

NOVEMBER 16, 2020

SPECIAL TOWN MEETING

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WARRANT REPORT

TOWN OF SWAMPSCOTT, MASSACHUSETTS

TOWN OF SWAMPSCOTT



NOVEMBER 16, 2020 SPECIAL TOWN MEETING WARRANT

November 16, 2020

Special Town Meeting Warrant

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TOWN OF SWAMPSCOTT

SUMMARY OF REVENUE & EXPENSES

	ACTUAL FY 2020	ADOPTED FY 2021	Recommended Amendments	Recommended Budget as Amended	
I. PROJECTED REVENUE					
TAX LEVY LIMIT CALCULATION					
TAX LEVY LIMIT BASE (prior fiscal year levy limit)	\$50,034,671	\$51,665,474	\$0	\$51,665,474	
ANNUAL INCREASE TO LEVY LIMIT (2.5%)	\$1,250,867	\$1,291,637	\$0	\$1,291,637	
NEW GROWTH	\$379,936	\$425,000	\$0	\$425,000	
NEW TAX LEVY LIMIT	\$51,665,474	\$53,382,111	\$0	\$53,382,111	0.00%
PLUS: DEBT EXCLUSION	\$1,744,994	\$1,723,604	\$0	\$1,723,604	
MAXIMUM ALLOWABLE TAX LEVY	\$53,410,468	\$55,105,715	\$0	\$55,105,715	0.00%
CALCULATION OF TAX LEVY					
TOTAL APPROPRIATIONS + CHARGES	\$69,096,280	\$69,368,417	\$501,985	\$69,870,402	
LESS: ENTERPRISE FUND OFFSETS	(\$895,388)	(\$913,296)	\$0	(\$913,296)	
LESS: BUDGETED STATE AID	(\$5,915,314)	(\$5,571,153)	(\$501,985)	(\$6,073,138)	
LESS: BUDGETED LOCAL RECEIPTS	(\$5,642,990)	(\$3,912,294)	\$0	(\$3,912,294)	
LESS: BUDGETED ENTERPR. FUND RECEIPTS	(\$6,834,083)	(\$7,146,899)	\$0	(\$7,146,899)	
LESS: TRANSFERS FROM FREE CASH	(\$1,000,000)	\$0	\$0	\$0	
LESS: OTHER AVAILABLE FUNDS	\$0	(\$600,000)	\$0	(\$600,000)	
PLUS: OVERLAY	\$4,691	\$10,000	\$0	\$10,000	
SUBTOTAL (NET ACTUAL TAX LEVY)	\$48,813,196	\$51,234,775	\$0	\$51,234,775	0.00%
NET TAX LEVY PER POLICY	\$49,813,505	\$51,234,775	\$0	\$51,234,775	
EXCESS LEVY CAPACITY	\$4,597,272	\$3,870,940	\$0	\$3,870,940	
ACTUAL TAX COLLECTIONS	\$48,297,152				
STATE AID					
CHAPTER 70 AID	\$4,351,751	\$4,102,990	\$344,396	\$4,447,386	8.39%
UNRESTR. LOCAL AID	\$1,374,511	\$1,201,047	\$173,464	\$1,374,511	14.44%
CHARTER SCHOOL REIMB	\$296,645	\$203,582	(\$15,871)	\$187,711	-7.80%
VETERANS/ELDERLY EXEMPTIONS	\$32,216	\$36,928	\$0	\$36,928	0.00%
STATE OWNED LAND	\$1,563	\$1,555	(\$4)	\$1,551	-0.26%
OFFSETS-SUPPORT TO PUBLIC LIBRARIES	\$24,238	\$25,051	\$0	\$25,051	0.00%
STATE AID	\$6,080,924	\$5,571,153	\$501,985	\$6,073,138	9.01%
LOCAL RECEIPTS					
MOTOR VEHICLE EXCISE	\$2,368,863	\$2,500,000	\$0	\$2,500,000	0.00%
MEALS TAX	\$270,008	\$70,125	\$100,000	\$170,125	142.60%
BOAT EXCISE	\$3,873	\$4,000	\$0	\$4,000	0%
PENALTIES/INTEREST ON OVERDUE TAXES	\$197,319	\$185,890	\$0	\$185,890	0.00%
FEES	\$161,817	\$40,000	\$0	\$40,000	0.00%
RENTALS	\$220,950	\$182,000	\$68,000	\$250,000	37.36%
DEPT REVENUE - LIBRARY	\$715	\$1,500	\$0	\$1,500	0.00%
DEPT REVENUE - CEMETERY	\$57,395	\$40,000	\$0	\$40,000	0.00%
DEPT REVENUE - RECREATION	\$41,617	\$40,000	\$0	\$40,000	0.00%
DEPT REVENUE - OTHER	\$90,354	\$198,465	\$0	\$198,465	0.00%
LICENSES & PERMITS	\$702,368	\$358,455	\$0	\$358,455	0.00%
FINES/FORFEITS	\$81,195	\$76,609	\$0	\$76,609	0.00%
INVESTMENT INCOME	\$168,414	\$215,250	\$0	\$215,250	0.00%
MISC RECURRING**	\$928,728	\$0	\$0	\$0	
MISC NON-RECURRING**	\$12,043	\$0	\$0	\$0	
SUBTOTAL (LOCAL RECEIPTS-CONTINUING)	\$5,305,658	\$3,912,294	\$168,000	\$4,080,294	4.29%

**TOWN OF SWAMPSCOTT
SUMMARY OF REVENUE & EXPENSES**

	ACTUAL FY 2020	ADOPTED FY 2021	Recommended Amendments	Recommended Budget as Amended	
DEPT REV. - SCHOOL (NAHANT TUITION)	\$1,633,580	\$0	\$0	\$0	0%
SPED MEDICAID REIMB	\$9,797	\$0	\$0	\$0	0%
SUBTOTAL (LOCAL RECEIPTS- ENDING IN FY20)	\$1,643,377	\$0	\$0		0%
TOTAL (ALL LOCAL RECEIPTS)	\$6,949,035	\$3,912,294	\$168,000	\$4,080,294	4.29%
**Note: DOR only allows these categories to be incl. in tax rate recap if received before tax rate set.					
INTER-FUND ADJUSTMENTS					
SEWER ENTERPRISE FUND REIMB/INDIRECT COSTS	\$447,694	\$456,648	\$0	\$456,648	0.00%
WATER ENTERPRISE FUND REIMB/INDIRECT COSTS	\$447,694	\$456,648	\$0	\$456,648	0.00%
SUBTOTAL INTER-FUND REVENUE	\$895,388	\$913,296	\$0	\$913,296	0.00%
ONE TIME TRANSFERS TO SUPPORT BUDGET					
FREE CASH USED TO REDUCE TAX RATE	\$1,000,000	\$0	\$0	\$0	
FREE CASH TO FUND OPERATING	\$0	\$0	\$0	\$0	
OTHER AVAILABLE FUNDS	\$0	\$600,000	(\$200,000)	\$400,000	
SUBTOTAL FROM ONE TIME TRANSFERS	\$1,000,000	\$600,000	(\$200,000)	\$400,000	-33.33%
NET OUT OVERLAY (NET OUT OF BUDGET ONLY)	(\$4,691)	(\$10,000)	\$0	(\$10,000)	
TOTAL GENERAL FUND REVENUE	\$63,217,808	\$62,221,518	\$469,985	\$62,691,503	0.76%
ENTERPRISE FUNDS					
SEWER RECEIPTS	\$2,391,502	\$2,759,166	\$0	\$2,759,166	0.00%
WATER RECEIPTS	\$3,946,253	\$4,132,072	\$0	\$4,132,072	0.00%
PEG RECEIPTS	\$196,359	\$255,661	\$0	\$255,661	0.00%
TOTAL ENTERPRISE FUND REVENUE	\$6,534,114	\$7,146,899	\$0	\$7,146,899	0.00%
TOTAL REVENUE	\$69,751,922	\$69,368,417	\$469,985	\$69,838,402	0.68%

