



2023 Special Town Meeting

WARRANT REPORT

Town of Swampscott

TABLE OF CONTENTS

2023 Special Town Meeting Warrant

WARRANT FOR SPECIAL TOWN MEETING

ARTICLE 1 – Reports of the Town Boards and Committees	1
---	---

FINANCIAL ARTICLES

ARTICLE 2 – Approve Transfer of Free Cash and/or Stabilization – Adjustments to Tax Rates	1
---	---

AMENDMENTS TO ZONING & GENERAL BYLAWS

ARTICLE 3 – Amend General Bylaws: Adoption of “Regulations for Plastic Containers in Food Establishments”	1
---	---

MISCELLANEOUS ARTICLES

ARTICLE 4 – Appropriation for PARC Grant	1
--	---

APPENDICES

APPENDIX A – Proposed General Bylaw: Regulations for Plastic Containers in Food Establishments	4
APPENDIX B – Definition of Financial Terms Commonly Used at Town Meetings	8
APPENDIX C – Table of Motions	9

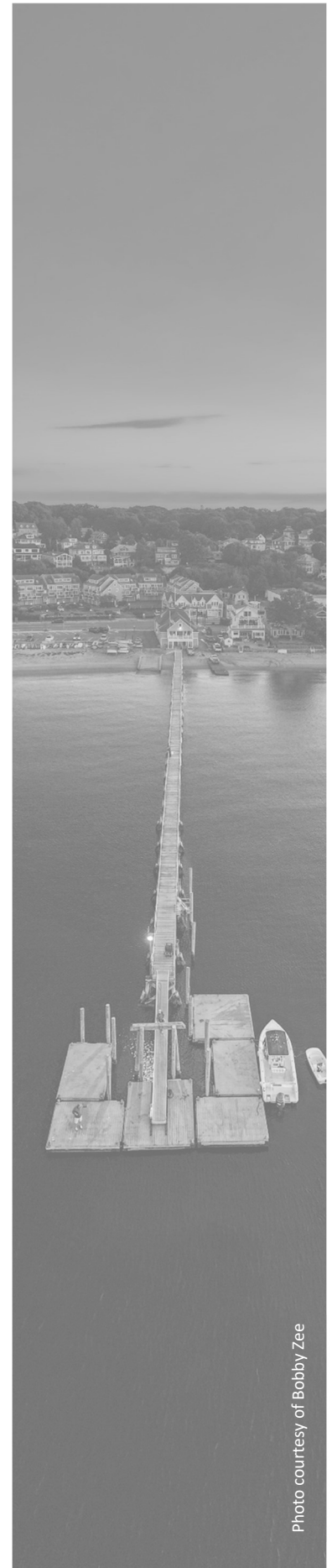


Photo courtesy of Bobby Zee

NOTICE OF SPECIAL TOWN MEETING

Monday, December 11, 2023, 7:00 PM

To Town Meeting Members:

Notice is hereby given in accordance with Article II, Section 2 of the General Bylaws of the Town of Swampscott that the Special Town Meeting will be held on Monday, December 11, 2023, beginning at 7:00 pm in the Swampscott High School Auditorium located at 200 Essex Street, Swampscott.

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

Town Moderator Michael McClung will preside.

Respectfully,

Jared H. LaLiberte
Town Clerk

NOTICE OF PRECINCT CAUCUS MEETINGS

Caucus meetings for all Swampscott precincts have been scheduled for Monday, December 11, 2023, beginning at 6:45 pm in the Swampscott High School located at 200 Essex Street, Swampscott. Room assignments are as follows:

Precinct 1 – Room C101
Precinct 2 – Room C103

Precinct 3 – Room C104
Precinct 4 – Room C105

Precinct 5 – Room C107
Precinct 6 – Room B208

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

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

Respectfully,

Jared H. LaLiberte
Town Clerk

TOWN WARRANT | DECEMBER 11, 2023

Town of Swampscott

ARTICLE 1 *REPORTS OF THE TOWN BOARDS AND COMMITTEES*

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

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

**Sponsored by the
Select Board**

ARTICLE 2 *APPROVE TRANSFER OF FREE CASH AND/OR STABILIZATION – ADJUSTMENTS TO TAX RATES*

To see if the Town will vote to transfer from Free Cash and/or Stabilization 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 2024, or take any action relative thereto.

Comment: This Article seeks to utilize a portion of the surplus resulting from Town general fund operations as of the end of FY2023 to off-set the tax levy for FY2024.

**Sponsored by the
Town Administrator**

This Article requires a 2/3 vote if Stabilization is funding source.

