

Precinct 3 – Room C104  
Precinct 4 – Room C105

Precinct 5 – Room C107  
Precinct 6 – Room B208

**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; and
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.

Respectfully,

Jared H. LaLiberte  
Town Clerk

# TOWN WARRANT | MARCH 11, 2024

## Town of Swampscott

### **ARTICLE 1** AMEND APPROPRIATION FOR FISCAL YEAR 2024 OPERATING BUDGET / ALLOCATION OF CH. 70 FUNDS TO SCHOOL DISTRICT

To see if the Town will vote to amend various line items in the FY2024 budget as recommended by the Finance Committee as follows, and further, to transfer from available funds, or borrow a sum of money therefor, or take any action relative thereto.

*Comment: This Article increases the Swampscott School Department Budget to reflect an increase of \$186,001 in additional Chapter 70 aid contained in the final state budget which passed the Legislature and signed by the Governor in July 2023 (after the Annual Town Meeting).*

#### **Sponsored by the Select Board and Town Administrator**

The Select Board  
recommends favorable  
action on the Article.

The Finance Committee  
recommends favorable  
action on the Article.

| FY2024 APPROVED<br>BUDGET | LINE ITEM<br>NO. | ORG/OBJ        | DEPARTMENTAL BUDGETS              | RECOMMENDED<br>AMENDMENTS | NEW FY2024 RECOM.<br>BUDGET AS APPROVED |
|---------------------------|------------------|----------------|-----------------------------------|---------------------------|---|
| <b>EMPLOYEE BENEFITS</b>  |                  |                |                                   |                           |   |
| \$7,311,701               |                  | 0191402 57050  | EMPLOYEE GROUP/HEALTH             | (\$186,001)               | \$7,125,700                             |
| <b>\$14,210,225</b>       | <b>59</b>        | <b>0191402</b> | <b>EMPLOYEE BENEFITS SUBTOTAL</b> | <b>(\$186,001)</b>        | <b>\$14,024,224</b>                     |
| \$31,008,713              | 57               | 0199202        | TOTAL PUBLIC SCHOOLS              | \$186,001                 | \$31,194,714                            |
| <b>\$31,008,713</b>       | <b>57</b>        | <b>0199202</b> | <b>PUBLIC SCHOOLS SUBTOTAL</b>    | <b>\$186,001</b>          | <b>\$31,194,714</b>                     |
| <i>Net Change</i>         |                  |                |                                   | \$0                       |   |

### **ARTICLE 2** APPROVE TRANSFER OF FREE CASH – HOMELESS/FOSTER CARE TRANSPORTATION

To see if the Town will vote to transfer from Free Cash the sum of \$26,445 to the Fiscal Year 2024 school operating budget (line 57) to be used to offset the costs in the school budget for homeless and foster care transportation, or take any action relative thereto.

*Comment: By law the McKinney-Vento Homeless children and youth program requires that children that attend the school assigned to them by their local school district are entitled to the same transportation that is offered to other children in the district. For pre-school aged children, the district must provide services comparable to those provided for non-homeless children. When a homeless child continues to attend his/her school of origin while staying in a different district, the districts must work together to determine how to share transportation costs and responsibilities. If an agreement cannot be reached, then responsibility and costs must be shared equally. In FY23, the school operating budget incurred a total of \$76,350 in costs for homeless and foster care transportation. The Town received a reimbursement from the State for a portion of these expenses incurred in FY23 in the amount of \$26,445, which was paid into the Town's general fund. The purpose of this Article is to transfer the reimbursed fund received from the State to the School Department for the costs incurred by the School Department for homeless/foster care transportation to the School District.*

#### **Sponsored by the Select Board and Town Administrator**

The Select Board  
recommends favorable  
action on the Article.

The Finance Committee  
recommends favorable  
action on the Article.

**ARTICLE 3**      *AMEND APPROPRIATION FOR FISCAL YEAR 2024 OPERATING BUDGET / COLLECTIVE BARGAINING AGREEMENTS*

To see if the Town will vote to amend various line items in the FY2024 budget to fund the cost items contained in the provisions of the first year of the Collective Bargaining Agreements between the Town of Swampscott and AFSCME COUNCIL 93, LOCAL 2610, covering the period of July 1, 2023, through June 30, 2026, and further, to transfer from available funds, or borrow a sum of money therefor, or take any action relative thereto.

