

**TOWN OF SOUTHAMPTON**  
**Commonwealth of Massachusetts**

**Annual Town Meeting Warrant**  
**Fiscal Year 2012**

HAMPSHIRE SS:

To the Constables of the Town of Southampton in the County of Hampshire.

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote on Town affairs, to meet at William E. Norris Elementary School, located at 34 Pomeroy Meadow Road, in said Southampton on Tuesday, the seventeenth day in May next, at seven in the evening, then and there to act on the following articles:

**ARTICLE 1:** To see if the Town will vote to hear presentations of the Richard C. Allen Educational Awards sponsored by the Southampton Police Association, Southampton Highway Department and Transfer Station; or take any other action relative thereto.

**ARTICLE 2:** To see if the Town will vote to fix salaries of all elected officials for the fiscal year July 1, 2011-June 30, 2012, and further, to raise and appropriate monies as identified in the Town's omnibus budget, as attached, for such fiscal year; or take any other action relative thereto.

*Recommended by the Finance Committee.*

**ARTICLE 3:** To see if the Town will vote to transfer the sum of \$8,000.00 from Free Cash to be used to reduce the FY12 tax rate; or take any other action relative thereto.

*Recommended by the Finance Committee.*

**ARTICLE 4:** To see if the Town will vote to transfer the sum of \$7,500.00 from the Stabilization-All Purpose account to be used to reduce the FY12 tax rate; or take any other action relative thereto.

*2/3rds vote required.*

*Recommended by the Finance Committee.*

**ARTICLE 5:** To see if the Town will vote to transfer the sum of \$20,401.00 from the WPAT Loan Repayment Account to fund the amortization of WPAT bonds; or take any other action relative thereto.

*Recommended by the Finance Committee.*

**ARTICLE 6:** To see if the Town will vote to transfer the sum of \$134,271.00 from the Ambulance Fees Account to fund EMS/Ambulance related expenses; or take any other action relative thereto.

*Recommended by the Finance Committee.*

**ARTICLE 7:** To see if the Town will vote to appropriate the sum of \$250,142.00 for the Transfer Station Enterprise Fund; amount to be funded from the following sources:

Permits	\$ 78,500.00
Charges (Tipping)	58,800.00
Bag Fees	66,000.00
Recycling	25,000.00
Investment Income	2,000.00
Retained Earnings	10,000.00
WPAT Subsidies	<u>9,842.00</u>
Total:	\$ 250,142.00

To be expended as follows:

Salary & Wages	\$ 55,135.00
Operating Expense	151,692.00
Debt Service/P & I	21,440.00
Indirect Cost	<u>21,875.00</u>
Total:	\$ 250,142.00

Or take any other action relative thereto.

*Recommended by the Finance Committee.*

**ARTICLE 8:** To see if the Town will vote to appropriate the sum of \$598,815.00 for the Water Enterprise Fund; amount to be funded from the following sources:

Water Charges	\$ 475,000.00
Hook-up Charges	46,250.00
Investment Income	2,000.00
Retained Earnings	10,000.00
WPAT Subsidies	<u>65,565.00</u>
Total:	\$ 598,815.00

To be expended as follows:

Salary & Wages	\$ 127,500.00
Operating Expense	130,000.00
Capital Outlay	63,061.00
Debt Service	231,068.00
Indirect Cost	<u>47,186.00</u>
Total:	\$ 598,815.00

Or take any other action relative thereto.

*Recommended by the Finance Committee.*

**ARTICLE 9:** To see if the Town will vote to rescind the portion of ARTICLE 12 as voted at the Annual Town Meeting of May 18, 2010 which stated the following: Move the Town vote to transfer the sum of \$8,000 for the purchase of shelving for the young adult and

children’s sections of the Edwards Public Library from the Stabilization Fund to fund the Capital Improvement budget for the Fiscal 2011; and further vote to transfer the sum of \$7,000. from the Stabilization Fund to the Capital Improvement budget for FY12 to be used by the Edwards Public Library for the purchase of handicapped accessible entrance doors; or take any other action relative thereto.

*2/3rds vote required.*

***Recommended by the Finance Committee.***

**ARTICLE 10:** To see if the Town will vote to adopt the Capital Improvement Plan recommended by the Capital Improvement Committee; and further to transfer the sum of \$66,000.00 from the Stabilization Fund to fund the Capital Improvement budget for Fiscal 2012 as follows: \$66,000 to be used by the Police Department for the purchase of two new cruisers; or take any other action relative thereto.

*2/3rds vote required.*

***Recommended by the Finance Committee.***

**ARTICLE 11:** To see if the Town will vote to authorize its Treasurer/Collector, with the approval of the Board of Selectmen, to enter into a compensating balance agreement or agreements with one or more banking institutions beginning in Fiscal Year 2012 and extending for as much as three years, pursuant to Chapter 44, Section 53F and subsequent revisions of the General Laws of Massachusetts; or take any other action relative thereto.

***Recommended by the Finance Committee.***

**ARTICLE 12:** To see if the Town will vote pursuant to the provisions of Section 53E½ of Chapter 44 of the Massachusetts General Laws, to authorize the operation of revolving funds for certain town departments for the fiscal year beginning July 1, 2012 with specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum that may be spent from each fund for the fiscal year as follows; or take any other action relative thereto.

***Recommended by the Finance Committee.***

<u>Revolving Fund Title</u>	<u>Authorized to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY12 Spending Limit</u>
Plumbing Inspections	Plumbing Inspector	Plumbing Inspection Receipts	Payment for Plumbing Inspection Services	\$11,000
Electrical Inspections	Electrical Inspector	Electrical Inspection Receipts	Payment for Electrical Inspection Services	\$7,500
Planning Board	Planning Board	Filing Fees	Administrative Expense	\$10,000

Zoning Board of Appeals	Zoning Board of Appeals	Receipts from Fees	ZBA Expenditures	\$3,000
Council on Aging Van	Council on Aging Director	Receipts from Operation of Van	Payment for Operation of COA Van	\$20,000
Dog Licensing and Control	Town Clerk and Dog Officer	Dog License Fees and Other Related Charges	Expenses Related to Admin. of Licenses & Dog Control	\$8,000

**ARTICLE 13:** To see if the Town will vote to transfer the sum of \$45,018.00 from the Norris School Debt Exclusion Reserve Fund to fund a portion of the Norris School Fiscal 2012 debt service; or take any other action relative thereto.

*Recommended by the Finance Committee.*

**ARTICLE 14:** To see if the Town will hear and act, pursuant to G.L. c.44B, on the report of the Community Preservation Committee for the Fiscal Year 2011 Community Preservation Budget and to appropriate or reserve from the Community Preservation Fund a sum of money in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other necessary and proper expenses in fiscal year 2011, including debt service for any approved Community Preservation projects, with each item to be considered a separate appropriation:

Reserves:

From FY 2011 estimated annual revenues for Historic Resources Reserve	\$ 28,789
From FY 2011 estimated annual revenues for Community Housing Reserve	\$ 28,789
From FY 2011 estimated annual revenues for Open Space Reserve	\$ 28,789
From FY 2011 estimated annual revenues for Budgeted Reserve	\$ 28,789

Or take any other action relative thereto.

*Recommended by the Finance Committee.*

**ARTICLE 15:** To see if the Town will hear and act, pursuant to G.L. c.44B, on the report of the Community Preservation Committee for the Fiscal Year 2012 Community Preservation Budget and to appropriate or reserve from the Community Preservation Fund a sum of money in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other necessary and proper expenses in fiscal year 2012, including debt service for any approved Community Preservation projects, with each item to be considered a separate appropriation:

Appropriations:

From FY 2012 estimated annual revenues for Committee Administrative Expenses \$10,000; or take any other action relative thereto.

*Recommended by the Finance Committee.*

**ARTICLE 16:** To see if the Town will vote pursuant to G.L. c.44B to transfer the sum of \$26,900.00 from the Community Preservation Surcharges-Historical Preservation Account to the Historical Commission to be used for the restoration of the Old School House roof; or take any other action relative thereto.

*Recommended by the Finance Committee.*

**ARTICLE 17:** To see if the Town will vote to adjust the eligibility factors for the property tax exemption for senior citizens in accordance with Massachusetts General Laws, Chapter 59, §5, Clause 41C, effective for exemptions granted for any fiscal year beginning on or after July 1, 2012, by increasing the income limits to \$18,000 for single persons and \$20,000 for married persons; or take any other action relative thereto.