**TOWN OF SWAMPSCOTT
SUMMARY OF REVENUE & EXPENSES**

	ACTUAL FY 2020	ADOPTED FY 2021	Recommended Amendments	Recommended Budget as Amended	
I. BUDGETED EXPENSES					
LEGISLATIVE/TOWN MEETING					
TOWN MODERATOR	\$0	\$200	\$0	\$200	0.00%
FINANCE COMMITTEE	\$2,995	\$3,000	\$0	\$3,000	0.00%
RESERVE FUND	\$0	\$225,000	\$0	\$225,000	0.00%
TOTAL LEGISLATIVE/TOWN MEETING	<u>\$2,995</u>	<u>\$228,200</u>	<u>\$0</u>	<u>\$228,200</u>	<u>0.00%</u>
ADMINISTRATION & FINANCE					
SELECT BOARD	\$13,236	\$13,500	\$0	\$13,500	0.00%
TOWN ADMINISTRATOR	\$239,836	\$247,572	\$3,589	\$251,161	1.45%
TOWN ACCOUNTANT	\$210,727	\$231,650	\$3,038	\$234,688	1.31%
ASSESSORS	\$113,559	\$157,961	\$1,252	\$159,213	0.79%
TREASURER/COLLECTOR	\$393,640	\$423,466	\$6,151	\$429,617	1.45%
INFORMATION TECHNOLOGY	\$519,404	\$515,650	\$36,070	\$551,720	7.00%
PARKING ENFORCEMENT	\$2,138	\$3,000	\$0	\$3,000	0.00%
LEGAL/LIABILITY INSURANCE	\$654,642	\$650,000	\$47,000	\$697,000	7.23%
HUMAN RESOURCES	\$139,370	\$156,550	\$840	\$157,390	0.54%
SALARY RESERVES/END OF EMPLOYMENT	\$265,057	\$160,000	\$87,500	\$247,500	0.54688
TOWN CLERK/ELECTIONS	\$197,909	\$198,093	\$4,862	\$202,955	2.45%
TOTAL ADMINISTRATION & FINANCE	<u>\$2,749,518</u>	<u>\$2,757,442</u>	<u>\$190,302</u>	<u>\$2,947,744</u>	<u>6.90%</u>
COMMUNITY & ECONOMIC DEVELOPMENT					
CONSERVATION COMMISSION	\$1,235	\$1,650	\$0	\$1,650	0.00%
COMMUNITY DEVELOPMENT	\$228,313	\$217,074	\$627	\$217,701	0.29%
BOARD OF APPEALS	\$11,878	\$7,546	\$0	\$7,546	0.00%
BUILDING DEPT	\$207,138	\$219,720	\$1,313	\$221,033	0.60%
HEALTH DEPT	\$150,568	\$246,241	\$17,435	\$263,676	7.08%
RECREATION	\$55,880	\$48,300	\$0	\$48,300	0.00%
HISTORICAL COMMISSION	\$5,194	\$4,250	\$0	\$4,250	0.00%
TOTAL COMM & ECON DEVELOPMENT	<u>\$660,206</u>	<u>\$744,781</u>	<u>\$19,375</u>	<u>\$764,156</u>	<u>2.60%</u>
PUBLIC SERVICES					
FACILITIES	\$468,570	\$667,400	\$169	\$667,569	0.03%
DPW-CEMETERY	\$192,137	\$192,263	\$3,788	\$196,051	1.97%
DPW-GENERAL	\$1,176,361	\$1,358,208	\$9,900	\$1,368,108	0.73%
SOLID WASTE/RECYCLING	\$1,463,324	\$1,450,000	\$0	\$1,450,000	0.00%
TOTAL PUBLIC SERVICES	<u>\$3,300,392</u>	<u>\$3,667,871</u>	<u>\$13,857</u>	<u>\$3,681,728</u>	<u>0.38%</u>

**TOWN OF SWAMPSCOTT
SUMMARY OF REVENUE & EXPENSES**

	ACTUAL FY 2020	ADOPTED FY 2021	Recommended Amendments	Recommended Budget as Amended	
PUBLIC SAFETY					
POLICE	\$3,853,312	\$3,859,665	\$68,765	\$3,928,430	1.78%
CONSTABLES	\$0	\$100	\$0	\$100	0.00%
HARBORMASTER	\$26,255	\$28,300	\$52	\$28,352	0.18%
FIRE	\$3,568,002	\$3,600,945	\$116,186	\$3,717,131	3.23%
EMERGENCY MGMT	\$6,564	\$7,000	\$0	\$7,000	0.00%
TOTAL PUBLIC SAFETY	<u>\$7,454,133</u>	<u>\$7,496,010</u>	<u>\$185,003</u>	<u>\$7,681,013</u>	<u>2.47%</u>
HUMAN SERVICES					
SENIOR CENTER	\$125,254	\$288,857	\$2,507	\$291,364	0.87%
VETERANS SERVICES	\$47,019	\$78,200	\$0	\$78,200	0.00%
LIBRARY	\$700,907	\$789,792	\$2,188	\$791,980	0.28%
TOTAL HUMAN SERVICES	<u>\$873,180</u>	<u>\$1,156,849</u>	<u>\$4,695</u>	<u>\$1,161,544</u>	<u>0.41%</u>
PUBLIC SCHOOLS					
REGIONAL VOCATIONAL SCHOOL DISTRICT	\$500,255	\$552,000	\$0	\$552,000	0.00%
SWAMPSCOTT PUBLIC SCHOOLS	\$29,820,402	\$28,602,254	\$98,000	\$28,700,254	0.34%
TOTAL PUBLIC SCHOOLS	<u>\$30,320,657</u>	<u>\$29,154,254</u>	<u>\$98,000</u>	<u>\$29,252,254</u>	<u>0.34%</u>
OTHER-GENERAL FUND					
DEBT SERVICE	\$3,055,320	\$3,646,990	\$0	\$3,646,990	0.00%
EMPLOYEE BENEFITS	\$11,659,187	\$12,016,538	\$0	\$12,016,538	0.00%
STATE ASSESSMENTS & OFFSETS	\$1,131,113	\$1,352,583	(\$41,247)	\$1,311,336	-3.05%
TOTAL OTHER-GENERAL FUND	<u>\$15,845,620</u>	<u>\$17,016,111</u>	<u>(\$41,247)</u>	<u>\$16,974,864</u>	<u>-0.24%</u>
TOTAL EXPENSES - GENERAL FUND	<u>\$61,206,701</u>	<u>\$62,221,518</u>	<u>\$469,985</u>	<u>\$62,691,503</u>	<u>0.76%</u>
ENTERPRISE FUNDS					
SEWER EXPENSES	\$2,697,117	\$2,759,166	\$0	\$2,759,166	0.00%
WATER EXPENSES	\$2,445,863	\$4,132,072	\$0	\$4,132,072	0.00%
PEG EXPENSES	\$178,219	\$255,661	\$0	\$255,661	0.00%
TOTAL ENTERPRISE FUNDS	<u>\$5,321,199</u>	<u>\$7,146,899</u>	<u>\$0</u>	<u>\$7,146,899</u>	<u>0.00%</u>
TOTAL BUDGET (INCL ENTERPRISE FUNDS)	<u>\$66,527,900</u>	<u>\$69,368,417</u>	<u>\$469,985</u>	<u>\$69,838,402</u>	<u>0.68%</u>
SURPLUS (DEFICIT) - GENERAL FUND					
	<u>\$2,011,107</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	
SURPLUS (DEFICIT) - ENTERPRISE FUNDS					
	<u>\$1,212,915</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	