*Comment: This Article supports the funding of a Collective Bargaining Agreement with AFSCME Council 93, Local 2610 (Public Works).*

**Sponsored by the  
Town Administrator**

The Select Board recommends favorable action on the Article.

The Finance Committee will report on the Article at the Special Town Meeting.

| FY2024 APPROVED BUDGET | LINE ITEM NO. | ORG/OBJ        | DEPARTMENTAL BUDGETS              | RECOMMENDED AMENDMENTS | NEW FY2024 RECOM. BUDGET AS APPROVED |
|------------------------|---------------|----------------|-----------------------------------|------------------------|--------------------------------------|
|                        |               |                | <b>EMPLOYEE BENEFITS</b>          |                        |                                      |
| \$7,125,700            |               | 0191402 57050  | EMPLOYEE GROUP/HEALTH             | (\$45,900)             | \$7,080,210                          |
| <b>\$14,024,224</b>    | <b>59</b>     | <b>0191402</b> | <b>EMPLOYEE BENEFITS SUBTOTAL</b> | <b>(\$45,900)</b>      | <b>\$13,978,734</b>                  |
|                        |               |                |                                   |                        |                                      |
| \$347,925              |               | 0149901 511000 | PERSONNEL                         | \$45,490               | \$393,415                            |
| <b>\$460,980</b>       | <b>38</b>     | <b>0149901</b> | <b>DPW PERSONNEL SUBTOTAL</b>     | <b>\$45,490</b>        | <b>\$506,470</b>                     |
| <i>Net Change</i>      |               |                |                                   | \$0                    |                                      |

**ARTICLE 4**      *HOME RULE LEGISLATION OR OTHER SPECIAL LEGISLATION: CHAPTER 61B*

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation exempting the Town from the requirement to accept and grant applications for valuation, assessment, and taxation of land under the provisions of Mass. Gen. Laws Chapter 61B while maintaining the Town's first refusal option and ability to collect any and all conveyance and roll-back taxes for applications previously granted under Mass. Gen. Laws Chapter 61B; provided however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Select Board to approve such amendments, or take any action relative thereto.

*Comment: Chapter 61B was enacted to provide incentives to create and maintain open space by reducing the property taxes of open space and certain recreational land. This Article seeks to exempt the Town of Swampscott from this requirement as the current entity that utilizes this exemption, Tedesco Country Club, enjoys the reduced tax costs but limits access to its property. The intent of Chapter 61B is being lost – and results in the community members being denied access to the open space while the property owner enjoys lower taxes. The country club saw tax savings this current fiscal year of \$174,977 and \$1,929,246 over the last ten years. These funds could have been used to support important services in our community, including education, public safety, and infrastructure improvements.*

**Sponsored by the  
Select Board and Town  
Administrator**

The Select Board recommends favorable action on the Article.

The Finance Committee recommends favorable action on the Article.

**ARTICLE 5** *CHARTER & GENERAL BYLAWS AMENDMENTS: ELECTION-RELATED PROVISIONS*

To see if the Town will vote to:

(A) Amend the Town Charter to establish a minimum number of votes for election as a Town Meeting Member, require a postcard and early voting application be sent to all residents of the Town, mandate early voting in person and early voting by mail, provide for the Annual Town Election to occur after the Annual Town Meeting, and extend the terms of those elected at the annual election occurring the year prior to the implementation of this act to be consistent with the new election date; further, to authorize the Select Board to file with the General Court a petition for special legislation to amend the Town Charter and to authorize the General Court to make changes of form only to the bill without the approval of the Select Board and to authorize the Select Board to approve such changes as are within the public purposes of the petition for special legislation authorized hereunder, as follows:

An Act Relative to the Charter of the Town of Swampscott

SECTION 1. The Charter of the town of Swampscott set forth in section 6 of chapter 106 of the acts of 2016, is hereby amended by deleting the sixth sentence of section 2-2 and inserting in place thereof the following sentence:- The Town Clerk shall, after every election of town meeting members, forthwith notify each member by mail of that member's election, provided, however, that no candidate shall be deemed to be elected if they received fewer than 10 votes.

