

W A R R A N T

ANNUAL SPRING TOWN MEETING

APRIL 6, 2010
(ELECTION)

APRIL 26, 2010
(GENERAL BUSINESS PORTION)

W A R R A N T
ANNUAL SPRING TOWN MEETING

TOWN OF WAREHAM

APRIL 6, 2010
(ELECTION)

DESIGNATED POLL LOCATIONS 8:00 O'CLOCK A.M. to 8:00 O'CLOCK P.M.

APRIL 26, 2010
(GENERAL BUSINESS PORTION)

WAREHAM HIGH SCHOOL
VIKING DRIVE
WAREHAM, MA 02571

7:00 O'CLOCK P.M.

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, S.S.

TO EITHER OF THE CONSTABLES OF THE TOWN OF WAREHAM

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town qualified to vote in Town affairs to meet in **Precinct 1:** Wareham Town Hall, 54 Marion Road; **Precinct 2 and Precinct 3:** Dudley L. Brown VFW, 4 Gibbs Ball Park Road, Onset; **Precinct 4 and Precinct 5:** John W. Decas School, 760 Main Street, South Wareham; **Precinct 6:** Wareham Lodge of Elks, 2855 Cranberry Highway, East Wareham on Tuesday, April 6, 2010 at 8:00 o'clock a.m. for the election of Town officers designated in the official ballot, to be adjourned until Monday, April 26, 2010 at 7:00 o'clock p.m. in the High School Auditorium , 7 Viking Drive, Wareham, MA at which time the general business of the Town shall be transacted, and to act on the following

articles:

ARTICLE 1

To choose the following officers: two (2) Selectmen for the term of three (3) years, one (1) Town Clerk for the term of three (3) years, one (1) Assessor for the term of three (3) years, one (1) School Committee member for the term of three (3) years, one (1) Housing Authority member for the term of five (5) years, one (1) Housing Authority member for the term of three (3) years and one (1) Town Moderator for the term of three (3) year or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 2

To see if the town will vote to authorize the Board of Selectmen and/or the Town Administrator to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted or otherwise available to Wareham by the Commonwealth of Massachusetts or the U.S. Government under any State or Federal Grant program or activity, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 3

To see whether the Town will authorize its Town Treasurer/Collector to enter into a compensating balance agreement or agreements for fiscal year 2011 pursuant to Chapter 44, Section 53F of the General Laws, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Treasurer/ Collector

ARTICLE 4

To act upon the reports of the Selectmen and the School Committee as required by statute and upon any other reports from officers and committees who consider it expedient to do so, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 5

To see if the Town will vote to fix the salary and compensation of the following elective officers: Town Clerk and Town Moderator, and any other elective officers of the Town as provided by Section 108, Chapter 41, General Laws as amended and to raise and appropriate a sum of money therefore, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 6

To see if the Town will vote to raise and appropriate and transfer from available funds a sum of money, to defray charges and expenses of the Town, including debt and interest, and to provide for a Reserve Fund for the Fiscal Year beginning July 1, 2010 and ending June 30, 2011 and as more particularly described in the report of the Wareham Finance Committee, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 7

To see if the Town will vote to raise and appropriate Two million eighty one thousand Four hundred seventy five and no cents (\$2,081,475.00) as its share of the operating and capital costs of the Upper Cape Cod Regional Vocational-Technical High School District for the Fiscal Year July 1, 2010 through June 30, 2011, or to do or act in any manner relative thereto.

Inserted by the Upper Cape Cod Regional Vocational-Technical School District

ARTICLE 8

To see if the Town will vote to appropriate a sum of money from the wastewater enterprise revenue in accordance with Chapter 44, Section 53F-1/2 of Massachusetts General Laws to defray the operating and capital expenses of the Water Pollution Control Enterprise Fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 9

To see if the Town will vote to appropriate Six hundred seventeen thousand nine hundred and eighty dollars and no cents (617,980.00) to the Emergency Medical Services salaries and wages account and One Hundred fifty one thousand six hundred fifty three dollars and no cents (\$151,653) to the Emergency Medical Services general expense account, still further, to authorize a Seven hundred sixty nine thousand six hundred thirty three dollars and no cents (769,633.00) in estimated receipts of the Emergency Medical Services to be used to offset said appropriation in accordance with MGL Chapter 44, Section 53E, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 10

To see if the Town will vote pursuant to Chapter 44, Section 53E-1/2 of Massachusetts General Laws to authorize the use of a revolving fund for the purpose of recreation programs, supplies, equipment, contracted instructors and any related expenses, which fund shall be credited with receipts from all Recreation Department program user fees, proceeds of fund-raising activities and donations under the authority and direction of the Director of Social Services, acting with the approval of the Town Administrator; such expenditures not to exceed \$120,000; and further, that the unencumbered balance as of the close of fiscal year 2010 in the existing recreation revolving account be transferred to the revolving fund established for fiscal year 2011, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 11

