

DECEMBER 13, 2021

SPECIAL TOWN MEETING



WARRANT REPORT

*TOWN OF SWAMPSCOTT, MASSACHUSETTS*



# TOWN OF SWAMPSCOTT



## DECEMBER 13, 2021 SPECIAL TOWN MEETING WARRANT

# December 13, 2021

## Special Town Meeting Warrant

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# Notice of Special Town Meeting

## MONDAY, DECEMBER 13, 2021, 7:00PM

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, December 13, 2021, beginning at 7:00 p.m. by remote participation as outlined below.

Check in procedures for Town Meeting members will take place online within the virtual meeting platform.

Town Moderator, Michael McClung will preside.

Pursuant to Chapter 92 of the Acts of 2020 ("Act"), as amended by Chapter 20 of the Acts of 2021, the Moderator has determined that an in-person Special Town Meeting cannot be held safely and in compliance with applicable state and local orders, directives and guidance concerning public assemblies. Accordingly, the Moderator made a written request to the Select Board to hold the Special Town Meeting through remote participation in accordance with Section 8 of the Act, which the Select Board has approved. A copy of the Moderator's request to the Select Board is included herein.

Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend the Special Town Meeting can be found within this posting below. In-person attendance of members of the public will not be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time via technological means as follows. Please note that those who access the meeting online or on the smartphone app will be muted upon entering the meeting but may be unmuted to speak by using the "raise your hand" feature in the application.

Remote viewers can email questions in advance or during the meeting to [moderator@swampscottma.gov](mailto:moderator@swampscottma.gov).

1. Online:

- <https://swampscottma.zoom.us/meeting/register/tZYkf-6srjorEtSX8lTT8YEb5lLnG4HxppNp>
- Viewers will need to download Zoom software to access this meeting and computer speakers to hear/view it.

2. Using the Zoom smartphone application:

- Enter webinar ID: 829 8740 1180

Respectfully,

Susan Duplin  
Town Clerk

## CAUCUS MEETINGS AND ONLINE PARTICIPATION SUPPORT

Precinct Caucuses will be held as separate Zoom sessions at 6:00pm. The purpose of the Precinct Caucuses are for members to discuss the Warrant Articles and for technical support as needed. Once the Caucus session is ended, members will need to join the main session shown on the preceding page.

Technical support will be offered on a best-efforts basis during the session. Members who have less familiarity with virtual meetings are encouraged to contact the Moderator beforehand so that training sessions may be arranged: [moderator@swampscottma.gov](mailto:moderator@swampscottma.gov).

Precinct 1: <https://swampscottma.zoom.us/j/87028130524>

Precinct 2: <https://swampscottma.zoom.us/j/89009189959>

Precinct 3: <https://swampscottma.zoom.us/j/86987083354>

Precinct 4: <https://swampscottma.zoom.us/j/85149128599>

Precinct 5: <https://swampscottma.zoom.us/j/84316889653>

Precinct 6: <https://swampscottma.zoom.us/j/81345241570>

Respectfully,

Susan Duplin  
Town Clerk

## PUBLIC PARTICIPATION BY NON-TOWN MEETING MEMBERS

Registered voters residing in the Town wishing to participate in the remote Special Town Meeting conducted pursuant to Chapter 92 of the Acts of 2020, as amended by Chapter 20 of the Acts of 2021, shall submit a request to participate to the Town Clerk by email to: [sduplin@swampscottma.gov](mailto:sduplin@swampscottma.gov) at least 48 hours in advance of the start of Special Town Meeting. Upon receipt of the request and verification of the requester's voter registration status, the Town Clerk shall provide instructions to the requester for participating in the same.

Respectfully,

Susan Duplin  
Town Clerk



64 Fuller Avenue  
Swampscott, Massachusetts

November 4, 2021

Ms. Polly Titcomb  
Swampscott Select Board  
Swampscott Town Hall

Dear Chair:

In my capacity as Town Moderator, and pursuant to Chapter 92 of the Acts of 2020, as amended by Chapter 20 of the Acts of 2021, I hereby notify the Select Board I have determined that it is not possible to safely assemble Town Meeting members and interested members of the public in a common location while complying with applicable state and local orders concerning public assemblies.