SECTION 2. Section 2-3 of said charter of the town of Swampscott is hereby amended by deleting the first sentence thereof and inserting in its place the following sentence:- The articles for the warrant for each town meeting, so far as they relate to the election of the moderator, town officers and town meeting members, and as herein provided, to referenda, and all matters to be acted upon and determined by ballot, shall be known as the annual town election and shall be acted upon and determined by the voters of the town in their respective precincts on a date following the annual town meeting.

SECTION 3. Section 2-5 of said charter is hereby amended by inserting at the end of the title the following words:- ; Representative Town Meeting Member Vacancies.

SECTION 4. Said section 2-5 of said charter is hereby further amended by deleting the third through fifth sentences thereof and inserting in place thereof the following sentences:- Any vacancy in town meeting membership caused by the resignation of a town meeting member shall be filled by offering the position to the person who received the next highest number of votes at the last election who received at least 10 votes. If there is a tie, then the vacancy shall be filled by lottery. If the person with at least 10 votes who received the next highest vote declines appointment, then the vacancy shall be offered to the person who received at least 10 votes and got the next highest vote or, if a lottery shall be held and if that person declines or if there is no list of persons who received at least 10 votes and got the next highest vote, then the vacancy shall be filled by the precinct caucus, by ballot, by a majority of those present and voting for the unexpired term.

SECTION 5. Section 3 of said charter is hereby amended by deleting sections 3-1 through 3-2A and inserting in place thereof the following and by renumbering the remaining sections of said chapter 3 accordingly:-

**Sponsored by the  
Select Board and Town  
Administrator**

The Select Board will report on the Article at the Special Town Meeting.

Section 3-1 Annual Election. The annual town election shall be held after the annual town meeting on the second consecutive Saturday and Sunday in the month of June. Polls shall be open on both days at least 10 consecutive hours between 7:00 a.m. and 8:00 p.m., with the polls staying open on at least one day until 8:00 p.m. When polls close on the first day, machine tally tapes will not be posted. Write-in ballots and those in the auxiliary bin of the ballot box will be separately sealed and not reopened until after the close of polls on the second day. On the second day, when the polls close the machine tapes shall be posted for day 1 and day 2 of the election. The totals shall then be adjusted by the write-in votes and auxiliary bin ballots from day 1 and day 2. Except as set forth herein, the election shall be held consistent with state election law.

Section 3-2 Absentee and Early Voting. The Town shall, no later than 45 days prior to a municipal election send a postcard and early voting application to all residences within the town notifying the inhabitants of the date of the election and the process for voting by absentee or early voting by mail or in person.

Section 3-2A Early voting by Mail and In Person. There shall be in the town of Swampscott early voting by mail and early voting in person for all municipal elections not held on the date of a state primary or state regular or special election, which, except as provided herein, shall be held in compliance with section 25B of chapter 53 of the elections laws. Early voting in person shall be provided in a convenient site from the 11th day prior to the date of the election to the 4th day prior to the date of the election, for at least 6 consecutive hours each weekend and 100% of the usual business hours of the clerk's office on other days; provided, however, that if such period includes a Saturday and a Sunday the town need provide early voting in person on only one weekend day. Should the town hold a special election on the same date as a state primary or state regular or special election, early voting shall be conducted as required by section 25B of chapter 54 of the general laws.

Section 3-3 Board of Selectmen. The board of selectmen shall consist of 5 members elected for alternating 3-year terms, with not more than 2 seats expiring in any 1 year

SECTION 6. Notwithstanding the provisions of section 107 of chapter 41 of the general laws, or of any other general or special law to the contrary, each elected official holding office as of the effective date of this act shall serve until their successor is elected and qualified at an election held pursuant to section 5 of this act.

SECTION 7. This act shall take effect upon its passage or January 1, 2025, whichever is later.