To see if the Town will vote pursuant to Chapter 44, Section 53E-1/2 of Massachusetts General Laws to authorize the use of a revolving fund for the purpose of recycling programs, projects, supplies, equipment and any related expenses, which fund shall be credited with receipts from recycling programs and projects, proceeds of fund-raising activities and donations under the authority and direction of the Chairman of the Recycling Committee, acting with the approval of the Town Administrator; such expenditures not to exceed \$50,000; and further, that the unencumbered balance as of the close of fiscal year 2010 in the existing recycling revolving account be transferred to the revolving fund established for fiscal year 2011, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Recycling Committee

ARTICLE 12

To see if the Town will vote pursuant to Chapter 44, Section 53E-1/2 of Massachusetts General Laws to authorize the use of a revolving fund for the purpose of shellfish propagation programs and enhancement of shellfish resources within the Town of Wareham, which fund shall be credited with receipts from all commercial shellfish permit fees and twenty (20%) percent of all fees derived from the issuance of recreational shellfish permits under the authority and direction of the Shellfish Constable and Town Administrator; such expenditures not to exceed \$30,000; and further, that the unencumbered balance as of the close of fiscal year 2010 in the existing shellfish revolving account be transferred to the revolving fund established for fiscal year 2011, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Harbormaster/ Shellfish Constable

ARTICLE 13

To see if the Town will vote pursuant to Chapter 44, Section 53E-1/2 of Massachusetts General Laws to authorize the use of a revolving fund for the purpose of providing transportation to elderly and disabled citizens of the Town, which fund shall be credited with receipts from transportation proceeds, including donations, under the authority and direction of the senior director of social services acting with the approval of the Town Administrator; such expenditures not to exceed \$100,000; and further, that the unencumbered balance as of the close of fiscal year 2010 in the existing transportation revolving account be transferred to the revolving fund established for fiscal year 2011, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 14

To see if the Town will vote pursuant to M.G.L. c.44, §53E-1/2, to authorize the use of a revolving fund for the purpose of providing Library services, programs, supplies, equipment, wages, salaries, fringe benefits and any related expenses, which fund shall be credited with receipts from Library fines, proceeds of fund raising, donations, and other related receipts under the authority and direction of the Library Director, acting with the approval of the Town Administrator; such expenditures not to exceed \$10,000.00, and further that the unencumbered balance as of the close of the fiscal year 2010 in the existing library account be transferred to the revolving account established for fiscal year 2011, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Administrator

ARTICLE 15

To see if the town will vote pursuant to Chapter 44, Section 53E-1/2 of the General Laws to authorize the use of a revolving fund for the purpose of supporting, improving and increasing the COA senior daycare fees, add and expand beneficial programs, pay for all supplies, equipment, salaries, fringe benefits and any related expenses, this fund shall be credited with receipts from user fees, credited with proceeds of fund-raising activities, donations and other related receipts under the authority and direction of the COA Director such as expenditure will not exceed our planned projected income of \$200,000 expended in any one fiscal year; and further, that the unencumbered balance as of the close of fiscal year 2010 in the existing COA revolving account be transferred to the revolving fund established for fiscal year 2011, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Council on Aging

ARTICLE 16

To see if the Town will vote pursuant to Chapter 44, Section 53E-1/2 of the general laws to authorize the use of a revolving fund for the purpose of all day kindergarten tuition, programs, supplies, equipment, wages, salaries, fringe benefits and any related expenses, which fund shall be credited with receipts from user fees, proceeds of fund raising activities, donations and other related receipts under the authority and direction of the Superintendent of Schools, acting with the approval of the School Committee, such expenditures not to exceed \$297,159 expended in fiscal year 2011, and further that the unencumbered balance as of the close of the fiscal year 2010 in the existing kindergarten revolving account be transferred to the revolving fund established for fiscal year 2011, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Wareham School Committee

ARTICLE 17

To see if the Town will vote pursuant to Chapter 44, Section 53E-1/2 of the general laws to authorize the use of a revolving fund for the purpose of special education tuition, programs, supplies, equipment, wages, salaries, fringe benefits and any related expenses, which fund shall be credited with receipts and under the authority and direction of the Superintendent of Schools, acting with approval of the School Committee; such expenditures not to exceed \$297,159 expended in fiscal year 2011, and further that the unencumbered balance as of at the close of the fiscal year 2010 in the existing special education revolving account be transferred to the revolving fund established for fiscal year 2011, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Wareham School Committee

ARTICLE 18

To see if the Town will vote pursuant to Chapter 44, Section 53E-1/2 of the general laws to authorize the use of a revolving fund for the purpose of passport supplies, equipment, postage and any related expenses, which fund shall be credited with receipts from the passport processing fee and other related receipts under the authority and direction of the Town Clerk, acting with approval of the Town Administrator; such expenditures not to exceed \$10,000 expended in any fiscal year, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Clerk

ARTICLE 19

To see if the Town will vote pursuant to MGL Chapter 44, Section 53E ½ to authorize the use of a revolving fund for the purpose of providing educational and social programs to the elderly and disabled citizens of the town, which fund shall be credited with receipts from proceeds from the above programs, under the authority and direction of the Senior/Social Services Director with the approval of the Town Administrator; said expenditures not to

exceed \$7,500 for fiscal year 2010, or to do or act in any manner relative thereto.