Notice of Special Town Meeting

MONDAY, NOVEMBER 16, 2020, 7:00PM

To 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 16, 2020, 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"), the Moderator has determined that an in-person 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 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. No in-person attendance of members of the public will 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 if accessing the meeting online or on the smartphone app, you will be muted upon entering the meeting but can be unmuted to speak by using the "raise your hand" feature in the application.

If you are viewing the meeting remotely you can email questions in advance or during the meeting to moderator@swampscottma.gov.

1. Online:

- https://swampscottma.zoom.us/meeting/register/tJMkcuuvrTlpG9e8fCCGUQcQ_NIELKZHJX6
- You 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: 979 5273 9313

Respectfully,

Susan Duplin
Town Clerk

CAUCUS MEETINGS AND ONLINE PARTICIPATION SUPPORT

Precinct Caucuses will be held as separate Zoom sessions, beginning at 6:00pm. Members will join their Precinct Caucus for Warrant discussion and for technical support in a smaller setting. 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. Those members who may have less familiarity with virtual meetings are encouraged to contact the Moderator beforehand, and training sessions can be arranged: moderator@swampscottma.gov.

Precinct 1:	https://swampscottma.zoom.us/j/94470750060
Precinct 2:	https://swampscottma.zoom.us/j/91524803752
Precinct 3:	https://swampscottma.zoom.us/j/97184207083
Precinct 4:	https://swampscottma.zoom.us/j/98452883457
Precinct 5:	https://swampscottma.zoom.us/j/95077886602
Precinct 6:	https://swampscottma.zoom.us/j/95976344863

Respectfully,

Susan Duplin
Town Clerk

PUBLIC PARTICIPATION BY NON-TOWN MEETING MEMBERS

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

Respectfully,

Susan Duplin
Town Clerk



64 Fuller Avenue
Swampscott, Massachusetts

October 7, 2020

Mr. Peter Spellios
Swampscott Select Board
Swampscott Town Hall

Dear Chairman:

In my capacity as Town Moderator, and pursuant to Chapter 92 of the Acts of 2020, I hereby notify the Select Board I have determined that it is not yet 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 special town meeting 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;

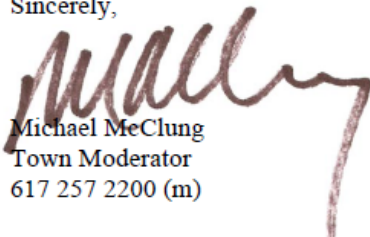
I have consulted with the Swampscott Commission on Disability for ADA compliance;

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

NOVEMBER 16, 2020

ARTICLE 1 *REPORTS OF THE TOWN BOARDS AND COMMITTEES*

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

Sponsored by the Board of Selectmen

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

ARTICLE 2 *AMEND APPROPRIATION FOR FISCAL YEAR 2021 OPERATING BUDGET*

To see if the Town will vote to amend various line items in the Fiscal Year 2021 budget, as recommended by the Finance Committee, as follows, and further to raise and appropriate or transfer from available funds money therefor, or take any action relative thereto.

Sponsored by the Finance Committee

Comment: The Finance Committee 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.

EOY Expense FY'20	Approved Budget FY'21	Line Item No.	DEPARTMENTAL BUDGETS (Recommended Amended Line Items only)	Recommended Amendments	Recommended Budget as Amended
<u>\$222,607</u>	<u>\$229,572</u>	<u>6</u>	TOWN ADMINISTRATOR Personnel Subtotal [0112301]	<u>\$3,589</u>	<u>\$233,161</u>
<u>\$71,986</u>	<u>\$140,200</u>	<u>8</u>	ACCOUNTING Personnel Subtotal [0113501]	<u>\$1,538</u>	<u>\$141,738</u>
\$998	\$2,000		EDUCATIONAL EXPENSES	\$1,000	\$3,000
\$595	\$1,500		CONFERENCES/SEMINARS	\$500	\$2,000
<u>\$80,241</u>	<u>\$16,450</u>	<u>9</u>	ACCOUNTING Expense Subtotal [0113502]	<u>\$1,500</u>	<u>\$17,950</u>
<u>\$55,645</u>	<u>\$94,731</u>	<u>11</u>	ASSESSORS Personnel Subtotal [0114101]	<u>\$1,252</u>	<u>\$95,983</u>
<u>\$277,174</u>	<u>\$309,105</u>	<u>13</u>	TREASURER/COLLECTOR Personnel Subtotal [0114501]	<u>\$6,151</u>	<u>\$315,256</u>
\$31,624	\$10,000		HARDWARE/EQUIPMENT	\$36,070	\$46,070
<u>\$519,404</u>	<u>\$515,650</u>	<u>15</u>	TECHNOLOGY Expense Subtotal [0115502]	<u>\$36,070</u>	<u>\$551,720</u>
\$175,979	\$125,000		TOWN COUNSEL CONTRACT	\$47,000	\$172,000
<u>\$654,642</u>	<u>\$650,000</u>	<u>17</u>	LEGAL & INSURANCE Expense Subtotal [0115102]	<u>\$47,000</u>	<u>\$697,000</u>
<u>\$105,286</u>	<u>\$126,800</u>	<u>18</u>	HUMAN RESOURCES Personnel Subtotal [0115201]	<u>\$840</u>	<u>\$127,640</u>
\$31,268	\$50,000		END OF EMPLOYMENT-SCHOOL	\$52,500	\$102,500
\$224,539	\$70,000		END OF EMPLOYMENT-TOWN	\$35,000	\$105,000
<u>\$265,057</u>	<u>\$160,000</u>	<u>20</u>	END OF EMPLOYMENT Expense Subtotal [0115203]	<u>\$87,500</u>	<u>\$247,500</u>
<u>\$162,280</u>	<u>\$157,283</u>	<u>21</u>	TOWN CLERK Personnel Subtotal [0116101]	<u>\$4,862</u>	<u>\$162,145</u>