(B) Amend the Town Bylaws to set the date for the annual town election following the date of the annual town meeting and to make related changes, with language to be inserted shown in bold and language to be deleted shown in strikethrough, as follows:

Section 1 of Article II of the General Bylaws is hereby amended to provide as follows:

~~The annual town meeting shall be held on the last Tuesday in April in each year. (5/98)~~ **The annual town election shall be held on the second consecutive Saturday and Sunday in June. Polls shall be open at least 10 consecutive hours between 7:00 a.m. and 8:00 p.m., with the polls staying open on at least one day until 8:00 p.m.** For the election of officers, ~~at said annual town meeting unless otherwise provided by law, polls shall be open at seven o'clock in the forenoon and shall remain open until eight o'clock at night. After the counting and declaration of votes for officers at an annual town meeting, said meeting shall be adjourned to the date established by the Town Charter~~ **The annual town meeting shall be held on the third Monday of May at 7:15 p.m.** at the Town Hall or such other place as may be designated by the Selectmen **in the warrant**, and at which time and at any further adjournment thereof, the remaining articles of the warrant shall be taken up. Each further adjournment thereof shall be made to the next succeeding and successive nights at 7:45 p.m., unless the meeting determines otherwise by the vote of two-thirds (2/3) of the members present and voting, as is necessary to conclude the annual town meeting

Subsection (b) of Section 2 of Article II of the General Bylaws is hereby amended to provide as follows:

... Notice of any adjournment of any town meeting other than to the next succeeding night as provided in Section 1 ~~(a)~~ shall be advertised by the town clerk at least once in a newspaper or newspapers published in Swampscott ...

Or take any action relative thereto.

*Comment: This Article seeks to expand voting access and ability. The first part amends the Town's Charter with the intention of ensuring that at least a minimum number of votes are given to an elected Town Meeting member (so those who do not want to serve are not inadvertently elected), requires that residents have access to and are informed of early voting and voting by mail, and adjusts (extends) the terms of those elected at the annual town election in the year when the changes go into effect (to line up with the new election cycle). An element in the Charter amendment, as well as the second part which is an amendment to the General Bylaws, changes the annual town election so that it occurs after the annual town meeting. Therefore, new Town Meeting members and elected officials are not forced to rush and get up to speed on articles of the annual town meeting warrant right after being elected into office.*

## **ARTICLE 6** CHARTER AMENDMENT: ELECTION AGE

To see if the Town will vote to authorize the Select Board to file with the General Court a petition for special legislation to amend the Town Charter, as set forth in section 6 of chapter 106 of the acts of 2016, to allow otherwise eligible 16 and 17 year-olds who reside in the Town to vote in annual and special Town elections and, further, to authorize the General Court to make changes of form only to the bill without the approval of the Select Board and to authorize the Select Board to approve such changes as are within the public purposes of the petition for special legislation authorized hereunder, all as follows:

**Sponsored by the  
Select Board and Town  
Administrator**

The Select Board will report on the Article at the Special Town Meeting.

SECTION 1. The Charter of the Town of Swampscott as set forth in section 6 of the acts of 2016 is hereby amended by inserting a new section 3-1A, as follows:-  
Notwithstanding the provisions of section 1 of chapter 51 of the General Laws or of any other general or special law to the contrary, eligible individuals ages 16 or 17 years old residing in the town of Swampscott who register as pre-registrants in accordance with the provisions of section 47A of chapter 51 of the general laws shall be eligible to vote at annual or special town meetings or town elections; provided, further, however that pre-registrants shall have the right to run for elected town meeting member only and shall not have the right to vote for any state or federal offices or ballot questions. Individuals registered under sections 1 and 47A of chapter 51 of the general laws shall be “voters” or “registered voters” for purposes of this charter except as otherwise stated herein.

SECTION 2. Notwithstanding the provisions of section 21C of chapter 59 or section 3 of chapter 44B of the general laws, or of any other general or special law to the contrary, a local ballot question otherwise required or eligible to be printed on a state election ballot shall be presented to the voters at a special election to be held on the same date as the biennial state election, all at the expense of the Town of Swampscott.

SECTION 3. To implement this act the town of Swampscott is hereby authorized to pass bylaws and the Swampscott board of registrars is authorized to promulgate regulations, guidelines and forms consistent with any such bylaw.

SECTION 4. Nothing in this act shall be construed to confer upon pre-registrants in the town of Swampscott the right to vote for any state or federal office or any state or federal ballot questions.