*Recommended by the Finance Committee.*

**ARTICLE 18:** To see if the Town will vote to accept Massachusetts General Laws (M.G.L.) Chapter 59, §5, Clause 54, to establish a fair cash value of less than \$5,000 to be exempt from personal property taxation; or take any other action relative thereto.

*Recommended by the Finance Committee.*

**ARTICLE 19:** To see if the Town will vote to accept M.G.L. Chapter 32B, §18, which requires that all retirees, their spouses and dependents, who are enrolled in Medicare Part A at no cost to the retiree, their spouse or dependents, or are eligible for coverage thereunder at no cost to a retiree, their spouses or dependents, be required to enroll in a Medicare health benefits supplemental plan offered by the town; or take any other action relative thereto.

*Recommended by the Finance Committee.*

**ARTICLE 20:** To see if the Town will vote to authorize the Board of Selectmen to convey the parcel designated as Lot 41 in Country Estates II, shown on Assessors Map 39, as Parcel 38 and described in a deed recorded with the Hampshire Registry of Deeds in Book 87191, Page 287, upon such terms and conditions and for such consideration as the Selectmen deem in the best interest of the Town; or take any other action relative thereto.

*2/3rds vote required.*

*Non-Financial – No Recommendation.*

**ARTICLE 21:** To see if the Town will vote to elect a nine-member Charter Commission at the next following town election in accordance with the *Home Rule Procedures Act*, MGL, c. 43B, whose charge will to be to examine any and all features relating to the Town's government structure, departments, and offices, hold public hearings and report to the voters, and to place one or more options before the voters for governmental changes that they determine will be more responsive to Southampton's needs, or take any other action relative thereto.

*Article presented by petition.*

*Non-Financial – No Recommendation.*

**ARTICLE 22:** To see if the Town will vote to amend the ‘By-laws for the Town of Southampton,’ by adding the following passages **in bold** to Article II, Sec. 2; or take any other action relative thereto.

Sec. 2. Upon adoption of this by-law, there shall be elected by the voter’s two (2) members of the Finance Committee to serve for a term of one (1) year, two (2) members to serve for a term of two (2) years, and one (1) member to serve for a term of three (3) years. At each annual election thereafter there shall be an election of Finance Committee member or members for terms of three (3) years to succeed the member whose terms may expire that year or to fill the balance of a term where a vacancy has occurred. **If after such election, there are one or more vacancies on the Finance Committee, the Selectmen shall in writing appoint a person or persons to fill such vacancy(ies). Any person so appointed shall be a registered voter of the Town and shall perform the duties of the office until the next annual election or until another is qualified.**

*Recommended by the Finance Committee.*

**ARTICLE 23:** To see if the Town will vote to amend the ‘By-laws for the Town of Southampton,’ by deleting Article XXIX, and by replacing it with the following “**Wetlands Protection Bylaw**”; or to take any other action relative thereto.

**ARTICLE XXIX (town bylaw number)  
Wetlands Protection Bylaw**

<b>Contents</b>	<b>Page</b>
<b>1.0</b> Preface	
<b>2.0</b> Purpose	
<b>3.0</b> Definitions	
<b>4.0</b> Jurisdiction	
<b>4.1.</b> Conservation Zones	
<b>4.2.</b> Local Streams	
<b>4.3.</b> Vernal Pool	
<b>5.0</b> Permits	
<b>5.1</b> Public Notice and Hearings	
<b>5.2</b> Permit Approval	
<b>5.3</b> Coordination with the Planning Board	
<b>5.4</b> Extensions	
<b>5.5</b> Certificate of Compliance	
<b>5.6</b> Consultation/Peer Review	
<b>5.6A</b> General	
<b>5.6B</b> Criteria for Requesting Peer Review	
<b>6.0</b> Exemptions and Exceptions	
<b>7.0</b> Enforcement	
<b>8.0</b> Security	
<b>9.0</b> Burden of Proof	
<b>10.0</b> Waivers	

- 11.0 Appeals**
- 12.0 Effective Date**
- 13.0 Associate Members of the Commission**
- 14.0 Pequot Pond**
- 15.0 Commission Quorum**
- 16.0 Relation to the Wetlands Protection Act**
- 17.0 Severability**
- 18.0 Regulations**

## **Sec. 1.0 Preface**

The Wetlands Protection Bylaw (hereinafter referred to as the “Bylaw”) is promulgated by the Town of Southampton Conservation Commission (hereinafter the “Commission”) pursuant to the authority granted by Town of Southampton. The Wetlands Protection Bylaw was adopted by a vote at the Town Meeting held on May 17, 2011.

## **Sec. 2.0 Purpose**

This Bylaw is intended to utilize the Home Rule authority of Southampton so as to protect the Resource Areas under the Wetlands Protection Act, G.L. c.131, §40 (“the Act”) to a greater degree, to protect additional Resource Areas beyond the Act recognized by Southampton as significant, to protect all Resource Areas for their additional values beyond those recognized in the Act, and to impose additional standards and procedures stricter than those of the Act and Act regulations, 310 CMR 10.00, subject, however, to the rights and benefits accorded to Agricultural uses and structures of all kinds under the laws of the Commonwealth of Massachusetts (“Commonwealth”) and other relevant Bylaws of Southampton.

The Bylaw is to maintain the quality of the surface water, the quality and level of the groundwater table and water recharge areas for existing or potential water supplies; to protect the public health and safety; to protect persons and property against the hazards of flood water inundation, and to provide for the reasonable protection and conservation of certain irreplaceable natural features, resources and amenities for the benefit and welfare of the present and future inhabitants of the Town of Southampton.

Accordingly, the Bylaw protects the wetlands, water resources, and adjoining land areas in the Town of Southampton by providing prior review and control of activities deemed by the Commission to have significant or cumulative effect upon the following Resource Areas. These values (collectively, the "Resource Areas Values protected by the Bylaw") include, but are not limited to:

- Protection of public water supply;
- Protection of groundwater;
- Flood control;
- Erosion and sedimentation control;
- Storm damage prevention;
- Prevention of water pollution;

- Protection of fisheries and wildlife, and rare species habitat including rare plant species;
- Recreation, agriculture and aquaculture values.

Any activity proposed or undertaken within the adjacent one-hundred (100) foot Buffer Zone, as defined below, is subject to regulation under the Bylaw. Buffer Zones are vital in protecting the Resource Area of the Bylaw in many ways, including but not limited to:

- Slowing water flow, thereby decreasing water velocities, allowing infiltration, providing flood control and reducing the erosion potential of storm water runoff;
- Trapping sediment and other insoluble pollutants, thereby decreasing or preventing pollution of the wetlands and water bodies;
- Reducing nutrient overloading by filtering nutrients bound to sediment in the surface flow, and removing nutrients from groundwater through uptake in vegetation;
- Providing permeable soils that contribute to groundwater recharge;
- Producing leaf litter and biomass which increases the humus content of the soil and increase in absorption and infiltration;
- Scattering sunlight and providing shade thereby lowering water temperature within wetlands and water bodies;
- Providing essential habitat for wetland-associated species; and
- Providing a visual separation between wetlands and developed environments.

Such Buffer Zones are protected based on activities undertaken in close proximity to Resources Areas have a higher likelihood, than those activities distanced from Resource Areas, of adverse impact upon Resource Areas, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater, degraded, poor water quality, and loss of wildlife habitat.

Also such areas are deemed important by the Conservation Commission to be significant to wildlife, public and private water supply, and to the prevention of pollution. The natural vegetation plant communities and indigenous soils provide important shelter, nesting, feeding, and migratory areas for wildlife associate with the adjacent wetlands. Forested upland vegetation provides an important buffer that maintains air temperatures, light regimes, and habitat quality within the Resource Area. These areas provide key function in the attenuation and uptake of pollutants that would otherwise be discharged to water bodies or wetlands. These areas act as filters which prevent erosion and decrease the non-point source loading of contaminant that may alter the water quality of wetlands and other surface waters. An activity, that disturbs the vegetation and/or soil which occurs within 100 feet of Resource Areas, is likely to result in the alteration of the wetland through siltation, overgrading or deposition of construction debris.

### **Sec. 3.0 Definitions**

Except as otherwise provided in the Bylaw, the definitions of terms in the Bylaw shall be as set forth in the Wetlands Protection Act, which terms, as used herein, shall include the provisions of M.G.L. Chapter 131, Section 40, and in 310 CMR 10.00.

