

COMMONWEALTH OF MASSACHUSETTS
TOWN OF SWANSEA **SPECIAL TOWN MEETING**

GREETINGS:

To either of the Constables of the Town of Swansea,

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in elections and Town affairs to meet at the JOSEPH CASE HIGH SCHOOL, 70 SCHOOL STREET, Swansea, Massachusetts, on MONDAY, the **TWENTY-FOURTH (24th)** day of **OCTOBER, 2022** at **SEVEN-O'CLOCK P.M.**, then and there to act on the following articles in the warrant:

Article 1: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money not to exceed \$85.00 to pay an old bill of the Park Commission for payment to the minutes clerk for one meeting, or take any other action relative thereto.

Article 2: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money not to exceed \$9,050.00 to fund a full-time clerical position in the Planning Department, or take any other action relative thereto.

Article 3: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to further fund the Bristol County Agricultural High School assessment as follows:

Expenses	Account 01-390-52-5631	\$37,818.00
Debt Expense	Account 01-390-56-5631	\$70,212.48

or take any other action relative thereto.

Article 4: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money not to exceed \$150,000 for the purpose of funding the Length of Service Awards Program for the Firefighters of Swansea, or take any other action relative thereto.

Article 5: To see if the Town will vote to expand the purpose for which the Swansea Historical Society may expend the Community Preservation Fund Undesignated Reserves monies previously authorized for the restoration of the interior and exterior walls of the Luther Museum by the approval of Article 18 of the Spring 2022 Annual Town Meeting held on May 16, 2022 (Account No 28-170-59-51193), by allowing said monies additionally to be expended for rehabilitation of wood-destroying insect damage and prevention of any such damage in the future, including for all ancillary activities and improvements that are necessary to support the same, or take any other action relative thereto.

- Article 6: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money not to exceed \$52,000 to purchase and equip a utility vehicle for the Animal Control Officer, or take any other action relative thereto.
- Article 7: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money not to exceed \$200,000 for the purposes of hiring an Owners Project Manager and a designer for renovating an existing building or designing a new municipal complex building that will combine offices in the Town Hall, Town Hall Annex and Council on Aging facilities, or take any other action relative thereto.
- Article 8: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money not to exceed \$10,000 for the purposes of purchasing and installing a backup video server for the Police Department, or take any other action relative thereto.
- Article 9: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money not to exceed \$300,000 for the purposes of purchasing and equipping radios for the Police and Fire Departments, or take any other action relative thereto.
- Article 10: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money not to exceed \$500,000 for the purposes of installing and constructing of various safety and security measures at each of the schools, or take any other action relative thereto.
- Article 11: To see if the Town will vote to amend the General Bylaws by adopting a new Chapter 194, Nuisance Houses, as follows:

Chapter 194 Nuisance Houses

§ 194-1 Definitions.

A. As used in this article of the General By-Laws, the terms below shall have the following definitions:

ALCOHOL

Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE

Liquid, including malt beverage, intended for human consumption as a beverage that contains 0.5% or more of Alcohol by volume at 60 degrees Fahrenheit.

GATHERING

A party, crowd, or event, where a group of persons assemble for a social occasion or activity.

PREMISES

A residence or other private property, place, or location, including any commercial or business property.

PROPERTY OWNER

The legal owner of record as listed in the tax assessors' records, or, if known, the owner of record identified in the Registry of Deeds.

PUBLIC NUISANCE

A gathering of persons on any Premises in a manner which constitutes a violation of law or creates a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood. Unlawful conduct includes excessive noise, excessive pedestrian and vehicular traffic, obstruction of public streets by crowds or vehicles, illegal parking, public urination, the service of Alcohol to Underage Persons, fights, disturbances of the peace, and littering.

RESPONSE COSTS

The costs associated with responses by law enforcement, fire, and other emergency response providers to a Gathering as set forth in a schedule of costs established by the Town Administrator.

UNDERAGE PERSON

Any person under 21 years of age.

B. Any terms that have not been defined specifically herein shall have their normal English meanings unless the context indicates otherwise.