SECTION 5. This act shall take effect upon its passage.

Or take any action relative thereto.

*Comment: This Article seeks to address the increasing loss of participation of community members in the right to vote. Vote participation has been on the decline nationally, as well as in Swampscott. The greatest decline of participation has been in local elections that has seen a drop of about 45% over the past 50 years. This Article would amend the legal voting age for local elections to include 16- and 17-year-olds and also permit them to be elected to serve as a Town Meeting member. A number of other communities in Massachusetts have passed similar charter changes including: Boston, Somerville, Northampton, and Acton.*

#### **ARTICLE 7**      *GENERAL BYLAWS AMENDMENT: SPECIALIZED ENERGY CODE*

To see if the Town will vote to amend the Town of Swampscott General Bylaws by inserting a new Article XVI-A, “Specialized Energy Code,” for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments or modifications thereto, with an effective date of July 1, 2024, as set forth in Appendix A, or take any other action relative thereto.

*Comment: This Article seeks to further Swampscott’s commitment to becoming more sustainable, green, and forward-thinking. By adopting the Specialized Energy Code, we are*

#### **Sponsored by the Town Administrator**

The Select Board recommends favorable action on this Article.

The Finance Committee will report on this Article at the Special Town Meeting.

*choosing to be a leader among communities in Massachusetts by selecting the most energy efficient and sustainable standards for new construction. The purpose of the Specialized Energy Code is to reduce emissions in newly constructed buildings with a goal of achieving net-zero emissions. The Specialized Code builds on the Stretch Code already adopted in Town General Bylaw Article XVI. The new Specialized Code is a climate-focused energy code option created by the 2021 Climate Act. Currently over 50% of GHG emissions in our town come from buildings, mostly using fossil fuels such as gas and oil for energy. Resilient Swampscott, the Town's Climate Action Plan, adopted by Town Meeting in May 2023, specifies actions that reduce greenhouse gas emissions. Action 2.2.A of the Climate Action Plan is: Adopt the Municipal Opt-in Specialized Energy Code.*

**ARTICLE 8**      *APPROPRIATION FOR PARC GRANT*

To see if the Town of Swampscott will vote to (a) transfer from available funds and/or borrow the sum of \$103,870, and if borrowing, to authorize the Treasurer, with the approval of the Select Board, to borrow said sum pursuant to the provisions of M.G.L. Chapter 44, Sections 7, 8, 8C and/or any other enabling authority, for the purpose of improving, renovating and equipping Phillips Park with four (4) Pickle Ball Courts, including, without limitation, all costs incidental or related thereto; provided, however, that no funds shall be expended until the Town has received a grant commitment or allocation for a portion of such costs under the PARC Grant Program (301 CMR 5.00) and/or under any federal and/or other state program to undertake the foregoing project; (b) transfer the care, custody and control of Phillips Park to the Select Board for, and to dedicate said Park to, park and active recreation purposes under the provisions of G.L. c.45, §3; and (c) authorize the Select Board and/or its designee to apply for and accept on behalf of the Town funds granted under the PARC Grant Program and/or any other funds, gifts, grants, under any federal and/or other state program in any way connected with the scope of this Article, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the project on behalf of the Town, or take any action relative thereto.

*Comment: The purpose of this Article is to appropriate monies from Free Cash to construct four pickleball courts at Phillips Park. Location of pickleball courts will be determined by public process post town meeting. This project will be partially funded by the PARC Grant Program, which requires local appropriation, and funds will be partially reimburse to the Town upon completion of the project.*

**ARTICLE 9**      *INCREASE LOCAL ROOM EXCISE TAX*

To see if the Town will vote to increase the local room occupancy excise tax assessed pursuant to G.L. c.64G, §3A from 4% to 6%, effective as of July 1, 2024, or take any action relative thereto.

*Comment: The Town has previously accepted MGL Chapter 64G, §3A, which authorizes the Town to impose a local excise upon the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental, or motel located within town. The Town set the rate at 4%. The statute allows for the Town to set the rate at no more than 6%. An increase to this tax will allow for the Town to collect additional funds to further support the community's budget for the future.*

**Sponsored by the  
Town Administrator**

The Select Board will report on the Article at the Special Town Meeting.