Inserted by the Wareham Board of Selectmen at the request of the Town Administrator

ARTICLE 20

To see if the Town will vote to authorize the Board of Selectmen, pursuant to M.G.L. c. 40, s.15A, to lease the care and custody of the real property and improvements thereon known as Westfield Site, more specifically located at Charlotte Furnace Road, consisting of 18.5 acres, more or less, and identified on Wareham Assessor's shown as Assessors' Map 105, Parcel 1001 and Assessors' Map 105A, Parcels 107 through 130 and Parcels 162 through 175 and Parcels 198 through 213 and Parcels 215 through 221 and Parcels 229 through 238 and Parcels 259 through 287, and described in the instrument recorded with the Plymouth District Registry of Deeds in Book 4314, Page 189, said portion containing 24.49 acres, more or less, being the premises shown as Westfield Overall Plan surveyed by G.A.F Engineering on May 11, 2006, to be placed under the Selectmen's care and custody for the purposes of continuing and expanding the use of the parcel for affordable senior rental housing and further, to authorize the Board of Selectmen, if the Board of Selectmen so vote, to lease or convey said property and improvements for the purposes of improving, expanding and the perpetual management of the property for affordable rental housing pursuant to the requirements of M.G.L. c.40, s.3 and M.G.L. c.30B, et seq. and upon terms and conditions acceptable to the Board of Selectmen and pursuant to the authority granted the Board of Selectmen by M.G.L. c.44, s.55C, and further, that if the Board of Selectmen is to lease for a maximum of 99 years said property, that lease be subject to the prior placement of a restriction on said property, including but not limited to that found at M.G.L. c.184, ss.31-33, ensuring that all dwelling units constructed thereon be restricted for affordable housing purposes in perpetuity; or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 21

To see if the Town will vote to authorize the Board of Selectmen, pursuant to G.L. c. 40, s.15A, to lease the care and custody of the real property and improvements currently known thereon known as the building know as the Boys and Girls located on town owned land located on Viking Drive, if the Board of Selectmen so vote, to lease or convey said property and improvements for the purposes of improving, expanding and the perpetual management of the property for youth social activities pursuant to the requirements of G.L. c.40, s.3 and G.L. c.30B, et seq. and upon terms and conditions acceptable to the Board of Selectmen and pursuant to the authority granted the Board of Selectmen by G.L. c.44, s.55C, and further, that if the Board of Selectmen is to lease for a maximum of 99 years said property, that lease may be subject to the prior placement of a restriction on said property, included that the two rear bays of said building, which are presently occupied by the Wareham School Department and the Emergency Management Agency of the town, or take any other action thereon or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen
ARTICLE 22

To see if the Town will vote to transfer \$8,600 from the parking meter fund to the Municipal Maintenance line painting account, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Municipal Maintenance Director

ARTICLE 23

To see if the Town will vote to appropriate and transfer \$15,000 Dollars from the Waterways Improvement and Maintenance Fund to the Harbors and Beaches Maintenance Account or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Municipal Maintenance Director

ARTICLE 24

To see if the Town will vote to appropriate and transfer a sum of \$15,000 Dollars from the Cemetery Perpetual Care Interest Fund to a Special Account for the Routine Care and Maintenance of the Town cemeteries or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Municipal Maintenance Director

ARTICLE 25

To see if the Town will vote to petition the General Court for special legislation revising the Town Charter in accordance with the recommendations of the Charter Review Committee, which may be found in a document entitled, "Charter Review Committee-Proposed Town Charter," as on file with the Town Clerk, and provided for the adoption of a new charter with an elected Town Council to be comprised of precinct and at-large councilors who shall serve for 2 year terms, an elected Mayor who shall serve a term of 4 years, an elected Town Clerk who shall serve a term of 3 years, and an elected School Committee whose members shall serve for terms of 3 years. The "Proposed Town Charter" is available on-line or a copy is available for review at the Town Clerk's office or the Wareham Free Library (copies available but copy charges will apply). The new charter shall not take effect in the Town until approved by the voters at an annual or special election; provided, however, that the General court may make clerical or editorial changes of form only to the bill.

Inserted by the Board of Selectmen at the request of the Wareham Charter Review Committee

ARTICLE 26

To see if the Town will vote to amend the Town's By-Law, Section to Division II, Article 1 to read as follows:

Section 3 to Division II, Article I to the town's bylaws currently reads as follows:

No person shall deposit any ashes, tin cans, old apparel, leaves or any other rubbish, decayed matter or garbage on any street except in a proper container. Whoever violates this bylaw shall be liable to a penalty of not more than two hundred dollars (\$200.00) for each offense.

The Minot Forest Committee recommends an insertion of "or along" after the words "garbage on" and before "any street". After the word "street", we recommend inserting "or any property owned or leased by the Town of Wareham or any of its subdivisions". After the phrase "except in a proper container", we recommend inserting "for pick-up."

We also recommend increasing the maximum penalty to \$500.00 for each offense.