**Alter** - includes the following actions, without limitation, when undertaken to, upon, within or affecting Resource Areas protected by the Bylaw:

- Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;
- Changing of pre-existing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- Drainage or other disturbance of water level or water table;
- Dumping, discharging or filling with any material which may degrade water quality
- Placing of fill or removal of material which would change elevation;
- Driving of piles, erection, or expansion of buildings, or structures of any kind
- Dredging or filling of land under water bodies;
- Placing of obstructions or objects in water or waterways;
- Destruction of plant life including cutting of trees;
- Changing water temperature, biochemical oxygen demand or other physical, biological, or chemical characteristics of any waters;
- Any activities, changes or other work which may cause or tend to contribute to pollution of any body of water or groundwater including, without limitation, any activity that may cause surface water runoff contaminated with sediments, chemicals, or animal wastes;
- Application of pesticides or herbicides;
- Storage of flood waters and storm water runoff waters;, and
- Incremental activities that have or may have a cumulative adverse impact on the Resource Areas protected by this bylaw.

**Bank** - The term “bank” shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

**Buffer Zone** – that area of land extending 100 feet horizontally outward from the boundary of the following resource areas: freshwater wetlands, marshes, wet meadows, bogs, swamps, lakes, ponds, rivers, streams, creeks, banks, beaches, vernal pools, isolated wetlands, lands under waterbodies, lands subject to flooding or inundation by groundwater or surface water.

**Commission** - The Town of Southampton Conservation Commission

**Conservation Zone** – that area of land extending 25 feet horizontally outward from the boundary of any Resource Area, as defined by this bylaw, except for the 200-foot Riverfront Area. The Conservation Zone for vernal pools shall be further defined based on the size of the basin; with a twenty-five (25) foot setback of undisturbed vegetation for vernal pools less than 10,000 square feet, and a fifty (50) foot setback of undisturbed vegetation for vernal pools 10,000 square feet or greater in size.

**Great Ponds** - A great pond is defined as any pond or lake that contained more than 10 acres in its natural state. Ponds or lakes presently larger than 10 acres are presumed to be great ponds,

unless the applicant provides unequivocal evidence to the contrary. Ponds 10 or more acres in their natural state, but which are now smaller, are still considered great ponds.

**Isolated Wetlands** - Isolated Wetlands are areas of wetland vegetation (as defined in the WPA) which are subject to flooding and consist of isolated depressions or closed basins which serve as a ponding area for run-off or high ground water. Such areas are at least 1000 square feet in area and may include kettle holes and bogs.

**Local Stream** – A Local Stream is any naturally occurring ditch, channel, swale or depression that conveys any type of water for thirty (30) or more consecutive days within a calendar year.

**Perennial Stream/River** - For the purpose of the Bylaw, the protections afforded to Riverfront Areas under the 1996 amendment to the Massachusetts Wetlands Protection Act shall extend the reach of jurisdiction two-hundred (200) feet from the Mean Annual High Water Line (MAHWL) of a stream or river as specified by the Act.

**Permit** – A “Permit” is a written procedure, associated with the review and conditioning of projects which protects the values of wetlands, rivers and streams and other important resource areas under the terms of the Wetlands Protection Act. Such permits include procedures such as those required by Order of Conditions (OOC), Enforcement Order, or otherwise written permission.

**Person** - The term “person” shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

**Pond** - The term “pond” shall follow the definition of 310 CMR 10.04 except that the size shall be 5000 square feet.

**Rare Species** - The term “rare species” shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

**Resource Area** - The term “Resource Area” shall include: any freshwater wetlands; marshes; wet meadows; bogs; swamps; lakes; ponds; rivers; streams; creeks; banks; beaches; vernal pools; isolated wetlands; lands under water bodies; lands subject to flooding or inundation by groundwater or surface waters; riverfront area as stated in Wetlands Protection Act M.G.L Chapter 131, Section 40, and in Regulations 310 CMR 10.58 (2). Said Resource Areas shall be protected whether or not they border surface waters.

**Vernal Pool** - The term “vernal pool” shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains

at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

#### **Sec. 4.0 Jurisdiction**

Except as permitted by the Commission or as provided by the Bylaw, no Person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter any Resource Area or Buffer Zone, as defined by the Bylaw.

#### **Sec. 4.1 Conservation Zone**

No work, structures or alterations will be allowed within the Conservation Zone, except as permitted by the Commission. For minor activities, such as mowing, gardening, and pruning within existing lawn, garden or landscaped areas, currently occurring at the time of the adoption of the Bylaw, no permit is required. The Conservation Zone shall not apply to artificially created storm water management structures such as detention and retention basins, artificially lined ponds, and constructed wastewater treatment lagoons.

Where the Conservation Zone is already altered in such a manner that the presumed protection offered by the Buffer Zone is not being met, the Commission may issue a Permit for a project, provided that it finds that the proposed activities will not increase adverse impacts on that specific portion of the Conservation Zone or associated Resource Area, and that there is no technically feasible alternative. In such cases the Commission may modify the scope and detail of the proposed project to minimize impact on or improve protection of the values protected by the Bylaw.

#### **Sec. 4.2 Local Stream**

During the spring, summer and fall these streams disperse snow melt and storm runoff across the landscape, thereby preventing dangerous volumes and flows from spilling over roadways and property. This broad dispersal also allows for larger volumes of water to infiltrate into the ground, recharging groundwater supplies. Local Streams are an essential source of food and water for wildlife and are often the only source of water in higher elevations in town. During all seasons, but especially in winter and spring, Local Streams act as essential corridors for animal movement, especially when food is scarce. Accordingly, the Bylaw protects Local Streams and the adjacent Buffer Zone within one-hundred (100) feet of the bank of those streams.

#### **Sec. 4.3 Vernal Pool**

The Commission shall presume that all areas meeting the definition of “vernal pool” of the Bylaw, and the adjacent upland area, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential vernal pool

habitat functions. Any formal evaluation should be performed by an individual meeting the qualifications under the wildlife habitat section of the Wetlands Protection Act Regulations.

## **Sec. 5.0 Permit**

Within one-hundred (100 feet) horizontally outward from the edge of a Resource Area, two-hundred (200) feet horizontally outward from the Mean Annual High Water Line (MAHWL) of a perennial stream, any activity proposed or undertaken, which, in the judgment of the Commission, alters or may potentially alter any area subject to protection under the Bylaw, is subject to regulation under the Bylaw.

Written application shall be filed with the Commission to perform activities affecting any resource areas protected by the bylaw. The applications, formally known as the Notice of Intent (NOI) or Request for Determination of Applicability (RDA), shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the Resource Areas protected by the bylaw. No activities shall commence without receiving and complying with a permit, formally known as an Order of Conditions (OOC) or conditions imposed on a Negative Determination of Applicability (DOA), issued pursuant to the bylaw.

Any person desiring to know whether or not a proposed activity or an area is subject to the Bylaw may, in writing, request a determination from the Commission. Such a Request for Determination of Applicability (RDA) shall contain data and plans as the Commission requires, unless said request is only for an informal opinion, to make such a determination.

At the time of a permit application (Notice of Intent, Request for Determination of Applicability, application for an Amendment to the Order of Conditions, application for Certificate of Compliance, application for Partial Certificate of Compliance, application for an Abbreviated Notice of Resource Area Delineation (ANRAD) or request for extension of the time frame of a Permit), the applicant shall pay a non refundable fee as specified in the Section 5.6 below. The fee as described in Section 5.6 of this bylaw is in addition to that required, if any, by the Wetlands Protection Act, MGL Chapter 131, Section 40, and Regulations 310 CMR 10.00, as they may be amended.

The filing of a Permit application or Request for Determination of Applicability (RDA) shall constitute the consent of the owner and grant the authority for the Commission and its agents, with proper identification, to enter upon privately owned land for the purpose of performing their duties under this Bylaw subject to the constitutions and laws of the United States and the Commonwealth. The Commission may make or cause to be made such examinations, surveys or sampling as the Commission deems reasonable and necessary, subject to the laws of the United States and the Commonwealth.

## **Sec. 5.1 Public Notice and Hearings**

Any person filing with the Commission a Permit application, NOI, or RDA or request for Amendment to an OOC, at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered to the Commission.

Within the 21 day period in which the Commission must hold a public hearing or meeting in accordance with the Wetlands Protection Act, a 5 day administrative review period will occur. This administrative review will determine if sufficient information has been provided in the application. Only after this review has determined that the application is complete will the public hearing or meeting date be scheduled and a public notice issued. The Conservation Commission shall have 21 days from the original receipt of the application to hold a public hearing/meeting. Any application determined to be incomplete will be returned to the applicant for resubmission.