§ 194-2 Consumption of Alcohol by Underage Persons Prohibited in Public Place, Place Open to Public, or Place Not Open to Public.

Except as permitted by the law of the Commonwealth, it shall be unlawful for an Underage Person to:

A. consume an Alcoholic Beverage at a public place or a place open to the public; or

B. consume an Alcoholic Beverage at a place not open to the public, unless supervised by a parent or legal guardian.

§ 194-3 Hosting, Permitting, or Allowing a Public Nuisance or Party, Gathering, or Event Where Underage Persons Consuming Alcoholic Beverages Prohibited.

A. It shall be the duty of a person having control of any Premises who knowingly hosts, permits, or allows a Gathering to take all reasonable steps to prevent the consumption of Alcoholic Beverages by an Underage Person. Reasonable steps include controlling access to Alcoholic Beverages, controlling the quantity of Alcoholic Beverages, verifying the age of persons attending the Gathering by inspecting driver's licenses or other government-issued identification cards to ensure that Underage Persons do not consume Alcoholic Beverages, and supervising the activities of Underage Persons.

B. A Gathering constituting a Public Nuisance may be abated by all reasonable means including an order by the police requiring the Gathering to be disbanded and by citation or arrest under any applicable provision of local or Commonwealth law.

C. It is unlawful for a person having control of any Premises to knowingly host, permit, or allow a Gathering to take place at the Premises where at least one Underage Person consumes

an alcoholic beverage, provided that the person having control of the Premises either knows or should have known that an Underage Person has consumed an alcoholic beverage, but has failed to take all reasonable steps to prevent the consumption of an alcoholic beverage by the Underage Person.

D. This section shall not apply to conduct involving the use of Alcoholic Beverages that occurs exclusively between an Underage Person and a parent or legal guardian as set forth in Massachusetts General Laws, Chapter 138, Section 34.

E. This section shall not apply to any Massachusetts Alcoholic Beverages Control Commission licensee at any Premises regulated by the Massachusetts Alcoholic Beverage Control Commission.

§ 194-4 Mailing of Notice to Property Owner.

Notice of response by police or other local officials to a Gathering shall be mailed by the Police Department to any Property Owner and – as applicable – the rental housing manager or management organization, advising them that the third response on the same Premises within a one-year period, as measured from the date of the first notice, will result in liability of the owner or rental housing manager or management organization for all penalties associated with the response as more particularly described below.

§ 194-5 Persons Liable for a First and Second Response to a Gathering Constituting a Public Nuisance.

If the police department is required to respond to a Gathering constituting a Public Nuisance on the Premises, the following persons shall be jointly and severally liable for penalties as set forth in this bylaw. Response Costs shall also be assessed.

A. The person or persons residing at, or otherwise in control of, the property where the Gathering took place.

B. The person or persons who organized or sponsored the Gathering.

C. Persons attending the Gathering who engage in activity resulting in a Public Nuisance.

§ 194-6 Persons Liable for a Third and Subsequent Response to a Gathering Constituting a Public Nuisance.

If the police department is required to respond to a Gathering constituting a Public Nuisance on the Premises more than twice in any one-year period, as measured from the date of the first response, the following persons shall be jointly and severally liable for penalties as set forth in this by law. Response Costs shall also be assessed.

A. Any person who owns or manages the property where the Gathering constituting the Public Nuisance took place, provided that notice of the first and second responses has been mailed to the owner or manager of the property as set forth herein and the Gathering occurs at least 14 days after the mailing the second notice. The owner of the property shall not be held responsible for a violation and penalties if the owner is actively trying to evict a tenant from the property. The one-year time period for violations for a property shall pertain to only those residents occupying the property who have had the prior violation(s). New residents shall start a new one-year time cycle should the new residents violate the bylaw.