Section 3 to Division II, Article I to the town's bylaws would then read as follows:

No person shall deposit any rubbish, trash or garbage of any kind, on or along any street or any property owned or leased by the Town of Wareham or any of its subdivisions, except in a proper container for pick up. Whoever violates this bylaw shall be liable to a penalty of not more than five hundred dollars (\$500.00) for each offense.

The above changes would interalia support any claim by the town for encroachments on the Minot Forest by people using the forest to dump their grass, leaves etc.

Inserted by the Board of Selectmen at the request of the Minot Forest Committee

ARTICLE 27

To see if the Town will vote to amend Division VI, Article I of the General Bylaws, the Wareham Wetland Protective By-Law, by inserting the following new provisions:

(i) Insert the following in Section VII "Definitions", subsection 1:

The term "Buffer Zone" shall include the area of land extending 100 feet horizontally outward from the boundary of the following resource areas: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; intermittent streams; creeks; beaches; dunes; estuaries; the ocean; lands under water bodies; and, lands containing shellfish.

The term "No Activity Zone" shall include a portion of the Buffer Zone extending outward from the boundary of the resource area in which no work, including the removal of vegetation, is allowed.

(ii) Insert the following new section:

Section XVIII. Buffer Zone

A. Residential Construction

A 30-foot No Activity Zone shall be required for all new residential structures in developments of three units or less, additions, accessory structures (including, but not limited to, garages, sheds, and pools), associated construction (including, but not limited to, driveways and septic systems), and site work (including, but not limited to, landscaping and grading) within the Buffer Zone. In the event that there are multiple resource areas at a given site with associated Buffer Zone, the 30-Foot No Activity Zone shall be measured from the boundary of the resource area closest to the work.

Developments of four or more residential units shall be subject to the requirements for commercial/industrial development in Subsection B.

B. Commercial/Industrial Development and Residential Construction of Four Units or More

A 50-foot No Activity Zone shall be required for all new commercial and industrial developments (including, but not limited to, strip malls, office buildings, retail stores, automotive uses, warehouses, and industrial buildings), and developments of four or more residential units, that will alter 2500 square feet or more of Buffer Zone. In the event that there are multiple resource areas at a given site with associated Buffer Zone, the 50-foot No Activity Zone shall be measured from the boundary of the resource area closest to the work.

For commercial/industrial developments and developments of four or more residential units that will alter less than 2500 square feet of Buffer Zone, the Conservation Commission may permit a No Activity Zone less than 50 feet in width, but not less than 30 feet in width.

C. Exceptions

1. The Conservation Commission may waive or reduce the No Activity Zone requirements listed above for the redevelopment of sites that are currently paved or altered with other impervious surfaces within Buffer Zone.

2. The Conservation Commission may waive or reduce the No Activity Zone requirements listed above for projects involving work necessary to access buildable upland (including access roads, driveways, and utilities) as long as there is no other means of accessing said buildable upland, and said work meets all the other requirements of the Massachusetts Wetlands Protection Act and this By-law.

3. The Conservation Commission may waive or reduce the No Activity Zone requirements listed above if in its judgment such a reduction is necessary to accommodate a project that will have an overall benefit to the public and/or to the environment (such as a sewer expansion project, or a wildlife enhancement project).

4. The No Activity Zone requirements set forth in this Section shall not apply to any structures or site work that is defined as the normal maintenance or improvement of Land

In Agricultural Use under 310 CMR 10.04, "Agriculture".

5. The No Activity Zone requirements set forth in this Section shall not apply to projects requiring Chapter 91 Licenses, freshwater dock projects, repairs of existing Chapter 91 Licensed structures, or to other coastal engineering structures deemed by the Conservation Commission to be necessary to protect the interests of the Massachusetts Wetlands Protection Act and this By-law.

6. The No Activity Zone requirements set forth in this Section shall not apply to projects involving the repair, but not expansion of, existing and lawfully located buildings and structures, including roads, culverts, utilities, septic systems, or storm water drainage structures, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Conservation Commission

ARTICLE 28

To see if the Town will vote to appropriate and transfer from available funds a sum of money to pay unpaid bills of prior fiscal years as follows:

From Town Administrator's Office – Hancock Associates - \$1,200.00; IKON Office Solutions - \$99.84

From Wareham Free Library - Random House, Inc. - \$64.00

From Veterans Services Dept. - Southcoast Physician Services - \$297.88;

or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Administrator

ARTICLE 29

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for miscellaneous equipment to authorize the Town Administrator to expend such funds that are necessary for this action, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Administrator

ARTICLE 30

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ninety-nine thousand two hundred twenty four dollars and no cents (\$99,224.00) to pay for the first year of a three year lease for 8 police cruisers and 1 police SUV and to authorize the Town Administrator to expend such funds that are necessary for this action, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Capital Planning Committee

ARTICLE 31

To see if the Town will vote to authorize the Community Events Committee to expend Fifty three thousand seven hundred twenty five thousand dollars and no cents (\$53,725), funds drawn from 70% of the Hotel/Motel Tax and 40% from the Parking Meter Fund. The funds will solely be used for the continuing support and assistance of community events, projects, activities, services, programs and public improvements which are of mutual interest to residents and visitors of the Town, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Events Committee

ARTICLE 32

To see if the Town will vote to rescind Twelve thousand Six hundred thirty one dollars and no cents (\$12,631) which represents the unissued portion of a bond authorization approved in Article 17 at the April 23, 2001 Town Meeting for the purposes of rehabilitating and expanding the Wareham Middle School, or take any action relative thereto.