Therefore, I request that the Swampscott Select Board call for the representative town meeting on December 13 to be held through remote participation.

Further pursuant to the above-referenced Act:

I have determined to use the Zoom conferencing platform to hold Town Meeting;

I have consulted with the Swampscott Commission on Disability for ADA compliance;

I hereby certify that I have tested the Zoom conferencing platform; and

I further certify that the platform satisfactorily enables Town Meeting to be conducted in substantially the same manner as if it occurred in person at a physical location and in accordance with the operational and functional requirements set forth in section 8 of the enabling Act.

On behalf of Town Meeting, thank you for your support in this matter.

Sincerely,

Michael McClung  
Town Moderator  
617 257 2200 (m)

cc: T. Dorsey, S. Duplin, A. Fiske, S. Fitzgerald, M. Hartmann

# TOWN OF SWAMPSCOTT

## TOWN WARRANT

### DECEMBER 13, 2021

**ARTICLE 1**      *AMEND APPROPRIATION FOR FISCAL YEAR 2022 OPERATING BUDGET*

To see if the Town will vote to amend various line items in the FY2022 budget as recommended by the Finance Committee as follows, and further, to raise and appropriate, transfer from available funds, or borrow a sum of money therefor, or take any action relative thereto.

Sponsored by the Finance Committee

Comment: The Finance Committee will report on the FY22 operating budget and may alter or change its recommendations on the floor of Town Meeting.

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

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

GENERAL FUND FY2022 S.T.M. BUDGET TRANSFERS				
GENERAL FUND ACCOUNTS REQUIRING ADDITIONAL FUNDING :				
DEPT	ORG	DESCRIPTION	AMOUNT NEEDED	NOTES
TOWN ADMINISTRATOR	0112301	TEMPORARY STAFF SUPPORT	12,000.00	Extend hours for Current Temporary Part Time Admin Support
TOWN ADMINISTRATOR	0112302	TEMPORARY STAFF SUPPORT	18,000.00	Contracted Part Time Administrative Staff Support
LEGAL/ INSURANCE	0115102	PROPERTY & CASUALTY INSURANCE	21,800.00	FINAL INSURANCE AMOUNTS CAME AFTER BUDGET WAS VOTED
HUMAN RESOURCES	0115202	EMPLOYMENT SCREENING	11,000.00	FOR LIBRARY DIRECTOR & POLICE CHIEF SEARCHES
TECHNOLOGY	0115502	SOFTWARE LIC/SUBSCRIPTIONS	17,000.00	Zoom, upgraded antivirus software, and Copier lease
COMMUNITY DEVELOPMENT	0117202	CONTRACTED CONSULTING SERVICES	30,000.00	Windsor Ave Playground add'l funding due to rising material costs
POLICE	0121004	CONTRACTED CONSULTING SERVICES	118,000.00	MRI for Interim Chief Kurz thru end of February
POLICE	0121004	EQUIPMENT	55,000.00	Communication Improvements (Total need is \$80K, \$25K capital and \$55k from FY22)
			<b>282,800.00</b>	
GENERAL FUND ACCOUNTS SOURCES OF FUNDING :				
DEPT	ORG	DESCRIPTION	AMOUNT FOR FUNDING	NOTES
ACCOUNTING	0113501	ASSISTANT ACCOUNTANT	10,000.00	Adjust for partial year vacancy
ASSESSING	0114101	ASSESSING ADMIN PT	22,000.00	Adjust for partial year vacancy
HUMAN RESOURCES	0115201	DIRECTOR	69,400.00	Adjust for partial year vacancy
HUMAN RESOURCES	0115203	SALARY RESERVE	30,000.00	
FACILITIES	0119201	MAINTENANCE SALARIES	40,000.00	Adjust for partial year vacancy
POLICE	0121001	POLICE CHIEF	69,400.00	Assuming \$140k for new Chief starting Feb 1st
POLICE	0121001	PATROLMEN	30,000.00	Adjust for partial year vacancies
AGING SERVICES	0154101	OUTREACH WORKER	12,000.00	Adjust for partial year vacancy
			<b>282,800.00</b>	



**ARTICLE 2**      *APPROVE FUNDING – PEDESTRIAN SAFETY INFRASTRUCTURE*

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to fund the design and construction of pedestrian safety infrastructure improvements in Town, including all incidental or related costs, or take any action relative thereto.

