

NOVEMBER 18, 2019

SPECIAL TOWN MEETING



WARRANT REPORT

TOWN OF SWAMPSCOTT, MASSACHUSETTS

TOWN OF SWAMPSCOTT



NOVEMBER 18, 2019 SPECIAL TOWN MEETING WARRANT

Special Town Meeting – November 18, 2019

November 18, 2019

Special Town Meeting Warrant

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NOTICE OF SPECIAL TOWN MEETING MONDAY, NOVEMBER 18, 2019, 7:15 PM

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, November 18, 2019, beginning at 7:15 p.m. in the Swampscott High School Auditorium located at 200 Essex Street, Swampscott.

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

Town Moderator, Michael McClung will preside.

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

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

Susan Duplin
Town Clerk

TOWN OF SWAMPSCOTT

TOWN WARRANT

NOVEMBER 18, 2019

ARTICLE 1 *REPORTS OF THE TOWN BOARDS AND COMMITTEES*

To hear and act on the reports of Town Officials, Boards and Committees including but not limited to:

- Report on Contract with Lynn Water & Sewer Commission re: treatment of wastewater
- Report on Stacy Brook/Kings Beach
- Report on Town Infrastructure/Roads Sidewalks
- Report on Solid Waste/Recycling Services

Sponsored by the Board of Selectmen

Comment: This routine Article appears at every town meeting to allow town groups to make reports.

ARTICLE 2 *AMENDMENTS TO FISCAL 2020 BUDGET*

To see if the Town will vote to amend line item 69, sewer enterprise expenses, in the Fiscal Year 2020 budget, as recommended by the Finance Committee, and further to raise and appropriate or transfer from available funds a sum of money for the operation of Sewer Enterprise Fund, as follows, or take any action relative thereto.

Sponsored by the Finance Committee

Comment: Please see the remarks from the Finance Committee regarding amendments to the FY2020 Sewer Enterprise Fund budget. The Finance Committee may alter or change its recommendations on the floor of town meeting.

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

Actual FY'19	Adopted Budget FY'20	Line Item No.	DEPARTMENTAL BUDGETS	Administrator Recommended FY'20 Amended	Recommended Adjustments FY'20
<u>\$60,550,754</u>	<u>\$62,215,987</u>		TOTAL GENERAL FUND APPROPRIATIONS	<u>\$62,215,987</u>	<u>\$0</u>
			ENTERPRISE FUNDS		
			SEWER ENTERPRISE FUND		
<u>\$349,193</u>	<u>\$391,458</u>	68	Personnel Subtotal	<u>\$391,458</u>	<u>\$0</u>
\$20,000	\$20,000		FUEL	\$20,000	
\$21,636	\$25,000		EQUIPMENT/MAINTENANCE	\$25,000	
\$155,888	\$150,000		LIFT STATION OPER/MAINT	\$150,000	
\$92,708	\$68,000		OPER EXP ELECTRIC	\$68,000	
\$0	\$50,000		PAVING	\$50,000	
\$3,199	\$2,500		UNIFORMS	\$2,500	
\$63,057	\$69,000		EXPENSES	\$69,000	
\$0	\$30,000		SEWER RESERVE FUND	\$30,000	
\$860,361	\$720,000		LYNN SEWER ASSESSMENT	\$918,427	\$198,427

Actual FY'19	Adopted Budget FY'20	Line Item No.	DEPARTMENTAL BUDGETS	Administrator Recommended FY'20 Amended	Recommended Adjustments FY'20
\$0	\$3,000		SEWER BILLS-MAILING SERVICES	\$3,000	
\$2,500	\$6,631		PROCUREMENT SERVICES	\$6,631	
<u>\$1,219,350</u>	<u>\$1,144,131</u>	<u>69</u>	Expense Subtotal	<u>\$1,342,558</u>	<u>\$198,427</u>
<u>\$931,372</u>	<u>\$937,199</u>	<u>70</u>	OTHER Expense Subtotal	<u>\$937,199</u>	<u>\$0</u>
\$2,499,915	\$2,472,788		SEWER ENTERPRISE FUND TOTAL	\$2,671,215	\$198,427
\$3,477,791	\$3,862,424		WATER ENTERPRISE FUND TOTAL	\$3,862,424	\$0
\$89,253	\$190,444		PUBLIC, EDUC, GOVT (PEG) CABLE TV ACCESS TOTAL	\$190,444	\$0
<u>\$6,066,959</u>	<u>\$6,525,656</u>		TOTAL ENTERPRISE FUNDS	<u>\$6,724,083</u>	<u>\$198,427</u>
\$66,617,713	\$68,741,643		TOTAL APPROPRIATIONS	\$68,940,070	\$198,427

ARTICLE 3 *APPROVE TRANSFER OF RETAINED EARNINGS – SEWER ENTERPRISE FUND*

To see if the Town will vote to transfer from the Retained Earnings of the Sewer Enterprise Fund to the account of Current Revenue the sum of \$135,000 to be used and applied by the Board of Selectmen in the reduction of the sewer rate, or take any other 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 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 or for capital expenses.