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

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

ARTICLE 3 *AMEND GENERAL BYLAWS: ADOPTION OF "REGULATIONS FOR PLASTIC CONTAINERS IN FOOD ESTABLISHMENTS"*

To see if the Town will vote to amend the Town of Swampscott General Bylaws by adding a new Article XXX, Regulations for Plastic Containers in Food Establishments, as shown in Appendix A, or take any other action relative thereto.

Comment: The proposed bylaw would assist in reducing the food service ware and accessories that are not compostable, recyclable, or reusable.

**Sponsored by the
Town Administrator**

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

ARTICLE 4 *APPROPRIATION FOR PARC GRANT*

To see if the Town of Swampscott will vote to (a) raise, appropriate, transfer from available funds and/or borrow the sum of \$103,870, and authorize the Treasurer, with the approval of the Select Board, to borrow said sum pursuant to the provisions of M.G.L. Chapter 44, Sections 7, 8, 8C and/or any other enabling authority, for the purpose of improving, renovating and equipping Philips Park with four (4) Pickle Ball Courts, including, without limitation, all costs incidental or related thereto; provided, however, that no funds shall be expended until the Town has received a grant commitment or allocation for a portion of such costs under the PARC Grant Program (301 CMR 5.00) and/or under any federal and/or other state program to undertake the foregoing project; (b) transfer the care, custody and control of Philips Park to the Select Board for, and to dedicate said Park to, park and active recreation

**Sponsored by the
Town Administrator**

This Article requires a 2/3 vote.

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

purposes under the provisions of G.L. c.45, §3; and (c) authorize the Select Board and/or its designee to apply for and accept on behalf of the Town funds granted under the PARC Grant Program and/or any other funds, gifts, grants, under any federal and/or other state program in any way connected with the scope of this Article, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the project on behalf of the Town, or take any action relative thereto.

Comment: The purpose of this Article is to appropriate monies to construct four (4) pickleball courts at Phillips Park. This project will be partially funded by the PARC Grant Program, which requires local appropriation, and funds will be partially reimbursed to the Town upon completion.

The Finance Committee will report on this Article at Special 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 20th day of November, 2023.

SELECT BOARD



David Grishman, Chair



Catherine Phelan, Vice Chair



MaryEllen Fletcher



Douglas Thompson



Peter Spellios

APPENDIX A

Proposed General Bylaw: Plastics Regulation in Food Establishments

ARTICLE XXX

REGULATIONS FOR PLASTIC CONTAINERS IN FOOD ESTABLISHMENTS

SECTION 1. PURPOSE AND INTENT

This bylaw is enacted for the purpose of reducing the distribution of food service ware and food service ware accessories that are not compostable, recyclable or reusable. The production and use of the items restricted by this bylaw have significant impacts on the environment, including but not limited to: contribution to pollution of the land environment; creating a burden to solid waste and recycling facilities; entering storm drains that empty into waterways leading to the ocean, causing potential harm to marine animals; and requiring billions of gallons of crude oil nationally for their manufacture.

SECTION 2. DEFINITIONS

Compostable: A characteristic of a product that can disintegrate into non-toxic, natural elements at a rate consistent with organic materials. A compostable product will require microorganisms, humidity, and heat to yield a finished compost product (carbon dioxide, water, inorganic compounds, and biomass).

Food Establishment: For purposes of this bylaw, a Food Establishment is an operation defined per 105 CMR 590.001 (State Sanitary Code; Minimum Standards for Food Establishments). A food establishment operation includes, but is not limited to, business and governmental establishments that store, prepare, package, serve, vend or otherwise provide food or beverage for human consumption. This includes but is not limited to restaurants, satellite or catered feeding locations, food trucks, groceries, farmers markets, bed-and-breakfast or cottage food kitchens, schools, religious institutions, temporary food events, and any establishment requiring a permit to operate in accordance with state food codes.

Materials Recovery Facility (MRF): A specialized plant that receives, separates and prepares recyclable materials for sale to end-user manufacturers. A MRF may also be defined as a materials reclamation facility, materials recycling facility or a multi re-use facility).

Municipal Solid Waste: Waste that is not recyclable and that is ultimately transported to either a landfill or a facility for incineration.

Online Food Ordering Platform: A website or mobile application through which a consumer can place an order for pickup or delivery of prepared food. Such platforms include, but may not be limited to, those operated directly by food establishments, by companies that provide delivery of prepared meals to consumers, and by online food ordering systems that connect consumers to prepared food vendors directly.

High-Density Polyethylene (HDPE): A common, highly stable, thermoformable plastic polymer used to make containers that require impact strength, chemical resistance, and longevity. It may be labeled with the recycling triangle symbol identification No. 2.