For a Notice of Intent all abutters also have to be given written notice at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. In case of property that has frontage on a pond, abutters will include all those properties with frontage on the pond or pond association if in existence.

The notice to abutters shall give information as to where copies of the application or request may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing/meeting on any Permit application or Request for Determination of Applicability, with written notice given, at the expense of the applicant, at least five business days prior to the hearing or meeting, in a newspaper of general circulation in the municipality, chosen at the discretion of the Commission.

All documentation including plans, maps, tables, charts, consultant reports, etc. to be considered by the Commission for Permit filing must be submitted to the Commission no later than two weeks before the Commission meeting date. The Commission meets twice a month. The meeting dates are posted in Town Hall and on the town's web site.

## **Sec. 5.2 Permit Approval**

Within twenty-one (21) days of the close of the public hearing, the Commission shall issue a Permit (Order of Conditions) approving the project, or deny approval of the project. The written decision shall be signed by more than half of the Commissioners in office. If the project is approved, the Commission shall impose conditions as are necessary for the protection of the interests of the Bylaw.

Before work can commence on the project:

- The Order of Conditions will have been recorded in the Registry of Deeds of Hampshire County, within the chain of title of the affected property. A copy of such filing shall be sent to the Commission, including the Book and Page or Document Reference Number. The applicant is responsible for Deed recording

- A Pre-Construction Site Visit shall be conducted with the applicant or representative, builder and Commission members to review all Order of Conditions (OOC) including inspection and approval of all erosion control measures.

Any change made or intended to be made in the plans shall require the applicant to file an Amended Notice of Intent or to inquire in writing of the Commission whether the change is so substantial as to require a new filing. The applicant shall not proceed with any changes until the Commission issues its written approval.

Under the Bylaw, a Permit shall prohibit any work or portion thereof that cannot be conditioned to protect said interests. If the Permit is denied, it shall be for one of the following reasons:

- For failure to meet the requirements of the Bylaw
- For failure to provide necessary information and plans requested by the Commission
- For failure to avoid or prevent unacceptable or cumulative effects upon the Resource Area protected by the Bylaw
- Where no conditions are adequate to safeguard the Resource Area(s) protected by the Bylaw.

A Permit shall be valid for three (3) years.

In response to a Request of Determination, within twenty-one (21) days of the close of the public meeting, the Commission shall issue a determination.

### **Sec. 5.3 Coordination with the Planning Board**

Any person filing a Permit application, RDA or ANRAD with the Conservation Commission for a project that involves Storm Water Management as defined by Section XIII of the Zoning Bylaw of the Town of Southampton shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the Planning Board. A copy shall be provided in the same manner to the Commission of the adjoining municipality, if the application or RDA pertains to property within 300 feet of that municipality. An affidavit of the person providing notice, with a copy of the notice, mailed or delivered, shall be filed with the Commission. The Conservation Commission shall not take final action until the above board has had 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Conservation Commission, prior to final action.

### **Sec. 5.4 Extensions**

The Commission can extend a Permit twice for an additional one-year period. Request for Extensions shall be made in writing to the Commission with the filing fee (see Filing Fee section) at least thirty (30) days prior to the expiration of the Permit.

The Extension Permit shall be recorded in the Registry of Deeds of Hampshire County. A copy of such filing shall be sent to the Commission, including the Book and Page or Document Reference Number. The applicant is responsible for Deed recording. If work commences without the applicant so recording the Extension Permit, an Enforcement Order may be issued by the Commission.

If the applicant does not request an Extension for his/her project at the end of the three (3) year period of the Orders of Condition, any work on the project must stop until a new Notice of Intent has been filed with the Commission, and a new Orders of Condition duly issued and recorded.

## **Sec. 5.5 Certificate of Compliance**

Upon completion of the work described herein, the applicant shall submit a written Request for a Certificate of Compliance. The Commission shall act upon the Request within twenty-one (21) business days.

For projects completed according to plans stamped and signed by a Professional Engineer or other registered professional, the Request must include written indication (usually in the form of a letter) from such professional that the work was completed in compliance with the Permit and to explain any deviations, if any.

Prior to the issuance of the Certificate of Compliance, a site visit by the Commission is to be made in the presence of the applicant or a representative of the applicant.

If the Commission finds that all general and specific conditions have been met, and the project has proceeded according to the approved plans, a Certificate of Compliance is issued.

If the Commission determines, after review and inspection that the work has not been done in compliance with the Permit, it may refuse to issue a Certificate of Compliance. A partial Certificate of Compliance can be issued for a portion of the project, as long as all work and mitigation for that portion have been completed.

If the Permit contains conditions which continue past the completion of work, such as maintenance or monitoring, the Certificate of Compliance shall certify which, if any, of such conditions shall continue. The Certificate shall also specify to what portions of the work it applies, if it does not apply to all the work regulated by the Permit.

The Certificate of Compliance (including any continuing conditions) will be recorded by the applicant in the Registry of Deeds of the Land Court of Hampshire County, within the chain of title of the affected property. A copy of such filing shall be sent to the Commission, including the Book and Page or Document Reference Number. The applicant is responsible for Deed recording.

## **Sec. 5.6 Consultation/Peer Review**

### **Sec. 5.6A General**

When reviewing an application for, or when conducting inspections in relation to, Request for Determination of Applicability [RDA], Notice of Intent [NOI], an Abbreviated Notice of Intent, [ANOI] or an Abbreviated Notice of Resource Area Delineation [ANRAD], the Commission may determine that the assistance of outside consultants is warranted due to the size, scale, technical or scientific complexity of a proposed project, because of the project's potential impact on Resource Area(s) or the Commission lacks the necessary expertise to perform the work related to the approval and definition of Order of Conditions.

Pursuant to G.L. c. 44, §53G, if the Commission determines that such assistance of outside consultant(s) is warranted, it may require the applicant(s) to pay a "project review fee" consisting of the reasonable costs incurred by the Commission for the employment of outside consultants engaged by the Commission to assist in the review of a proposed project.

In hiring outside consultant(s) the Commission may engage engineers, planners, lawyers, urban designers or any other appropriate professional who can assist the Commission in analyzing the project and to ensure compliance with all relevant laws, ordinance/bylaws, and regulations. Such assistance may include, but is not limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Bylaw or decision, or inspecting a project during construction or implementation.

Funds received by the Commission pursuant to these rules shall be deposited with the Town of Southamptton's Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Commission without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee shall be grounds for denial of the approval of the project.

At the completion of the Commission's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or applicant's successor in interest. For the purpose of this rule, any person or entity claiming to an applicant's successor in interest shall provide the Commission with documentation establishing such succession in interest.

Any applicant may take an administrative appeal from the selection of the outside consultant to the Select Board. Such appeal must be made in writing and may be taken only within 20 days after the Commission has mailed, by first class mail, or hand-delivered notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications or the data requested is unreasonable. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Commission shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Select Board within one month following the filing of the appeal, the selection made by the Commission shall stand.

## **Sec. 5.6B Criteria for Requesting Peer Review**

The information is considered reasonable under the Wetlands Protection Act and Regulations to properly evaluate the Permit application {Notice of Intent, Request for Determination of Applicability, Abbreviated Notice of Resource Area Delineations}.

The scope of the peer review will be limited to what is considered necessary by the Commission for adequate evaluation of the application.

The Peer Review will be carried out by Professional(s) agreed to by the Commission and the Applicant.

The cost of the Peer Review will be paid by the Applicant.

## **Sec. 6.0 Exemptions and Exceptions**

The Application and Permit required by the Bylaw shall not be required for maintaining, repairing, remodeling, but not substantially changing or enlarging an existing and lawfully located single family residential structure or customary appurtenance (e.g. on-site septic system) thereto, as long as the footprint of any proposed addition is not any closer to the wetland or other Resource Area than the existing structure, and there is no reasonable alternate location on the owner's property for the new structure that is further from the Resource Area, as determined by the Commission.

The Commission may issue a generic or on-going Permit for maintaining, repairing, or replacing an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, storm drainage, and sewer, provided that the structure or facility is not substantially changed or enlarged, as determined by the Commission, and provided that written application has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications adopted by the Commission. These standards and specifications shall conform to the best management practices in the Commonwealth of Massachusetts. This on-going Permit may apply to other institutions in town with facilities and structures, for normal maintenance activities within the Buffer Zone, as determined by the Commission. Examples include but are not limited to educational institutions, fire districts, golf courses, spraying for aquatic plant management and residential retirement communities.