EOY Expense FY'20	Approved Budget FY'21	Line Item No.	DEPARTMENTAL BUDGETS (Recommended Amended Line Items only)	Recommended Amendments	Recommended Budget as Amended
\$226,901	\$205,850	24	COMMUNITY DEVELOPMENT Personnel Subtotal [0117201]	\$627	\$206,477
\$199,467	\$203,745	27	BUILDING DEPT Personnel Subtotal [0125101]	\$1,313	\$205,058
\$138,338	\$228,421	29	BOARD OF HEALTH Personnel Subtotal [0151001]	\$1,435	\$229,856
\$240	\$1,400		OUTSIDE SERVICES-MENTAL HEALTH REFERRAL PROGRAM	\$16,000	\$17,400
\$12,230	\$17,820	30	BOARD OF HEALTH Expense Subtotal [0151002]	\$16,000	\$33,820
\$21,262	\$163,400	34	FACILITIES Personnel Subtotal [0119201]	\$169	\$163,569
\$170,102	\$167,213	36	CEMETERY Personnel Subtotal [0149101]	\$3,788	\$171,001
\$446,573	\$475,015	38	PUBLIC WORKS Personnel Subtotal [0149901]	\$9,900	\$484,915
\$3,673,277	\$3,681,865	42	POLICE Personnel Subtotal [0121001]	\$68,765	\$3,750,630
\$20,391	\$20,300	45	HARBORMASTER Personnel Subtotal [0129501]	\$52	\$20,352
\$3,372,659	\$3,348,169	47	FIRE DEPT Personnel Subtotal [0122001]	\$116,186	\$3,464,355
\$111,344	\$213,057	51	SENIOR CENTER Personnel Subtotal [0154101]	\$1,007	\$214,064
\$2,314	\$1,300		VEHICLE MAINTENANCE	\$1,500	\$2,800
\$13,910	\$75,800	52	SENIOR CENTER Expense Subtotal [0154102]	\$1,500	\$77,300
\$526,056	\$561,045	56	LIBRARY Personnel Subtotal [0161001]	\$2,188	\$563,233
\$29,820,402	\$28,602,254	60	SWAMPSCOTT PUBLIC SCHOOLS	\$98,000	\$28,700,254
			STATE ASSESSMENTS		
\$21,474	\$22,765		MOSQUITO CONTROL ASSESSMENT	(\$4)	\$22,761
\$52,248	\$46,160		SCHOOL CHOICE ASSESSMENT	\$20,517	\$66,677
\$675,812	\$889,350		CHARTER SCHOOL ASSESSMENT	(\$61,760)	\$827,590
\$1,131,113	\$1,352,583		Expense Subtotal (No Appropriation Necessary)	(\$41,247)	\$1,311,336
\$1,131,113	\$1,352,583		STATE ASSESSMENTS TOTAL	(\$41,247)	\$1,311,336
\$61,205,427	\$62,221,518		TOTAL GENERAL FUND APPROPRIATIONS	\$469,985	\$62,691,503

ARTICLE 3 APPROVE BILLS OF PRIOR FISCAL YEARS

To see if the Town will vote to authorize payment of bills of prior fiscal years, and as funding therefor, to raise and appropriate or transfer from available funds a sum of money for such purposes, or take any action relative thereto.

Sponsored by the Town Administrator

Comment: The purpose of this article is to provide a mechanism to pay bills that come in from time to time that were incurred in prior fiscal years. The following table provides the list of bills for which certain Departments are requesting payment:

Description	Dept	Inv. Date	Amount
Flu Vaccines	Health	10/14/2019	\$808.88
Drum Pump	Fire	4/24/2020	\$21.00
Driving Record Monitoring	HR	06/30/2020	\$70.00
Conservation Comm. Handbook	Conservation	06/15/2020	\$15.00
Uniforms	PEG	12/17/2019	\$324.50
Uniforms	PEG	12/17/2019	\$29.50
Uniforms	PEG	12/17/2019	\$243.00

Headsets for 06/2020 Town Meeting	PEG	06/16/2020	\$339.90
EV Charging Station Service Contract	Facilities	06/23/2020	\$225.00
TOTAL			\$2,076.78

This Article requires a 9/10th vote per Mass. General Laws

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 – COLLECTIVE BARGAINING AGREEMENTS*

To see if the Town will vote to appropriate 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 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 2021 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 FY2020 and use it to off-set the tax levy for FY2021.

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 *AUTHORIZE INCREASE FOR RETIREES COST OF LIVING BASE (COLA)*

To see if the Town will vote pursuant to the provisions of G.L. c. 32, §103 (j), to approve the acceptance by the Swampscott Retirement Board of an increase of \$1,000 in the maximum base amount on which the cost of living adjustment is calculated for pension payments, which would increase such base amount from \$13,000 to a base amount of \$14,000 as of July 1, 2020, and which once accepted, may not be revoked, or take any action relative thereto.

Sponsored by the Swampscott Retirement Board

Comment: Retirees and survivors of the Swampscott Retirement System (SRS) 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. The last time the base amount was adjusted was in 2012.

The Retirement Board will present on this proposal at 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.

ARTICLE 7 *HOME RULE PETITION TO EXEMPT POLICE AND FIRE DEPARTMENTS FROM CIVIL SERVICE*

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation providing that all of the positions in the Police Department and Fire Department after passage of the Act not be subject to the Civil Service statute, all as set forth below; 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:

AN ACT EXEMPTING ALL POSITIONS IN THE POLICE DEPARTMENT AND FIRE DEPARTMENT OF THE TOWN OF SWAMPSCOTT FROM THE CIVIL SERVICE LAW

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, all positions in the police department and the fire department of the town of Swampscott shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in section 1 on the effective date of this act.

SECTION 3. Notwithstanding the provisions of Section 2, no appointments or promotions made after the effective date of this act will be governed in any way by chapter 31 of the General Laws.

SECTION 4. This act shall take effect on July 1, 2021.

Sponsored by the Town Administrator

Comment: This Article proposes to rescind the Town of Swampscott’s participation in the State Civil Service System.

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

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

ARTICLE 8 *APPROPRIATION FOR CAPITAL PROJECT – FORMER POLICE STATION*

To see if the Town will vote to appropriate a sum of money for the maintenance and repair of the former Police Station, located at 86 Burrill Street; and, to authorize the Treasurer, with the approval of the Select Board, to borrow said sum pursuant to G.L. c.44, §§7 or 8 or any other enabling authority and issue bonds or notes of the Town therefor, or transfer from available funds, or otherwise, and further, that any premium received by the Town upon the sale of any bonds or notes, may be applied to the payment of costs approved by this vote and accordance with G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any action relative thereto.

Sponsored by the Town Administrator

Comment: The purpose of this article is to appropriate funds for a capital project to make needed repairs to the former Police Station, located at 86 Burrill Street.

This Article requires a 2/3 vote for borrowing

The Select Board recommends favorable action on this Article.

The Finance Committee recommends favorable action on this Article.