B. Any persons residing on or otherwise in control of the property where the Gathering took place.

C. Any persons who organized or sponsored the Gathering.

D. Any persons attending the Gathering who engaged in any activity resulting in the Public Nuisance.

§ 194-6 Enforcement

A. The Town shall additionally seek administrative costs and Response Costs associated with enforcement of Sections 194-2 and 194-3, through all remedies or procedures provided by the law of the Commonwealth or local law.

B. The provisions of this Chapter 194 shall not limit the authority of police officers to make arrests for any criminal offense arising out of conduct regulated by said Chapter, nor shall those sections limit the Town's or the Commonwealth's authority to initiate and prosecute a criminal offense arising out of the same circumstances necessitating the application of said Chapter.

C. This Bylaw shall be enforced by the Chief of Police, the Health Director, the Building Commissioner and their authorized designees. For all purposes other than the granting of permits under this By-law, designees of the Chief of Police shall include any Swansea Police Officer.

D. A fine of \$300 shall be imposed for each violation of the provisions of this Chapter, which fine shall be enforced through the noncriminal method of disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D. Each incident and each day of a continuing violation shall be considered a separate violation.

Or take any other action relative thereto.

Article 12: To see if the Town will vote to amend Chapter 7 of the General Bylaws by adding a new Article XI, Sewer Commission, as follows:

ARTICLE XI Sewer Commission

§ 7 - 35 Establishment; membership and terms.

There is hereby established in the Town of Swansea a Sewer Commission, which shall be an elected body consisting of three members. The initial members thereof shall be elected as follows: the member who receives the third highest vote total shall serve for one year, the member who receives the second highest vote total shall serve for two years and the member who receives the highest vote total shall serve for three years. Thereafter, members of the Sewer Commission shall be elected to terms of three years each, with the term of one member expiring in each year. The members of the Commission shall, after each election, elect one of their members to act as chairperson of the Commission for the ensuing year. No member of the Commission shall hold any other elected Town Office.

§ 7-36 Powers and Duties.

The Sewer Commission shall have the power and duty to design, construct, maintain, operate, repair and improve public sewer infrastructure; to implement and oversee the sewer connection permitting process, the use of the public sewer infrastructure by the public, and the billing and payment process for such usage; and to undertake inspections and compliance oversight to prevent misuse of the public sewer infrastructure; and shall have such other powers and duties that are provided by law for sewer commissions and sewer commissioners, including, without limitation, under Massachusetts General Laws, Chapter 41, Section 65, and Chapter 83.

§ 7-37 Plans and Records.

In accordance with Massachusetts General Laws, Chapter 83, Section 2, it is hereby determined that all plans and records relating to drains and sewers, and the associated charges and assessments therefor, shall be held in the office of the Sewer Commission.

§ 7-38 Regulations.

The Sewer Commission may make such regulations as it deems to be prudent for effectuating, enforcing and implementing its powers and duties as provided in this Article XI, and for such other purposes as are provided by statute, including without limitation, Massachusetts General Laws, Chapter 83, Section 10.

§ 7-39 Monopoly of Authority.

Any sewer line or drain that is laid within any public or private way that is open for public travel, or that is intended for public travel upon completion of said way, shall be a common sewer. No such common sewer may be connected to the existing public sewer infrastructure of the Town without the authorization of the Sewer Commission.

§ 7-40 Enforcement.

Each violation of either this Article XI or the regulations of the Sewer Commission shall be punishable by a fine of \$300. All such fines shall be subject to the noncriminal disposition method, and shall be enforceable by the Sewer Commission, its agents and any police officer. Each day of a continuing violation shall be a separate offense. Nothing herein shall preclude the Sewer Commission from seeking judicial relief, pursuant to Massachusetts General Laws, Chapter 83. Nothing herein shall preclude the Sewer Commission from including in its regulations the maximum civil penalties as provided in Massachusetts General Laws, Chapter 83, Section 10, or from thereafter seeking to impose such civil penalties as part of any such judicial relief.

Or take any other action relative thereto.