Sponsored by the Town Administrator

Comment:      This Article seeks to fund pedestrian safety improvements for at various locations in Town to improve public safety.

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

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

**ARTICLE 3**      *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 provisions of Collective Bargaining Agreements between the Town of Swampscott and certain Town and/or School Department unions, or take any 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 4**      *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 2022, 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 FY2021 and use it to off-set the tax levy for FY2022.

**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**      *APPROPRIATION FROM TRANSPORTATION INFRASTRUCTURE ENHANCEMENT FUND*

To see if the Town will vote to appropriate the sum of \$3,946.20 from the Transportation Infrastructure Enhancement 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 action relative thereto.

Sponsored by the Town Administrator

Comment: This allows spending 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 as special revenue 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 recommends favorable action on this Article.**

**The Finance Committee recommends favorable action on this Article.**

**ARTICLE 6**      *APPROVE TRANSFER OF WATER ENTERPRISE FUND RETAINED EARNINGS*

To see if the Town will vote to transfer from the Retained Earnings of the Water Enterprise Fund to the account of Current Revenue the sum of \$90,000 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 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 water user fees and other revenues plus unexpended funds for the Water Department’s budget. This is normally surplus revenue available for Town Meeting to be used to reduce rates for the coming year.

**The Board of Selectmen recommends favorable action on this Article.**

**The Finance Committee recommends favorable action on this Article.**

**ARTICLE 7**      *APPROVE TRANSFER OF SEWER ENTERPRISE FUND RETAINED EARNINGS*

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 \$190,000 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 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 for the Sewer Department’s budget. This is normally surplus revenue available for Town Meeting to be used to reduce rates for the coming year.

**The Board of Selectmen recommends favorable action on this Article.**

**The Finance Committee recommends favorable action on this Article.**

**ARTICLE 8**      *ESTABLISH A SOLID WASTE ENTERPRISE FUND*

To see if the Town will vote to accept the provisions of G.L. c.44, §53F ½ and create a Solid Waste Enterprise Fund, commencing as of July 1, 2022 into which receipts from solid waste user fees will be deposited and from which expenditures for solid waste services shall be paid, or to take any action relative thereto.

Sponsored by the Town Administrator

Comment: Article 8 seeks to establish an Enterprise Fund for solid waste and recycling. These funds will be used to help offset solid waste and recycling costs and support efforts to reduce solid waste generation and recycling stream contamination.

**The Board of Selectmen recommends favorable action on this Article.**

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

**ARTICLE 9**      *TOWN CHARTER NAME CHANGE FROM BOARD OF SELECTMEN TO SELECT BOARD*

To see if the Town will vote pursuant to G.L. c.43B, §10 to approve an amendment to the Charter or authorize the Board of Selectmen to petition the General Court for special legislation to amend the Charter of the Town of Swampscott, Chapter 106 of the Acts of 2016, by replacing “Board of Selectmen” with the words “Select Board” in each and every instance in which said term appears; and, further, to delete gendered terms in the Charter and make appropriate editorial revisions to nearby words, without changing the meaning, to address any resulting grammatical issues; all as set forth in a document entitled “2021 Charter Amendments”, on file with the Town Clerk; provided, however, if this submitted as a special act, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within scope of the general public objectives of the petition, and to authorize the Board of Selectmen to approve such amendments, or take any action relative thereto.

Sponsored by the Board of Selectmen

Comment: This Article proposes to update the Charter to replace the terms Board of Selectmen and Selectmen with Select Board and make any related changes so that the Charter is gender neutral.

**The Board of Selectmen recommends favorable action on this Article.**

**ARTICLE 10**      *GENERAL BYLAWS NAME CHANGE FROM BOARD OF SELECTMEN TO SELECT BOARD*

To see if the Town will vote to amend the General Bylaws to replace “Board of Selectmen” and “Selectmen” with the words, “Select Board” in each and every instance in which said terms appear; and, further, to delete gendered terms in the General Bylaws and make appropriate editorial revisions to nearby words, without changing the meaning, to address any resulting grammatical issues; all as set forth in a document entitled “2021 General Bylaw Amendment – Article 10”, on file with the Town Clerk, or take any action relative thereto.