ARTICLE 9 *ESTABLISH HADLEY ELEMENTARY SCHOOL REUSE ADVISORY COMMITTEE*

To see if the Town will vote to create a committee referred to as the “Hadley Elementary School Reuse Advisory Committee” in order to study future re-use of all or a portion of the existing Hadley Elementary School building / property for (a) municipal, (b) public or civic, (c) downtown/local commercial, and/or (d) non-market rate housing purposes, in the event the school is deemed surplus by the Swampscott School Department and no longer to be used as a public school. Said committee shall (i) explore the need, cost and feasibility of continued town ownership and use of all or a portion of the Hadley School building for municipal / public purposes; (ii) explore the potential to raze all or a portion of the Hadley School building to allow all or a portion of the property to be used for open space and/or recreational purposes; and (iii) explore potential public – private partnership and other structures that would enable all or a portion of the Hadley Elementary School building to remain open to the public and/or available for public access; (iii) recommend to the Town of Swampscott Select Board potential re-use options for the Hadley Elementary School building / property; and (iv) identify and propose zoning and other potential bylaw revisions needed to achieve the proposed re-use of the Hadley Elementary School building / property. The Hadley School Reuse Advisory Committee shall be comprised of seventeen (17) members, including five (5) members of the Swampscott Town Meeting appointed by the Town Moderator, four (4) residents appointed by the Swampscott Select Board, a member or designee from each of the Swampscott Planning Board, the Swampscott Historical Commission, the Swampscott Open Space and Recreation Plan Committee, the Swampscott All Ages Committee, the Swampscott Finance Committee, the Swampscott Capital Improvement Committee, the Swampscott Cultural Council, and the Swampscott Affordable Housing Trust. The Hadley School Reuse Advisory Committee shall be supported in its efforts by the Swampscott Town Administrator, Swampscott Director of Community and Economic Development, Swampscott Facilities Director and such other town staff as reasonably needed to support the work of the committee, or take any action relative thereto.

Sponsored by the Select Board

Comment: This Article proposes to establish a committee to study the re-use of the Hadley Elementary School Building site should the School Committee designate the property as surplus to the needs of the Swampscott Public Schools.

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

ARTICLE 10 ZONING BYLAW AMENDMENT – TECHNICAL AMENDMENTS

To see if the Town will vote to amend the Town of Swampscott Zoning Bylaw to make minor revisions to the use table, permitted signs, and definitions, deletions being shown in strikethrough, and additions being shown underlined and in bold, as shown in Appendix A, or take any other action relative thereto.

Sponsored by Planning Board

Comment: This proposed series of amendments to the Zoning Bylaw are minor revisions to the use tables, permitted signs, and certain definitions.

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

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

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

ARTICLE 11 AMEND GENERAL BYLAWS – REVOLVING FUNDS

To see if the Town will vote to amend General Bylaws Article XXI, Section 1 to add new Revolving Funds to the List of the Town’s Revolving Funds, and to amend Section 2 to establish the annual spending limit for this revolving fund in accordance with G.L. Chapter 44, §53E ½, with such updated expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to change the same for the ensuing fiscal year; provided, however, that at the request of the entity authorized to expend such funds, the Select Board, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, all as set forth below:

PROGRAM OR PURPOSE	AUTHORIZED OFFICER OR BOARD TO SPEND	DEPARTMENT RECEIPTS	PURPOSE	FISCAL YEAR SPENDING LIMIT
Historical Commission	Historical Commission	Historic House Plaque Program; Community Programs and Seminars; Sale of Books and Keepsakes.	To pay expenses related to the programs for which receipts will be collected	\$5,000

, or take any action relative thereto.

Sponsored by Town Administrator

Comment: The intent of this article is to add a new Revolving Fund to the list of the Town’s revolving funds for the Historical Commission to sell items.

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

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

ARTICLE 12 *GENERAL BYLAW AMENDMENT – ADOPTION OF NOISE BYLAW*

To see if the Town will vote to amend the Town’s General Bylaws by inserting a new bylaw entitled, Noise, the text of said proposed bylaw being shown in Appendix B, and to authorize the Town Clerk to assign appropriate numbering therefor, or take any other action relative thereto.

Sponsored by the Select Board

Comment: The noise is passage would create a requirement limiting certain excessive noise in proximity to a school building.

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

ARTICLE 13 *GENERAL BYLAW AMENDMENT – ADOPTION OF TREE BYLAW*

To see if the Town will vote to amend the Town of Swampscott General Bylaws by adding a new bylaw entitled, Trees, the text of said proposed bylaw being shown in Appendix C, and to authorize the Town Clerk to assign appropriate numbering therefor, or take any other action relative thereto.

Sponsored by the Conservation Commission

Comment: Trees contribute to the health and well-being of the Town of Swampscott (the “Town”) and its residents and wildlife. Trees enhance the Town’s beauty and improve air quality and climate by providing shade, producing oxygen, and sequestering carbon. Research has also shown that mature trees increase property values. The purpose of this bylaw is to preserve and protect Public Shade Trees and Town Trees in the Town in accordance with the provisions of Massachusetts General Law (“M.G.L.”) Chapter 87 (“Chapter 87”), and to provide standards for the proper care of Town Trees.

The Conservation Commission will report on this Article at Town Meeting.

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

ARTICLE 14 *GENERAL BYLAW AMENDMENT – MARIJUANA LICENSING*

To see if the Town will vote to amend the General By-laws by adding a new Article: XXVI, Marijuana Licensing, by setting application requirements, enforcement procedures, and a limitation on the number of adult use marijuana retail establishments in town as shown in Appendix D or take any action relative thereto.

Sponsored by Board of Selectmen

Comment: This will amend the General Bylaws to provide additional regulations on Recreational Marijuana establishments, including establishing a limit of two such facilities in Town.

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

ARTICLE 15 *PROPOSED CAPITAL PROJECT – REPAIR OUR ELEMENTARY SCHOOLS*

To see if the Town will vote to raise and appropriate \$3,000,000, to be expended under the direction of the Department of Facilities Management, with any necessary contracts over \$100,000 to be approved by the Select Board and the School Committee to pay for maintenance needs as identified in the 2019 Master Capital Improvement Plan for the Clarke, Hadley, and Stanley Schools, or act on anything relative thereto.

Petition submitted by Terry Lorber, et al, (109 signatures duly certified)

Comment: The Capital Improvement Committee, in conjunction with the Department of Facilities Management, maintains a 30-year Capital Improvement Plan. As of this writing, the first 10 years of this plan identifies \$1,000,000 in maintenance needs at the Clarke School and \$800,000 at the Stanley School. There are no entries for the Hadley School. This article will remove one barrier to needed improvements by authorizing at \$3,000,000 budget to be used immediately at our elementary schools.


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

The Capital Improvement Committee will report on this Article at Town Meeting.

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


Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said meeting.
Given under our hand this 28th day of October 2020.

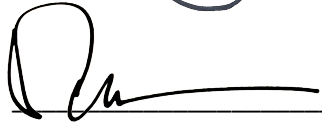
BOARD OF SELECTMEN:



Polly Titcomb.