The Finance Committee will report on this Article at the Special Town Meeting.

**Sponsored by the  
Town Administrator**

The Select Board recommends favorable action on the Article.

The Finance Committee recommends favorable action on the 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 12<sup>th</sup> day of February 2024.

SELECT BOARD



---

David Grishman, Chair



---

Catherine Phelan, Vice Chair



---

MaryEllen Fletcher



---

Douglas Thompson



---

Peter Spellios

# APPENDIX A

## Proposed General Bylaws Amendment: Specialized Energy Code

### Article XVI-A

#### Specialized Energy Code

##### SECTION 1. DEFINITIONS.

**International Energy Conservation Code (IECC)** - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR.

**Specialized Energy Code** - Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code is an appendix to the Massachusetts Stretch Energy Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency and reduce the climate impacts of buildings built to this code.

**Stretch Energy Code** - Codified by the combination of 225 CMR 22 and 231, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.

##### SECTION 2. PURPOSE.

The purpose of 225 CMR 22 and 23 including Appendices RC and CC is to provide a more energy efficient and low emissions alternative to the Stretch Energy Code or the base Massachusetts Energy Code, applicable to the relevant sections of the building code for both new construction and existing buildings.

##### SECTION 3. APPLICABILITY.

This energy code applies to residential and commercial buildings.

##### SECTION 4. SPECIALIZED CODE.

The Specialized Code, as codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including any future editions, amendments, or modifications, is herein incorporated by reference into this Bylaw.

##### SECTION 5. ENFORCEMENT.

The Stretch Code is enforceable by the inspector of buildings or building commissioner.

## APPENDIX B

### 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 C

## Table of Motions

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| TABLE OF BASIC POINTS OF MOTION |  |                    |           |           |                  |                   |                  |
|---------------------------------|--|--------------------|-----------|-----------|------------------|-------------------|------------------|
| Rank                            |  | Second<br>Required | Debatable | Amendable | Vote<br>Required | May<br>Reconsider | May<br>Interrupt |
| <b>PRIVILEGED MOTIONS</b>       |  |                    |           |           |                  |                   |                  |
| 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              |
| <b>SUBSIDIARY MOTIONS</b>       |  |                    |           |           |                  |                   |                  |
| 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               |
| <b>INCIDENTAL MOTIONS</b>       |  |                    |           |           |                  |                   |                  |
| *                               | 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               |
| <b>MAIN MOTIONS</b>             |  |                    |           |           |                  |                   |                  |
| 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.

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## NOTES

## NOTES

**TOWN OF SWAMPSCOTT  
MASSACHUSETTS  
2023 – 2024**

| <b><u>SELECT BOARD</u></b>   | <b><u>TERM EXPIRES</u></b> |
|------------------------------|----------------------------|
| David Grishman, Chair        | 2026                       |
| Catherine Phelan, Vice Chair | 2025                       |
| MaryEllen Fletcher           | 2025                       |
| Doug Thompson                | 2026                       |
| Peter Spellios               | 2024                       |

**PROFESSIONAL STAFF**

Sean Fitzgerald, Town Administrator  
S. Peter Kane, Assistant Town Administrator (Administration)  
Gino Cresta, Assistant Town Administrator (Operations)  
Amy Sarro, Director of Finance & Administration  
Patrick Luddy, Treasurer/Collector  
Dianne Marchese, Administrative Assistant

| <b><u>FINANCE COMMITTEE</u></b> | <b><u>TERM EXPIRES</u></b> |
|---------------------------------|----------------------------|
| Eric Hartmann, Chair – At Large | 2026                       |
| Joan Hilario – Precinct 1       | 2024                       |
| Gregory McDonald – Precinct 2   | 2024                       |
| Naomi Dreeben – Precinct 3      | 2025                       |
| Cinder McNerney – Precinct 4    | 2026                       |
| Erik Schneider – Precinct 5     | 2025                       |
| VACANT – Precinct 6             |                            |
| Adrian Rodriguez – At Large     | 2026                       |
| Sunit Shah – At Large           | 2025                       |