Sponsored by the Board of Selectmen

Comment: This Article proposes to update the General Bylaws to replace the terms Board of Selectmen and Selectmen with Select Board and make any related changes so that the Bylaws are gender neutral.

**The Board of Selectmen recommends favorable action on this Article.**

**ARTICLE 11**     *ZONING BYLAWS NAME CHANGE FROM BOARD OF SELECTMEN TO SELECT BOARD*

To see if the Town will vote to amend the Zoning Bylaws to replace the words “Board of Selectmen” and “Selectmen” with the words “Select Board” in each and every instance in which said terms appear; and, further, to delete gendered terms in the Zoning Bylaws and make appropriate editorial revisions to nearby words, without changing the meaning, to address any resulting grammatical issue, all as set forth in a document entitled “2021 Zoning Bylaw Amendment – Article 11”, on file with the Town Clerk, or take any action relative thereto.

Sponsored by the Planning Board

Comment: This Article proposes to update the Zoning Bylaw to replace the terms Board of Selectmen and Selectmen with Select Board and make any related changes so that the Bylaw is gender neutral.

**The Board of Selectmen recommends favorable action on this Article.**

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

**A 2/3 vote is required to approve this Article.**

**ARTICLE 12**     *NATIONAL GRID EASEMENT*

To see if the Town will vote to authorize the Select Board to acquire from Massachusetts Electric Company (d/b/a National Grid), by lease or otherwise, the fee to, permanent and temporary easements and/or other rights in, on and under all or a portion or portions of the former railroad corridor between the present Swampscott train station and the Marblehead border at Seaview Avenue, Marblehead, and in parcels of land near or adjacent thereto and, in consideration of the rights granted by National Grid, to release the easements acquired by the Town by instrument recorded with said Deeds in Book 37335, Page 58; or take any action relative thereto.

Sponsored by the Board of Selectmen

Comment: This Article authorizes the Swampscott Select Board to release certain temporary and permanent easements acquired by the Town in exchange for a long-term ground lease with Massachusetts Electric (dba National Grid) for the purpose of constructing and using a so-called “rail trail” on portions of the former railroad corridor between the present Swampscott train station and the Marblehead border at Seaview Avenue, Marblehead.

**The Board of Selectmen recommends favorable action on this Article.**

Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said meeting. Given under our hand this 22nd day of November 2021.

BOARD OF SELECTMEN:

Patty Titcomb.

J. Neal Puffy

Dale G.

Qu

P

789316/SWAM/0001

# APPENDICES

## APPENDIX A – 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 B – TABLE OF MOTIONS

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### TABLE OF BASIC POINTS OF MOTION

Rank		Second Required	Debatable	Amendable	Vote Required	May Reconsider	May 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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**TOWN OF SWAMPSCOTT  
MASSACHUSETTS  
2021-2022**

<b><u>BOARD OF SELECTMEN</u></b>	<b><u>TERM EXPIRES</u></b>
Mary Polly Titcomb, Chair	2022
Neal Duffy, Vice Chair	2023
Peter Spellios	2024
David Grishman	2023
Donald Hause	2022

**PROFESSIONAL STAFF**

Sean Fitzgerald, Town Administrator  
Gino Cresta, Assistant Town Administrator (Operations)  
Amy Sarro, Director of Administration & Finance  
Allie Fiske, Director of Communications & Strategic Initiatives  
Patrick Luddy, Treasurer/Collector

<b><u>FINANCE COMMITTEE</u></b>	<b><u>TERM EXPIRES</u></b>
Timothy Dorsey, Chair – At Large	2023
Mary Ellen Fletcher, Vice Chair – Precinct 5	2022
Eric Hartmann – Precinct 1	2023
Matthew Kirschner – Precinct 2	2022
Joan Hilario – Precinct 3	2024
Cinder McNerney – Precinct 4	2023
Gail Rosenberg – At Large	2022
Jill Sullivan – At Large	2024