APPENDICES

APPENDIX A – ARTICLE 10 - AMEND ZONING BYLAWS – PROPOSED MINOR CHANGES AND REVISIONS

TABLE OF USES 2.2.3.0

	Principal Use	A-1	A-2	A-3	A-4	B-1	B-2	B-3	B-4	I	Off Street Parking Group (See Art. 3.1.2.0)
A.	RESIDENTIAL										
3.	Multi-family dwelling containing not more than 8 3 dwelling units.	N	N	SP	SP	SP	SP	SP	SP	N	A-MF
3A.	Multi-family dwelling containing not more than 8 dwelling units.	N	N	N	SP	SP	SP	SP	SP	N	A-MF
3B.	Multi-family dwelling containing not more than 8 dwelling units.	N	N	N	N	SP	SP	SP	SP	N	A-MF

[Purpose: reorganize 3, 3a and 3b into logical sequential order]

3.2.3.0. Permitted Signs

3.2.3.3. In all districts, one (1) contractor’s sign, not exceeding six (6) feet in area, and not exceeding six (6) feet above grade as measured to the topmost portion of the sign, may be displayed in connection with the ongoing renovation or construction of a building. The sign shall be removed within the earlier to occur of (a) ninety (90) days following the issuance of the building permit permitting such work or project; or (b) ten (10) days following the completion of the work or project. ~~Such sign shall be attached to the building, provided that:~~

- ~~a. such sign may be placed on a fence in front of the construction project solely in the event that the frame of such building is not yet constructed; or~~

~~_____ b. such sign may be placed within ten (10) feet of the construction project, on the site of the land containing the construction project, solely in the event that:~~

~~_____ a. the frame of such building is not yet constructed; and~~

~~_____ b. a fence in front of the construction project is not yet constructed.~~

[Purpose: A & B unnecessary].

ARTICLE VI. DEFINITIONS

Building coverage: That percentage of the lot or plot area covered by the total footprint ~~gross floor-area~~ of a building or buildings.

Open Space: The area of a lot expressed as a percentage of lot not occupied by the footprint of buildings, structures, and/or material that is not pervious. ~~No vehicles may be parked within the minimum required Open Space.~~

~~Lot Area = X~~

~~Square Footage of all buildings, structures, and material that is not pervious = Y~~

~~Open Space = Y / X~~

Building height: ~~In the case of flat roofs, t~~The vertical distance from the highest point of the roof (or top of parapet if parapet is higher than plane of roof); but this would not apply to parapets two (2) feet in height or less) to the lowest finished grade of the ground adjoining any side of the building. In the case of sloped roofs, the vertical distance from the midpoint of the slope between the highest ridge and the main plate to the average finished grade of the ground adjoining the building. In neither case shall the height of a building be measured from the top of a basement, cellar, garage, storage area, etc., which is counted as a story. If the existing grades on the site prior to construction are raised one (1) foot or more (on average) for the new construction, then the height of the building shall be calculated from the grades that existed prior to new construction.

[Purpose: clarify certain definitions and remove incorrect calculation]

APPENDIX B – ARTICLE 12 - AMEND GENERAL BYLAWS – PROPOSED NOISE BYLAW

ARTICLE XXVI NOISE BYLAW

A. Definitions. As used by this Bylaw, the following terms shall have the meanings indicated:

PLAINLY AUDIBLE: For purposes of this Bylaw, such term shall mean any sound from a source regulated by this Bylaw that can be detected above routine or normal ambient background noise by unaided human hearing and measuring decibels.

SOUND AMPLIFICATION SYSTEM: Any fixed or portable system to operate or amplify sound, including, but not limited to, phonograph, radio, television, stereo, record player, tape player, cassette player, compact disk player, digital music player, "boom box," cellular phone or fixed or portable speaker.

B. It shall be unlawful for any person or persons to cause or allow any noise which emanates from any building, boat, structure, vehicle, premises, or any Sound Amplification System, which is plainly audible as measured from the property line of any school building located in Town during the hours of 8:00 a.m. through 3:00 p.m. Monday through Friday when school is in session. Each such act, which constitutes a violation of this Section, which either continues or is reported more than 30 minutes after the issuance of a warning or citation to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense in accordance with Subsection C of this Bylaw.

C. Violations of this Bylaw shall be enforced by the Police Department. The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, including but not limited to enforcement by noncriminal disposition pursuant to G.L. c.40, §21D and Article XII of the General Bylaws. The election of one remedy by the Town shall not preclude enforcement through any other lawful means.

The following penalties apply to residents who violate any section of this Bylaw:

- a. First offense – written warning
- b. Second offense – \$25.00
- c. Third offense – \$100.00
- d. Fourth and Subsequent offenses – \$300.00

D. Exemptions. The following uses and activities shall be exempt from the noise level regulations:

1. Any law enforcement motor vehicle, fire apparatus, ambulance, rescue, or emergency response vehicle in performance of their public safety responsibilities.
2. Any highway maintenance, water department, or public utilities vehicle utilizing an amplified communications system in the performance of their responsibilities.
3. Announcing systems at sanctioned sporting or other authorized public events.
4. Noises from safety signals or warning devices.
5. Noises resulting from any authorized vehicle(s) responding to an emergency call or acting in time of emergency.
6. Noises resulting from activities of a temporary duration permitted by law and/or for which a license or permit has been granted by the Town.

7. Parades, music festivals, public gatherings, and events for which the Select Board has issued a permit.
8. Bells, chimes or carillons, or their amplified, recorded, or other electronic substitution while being used for religious purposes, in conjunction with religious services or to denote time intervals.
9. Snow removal and permitted construction activities.
10. Noises for which the Select Board has granted a special permit.
11. Noise resulting from activities of any agricultural operation.
12. Noise resulting from officially sponsored school activities.

E. Application for special permit. Application for a permit for relief from the noise level designated in this Bylaw on the basis of undue hardship may be made to the Select Board. Any permit granted by the Select Board shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.

F. Alcohol/Entertainment Licenses. The holders of licenses to provide alcoholic beverages and/or entertainment shall comply with any noise allowances and/or restrictions imposed upon such licenses, and in the case of a conflict between individual license allowances or restrictions and this bylaw, the terms of the license shall apply, and a violation of any such allowances or restrictions shall also constitute a violation of this bylaw.

G. If any section of this Bylaw is declared invalid or unenforceable, the other provisions of this Bylaw shall not be affected thereby.