Inserted by the Board of the Selectmen from the Town Treasurer/Collector.

ARTICLE 33

To see if the Town will vote to rescind Three hundred Fifty Five thousand Six hundred twenty four dollars and no cents (\$355,624.00) which represents the unissued portion of a bond authorization approved in Article 18 at the April 23, 2001 Town Meeting for the purposes of financing the construction of Water Pollution Control Facility Modifications, or take any action relative thereto.

Inserted by the Board of the Selectmen from the Town Treasurer/Collector.

ARTICLE 34

To see if the Town will vote to rescind Two hundred thousand dollars and no cents (\$200,000) which represents the unissued portion of a bond authorization approved in Article 27 at the April 29, 2003 Town Meeting for the purposes of financing the construction of the sewage system in the Weweantic Shores section of Town, or take any action relative thereto.

Inserted by the Board of the Selectmen from the Town Treasurer/Collector.

ARTICLE 35

To see if the Town will vote to rescind Sixty five thousand dollars One hundred eighty-four dollars and no cents (\$65,184) which represents the unissued portion of a bond authorization approved in Article 1 at the October 27, 2003 Town Meeting for the purposes of the taking of land described in the original article as Parcel I and Parcel II and Parcel IIII financing the purchase of property called Swifts Beach, or take any action relative thereto.

Inserted by the Board of the Selectmen from the Town Treasurer/Collector.

ARTICLE 36

To see if the Town will vote to rescind Four hundred ten thousand dollars and no cents (\$410,000) which represents the unissued portion of a bond authorization approved in Article 17 at the October 27, 2003 Town Meeting for the purposes of renovating the Oak Grove School, or take any action relative thereto.

Inserted by the Board of the Selectmen from the Town Treasurer/Collector.

ARTICLE 37

To see if the Town will vote to rescind one hundred twenty thousand dollars and no cents (\$120,000) which represents the unissued portion of a bond authorization approved in Article 57 at the May 1, 2006 Town Meeting for the purposes of renovating the Oak Grove School, or take any action relative thereto.

Inserted by the Board of the Selectmen from the Town Treasurer/Collector.

ARTICLE 38

To see if the Town will vote to rescind two million, one hundred thousand dollars and no cents (\$2,100,000) which represents the unissued portion of a bond authorization approved in Article 27 at the October 25, 2004 Town Meeting for the purposes of financing the construction of the sewage system in the Rose Point, Brairwood Beach, and Beaver Dam Estates section of town, or take any action relative thereto.

Inserted by the Board of the Selectmen from the Town Treasurer/Collector.

ARTICLE 39

To see if the Town will vote to rescind one hundred seventy nine thousand, two hundred thirteen dollars and sixty cents (\$179,213.60) which represents the unissued portion of a bond authorization approved in Article 25 at the October 23, 2007 Town Meeting for the purposes of restoration of the slate roof of Memorial Town Hall, or take any action relative thereto.

Inserted by the Board of the Selectmen from the Community Preservation Committee.

ARTICLE 40

To see if the Town will vote to rescind Four hundred thousand dollars and no cents (\$400,000) which represents the entire and unissued portion of a bond authorization approved in Article 26 at the October 23, 2007 Town Meeting for the purposes of open space and recreation for the acquisition by gift and/or negotiated purchase of the development rights and other rights associated with placing a perpetual Conservation Restriction on approximately 20+/- acres known as the Great Neck Conservation Project Phased 2, or take any action relative thereto.

Inserted by the Board of the Selectmen at the request from the Community Preservation Committee.

ARTICLE 41

To see if the Town will vote to hear and act on the report of the Community Preservation Committee, on the Fiscal Year 2011 Community Preservation budget and further to reserve for future appropriation from Community Preservation Fund FY 2011 estimated annual revenues the following amounts as recommended by the Community Preservation Committee: **(1) \$25,000** to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year 2011; **(2) \$50,000** for the acquisition, creation and preservation of open space, excluding land for recreational use; **(3) \$50,000** for the acquisition, preservation rehabilitation and restoration of historic resources; and **(4) \$50,000** for the creation, preservation and support of community housing or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 42

To see if the Town will vote to appropriate from the Community Preservation Fund unallocated fund balance, or any other available monies in the Community Preservation fund, the sum of \$50,416.67 for debt payment on the Tremont Nail Structural Feasibility Survey, as originally approved under article 28, October 2007 Town Meeting, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 43

To see if the Town will vote to appropriate from the Community Preservation Affordable Housing Reserve Fund, the sum of \$50,000 to hire a consultant for the Agawam Village Reconstruction and Design Project, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 44

To see if the Town will vote to appropriate from the Community Preservation Affordable Housing Reserve Fund, a transfer of \$60,000 to the Wareham Affordable Housing Trust Fund, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation

Committee

ARTICLE 45

To see if the Town will vote to appropriate from the Community Preservation Affordable Housing Reserve Fund the sum of \$50,000 for the purchase of an affordable housing restriction establishing an affordable housing unit in Wareham; and further, that the purchase agreement between the Town and the owner of the unit shall include a requirement that the creation and use of the unit shall conform to the Local Initiative Program so that the restricted property shall qualify as affordable housing for purposes of the subsidized housing inventory maintained by the Massachusetts Department of Housing and Community Development for the Town of Wareham, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 46

To see if the Town will vote to appropriate from the Community Preservation Fund unallocated fund balance, or any other available monies in the Community Preservation fund, under the category of Historic Preservation, the sum of \$20,500 as a grant to the American Legion Post #220 for the roof project at the South Wareham School House, so-called, also known as American Legion Post #220, and located at 777 Main Street, Wareham, and further, that a grant agreement shall require the grantee to grant to the Town a preservation restriction in said building, and to authorize the Board of Selectmen to accept said restriction, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 47

To see if the Town will vote to appropriate from the Community Preservation Fund FY 2011 estimated annual revenues, or any other available monies in the Community Preservation Fund, the sum of \$245,000 under the category of Historic Preservation, for the roof restorations of the Town-owned Tremont Nail Main factory building and the Freight building, located at 15 Elm Street, Wareham, MA, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 48

To see if the Town will vote to appropriate from the Community Preservation Fund unallocated fund balance, or any other available monies in the Community Preservation fund, under the category of Open Space; the sum of \$275,000 for the purchase of a

conservation restriction for the Wareham Land Trust, Inc. with respect to approximately 35+/- acres of the property commonly known as the Former Robbins Trout Hatchery, located at Main Street, West Wareham, and designated as follows: Assessor's Map 80, Lot 1004; Assessor's Map 86, Lots A and B; Assessor's Map 88, Lot 1008; and a portion of Assessor's Map 88, Lot 1007A, to include all but approximately one acre of the existing parcel (as shown on a sketch plan on file with the Town Clerk), and to authorize the Conservation Commission to accept such restriction; all as recommended by the Community Preservation Committee for meeting the Open Space Goal of the Wareham Community Preservation Plan, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 49

To see if the Town will vote to appropriate from Community Preservation Fund unallocated fund balance, or any other available monies in the Community Preservation fund, under the category of Open Space, the sum of \$100,000 and appropriate from Community Preservation FY2011 estimated annual revenues, or any other available monies in the Community Preservation fund, the sum of \$155,000 under the category of Open Space, for the acquisition of the Northern portion of the parcel of land now or formerly owned by BKT Realty Trust; Tacy Enterprises Inc., Trustee, described as Assessors Map 117, Lot 1005A, containing 110 +/- acres, (as shown on a sketch plan on file with the Town Clerk); and to authorize the Board of Selectmen to acquire said property; and further, to authorize the Board of Selectmen to grant to a nonprofit organization a conservation restriction in said property, all as recommended by the Community Preservation Committee for meeting the Open Space Goal of the Wareham Community Preservation Plan; or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 50

To see if the Town will vote to amend the vote taken under Article 11 of the 2009 Fall Town Meeting that appropriated \$200,000 from Community Preservation Fund FY2010 estimated annual revenues for the design and engineering phase of the Wareham Community Pathway, by reducing the amount appropriated from the Community Preservation Fund FY2010 estimated annual revenues to \$50,000 and by appropriating the sum of \$150,000 from the Community Preservation Fund unallocated fund balance, or any other available monies in the Community Preservation fund, for such purposes, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 51

A.

To see if the Town will vote to amend the Wareham Zoning Map, dated May 14, 2007 by changing land previously zoned Commercial Strip to Commercial General with the following description;

Beginning at the Centerline of the intersection of Doty Street, Carver Road and Route 28 as shown on Wareham Assessors Map 103;

Thence North along the Centerline of Carver Road to the Southern Right of Way line for Route 25 as shown on Wareham Assessors Map 103;

Thence Westerly along the Southern Right of Way line of Route 25 to the Centerline of Route 58 as shown on Wareham Assessors Map 103;

Thence South along the Centerline of Route 58 across Route 28 and along the Centerline of County Road to a point 500' back from of Lot 1000 as shown on Wareham Assessors Map 99;

Thence Easterly along the Southern property lines Lot 1000 and Lot 1001 to the Southeastern corner of Lot 1001 as shown on Wareham Assessors Map 99;

Thence North along the Eastern property line of Lot 1001 to the Southern property line of Lot 1 as shown on Wareham Assessors Map 99;

Thence Easterly along the Southern property line of Lot 1 Across RAE Avenue at an angle to the Southeastern corner of Lot 1003 as shown on Wareham Assessors Map 99;

Thence Easterly along a line following the southern property lines of Lots 1003, 1004, 1005, 1006, 1007B, 1008, 1011 as shown on Wareham Assessors Map 99 to the Western property line of Lot 1004 as shown on Wareham Assessors Map 100;

Thence Northeasterly along the Western property line of Lot 1004 to the intersection with Lots 1008 and 1009 as shown on Wareham Assessors Map 100;

Thence South and East along the Western and Southern property lines of Lot 1008 to the Centerline of Carver Road as shown on Wareham Assessors Map 100;

Thence North along the Centerline of Carver Road to the Point of beginning.