Low-Density Polyethylene (LDPE): A very common, highly stable and thermoplastic polymer used to make thin films used for plastic bags and other light duty requirements. It may be labeled with the recycling triangle symbol identification No. 4.

Per- and polyfluoroalkyl substances (PFAS) are a class of 12,000 large complex groups of fluorinated synthetic chemicals added to products like food packaging to enhance their grease resistant, waterproof, non-stick, and stainproof qualities. Because they do not breakdown in nature these chemicals become bio-accumulative and ultimately harmful in humans, wildlife, and the environment. Packaging that contains PFAS can leach into food & beverage products thereby directly exposing them to humans during food consumption. It can also leach into the food supply if such packaging is composted.

Polyethylene Terephthalate (PET or PETE): A common thermoplastic polymer widely used to make packaging for foods and beverage products. It is commonly used to make single use bottles for water and other liquids. It may be labeled with the recycling triangle symbol identification No. 1.

Polypropylene (PP): A synthetic plastic polymer used to make food containers, disposable cutlery, plastic straws, and other products. It may be labeled with the recycling triangle symbol identification No. 5.

Polystyrene (PS or EPS): A common inexpensive plastic polymer known for its strength and flexibility. It is often used to make food containers, cups, utensils, and other products. This material can also be offered as Expanded Polystyrene (EPS) or Styrofoam that is generally comprised of 98% air. EPS is often used to insulate hot or cold liquids and food items. It may be labeled with the recycling triangle symbol identification No. 6.

Polyvinyl Chloride (PVC): A common inexpensive plastic polymer known for its rigidity and strength. It can be used to make plastic straws and utensils, and other products. It may be labeled with the recycling triangle symbol identification No. 3.

Prepared Food: Any food or beverage prepared on the premises of a Food Establishment by means of cooking, chopping, slicing, mixing, freezing, or squeezing, and which requires no further preparation to be consumed. "Prepared food" does not include any raw, uncooked meat, poultry, or fish products unless provided for consumption without further food preparation. Prepared food may be eaten either on or off the premises.

Recyclable: Material that can be sorted, cleansed, and reconstituted by Swampscott's municipal recycling collection program(s) for the purpose of use in the manufacture of a new product. "Recycling" does not include thermally destroying or converting solid waste.

Recycled PET: A type of plastic that is constructed from or mixed with post-consumer recycled Polyethylene Terephthalate material. Also known as "rPET."

Reusable: Products that are designed to be used more than once in the same form by a food or retail establishment (e.g., dishes that may be placed in a dishwasher, washed, and used again).

Single-Use Container: Nondurable disposable containers holding food or beverages distributed to customers with the intent of a single use, whether used for on-premises or off-premises dining services, takeout, or delivery. This includes containers, bowls, plates, trays, cartons, cups, lids, cans, sleeves, and other items designed for one-time or nondurable uses in which any food establishment directly places or packages prepared foods.

Single-Use Food Serviceware: Items provided by the Food Establishment in relation to consuming a meal or beverage with the intent of a single use. This includes but not limited utensils, forks, knives, spoons, sporks, or chopsticks. Excluded are wooden toothpicks and paper napkins. This does not include items that are necessary for the containment of foods, such as plates, bowls, beverage cups, and bags.

Single-Use Condiment Packages: Disposable single use packets made from plastic or foil containing liquid for consumption and including, but not limited to salad dressings, ketchup, mustard, mayonnaise, duck sauce, and soy sauce.

SECTION 3. USE REGULATIONS

1. Food Establishments as defined in Section 2 operating in the Town of Swampscott that provide or offer prepared food to customers in Single Use Containers shall be required to comply with this Bylaw. Prepackaged items not prepared at the location of sale are not regulated by this Bylaw.
2. Food Establishments that offer single use containers for takeout, leftovers, delivery, or other means for which the food or beverage will be consumed off premises, shall provide a container constructed of materials as regulated in Section 5.
3. Food Establishments where prepared food may be consumed on premises and served in Single Use containers that are recyclable and regulated in Section 5 shall
 - a. Offer a recycling collection receptacle in addition to trash receptacles; and
 - b. Contract with a recycling service vendor to remove recyclable materials.
4. Recyclable materials shall be separated from other "municipal solid waste" destined for landfill or incineration. Food Establishments that offer Single Use Food Serviceware and Single-Use Condiment Packages as defined in Section 2, may offer but shall only provide such items upon agreement or request by customers, or at a self-serve station.

5. Food Establishments operating in the Town of Swampscott and that participate in online food ordering platforms shall, when such option is available, provide the option to customers to proactively request disposable food service ware with a food order. If an option is available to the customer but the customer does not indicate a preference, restaurants shall not include disposable food service ware with the order.
6. The BOH or its designee shall provide to Food Establishments succinct materials explaining the requirements of this Bylaw and recommendations for proper solid waste stream procedure.