APPENDIX C – ARTICLE 13 - AMEND GENERAL BYLAWS – PROPOSED TREE BYLAW

XXVI. TREES

Section 1. Purpose

Trees contribute to the health and well-being of the Town of Swampscott (the “Town”) and its residents and wildlife. Trees enhance the Town’s beauty and improve air quality and climate by providing shade, producing oxygen, and sequestering carbon. Research has also shown that mature trees increase property values. The purpose of this bylaw is to preserve and protect Town Trees and, in accordance with the provisions of M.G.L. c. 87, Public Shade Trees in the Town

Section 2. Definitions

a. “DBH (Diameter at Breast Height)” means the diameter of the trunk of a tree 4 1/2 feet above the existing grade at the base of the tree.

b. “Drip Line” means a vertical line running through the outermost portion of the crown (i.e., the outer branch tips) of a tree and extending to the ground.

c. “Person” means any individual or group of individuals, or any association, partnership, corporation, company, profit or non-profit business organization, trust or estate, to the extent permitted under the laws of the Commonwealth of Massachusetts.

d. “Public Right-of-Way” means the strip of land controlled or owned by the Town within which a public street or road lies. Typically, the Public Right-of-Way is wider than the road surface and often includes curbs, sidewalks, utilities, Public Shade Trees and grass strips.

e. “Public Shade Tree” for purposes of this bylaw, and consistent with M.G.L. c. 87, means all trees within a public way or on the boundaries thereof including trees planted upon adjoining land at a distance not exceeding 20 feet from the layout of such public way for the purpose of improving, protecting, shading or ornamenting the same provided that the written consent of the owner of such adjoining land was first be obtained.

f. “Town Tree” means any tree in a public park or other place owned, controlled or leased by the Town, or where the Town has an easement, except trees on conservation lands managed by, or resource areas or their buffer zones, under the jurisdiction of, the Swampscott Conservation Commission.

g. “Tree Removal” means the cutting down of any Public Shade Tree or Town Tree and any other act that the Tree Warden determines will cause such a tree to die within a three-year period, including but not limited to improper or excessive pruning and construction, demolition, and excavation activities. Excessive pruning means the removal of more than one third of the tree canopy or cutting back the tree’s limbs to a point that the Tree Warden determines will prevent the natural growth of the tree.

Section 3. Jurisdiction

a. This bylaw applies to all Public Shade Trees and Town Trees in the Town.

b. Tree Warden. The Tree Warden shall have jurisdiction over all trees to which this bylaw applies and as set forth in G.L. c. 87, s. 2. Consistent with M.G.L. c. 41, s.,106, the Tree Warden shall be appointed by the Select Board upon the recommendation of the Director of the Department of Public Works for a three year period, shall be qualified by training and experience in the field of arboriculture, and be licensed with the department of food and agriculture in accordance with the provisions of M.G.L. 132B, s. 10.

c. Coordination with Other Town Regulators. If, based on information provided to the Town's Building Department, Planning Board, Zoning Board of Appeals, or other Town Department or Board, it appears that any Public Shade Tree or Town Tree may be impacted by construction, demolition or excavation activities under that regulatory agency's jurisdiction, such agency shall (1) require the owner of the affected property and any Person engaging in such activities to comply with the provisions of this bylaw and (2) notify the Tree Warden of such activities,

d. Special Permit. For projects that require Planning Board Site Plan Review or Special Permit, the Planning Department shall forward Site Plan Review and Special Permit applications to the Tree Warden for review and comment.

Section 4. Activities Requiring Written Approval by the Town

a. A Public Shade Tree or Town Tree may not be trimmed, pruned, cut or removed by any Person other than by the Tree Warden, acting through the Department of Public Works, unless and until the Tree Warden issues a written approval pursuant to this bylaw.

b. Such written approval shall also be required of any Person for (1) planting a Public Shade Tree or Town Tree, (2) engaging in construction or demolition activities within the Drip Line of a Public Shade Tree or Town Tree, and (3) engaging in excavation activities that may disturb a Public Shade Tree or Town Tree, including but not limited to the installation of utility lines.

Section 5. Tree Planting

The written approval issued under Section 4.b. of this bylaw for planting Public Shade Trees and Town Trees shall include, as determined by the Tree Warden: (1) the species of trees acceptable for planting; (2) the size of the tree (generally anticipated to have a DBH of no less than 2.5 inches); (3) site selection; (4) priorities for tree planting locations; (5) spacing of street trees; (6) any specific planting guidelines; and (7) compliance with any rules or regulations as may be adopted by the Tree Warden. A list of acceptable street tree replacements is available on the Town's Forestry Division web page. The Tree Warden may issue standards for planting Public Shade Trees and Town Trees for which a permit is issued under Section 4.b.

Section 6. Prohibited Activities

a. It shall be unlawful for any Person to engage in any of the following activities relating to Public Shade Trees or Town Trees: (1) topping or stubbing tree branches (i.e., cutting back the vertical stem and the upper primary limbs on mature trees to stubs at uniform height); (2) girdling tree trunks, (3) cutting or poisoning tree roots; (4) causing any other kind of injury; and (5) pollarding the top and branches of a tree if done by any Person other than the Tree Warden, acting through the Department of Public Works.

b. No person shall asphalt or install other impervious surfaces within three feet of the trunk of a Street Tree, provided, however, that if such length is not feasible, in the opinion of the DPW, on

the street-side or sidewalk-side of the tree, then less than three feet is acceptable on that side, but in no case shall asphaltting or installation of impervious surfaces be made up to the trunk of the tree. For purposes of this subsection, the term person shall include any agency, department or commission of a State or a subdivision of a State. Through policy or regulation, the Tree Warden may establish additional requirements for the installation of new or replacement Street Trees, including specifying the appropriate size of tree basins. Where construction or other work occurs in the street or on the sidewalk near an existing Street Tree, and to the extent feasible, the modification of the existing tree basin shall comply with such policy or regulation. As general matter, it is presumed that the tree basin should be at least 15 sq. feet, preferably three-feet wide and five feet long.

Section 7. Application Procedures

A Person who wishes to initiate any activity affecting a tree for which a written approval is required under this bylaw shall submit a written request to the Tree Warden and provide, upon request, such information as the Tree Warden may require. The Tree Warden may specify schedules, terms, and conditions as deemed appropriate by the Tree Warden in the written approval. There shall be no fee for filing a request.

Section 8. Public Hearing

a. Except as provided in M.G.L. c. 87, s. 5, the Tree Warden shall not cut down, remove, or trim a Public Shade Tree, or grant a written approval to any Person for the removal of a Public Shade Tree, without first conducting a public hearing. Where a public hearing is required, the Tree Warden shall, consistent with the provisions of M.G. L. c. 87, s. 3, issue a notice of the time and place of the hearing, which notice shall identify the size, type and location of the tree to be cut down or removed. The Tree Warden shall post the notice on the Town's website, in two or more public places in Swampscott, and in public view on the affected tree at least seven (7) days before such hearing. The Tree Warden shall also publish the notice in a newspaper of general circulation in Swampscott, once in each of two successive weeks, the first publication to be not less than seven (7) days before the day of the hearing. The costs of notice, posting and publication, if any, shall be borne by the applicant.

b. When a public hearing must be held under the provisions of his bylaw and also for either Scenic Roads Designations under M.G.L. c. 40, s. 15C or for projects requiring Planning Board Site Plan Review or Special Permit, such hearings shall be consolidated into a single public hearing before the Tree Warden and the Planning Board.

c. When the Public Shade Tree to be trimmed, pruned, cut, or removed is on conservation lands managed by, or resource areas or their buffer zones under the jurisdiction of, the Swampscott Conservation Commission, the public hearing required under the provisions of this bylaw shall be consolidated into a single public hearing before the Tree Warden and the Conservation Commission.