The application and permit required by the Bylaw shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth, or a political subdivision thereof, provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement of the emergency project, and provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

The Application and Permit required by the Bylaw shall not be required for work performed for normal maintenance or improvement of land which is lawfully in agricultural use, as defined in the Wetlands Protection Act Regulations 310 CMR 10.04, at the time the work takes place.

Exceptions clearly stated in the Wetlands Protection Act and Regulations there under are not extinguished by the Bylaw.

## **Sec. 7.0 Enforcement**

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter a Resource Area protected by the Bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a Permit or an Enforcement Order issued pursuant to the Bylaw.

The Commission and its agents shall have the authority to enforce the Bylaw and Permits issued there under by violation notices, non-criminal citations under M.G.L. Chapter 40, Section 21D, administrative orders, and civil and criminal court actions. Any person who violates provisions of the Bylaw may be ordered to restore the property to its original condition and/or take other action deemed reasonable and necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the Board of Selectmen shall direct the Town Counsel to take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.

Town boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of the Bylaw, Permits or Enforcement Orders issued there under, shall be served with a Notice of Violation enumerating the alleged violations. If after ten (10) business days the Commission has not received what it deems to be either

- (a) Sufficient evidence demonstrating that no violations have occurred, or
- (b) A filing that will remove the violations along with evidence that sufficient progress is being made to correct the violation, then the violator shall be punished by a fine of up to \$300.00 per offense. Beginning ten business days after the date of the Notice of Violation each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the Bylaw, Permit, or Enforcement Order violated shall constitute a separate offense.

In addition to any fine, the Town shall be entitled to reimbursement for all expenses, including legal fees, incurred in prosecuting said violation, either civilly or criminally.

## **Sec. 8.0 Security**

The intent of this section is to secure against the potential of significant environmental damage which may occur as a result of disturbance to one or more acres of land. As part of a Permit

issued under the Bylaw, in addition to any security required by any other town or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder (including conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below:

By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the Permit.

By a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Southampton and members of the public, whereby the Permit Conditions shall be performed and observed before any lot may be conveyed, other than by mortgage deed. This method shall be used only with the consent of the applicant. The bond or covenant shall, in the case of the bond, be given to the Town, and in the case of a covenant, be recorded in the Registry of Deeds at least 10 business days before the start of any work under the permit.

### **Sec. 9.0 Burden of Proof**

The applicant for a Permit shall have the burden of proving, by a preponderance of credible evidence, that the work proposed in the Permit Application will not have unacceptable significant or cumulative effect upon the Resource Area(s) protected by the Bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a Permit or grant a Permit with conditions.

### **Sec. 10.0 Waivers**

Strict compliance with the Bylaw may be waived when, in the judgment of the Commission by a majority vote, such action is in the public interest and is consistent with the intent and purpose of the Bylaw. Any request for a Waiver must be submitted to the Commission in writing and presented at the time of filing along with a written justification stating why a Waiver is desired or needed, is in the public benefit, and is consistent with the intent and purpose of the Bylaw. The Waiver is intended to be employed only in rare and unusual cases and in the sole discretion of the Commission based upon the particular circumstances regarding the waiver request.

### **Sec. 11.0 Appeals**

A decision of the Commission shall be appealed in Superior Court in accordance with M.G.L. Chapter 249, Section 4.

### **Sec. 12.0 Effective Date**

The Effective Date of the Bylaw is the date after the Bylaw has been approved by the Attorney General and published by the Town Clerk as set forth in M.G.L. Chapter 40 Section 32. The Bylaw shall not, however, apply to:

- Any structure or activity lawfully in existence or lawfully begun prior to the Effective Date.

- Any structure or activity which is the subject of a pending Notice of Intent, or Request for Determination of Applicability filed under the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) prior to the Effective Date.
- Any structure or activity which has an Order of Conditions, Order of Resource Area Delineation, or Determination of Applicability or other Commission decision filed under the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and that is still in effect prior to the Effective Date. These Orders or Determinations shall expire at the end of their legally regulated term, which is usually three years from date of issuance, after which any new work will be subject to the provisions of the Bylaw.
- Any structure or activity for which any extensions of or modifications or amendments to a current Orders of Condition or Notice of Intent were approved prior to the Effective Date. These extensions, modifications and amendments shall remain in effect until the end of their legally regulated term, which is usually three years from date of issuance, after which any new work will be subject to the provisions of the Bylaw.

### **Sec. 13.0 Associate Members of the Commission**

The Chairman, with the approval of a majority of the Commission, may appoint individuals for the purpose of assisting the Commission in various projects not involving applications or Requests for Determinations as defined in this bylaw. Such individuals shall be referred to as Associate Members, shall be non-voting members, and shall serve for a term of one year and may be reappointed as deemed appropriate by a majority of the Commission.

### **Sec. 14.0 Pequot Pond**

The Massachusetts Department of Environmental Protection has designated Pequot Pond as a Great Pond subject to M.G.L Chapter 91. Because of the unique characteristics of Pequot Pond, the Commission may permit only the following limited projects or activities: the maintenance, repair and improvement (but not substantial enlargement) of structures, including buildings, piers, towers and headwalls, which existed on the effective date of these regulations.

### **Sec. 15.0 Commission Quorum**

More than half of the members of the Commission in office must be present to conduct business and to hold a public meeting.

### **Sec. 16.0 Relation to the Wetlands Protection Act**

This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and the Regulations, 310 CMR 10.00, there under.

### **Sec. 17.0 Severability**

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision or phrase thereof, nor shall it invalidate any Permit, which previously has been issued.

## **Sec. 18.0 Regulations**

The Commission may promulgate rules and regulations to effectuate the purposes of this Bylaw effective when voted and filed with the Town Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw. These Regulations shall be limited to administrative matters, including but not limited to procedures governing the amount and filing of fees, and the submittal requirements for applications.

[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

And you are directed to serve this Warrant by posting up attested copies thereof at six usual places in said town, seven days at least, before the time of holding said meeting.

Hereof, fail not, and make due return of this Warrant, with your doings thereon, to the town clerk, at the time and place of meeting, as aforesaid.

Given under our hands this ninth day of May in the year of our Lord two thousand and eleven.

BOARD OF SELECTMEN

\_\_\_\_\_  
Jess Dods, Chair

\_\_\_\_\_  
Douglas Blanchard, Vice-Chair

\_\_\_\_\_  
Ann W. Roy

\_\_\_\_\_  
Michael Phelan

\_\_\_\_\_  
Jacqueline M. Sears

A true copy.

Attest: \_\_\_\_\_  
Constable

Date: \_\_\_\_\_

ARTICLE 2: OMNIBUS BUDGET - FISCAL YEAR 2012

0.01

Budget Category	Account Number	FY' 2010	FY' 2011	FY' 2012	Wage Increase %	FY' 2012
		Actual	Budget	Requested Budget		Recommended Budget
<b>GENERAL GOVERNMENT</b>						
Moderator Expenses	015114-700	111.72	112	112.00		112.00
Selectmen Expenses	015122-700	2,190.64	2,190.00	2,190.00		2,190.00
CDL Drug Testing	015122-702	380.00	380.00	380.00		380.00
Annual Internet Service	015122-703	1,320.00	1,320.00	1,980.00		1,980.00
Webpage Maintenance	015122-704	500.00	500.00	500.00		500.00
Town Administrator Salary	015125-113	64,170.00	66,095.10	66,095.00	660.95	66,756.05
Administrative Assistant Wages	015129-113	24,830.00	25,613.00	25,613.00	256.13	25,869.13
Administration Expenses	015129-700	1,512.85	1,513.00	2,000.00		1,513.00
Photocopier Lease and Supplies	015129-701	2,500.00	2,500.00	2,800.00		2,800.00
Postage		10,000.00	12,000.00	12,000.00		12,000.00
Finance Committee Expenses	015131-700	210.00	210.00	210.00		210.00
Reserve Account	015132-780	34,200.00	34,200.00	34,200.00		34,200.00
Town Accountant Salary	015135-113	28,737.76	29,599.89	29,600.00	296.00	40,000.00
Asst Accountant Wages	015135-114	17,080.49	17,602.49	17,603.00	176.02	17,778.51
Independent Audit		0.00	5,000.00	5,000.00		5,000.00
Accountant Expenses	015135-700	1,051.10	1,051.00	1,051.00		1,051.00
Accounting Software Support	015135-701	1,994.22	2,219.10	2,219.00		2,219.00
Asst. Assessor Wages	015141-114	62,440.00	64,162.60	64,161.00	641.63	64,804.23
Assessor Expenses	015141-700	5,805.00	5,805.00	5,805.00		5,805.00
Assessors Software Support	015141-701	4,500.00	4,500.00	4,500.00		4,500.00
Assessor Town Maps	015141-702	0.00	1,500.00	1,500.00		1,500.00
Assessor Consultant	015141-703	0.00	10,900.00	3,700.00		3,700.00
Triennial Reval			0.00	5,000.00		5,000.00
Treasurer/Collector Salary	015145-113	45,360.00	46,720.80	46,721.00	467.21	47,188.01
Treasurer/Collector Wages	015145-115	50,536.00	52,128.10	52,129.00	521.28	52,649.38
Treasurer/Collector Expenses	015145-700	8,565.20	8,500.00	8,500.00		8,500.00
Treasurer Software Support	015145-701	8,369.22	8,726.00	8,400.00		8,400.00
Legal	015151-300	30,000.00	30,000.00	30,000.00		30,000.00
PPPB Expenses	015152-700	400.00	400.00	400.00		400.00
Tax Title	015158-700	8,000.00	8,000.00	8,000.00		8,000.00
Town Clerk Salary	015161-113	32,258.00	33,225.74	33,226.00	332.26	33,558.00
Town Clerk Ass't Wages	015161-114	15,148.00	15,670.00	16,572.00	156.70	15,826.70
Town Clerk Expenses	015161-700	931.00	931.00	1,100.00		931.00
Election Registrars Salaries (3 Board of Registrars)	015163-113	600.00	600.00	600.00	6.00	600.00