SECTION 4. EXEMPTIONS

1. The Board of Health (BOH) may exempt a Food Establishment from the requirements of this section for a period of up to one year upon a finding by the BOH that such requirements would cause undue hardship to the Food Establishment.
 - a. Any Food Establishment seeking an exemption shall apply to the BOH using forms provided by the Health Department, and shall allow the BOH to access all information supporting its application.
 - b. The BOH may approve an exemption request, in whole or in part, with or without conditions.
 - c. The BOH may establish a fee for exemption requests.
2. The BOH may approve additional six-month periods upon the showing of a continued undue hardship.
3. An "undue hardship" shall only be found in:
 - a. Circumstances or situations unique to a Food Establishment such that there are no reasonable alternatives to materials banned in this section that are necessary to the Food Establishment's operations;
 - b. Circumstances or situations unique to a Food Establishment such that compliance with the requirements of this section would deprive a person of a legally protected right; or
 - c. Circumstances in which a Food Establishment requires additional time in order to draw down an existing inventory of plastic products or materials banned in this section.
4. Other exemptions:
 - a. Pharmaceutical containers.
 - b. Single-use containers provided to residents during a declared public health emergency or natural disaster.

SECTION 5. MATERIAL SPECIFICATIONS

1. Single-use containers exclusively composed of the following materials are prohibited for use by Food Establishments:
 - a. Polystyrene or Expanded Polystyrene "styrofoam"
 - b. PVC- Polyvinyl Chloride
 - c. LDPE – Low Density Polyethylene
 - d. Any plastic material in the color black.
 - e. Any plastic labeled as #7, "Other", or generally not accepted for curbside recycling in the Commonwealth of Massachusetts.
 - f. Recycled PET/PETE also known as "rPET."
2. Single-use containers composed of PET/PETE materials are restricted for use by Food Establishments. To prevent chemicals leaching into food, this material shall not be used to serve or store hot food or beverages.
3. Thin film transparent plastic "wrap" shall not be restricted when used to seal food, beverages, or the containers that carry them.

4. Containers intentionally adding the PFAS family of fluorinated “forever chemicals” for the purpose of enhancing its product performance are prohibited.
5. Any container that is labeled as Compostable must have one of the following certifications clearly marked on the container to assure that the material has been tested for compostability and specific contaminant limitations.
 - a. BPI (Biodegradable Products Institute)
 - b. TUV / OK Compost Industrial
 - c. CMA (Compost Manufacturing Alliance)
6. As materials technology, recycling processes, recycling vendors, states of emergency, and state and federal regulation can change from time to time, the Board of Health is authorized to adopt regulations pursuant to G.L. c.111, §31, or any other authority to:
 - a. Modify, add, or remove specific regulated materials to this section;
 - b. Add or remove certification organizations and standards;
 - c. This authority shall be temporary and last no longer than 9 months; and
 - d. Any conflicts with regard to state law or regulatory agencies shall defer to the authority of the more restrictive regulation.

SECTION 6. CONSUMER ADVISORY

If a Food Establishment offers single use plastic containers for takeout or delivery, the Food Establishment shall display to notify their customers with the following written statement:

“Per guidance of the Swampscott Board of Health, to avoid the possible transfer of chemicals from plastic containers at cooking temperatures, it is not recommended to reheat food while in direct contact with plastic containers.”

This verbiage can be placed on the menu, the payment receipt, attached to the single use plastic takeout container, or any other communication method approved by the Director of Public Health or the Board of Health.

SECTION 7. ENFORCEMENT

1. This Bylaw may be enforced by any agents or contractor of the Board of Health. This Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c.40, §21D and Article XII of the Town’s General Bylaws.
2. If non-criminal disposition is elected, then any Business Establishment which violates any provision of this regulation shall be subject to the following penalties:

First Offense: Written warning

2nd Offense: \$50 fine

3rd Offense: \$100 fine

4th and Subsequent Offenses: \$300 fine

SECTION 8. SEVERABILITY

If any provision or section of this Bylaw shall be held to be invalid, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this section, which shall remain in full force and effect.

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

Reprinted from **Town Meeting Time**, by Johnson, Trustman and Wadsworth.

Copyright © 1962, by Little, Brown and Company (Inc.)

TABLE OF BASIC POINTS OF MOTION

Rank		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.

(Originally reprinted by permission of Richard B. Johnson.)

NOTES

**TOWN OF SWAMPSCOTT
MASSACHUSETTS
2023 – 2024**

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

PROFESSIONAL STAFF

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

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