Section 9. Approval Criteria

a. The Tree Warden shall approve trimming, pruning, cutting, or removal of a Public Shade Tree or Town Tree under this bylaw upon his or her determination that one of the following criteria is satisfied:

- i. The tree interferes with structures, utilities, streets, sidewalks or proposed necessary improvements for which there is no feasible alternative that would save the tree; or
- ii. The tree is dead, diseased, terminally injured, in danger of falling, posing a threat to public safety or personal property, interfering with the use of the public right-of-way or causing drainage problems or
- iii. There is no alternative to removal of the tree as determined by the Tree Warden.

Section 10. Mandatory Applicability of State Standard

In accordance with the provisions of M.G. L. c. 87, s. 4, the Tree Warden shall not cut down or remove or grant a written approval for the cutting down or removal of a Public Shade Tree if, at or before the public hearing required by this bylaw, objection in writing is made by one or more Persons, unless such removal is approved by the Select Board.

Section 11. Tree Replacement

In addition to the remedies provided in this bylaw and M.G.L. c. 87, any Person who removes, injures, defaces or destroys a Public Shade Tree or a Town Tree, including the driver of any vehicle that knocks down or severely injures such a tree, shall be required to replace it, within 6 months of the date of its removal, at such Person's cost, and in accordance with the application procedures and requirements of this bylaw, as follows:

- a. The replacement tree shall be purchased from a certified tree nursery professional approved by the Tree Warden. Such professional shall plant and ensure the health of the tree for one year. If the replacement tree cannot be planted within 6 months, the Person shall, within that 6 month period, provide the Tree Warden with a plan acceptable to the Tree Warden for the tree's replacement and the replacement tree shall be planted within 12 months.
- b. The replacement tree shall be of the same or similar species or such other species as deemed advisable by the Tree Warden and shall have the same or equivalent size as measured in DBH inches as that of the tree that was removed.
- c. If a tree of equivalent size cannot be obtained or is not appropriate, the Tree Warden shall determine a suitable alternative, including planting two or more smaller replacement trees that are the largest available and appropriate for transplanting (provided that DBH is no less than 2.5 inches) or payment to the Town for the value of the tree that was removed as determined by the Tree Warden based on standards in the industry.

Section 13. Emergencies

- a. Trimming, pruning, cutting, or removal shall be allowed without written approval for any Public Shade Tree or Town Tree that is determined by emergency response officials to create a public hazard so as to immediately endanger public safety or cause an immediate and severe disruption of public services. Such officials shall complete a written record of any such determination and submit it to the Tree Warden within 14 calendar days of such determination.
- b. The Tree Warden may waive the provisions of this bylaw as an emergency response to a

hurricane, windstorm, flood or other act of nature.

Section 14. Enforcement

a. Any Person who violates any provision of M.G. L. c. 87, s. 3-5, relating to the trimming, cutting, or removal of Public Shades Trees shall be subject to fines of \$300 for each separate offense, as provided by M.G. L. c. 87, s. 6. Where any Person violates any provision of this bylaw but not the provisions of M.G. L. c. 87, the Person shall be subject to fines of \$300 for each separate offense. Each act causing damage to a separate tree shall constitute a separate offense. Each day that a violation continues shall constitute a separate offense; provided, however, that any Person who removes, injures, defaces or destroys a Public Shade Tree or a Town Tree, including the driver of any vehicle that knocks down or severely injures such a tree in violation of this Bylaw, shall be subject to a one-time fine of \$300 and shall, in the event that person fails to comply with the requirements of this Bylaw to replace that tree, be subject additional fines for that new violation. Fines for violations of this bylaw may be assessed and collected under M.G. L. c. 40, s. 21D process.

b. These remedies shall not be in derogation of the Town's right to enforce the provisions of M.G. L. 242, s. 7, against any Person who, without a permit, willfully cuts down, girdles or otherwise destroys a Public Shade Tree or Town Tree, or the Town's right to apply or enforce any other Massachusetts law or Town bylaw.

c. Fines and damages paid to the Town under this bylaw, M.G. L. c. 87, or M.G. L. c. 242, shall be paid into the Town's General Fund.

Section 15. Severability

If any part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other part shall continue in full force and effect.

Section 16 Annual Reporting

In the annual reporting submitted by the Department of Public Works pursuant to Article IV, Section 3, of the General Bylaws of the Town, the Tree Warden shall specify the number and species of trees that were both removed and planted during the year.

APPENDIX D – ARTICLE 14 - GENERAL BYLAW AMENDMENT – MARIJUANA LICENSING

Article XXVI MARIJUANA LICENSING

Section 1. Host Community Agreement Required. Any Marijuana Establishment operating within the Town shall at all times have a valid Host Community Agreement (HCA) and operate in accordance with the terms and provisions thereof.

Section 2. Regulations. The Select Board shall adopt rules and regulations related to the issuance of a Host Community Agreement, including the fees to be paid therefore and the conditions to be satisfied by any applicant for the approval of an HCA.

Section 3. Applications. Person or persons wishing to be considered for an HCA shall file an application in a form required by the Select Board, signed under the penalties of perjury by the applicant, containing such information as the Select Board may reasonably require from time to time. Each applicant shall pay an application fee as may reasonably be determined from time to time by the Select Board.

Section 4. Limitation on Number of Adult Use Retail Establishments. The number of Adult Use Marijuana Retail Establishments, as defined in G.L. c.94G, §1 and 935 CMR 500.00, as permitted to be located within the Town of Swampscott, shall not exceed twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under Chapter 138 of the General Laws. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number.

Section 5. Hearing. The Select Board shall hold a public hearing within 60 days of receipt of a completed application, with due written notice provided to the applicant of the time, date and location where such application will be heard.

Section 6. Enforcement. The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

Section 7. Prohibition on Public Consumption of Marijuana or Tetrahydrocannabinol
No person shall inhale, ingest, or otherwise use or consume marijuana or THC (as defined in G.L. c.94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public. Whoever is found in violation of this by-law shall, when requested by an official authorized to enforce this bylaw, state their true name and address to such official.

This Bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c.40, § 21, or by

noncriminal disposition pursuant to G.L. c. 40, § 21D, or any police officer. The fine for violation of this Bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

This Bylaw shall not alter or affect the jurisdiction of the Board of Health under the provisions of G.L. c. 111, § 31 or any other applicable law, including but not limited to the regulation of combustion and inhalation of tobacco and non-tobacco products in workplaces and public spaces in Town.

APPENDIX E – 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 F – 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

NOTES

**TOWN OF SWAMPSCOTT
MASSACHUSETTS
2020-2021**

<u>BOARD OF SELECTMEN</u>	<u>TERM EXPIRES</u>
Peter Spellios, Chair	2021
Mary Polly Titcomb, Vice Chair	2022
Neal Duffy	2023
David Grishman	2023
Donald Hause	2022

PROFESSIONAL STAFF

Sean Fitzgerald, Town Administrator
Gino Cresta, Assistant Town Administrator (Operations)
M. Ronald Mendes, Assistant Town Administrator (Administration & Finance)
Allie Fiske, Assistant to the Town Administrator & Select Board

<u>FINANCE COMMITTEE</u>	<u>TERM EXPIRES</u>
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	2021
Cinder McNerney – Precinct 4	2023
James Goldman – Precinct 6	2021
Gail Rosenberg – At Large	2022
Jill Sullivan – At Large	2021