ARTICLE 2: OMNIBUS BUDGET - FISCAL YEAR 2012

0.01

Budget Category	Account Number	FY' 2010	FY' 2011	FY' 2012	Wage Increase %	FY' 2012
		Actual	Budget	Requested Budget		Recommended Budget
Election.Registrars Wages (9 Elections Workers)	015163-115	3,143.52	3,143.52	1,319.00	31.44	1,319.00
Election.Registrars Expenses	015163-700	4,700.00	6,350.00	5,778.00		5,778.00
Conservation Commission Expenses	015171-115	1,939.27	1,940.00	1,940.00		1,940.00
Planning Board Expenses	015175-700	745.73	745.00	620.00		620.00
Pioneer Valley Planning Commission (assessment)	015175-701	808.05	808.05	808.00		808.00
Barnes Aquifer Protection	015175-702	1,862.00	1,862.00	2,000.00		1,862.00
ZBA Clerical Wages	015176-121	500.00	500.00	500.00	5.00	505.00
Municipal Building Custodian Wages	015192-117	16,194.69	16,716.69	8,110.00	167.17	8,110.00
Municipal Building Custodian Supplies/Expenses	015192-400	608.95	609.00	7,500.00		7,500.00
Building Maintenance (General)		1,000.00	1,000.00	1,000.00		1,000.00
Telephone	015192-405	8,000.00	8,000.00	8,000.00		8,000.00
Old Town Hall - Gas & Electric	015192-410	23,000.00	23,000.00	20,000.00		15,000.00
New Town Hall - Gas & Electric	015192-411	5,000.00	20,000.00	23,000.00		23,000.00
Old Town Hall Bldg Expenses	015192-700	7,791.56	2,350.00	3,300.00		2,300.00
New Town Hall Bldg Expenses	015192-701	0.00	5,442.00	9,915.00		9,915.00
Town Report	015195-700	2,000.00	2,000.00	2,000.00		2,000.00
Technology - Equipment	015196-700	2,850.00	2,850.00	3,354.00		3,354.00
Technology - Services	015196-701	1,710.00	1,710.00	2,500.00		2,500.00
Emergency Management Expenses	015197-701	3,000.00	3,000.00	3,000.00		3,000.00
<b>TOTAL GENERAL GOVERNMENT</b>		<b>548,554.97</b>	<b>595,901.08</b>	<b>598,511.00</b>		<b>604,432.01</b>
<b>PROTECTION OF PERSONS AND PROPERTY</b>						
Police Chief's Salary	015210-113	75,649.00	77,918.47	80,256.00	779.18	78,697.65
Police Salaries and Wages	015210-115	522,519.00	522,519.00	600,000.00	45,225.19	567,744.19
Police Expenses	015210-700	41,783.85	46,784.00	82,950.00		46,784.00
Police Equipment Maintenance Contract	015210-701	19,000.00	21,700.00	22,407.00		22,407.00
Regional Lockup Assessment		5,374.00	5,374.00	5,374.00		5,374.00
DARE Program	015210-705	3,000.00	3,000.00	4,000.00		3,000.00
Communication Wages	015215-115	143,577.00	147,753.00	155,000.00	1,477.53	149,230.53
Communcations Expenses	015215-700	4,567.60	4,568.00	5,500.00		4,568.00
Fire Chief's Salary	015220-113	74,399.50	76,631.49	76,632.00	766.31	77,397.80
Fire Dept. Wages	015220-115	72,335.00	74,335.00	74,335.00	743.35	75,078.35
Fire Department Expenses	015220-700	18,318.00	21,818.00	31,818.00		24,818.00

**ARTICLE 2: OMNIBUS BUDGET - FISCAL YEAR 2012**

						0.01	
Budget Category	Account Number	FY' 2010		FY' 2011	FY' 2012		FY' 2012
		Actual		Budget	Requested Budget	Wage Increase %	Recommended Budget
EMT Standby	015232-113	1,565.00		1,565.00	1,565.00		0.00
EMS Wages	015232-114	31,734.00		71,734.00	31,734.00	717.34	72,451.34
Ambulance Billing Clerk	015236-115	7,000.00		7,000.00	7,000.00	70.00	7,000.00
EMT Licensing & Certifications	015236-699	2,120.00		2,120.00	2,120.00		2,120.00
Ambulance/EMS Expenses	015236-700	9,700.00		9,700.00	9,700.00		9,700.00
Bldg Inspector Salary	015241-113	46,350.00		47,740.50	47,740.00	477.41	48,217.91
Bldg Inspector Clerical Wages		7,500.00		7,131.00	7,131.00	71.31	7,131.00
Building Inspector Expenses	015241-700	2,793.00		2,793.00	4,650.00		2,793.00
<b>TOTAL PROTECTION OF PERSONS AND PROPERTY</b>		<b>1,089,284.95</b>		<b>1,152,184.46</b>	<b>1,249,912.00</b>		<b>1,204,512.77</b>
<b>SOUTHAMPTON EDUCATION</b>							
Elementary School	015300-700	3,896,363.00		3,859,175.00	3,859,175.00		3,839,175.00
Local School Transportation	015300-702	170,476.00		170,476.00	170,476.00		170,476.00
Textbooks	015300-703	18,000.00		18,000.00	18,000.00		18,000.00
Vocational School Tuition	015320-690	596,398.40		564,730.00	623,460.00		623,460.00
Vocational Transportation	015320-691	50,000.00		50,000.00	50,000.00		50,000.00
<b>TOTAL SOUTHAMPTON EDUCATION</b>		<b>4,731,237.40</b>		<b>4,662,381.00</b>	<b>4,721,111.00</b>		<b>4,701,111.00</b>
<b>HAMPSHIRE REGIONAL EDUCATION</b>							
Regional Schools	015330-690	3,327,809.00		3,513,411.00	3,520,460.00		3,505,460.00
Debt Service	015330-691	293,132.00		293,976.00	299,690.00		299,690.00
<b>TOTAL REGIONAL SCHOOL EDUCATION</b>		<b>3,620,941.00</b>		<b>3,807,387.00</b>	<b>3,820,150.00</b>		<b>3,805,150.00</b>
<b>PUBLIC WORKS AND FACILITIES</b>							
Highway Superintendent Salary		83,000.00		85,490.00	88,055.00	854.90	86,344.90
Highway Wages	015422-115	163,580.47		164,102.47	173,370.00	1,641.02	165,743.49
Highway Expenses	015422-700	135,240.00		144,240.00	243,450.00		144,240.00
Road Machinery Maintenance	015422-701	62,720.00		62,720.00	67,300.00		62,720.00
Winter Roads Wages	015423-115	123,279.37		123,279.37	135,098.00	1,232.79	124,512.16