Article 13: To see if the Town will vote to delete the entirety of Article VI (§§7-22 through 7-24) of Chapter 7 of the General Bylaws;

And further, to delete the language of § 7-25 of the General Bylaws, excepting only the title, and replace it with the following:

The Park Commission shall be responsible for the following:

- A. To acquire land for, supervise, maintain, regulate, lay out and improve public parks in the Town, and with all of the powers and duties as provided under Massachusetts General Laws, Chapter 45, Sections 1-9.
- B. To acquire, lease and maintain land and buildings for public playgrounds and recreation centers, and to conduct and promote recreation, play, sports and physical education in the Town, and with all of the powers and duties as provided under Massachusetts General Laws, Chapter 45, Section 14.

And further, to delete the language of § 7-26 of the General Bylaws, excepting only the title, and replace it with the following:

The commission shall consist of five members each of whom shall be elected for the term of five years. The term of one member shall expire in each year. The elimination of the Recreation Commission and the transfer of its powers and duties to the Park Commission in accordance with Massachusetts General Laws, Chapter 45, Section 14, shall not alter the then-existing membership of the Park Commission, which members shall retain their existing terms.

Or take any other action relative thereto.

Article 14: To see if the Town will vote to have its elected Treasurer/Collector position become an appointed Treasurer/Collector; and if such vote passes by a simple majority, for the Board of Selectmen to place on the Annual Town Election ballot a question to see if the residents of the Town of Swansea will vote to have its elected Treasurer/Collector become an appointed Treasurer/Collector in accordance with Massachusetts General Laws Chapter 41, Section 1B, or take any other action relative thereto.

Article 15: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money not to exceed \$19,000,000 for the purpose of funding the library expansion and renovation project as previously approved by the adoption of Article 21 of the Spring 2017 Annual Town Meeting, held on May 15, 2017.

And further, to clarify that the spending of said sum of money shall not be contingent upon the Board of Selectmen and/or the Library Building Committee and/or the Trustees of the Swansea Library first applying for, accepting or expending a particular minimum threshold monetary value of state grants or other state funds, so long as any monetary value of state grants or other state funds already has been received as previously authorized by the adoption of Article 20 of the Spring 2017 Annual Town Meeting, held on May 15, 2017.

Or take any other action relative thereto.

CITIZENS PETITION:

Article 16: To see if the town will vote to

Amend the Zoning Bylaws to establish a Marijuana Establishment Overlay District permitting for a principal use of “Adult-Use Marijuana Business” defined to include all “Marijuana Establishments” as that term is defined by 935 CMR 500. Further, to amend the Zoning Map to define said Overlay District to be comprised of those portions of the Business B District and the Manufacturing District consisting of Lots 23 and 24C of current Assessor’s Map 74, as printed in the article below.



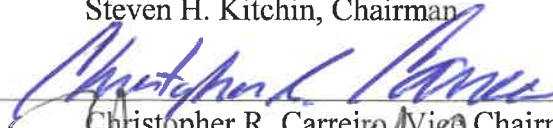
And you are hereby directed to serve this warrant by posting attested copies thereof fourteen (14) days at least before the day of said meeting as prescribed by law.

Hereof fail not and make return of this warrant with your doings thereon to the Town within twenty-four hours after making service thereof.

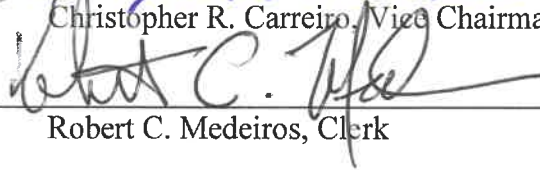
Given under our hands this 27th day of September, 2022.



Steven H. Kitchin, Chairman



Christopher R. Carreiro, Vice Chairman



Robert C. Medeiros, Clerk

A true copy, Attest:

Constable of Swansea

I hereby certify that I have posted the above warrant in accordance with the Massachusetts General Laws and the By-laws of the Town of Swansea in the following six places:

**Town Hall
COA/Community Center
Water District
United States Post Office**

**Police Station
St. Dominic's Credit Union
Fire Station No. 2
Harvest Tap and Table**


(Constable)

10/5/22
(Date)