The Board of Selectmen will report on this Article at Town Meeting.

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

ARTICLE 4 *APPROPRIATION FROM TRANSPORTATION INFRASTRUCTURE FUND*

To see if the Town will vote to appropriate the sum of \$6,891.10 from the Transportation Infrastructure Fund, a receipt reserved for appropriation account, for expenses associated with the impact of transportation network services on municipal roads, bridges and other transportation infrastructure, including any incidental or related costs, or take any other action relative thereto.

Sponsored by the Town Administrator

Comment: This allows the town to spend funds that are received from the Mass. Dept. of Public Utilities that are collected from ride-share services (Uber, Lyft). The number of rides from the previous calendar year that originated within each city or town are charged a per-ride assessment of \$0.20. Money is then distributed to cities and towns from the Commonwealth Transportation Infrastructure Fund, which is a special revenue fund earmarked for use by cities and towns “to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services” in the Town.

The Board of Selectmen will report on this Article at Town Meeting.

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

ARTICLE 5 *APPROVE TRANSFER OF FREE CASH – ADJUSTMENTS TO TAX RATES*

To see if the Town will vote to transfer from Free Cash a sum of money to the account of Current Revenue to be used and applied by the Board of Assessors in the reduction of the tax levy for Fiscal Year 2020 or take any action relative thereto.

Sponsored by the Town Administrator

Comment: This Article will take some of the surplus resulting from town general fund operations as of the end of FY2019 and use it to off-set the tax levy for FY2020.

The Board of Selectmen will report on this Article at Town Meeting.

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

ARTICLE 6 *APPROVE TRANSFER OF FREE CASH – COLLECTIVE BARGAINING AGREEMENTS*

To see if the Town will vote to transfer a sum of money from Free Cash to fund the cost items of the first fiscal year of Collective Bargaining Agreements between the Town of Swampscott and certain Town and/or School Department unions, or take any other action relative thereto.

Sponsored by the Town Administrator

Comment: This Article will potentially fund provisions of Collective Bargaining Agreements that are under negotiation if negotiations are settled prior to town meeting, otherwise this article will be recommended for indefinite postponement.

The Board of Selectmen will report on this Article at Town Meeting.

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

ARTICLE 7 *APPROPRIATION TO PURCHASE SIDEWALK EQUIPMENT*

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$116,050 to purchase and equip Sidewalk Maintenance Equipment as described below or take any other action relative thereto.

Sponsored by the Town Administrator

Comment: This Article is being presented to request funds to purchase a sidewalk spreader in order to advance pedestrian safety as a priority as described below. It is recommended that this project be funded with unused balances from prior year capital projects that are no longer needed at this time.

Equipment Description	Est. Cost
Sidewalk Spreader	\$48,400
Trailer	\$31,350
Roller	\$36,300
TOTAL	\$116,050

The Board of Selectmen will report on this Article at Town Meeting.

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

ARTICLE 8 *ACCEPTANCE OF G.L. CH. 71, §71F TO ACCEPT LOCAL OPTION STATUTE ESTABLISHING NONRESIDENT OR FOSTER CARE TUITION REVOLVING FUND*

To see if the Town will vote to accept the provisions of G.L. c. 71, §71F, effective as of July 1, 2020, to allow tuition payments received for non-resident students and state reimbursements for foster care students to be expended by the School Committee without further appropriation for expenses incurred in providing education for such nonresident or foster care students, or take any other action relative thereto.

Sponsored by the Town Administrator

Comment: This local acceptance statute would permit the School Committee to expend nonresident or foster care tuition receipts received by the Town on behalf of such students being educated in the Swampscott Public Schools without further appropriation by town meeting. Currently this revenue is received as general fund receipts and must be appropriated at town meeting as a local receipt along with other general fund receipts.

The Board of Selectmen will report on this Article at Town Meeting.