**ARTICLE 2: OMNIBUS BUDGET - FISCAL YEAR 2012**

Budget Category	Account Number	FY' 2010 Actual	FY' 2011 Budget	FY' 2012 Requested Budget	0.01	FY' 2012 Recommended Budget
					Wage Increase %	
Winter Roads Expenses	015423-700	98,980.00	98,980.00	141,790.00		110,980.00
Snow Insurance	015423-701	5,000.00	0.00	0.00		
Street Lighting	015424-200	20,500.00	20,500.00	20,500.00		20,500.00
Cemetery Commission	015491-700	2,000.00	2,000.00	2,000.00		2,000.00
Tree Warden Wages	015294-115				0.00	
Tree Warden Expenses	015294-700	3,603.00	3,603.00	10,000.00		3,603.00
<b>TOTAL PUBLIC WORKS AND FACILITIES</b>		<b>697,902.84</b>	<b>704,914.84</b>	<b>881,563.00</b>		<b>720,643.56</b>
<b>HUMAN SERVICES</b>						
Board of Health Agent	015510-113	23,400.00	24,789.78	25,553.00	247.90	25,037.68
Board of Health Admin Clerical	015511-113	8,067.00	7,131.00	7,114.00	71.31	7,131.00
Board of Health Expenses	015511-700	2,750.00	1,500.00	2,500.00		1,500.00
Animal Inspector Salary	015519-115	3,000.00	3,000.00	3,000.00		3,000.00
Council on Aging Wages	015541-121	18,703.36	14,659.84	14,660.00	146.60	14,806.44
Council on Aging Expenses	015541-700	4,077.00	1,664.00	1,664.00		1,664.00
Veterans' Agent Wages	015543-700	6,822.72	7,027.40	10,200.00	70.27	7,097.00
Veterans' Agent Expenses	015543-700	372.40	372.00	1,250.00		372.00
Veterans' Benefits	015543-771	36,300.00	45,000.00	48,500.00		48,500.00
<b>TOTAL HUMAN SERVICES</b>		<b>103,492.48</b>	<b>105,144.02</b>	<b>114,441.00</b>		<b>109,108.12</b>
<b>CULTURE AND RECREATION</b>						
Library Wages	015610-115	75,046.92	77,506.85	90,839.00	775.07	84,782.00
Library Expenses	015610-700	22,626.00	26,126.00	26,626.00		26,126.00
Parks Commission Wages	015650-115	4,588.40	4,588.40	4,589.00	45.88	4,588.00
Parks Commission Expenses	015650-700	2,089.16	2,089.16	2,090.00		2,090.00
Historical Commission Expenses	015660-700	1,720.00	1,720.00	1,950.00		1,720.00
Celebrate Southampton (a.k.a. Old Home Days)	015692-700	600.00	600.00	600.00		600.00
Memorial Day	015693-700	500.00	500.00	500.00		500.00
<b>TOTAL CULTURE AND RECREATION</b>		<b>107,170.48</b>	<b>113,130.41</b>	<b>127,194.00</b>		<b>120,406.00</b>

ARTICLE 2: OMNIBUS BUDGET - FISCAL YEAR 2012

0.01

Budget Category	Account Number	FY' 2010	FY' 2011	FY' 2012		FY' 2012
		Actual	Budget	Requested Budget	Wage	Recommended
					Increase %	Budget
<b>DEBT SERVICE</b>						
School Construction Principal (Last Payment FY2014)	015710-909	390,000.00	390,000.00	390,000.00		390,000.00
Highway Truck Principal (Last Payment FY2010)	015710-911	22,000.00	0.00	0.00		0.00
Lawn Mower Principal (Last Payment FY2011)	015710-912	8,440.00	8,440.00	0.00		0.00
Communications-Radios & Equipment Principal (Last Payment FY2014)		12,600.00	12,600.00	12,600.00		12,600.00
Library Construction Principal (Last Payment FY2013)	015710-915	45,000.00	45,000.00	45,000.00		45,000.00
Pequot Pond Sewer Principal (Last Payment FY2020)	015710-918	15,101.00	15,101.00	15,000.00		15,000.00
WPAT Bonds - Septic Betterments	015710-919	20,401.00	20,401.00	20,401.00		20,401.00
Pumper / Tanker Principal (Last Payment FY2020)			26,400.00	26,450.00		26,450.00
Larrabee Construction Principal (Last Payment FY2030)			110,000.00	110,000.00		110,000.00
School Construction Interest	015751-914	104,705.00	84,035.00	62,975.00		62,975.00
Highway Truck Interest	015751-916	1,672.00	0.00	0.00		0.00
Lawn Mower Interest	015710-917	726.00	726.00	0.00		0.00
Communications-Radios & Equipment Interest		1,942.00	1,942.00	1,512.00		1,512.00
Library Construction Interest	015751-922	9,765.00	7,380.00	4,950.00		4,950.00
Pequot Pond Sewer Interest	015751-924	9,913.00	7,922.00	7,723.00		7,723.00
Pumper / Tanker Interest			11,291.00	10,118.00		10,118.00
Larrabee Construction Interest			92,862.50	82,294.00		82,294.00
Short Term Borrowing	015752-925	500.00	500.00	4,000.00		4,000.00
Transfer to Stabilization / Capital Fund			11,027.00			
<b>TOTAL DEBT SERVICE</b>		<b>642,765.00</b>	<b>845,627.50</b>	<b>793,023.00</b>		<b>793,023.00</b>
<b>MISCELLANEOUS (FIXED) EXPENSES</b>						
Hampshire Council of Governments	015820-620	6,037.00	4,528.00	4,528.00		4,528.00
Retirement Contributory	015911-170	423,053.00	452,827.00	457,894.00		457,894.00
Retirement Non-Contributory	015911-171	4,224.03	0.00	0.00		0.00
Workers Compensation	015912-170	25,000.00	32,000.00	40,000.00		40,000.00
Unemployment Compensation	015913-170	8,000.00	8,000.00	6,000.00		6,000.00
Group Health Insurance	015914-170	807,604.72	815,869.58	868,814.00		828,814.00
Medicare/FICA	015914-171	62,000.00	70,000.00	72,000.00		72,000.00
Group Life Insurance	015914-172	3,600.00	3,993.00	4,062.00		4,062.00
Insurance General	015945-740	77,000.00	77,000.00	85,000.00		85,000.00
Transfer to Stabilization	015950-965					
<b>TOTAL MISCELLANEOUS</b>		<b>1,416,518.75</b>	<b>1,464,217.58</b>	<b>1,538,298.00</b>		<b>1,498,298.00</b>
<b>GRAND TOTAL - ARTICLE 2</b>		<b>12,957,867.88</b>	<b>13,450,887.89</b>	<b>13,844,203.00</b>	<b>59,131.16</b>	<b>13,556,684.46</b>

	FY'10 Actuals	FY'11 Estimate	FY'12 Estimate
<b>REVENUE DETAIL</b>			
<b>PROPERTY TAXES</b>			<b>HWM</b>
Real Estate and Personal Property Taxes			
Levy Limit		7,654,018	8,027,154
Add 2.5%		191,350	200,679
New Growth		<u>181,786</u>	<u>110,000</u>
Total		8,027,154	8,337,833
Debt Exclusions			
Norris School		474,035	452,975
less State Construction Funds		243,273	243,273
less Norris Debt Service Reserve		<u>66,078</u>	<u>45,018</u>
Total - Norris School		164,684	164,684
Library		52,380	49,950
Hampshire Regional		293,976	299,690
Larrabee Building		<u>202,863</u>	<u>192,294</u>
Total Debt Exclusion		713,903	706,618
Prop. 2 1/2 Override		0	0
Overlay Provision		(70,000)	(60,000)
Unused Levy Capacity		0	0
Actual Collections - Excess (Deficiency)			
<b>TOTAL PROPERTY TAXES</b>	<b>8,043,394</b>	<b>8,671,057</b>	<b>8,984,451</b>
<b>OTHER TAXES AND EXCISES</b>			
Tax Liens Redeemed	57,390	0	20,000
Supplemental Tax Assessments	24,508	25,000	25,000
Rollback Taxes	3,214		
Motor Vehicle Excise	643,180	678,613	679,334
Boat Excise	2,446	2,600	2,600
Farm Animal Excise	1,549	4,000	2,000
I & E Fines		0	0
Penalties & Interest on Taxes	83,633	35,000	35,000
Payments in Lieu of Taxes	39,883	35,000	35,000
Local Meals Tax		<u>48,886</u>	<u>41,238</u>
<b>TOTAL OTHER TAXES AND EXCISES</b>	<b>855,804</b>	<b>829,099</b>	<b>840,172</b>
<b>DEPARTMENTAL REVENUE</b>			
Rentals	0	5,000	5,000
Alcoholic Beverage Licenses	11,555	14,000	12,000
Other Licenses	4,040	5,000	5,000
Treasurer/Collector	7,325	7,000	7,000
Building Permits	65,247	42,580	58,000
Board of Health	30,294	25,000	30,000
Plumbing Inspections	3,202	4,000	4,000
Electrical Inspections	2,820	3,000	3,000
Police Department	7,692	7,800	7,800
Fire Department Inspections	19,301	15,000	15,000
Highway Department	29,725	18,000	18,000
Conservation Commission	0	0	0
Planning Board	0	0	0
Zoning Board of Appeals	1	0	0
Town Clerk	6,045	4,000	4,000
Board of Assessors	536	500	500
Other Departmental	<u>1,150</u>	<u>0</u>	<u>0</u>
<b>TOTAL DEPARTMENTAL REVENUE</b>	<b>188,933</b>	<b>150,880</b>	<b>169,300</b>