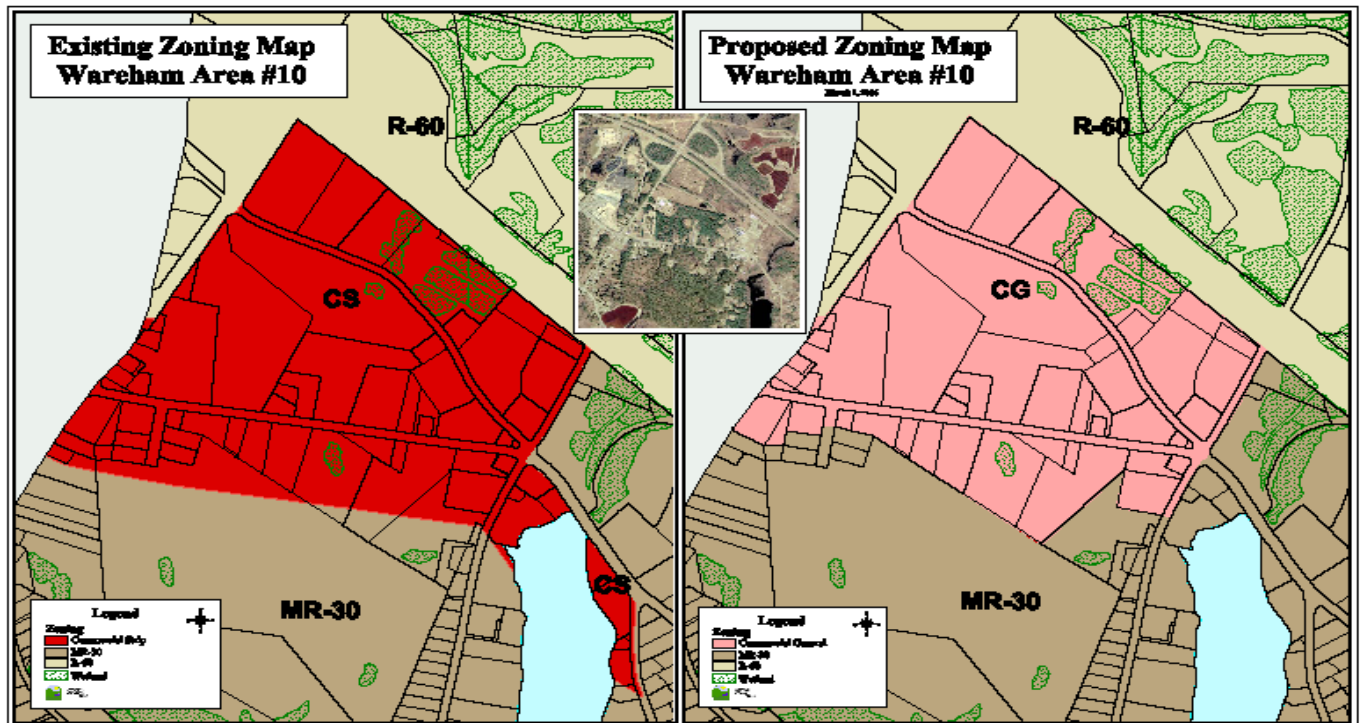
B.

To see if the Town will vote to amend the Wareham Zoning Map, dated May 14, 2007, by changing land previously zoned Strip Commercial (CS) to Mr-30 with the following description and amending any descriptions in Appendix I.

Beginning at the northernmost apex of Lot 1044, thence Southerly along Cranberry Highway along the Western Lot lines of Lots 1044, 1043, T-1A, 1042, F-B and a portion of F-C;

Thence, Northwest, to a point at the edge of Tremont Mill Pond;

Thence, Northerly along the edge of Tremont Mill Pond along a portion of Lot F-C, F-B, 1042, 1043 and 1044 to Point of beginning.



EXPLANATION:

This is a map change that went before the April 2006 Town Meeting and was voted to Further Study. The Planning Board wants to revisit this change and recommends this change that affects properties on the Rochester Town Line that are now designated as Strip Commercial. The perpendicular strip of Strip Commercial properties just east of Tremont Mill Pond is proposed to change to MR-30.