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

ARTICLE 9 *AMEND ZONING BYLAWS – UPDATE FEES IN LIEU OF AFFORDABLE UNITS*

To see if the Town will vote to amend the Zoning Bylaw, Section 4.8.7.0, Fees-in-Lieu-of Affordable Housing Unit Provision, to change the method for calculating the amount of the Fee-in-Lieu payment to the Affordable Housing Trust and the timing in which such payments are scheduled to be made, deletions being shown in strikethrough, and additions being shown in bold underline, as set forth in Appendix A to this warrant, or take any other action relative thereto.

Sponsored by the Affordable Housing Trust Board

Comment: The purpose of the by-law change will be to clarify and make more specific the means by which a payment in lieu of units would be calculated. Right now, the by-law has somewhat general language which comes from the sample form of the inclusionary zoning by-law that many towns have started with (and this is what Swampscott used when we established the Trust).

This Article requires a 2/3 vote per Mass. General Laws.

The Board of Selectmen will report on this Article at Town Meeting.

The Planning Board will report on this Article at Town Meeting.

Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said meeting.
Given under our hand this 17th day of October, 2019.

BOARD OF SELECTMEN:



Naomi Beebe

Laura Spachman

Mary Polly Nicomb.

APPENDICES

APPENDIX A – ARTICLE 9 – ZONING BYLAW PROPOSED CHANGES

4.8.7.0. Fees-in-Lieu of Affordable Housing Unit Production

4.8.7.1 As an alternative to the requirements of Section 4.8.5.0 or 4.8.6.0., an applicant may contribute make a financial contribution to the Town's Affordable Housing Trust ~~to be used for the development of affordable housing~~ in lieu of constructing and offering affordable units within the locus of the proposed development or at an off-site location, **which contribution shall be used to support the development of affordable housing in Swampscott (a "Fee in Lieu")**.

- A. ~~Calculation of Fee-in-Lieu of Units.~~ The applicant for development subject to this by-law may pay fees in lieu of the construction of affordable units. For the purposes of this bylaw, the fee-in-lieu of the construction or provision of affordable units will be determined as a per-unit cost as calculated from regional construction and sales reports. The Swampscott Affordable Housing Trust will make the final determination of acceptable value.

The applicant for a housing development subject to this by-law may pay a Fee in Lieu for one or more of the affordable units required under this by-law. Such Fee in Lieu shall be, for each required affordable unit, equal to 75% of the most current Total Development Cost per unit for projects of similar nature and size for the Metro Boston/Suburban Area in which Swampscott is situated, as articulated and made available by DHCD in the annual Qualified Allocation Plan. The Swampscott Affordable Housing Trust will make the final determination of the acceptable per unit Fee in Lieu.

- B. ~~Schedule of Fees-in-Lieu Payments.~~ Payments of Fees in Lieu shall be made according to the **following** schedule, ~~set forth in 4.8.5.3~~ **unless an alternative schedule is agreed upon by the Affordable Housing Trust and the Developer:**
- i. **One-half of all Fees in Lieu shall be due upon the issuance of an initial (if more than one is required for the development) building permit by the Town of Swampscott in connection with the construction of the subject market rate development; and**
 - ii. **Final payment of remaining one-half of Fees in Lieu shall be due upon receipt of the initial (if more than one required for the development) Certificate of Occupancy issued by the Town of Swampscott to the applicant or subsequent owner of the subject market rate development.**

The Swampscott Affordable Housing Trust will make the final determination of the schedule of payment of the Fee in Lieu.

- C. *No change to this subsection.*

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

* Same rank as motion out of which they arise.

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

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

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NOTES

**TOWN OF SWAMPSCOTT
MASSACHUSETTS
2019-2020**

<u>BOARD OF SELECTMEN</u>	<u>TERM EXPIRES</u>
Peter Spellios, Chair	2021
Naomi Dreeben	2020
Donald Hause	2022
Laura Spathanas	2020
Mary Polly Titcomb	2022

PROFESSIONAL STAFF

Sean Fitzgerald, Town Administrator
Gino Cresta, Assistant Town Administrator (Operations)
M. Ronald Mendes, Assistant Town Administrator (Administration & Finance)

<u>FINANCE COMMITTEE</u>	<u>TERM EXPIRES</u>
Timothy Dorsey, Chair – At Large	2020
Mary Ellen Fletcher, Vice Chair – Precinct 5	2019
Eric Hartmann – Precinct 1	2020
Vacancy – Precinct 2	2021
Joan Hilario – Precinct 3	2021
Cinder McNerney – Precinct 4	2020
James Goldman – Precinct 6	2021
Gail Rosenberg – At Large	2019
Jill Sullivan – At Large	2021