	FY'10	FY'11	FY'12
	Actuals	Estimate	Estimate
<b>REVENUE DETAIL</b>			
<b>STATE REVENUE</b>			
Chapter 70 - Local	2,561,807	2,412,147	2,425,096
School Transportation	6,755	13,000	0
Charter Tuition Reimbursement		0	0
School Construction	243,273	243,273	243,273
Medicaid Reimbursement	28,584	20,000	20,000
Lottery (Unrestricted General Government Aid)	561,406	538,950	499,982
Revenues from Meals Tax Increase			
Revenues from Rooms Tax Increase			
Telecom Revenue			
Allocation of ARRA State Fiscal Stabilization Fund			
Police Career Incentives	4,334	2,194	
Veteran's Benefits	20,212	33,996	27,693
Exemptions: Vets, Blind, Surviving Spouses, & Elderly	26,828	27,159	24,855
State Owned Land	12,600	11,439	10,522
WPAT Debt Subsidy	11,223	11,223	10,102
Extended Polling Hours	2,374	540	0
School Foundation Reserve (Pothole monies)		0	0
Police Training Grant		0	0
<b>Less Assessments</b>			
Air Pollution Districts	(1,459)	(1,490)	(1,560)
RMV Non-Renewal Surcharge	(2,940)	(2,940)	(2,940)
Regional Transit	(6,299)	(6,456)	(6,617)
Special Education	0	0	0
School Choice Sending Tuition	(30,553)	(30,553)	(17,956)
Charter School Sending Tuition		0	0
<b>TOTAL STATE AID</b>	<b>3,438,145</b>	<b>3,272,482</b>	<b>3,232,450</b>
<b>OTHER REVENUES</b>			
Fines - District Court	17,823	10,000	10,000
Earnings on Investments	16,583	15,000	15,000
Snow Insurance		0	0
Insurance Recoveries		0	0
Misc. Revenue	43,591	0	0
Ambulance Fees	87,279	88,869	134,271
WPAT - Septic Betterments	20,401	20,401	20,401
Transfer - Water Fund	44,000	47,186	47,186
Transfer - Landfill Fund	25,600	21,875	21,875
Norris Debt Service Reserve	0	66,078	66,078
Transfer from Special Revenue Fund			
Transfer from Stabilization (Capital Improvement Plan)	14,542	0	0
Transfer from Stabilization (Operating)			7,500
<b>TOTAL OTHER REVENUES</b>	<b>269,820</b>	<b>269,409</b>	<b>322,311</b>
Free Cash (Realized)	157,826	226,165	8,000
<b>TOTAL REVENUES</b>	<b>12,953,921</b>	<b>13,419,091</b>	<b>13,556,684</b>
<b>TOTAL EXPENSES</b>	<b>12,957,868</b>	<b>13,420,888</b>	<b>13,556,684</b>
<b>REVENUES - EXPENSES</b>	<b>(3,946)</b>	<b>(1,796)</b>	<b>(0)</b>

Town of Southampton

Capital Improvement Program/Municipal Project Summary

Department	Account Code/Funding Source	Project	Project #	Total Estimated Expense	Fiscal Year Desired	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16
Board of Selectmen	DS/E	Larrabee Adaptive Reuse	B-1	2,185,450.00	FY10			202,863	198,188	198,425	193,513	188,838	
Communications	DS/O	Radios & Equipment	C-1	63,000.00	FY09	14,542		14,542	14,112	14,542			
	S	Software	C-2	6,000.00	FY09	6,000							
Fire / EMS	DS/O	Pumper/Tanker Truck	F-1	264,500.00	FY09			37,691	36,568	37,691	37,691	37,691	
	S	SCBA Equip & Bottles	F-2	56,000.00	multi-year	28,000	28,000						
	S	Turn Out Gear	F-3		annual	10,700	10,700			8,560	4,500	4,500	
	Amb	Ambulance	A-1	175,000.00	FY11			175,000					
	Amb	EMS Software/Hardware	A-2	55,000.00	FY11			55,000					
Highway	SRE	Dump Truck	H-1	103,000.00	FY09	44,000							
	SRE	Pickup Truck	H-2	36,000.00	FY10		36,000						
	SRE	Loader w/ Plow	H-3	122,000.00	FY11			68,000					
	S	Sweeper	H-4	100,000.00	FY12					72,000			
	S	Grader w/ plow	H-5	145,000.00	FY13					65,000			
	S	Dump Truck	H-6	112,000.00	FY14						60,000		
Historical Commission	S	Roof - Old School House	HC-1	6,000.00	FY10		6,000						
Library	S	ADA - Accessible Doors	L-1	5,000.00	FY12				7,000				
	S	Shelving	L-2	8,000.00	FY11		8,000						
Police	S	Cruiser	P-1		annual		33,000		66,000	35,000	37,000	37,000	
	S	Portable Radios	P-2	8,000.00	FY10		8,571						
	S	Radar Speed Check	P-3	14,000.00	FY11					14,000			
	S	Software Upgrade	P-4	5,000.00	FY12					5,000			
	S	Bullet-proof Vests	P-6	9,600.00	FY12					9,600			
	S	Computer Server	P-5	5,000.00	FY13					5,000			
	S	Computers (8), monitors (8), laptops (3)	P-6	15,000.00	FY13					15,000			
Planning	S	Master Plan	PL-1	75,000.00	FY12	20,000	20,000	15,000		20,000			
	S	Open Space Plan	PL-2	12,000.00	FY12					12,000			
School	S	Cafeteria Tables	S-1	15,000.00	FY09	15,000							
	S	Security System-Phase III	S-2	13,200.00	FY09	13,200							
	S	Promethean Active Boards	S-3	66,883.00	multi-year		17,054	12,000		18,635	19,194		
	S	Ventilation (2nd floor)	S-4	11,973.00	FY11					11,973			
	S	Library & 2nd Floor Carpets	S-5	29,000.00	FY15							29,000	
	S	Cafeteria Windows	S-6	5,400.00	FY13					5,400			
	S	Roof Replacement	S-7	575,000.00	FY14						575,000		
	S	Laptops (23) w/ Cart (COW)	S-7		bi-annually					29,000		29,000	29,000
	S	Classroom Computers	S-8		annually					4,000	12,000	12,000	12,000
	S	Sidewalk Repair & Extension	S-9	10,000.00	FY14						10,000		
	S	Preschool Van	S-10	43,000.00	FY14						43,000		
	S	Laptops (for Special Needs)	S-11	5,000.00	FY15							5,000	
Town Hall	S	Computer Network Server	O-1	7,500.00	FY09	7,500							
	S	Furnishings - New Town Hall	O-2	20,000.00	FY11			20,000					
	S	ADA - Accessible Doors	O-4	5,000.00	FY13					5,000			
<b>Total Expenditures Requested</b>						<b>158,942</b>	<b>159,325</b>	<b>433,096</b>	<b>321,868</b>	<b>585,826</b>	<b>991,898</b>	<b>343,029</b>	<b>41,000</b>
Total Expenditures from Stabilization (S)						158,942	73,271	55,000	73,000	335,168	760,694	116,500	
Total Expenditures from Sale of RE Account (SRE)							86,054	68,000	0				
Total Expenditures from Ambulance Funds (Amb)								230,000	0				
Total Expenditures / Debt Service/Excluded (DS/E)								202,863	198,188	198,425	193,513	188,838	
Total Expenditures from Debt Service/Operating (DS/O)								52,233	50,680	52,233	37,691	37,691	