Inserted by the Planning Board

ARTICLE 52

To see if the Town will vote to amend the Wareham Zoning Map, dated May 14, 2007 by changing land previously zoned Industrial, Commercial Strip and MR 30 to Commercial General with the following description;

Beginning at the Intersection of the Centerlines of Route 28 and Seth Tobey Road Southeasterly a distance of 500 feet as shown on Wareham Assessors Map 87;

Thence Westerly by a line Parallel to and 500 feet from the Centerline of Route 28 to the Western property line of Lot 1039B2 as shown on Wareham Assessors Map 90;

Thence Northerly at an angle to the Southeastern corner of Lot 1038 as shown on Wareham Assessors Map 90;

Thence North along the Eastern property line of Lot 1038 to the Center line of Route 28 as shown on Wareham Assessors Map 90;

Thence Westerly along the Centerline of Route 28 to a point directly across from the Northeastern corner of Lot 1018 as shown on Wareham Assessors Map 90;

Thence Southwesterly to and along the eastern and southern property lines of Lot 1018 to the Southwestern corner of Lot 1018 as shown on Wareham Assessors Map 90;

Thence North along the Western property line of Lot 1018 to the Southeastern corner of Lot 1017 as shown on Wareham Assessors Map 90;

Thence Westerly along the Southern property lines of Lots 1017, 1016, 1015 to the Southwestern corner of Lot 1014 as shown on Wareham Assessors Map 90;

Thence Northeasterly along the Western property line of Lot 1014 to the Center line of Route 28 as shown on Wareham Assessors Map 90;

Thence West along the Centerline of Route 28 to a point directly across from the Southeastern corner of Lot 1039 as shown on Wareham Assessors Map 105;

Thence North along the Eastern property line of Lot 1039 to a point directly across from the rear property line of Lots 1040, 1041, and 1042 as shown on Wareham Assessors Map 105;

Thence Easterly along the rear property lines of Lots 1040, 1041, 1042, 1043A, 1043C, across Charlotte Furnace Road and the rear property line of 1046 to the Western property line of Lot 1026 to a point 500 feet from the Centerline of Route 28 as shown on Wareham Assessors Map 105;

Thence Easterly from the western property line of Lot 1026, as shown on Wareham Assessors Map 105, by a line Parallel to and 500 feet from the Centerline of Route 28 to the Eastern property line of Lot 1004 A2 as shown on Wareham Assessors Map 108;

Thence South along the Eastern property lines of Lot 1004 A2 and 1019 to the Centerline of Route 28 as shown on Wareham Assessors Map 108;

Thence Northwesterly along the Centerline of Route 28 to the Point of beginning.

Inserted by the Planning Board

ARTICLE 53

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$100,000 to the Stabilization Fund, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 54

To see if the Town will vote to accept the layout of Bethel Way (assessor's Map 95, Lot 1012, County Road, West Wareham) as a public way and to raise and appropriate or transfer a sum of money to reconstruct the roadways, or to do or act in any manner relative thereto.

NOTE: This article has been reproduced exactly as presented, in accordance with the law.

Inserted by Leo Sullivan, et al.

ARTICLE 55

To see if the Town will vote to establish a committee to research and evaluate the potential uses and long term leasing of the property known as the Swifts Beach property, which was taken by the Town by eminent domain, or to do or act in any manner relative thereto.

The committee shall be appointed by the Town Moderator and shall consist of the Chairperson of the Board of Selectmen, Chairperson of the Finance Committee, Chairperson of the Planning Board, Chairperson of the Community Preservation Committee, or a member of such boards and committees designated by their respective Chairperson, and three volunteer citizens of the Town.

The committee shall report their findings to the Town Meeting members at the October 2010 Town Meeting.

NOTE: This article has been reproduced exactly as presented, in accordance with the law.

Inserted by Joe Chiaraluce, et al.

ARTICLE 56

To see if the Town will vote to amend the Wareham Zoning Bylaw by rezoning the parcels of land and buildings thereon located on Cranberry Highway and shown on Wareham Assessors Map 133 as Lots 1000, 26 & 27 respectively from MR-30 to General Commercial, or to take any action in relation thereto.

NOTE: This article has been reproduced exactly as presented, in accordance with the law.

Inserted by Albert W. Gregory, et. al.

You are hereby directed to serve this Warrant by posting attested copies thereof on or before March 19, 2010 in at least one public place in each precinct within the Town, and by publishing a copy of the Warrant by March 23, 2010.

Hereof fail not and make sure due return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 16th day of March in the year 2010.

WAREHAM BOARD OF SELECTMEN

Bruce D. Sauvageau, Chairman

John P. Cronan, Clerk

Brenda Eckstrom

M. Jane Donahue

Walter B. Cruz, Sr.

A True Copy

ATTEST:

Stephen Coughlin
Constable of Wareham

DATE: _____

Plymouth, S.S.

Pursuant to the within Warrant, I have notified the inhabitants of the Town of Wareham herein described, to meet at the time and place for the purpose within mentioned by posting attested copies thereof in at least one public place in each precinct within the

Town on or before February 19, 2010, and by causing this Warrant to be published on or before April 8, 2010.

Date: March , 2010

Stephen Coughlin
Constable of Wareham

The original posting with return made was delivered to Mary Ann Silva, Town Clerk.

Date: March , 2010

Stephen Coughlin
Constable of Wareham

In accordance with the Wareham Charter, Article 2 - Legislative Branch - Section 2-4, Town Meeting Warrants, Item (d), I have hand delivered a copy of the Warrant for the Annual Town Meeting to be held on April 26, 2010 at 7:00 o'clock p.m. to each of the following:

Town Moderator
Chairman of the Finance Committee
Chairman of the Planning Board
Chairman of the Capital Planning Committee and
Chairman of the Personnel Board.

Stephen Coughlin
Constable of Wareham

Date: March , 2010