

# FALL TOWN MEETING WARRANT

## TOWN OF WAREHAM

OCTOBER 25, 2010

### BUDGET ARTICLES

#### **ARTICLE 1 - TO AMEND THE FY2011 BUDGET**

To see if the town will vote to reduce the FY2011 Budget and/or transfer a sum of money as approved at the April 28, 2010 Town Meeting Article 6 by reducing as follows:

to defray the reductions in general purpose Local Aid, or to do or act in any manner relative thereto.

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

#### **Explanation:**

**This article seeks to reduce the current year budget (FY2011) by \$72,000, which is in response to a reduction in local general purpose State aid. This shortfall will be made up from a combination of the loss of a position in the Treasurer's office, salary savings in the Planning Department, and funds that were not expended from the VADAR accounting system upgrade.**

**Additionally, several transfers are required to reallocate funds between departments, as follows:**

- **\$21,000 from Assessors to Town Accountant.**
- **\$6,000 total from Management Information Systems (MIS), sick leave buy back, and Assessors salary and wages to Town Administrator salary and wages.**
- **\$14,000 from sick leave bonus buyback to Police expenses.**

**The Board of Selectmen Voted:      Favorable Action 5-0-0**  
**The Finance Committee Voted:      Favorable Action 8-0-0**

**The Finance Committee recommends Favorable Action on this article.**

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**ARTICLE 2 - TO AMEND THE FY2011 SCHOOL BUDGET**

To see if the Town will vote to reduce the FY2011 School Department budget net school spending as approved at the April 28, 2010 Town Meeting Article 6 by a sum of money to defray the reductions in Education Local Aid reductions, or to do or act in any manner relative thereto.

Inserted by the School Committee

**Explanation:**

**The State provides major school funding through Chapter 70. In fiscal 2010, Chapter 70 Funds were approximately \$12.9 million, but included about \$800,000 of Federal "stimulus" money. For our current year, the Town Administration assumed that funding for Chapter 70 would be comparable to 2010 or \$12.9 million. However, in early April, the Massachusetts Ways and Means Committee weighed in with about \$12.2 million, eliminating the Federal money. The \$12.9 million figure was kept in place for Town Meeting and the hope was that when (and if) the Federal government came back with funding, the Town would be made "whole." The School Department went ahead on the basis of the \$12.9 million figure provided to them at the time of Town Meeting. Although the State would only provide \$12.2 million (the final figure), the Federal government did come through with enough money to get back to the FY2010 range.**

**The Town Administrator and the School Department are in negotiations and the final resolution is not known at this time.**

**The Board of Selectmen Voted:           Favorable Action 0-2-2  
The Finance Committee Voted:       Favorable Action 0-5-4**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 3 - TO FUND THE WATER POLLUTION CONTROL ENTERPRISE FUND**

To see if the Town will vote to amend by a sum of money as approved at the April 28, 2010 Town Meeting Article 6 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 at the request of the Town Administrator

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**Explanation:**

**The intent of this article is to amend the Water Pollution Control Facility (WPCF) Enterprise Fund budget for the current fiscal year. It is necessary due to changes in the operating budget and capital expenses. The facility requires increased staffing and State-mandated overtime. The increase of \$96,864 will be paid for by the sewer users through an increase of the sewer user rate (EDU rate).**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 4-4-1**

**The Finance Committee proposed Favorable Action on this article, however, the vote did not support it.**

**ARTICLE 4 – TO AUTHORIZE THE PAYMENT OF PRIOR YEARS BILLS**

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 – UMass Dartmouth -	\$150.74
from the Town Administrators Office 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

**Explanation:**

**This article is a housekeeping article that allows the Town to pay bills from prior years to various vendors. These bills are for charges which were incurred in the previous year, but not paid before the books were closed for that year. The money to pay these bills will come from Free Cash.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 5 - COMPUTER UPGRADE AT TOWN HALL AND POLICE STATION**

To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for communication and computer upgrade at Town Hall and the Police Station, or to do or act in any manner relative thereto.

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

**Explanation:**

**This article will fund much needed upgrades for the communications system and the computer systems for all municipal departments. The majority of the Town-owned computers are eleven years old. Many have operating systems and programs that are no longer supported. They are extremely slow and inefficient. Our Systems Manager has provided a plan to replace all of the desktop computers with virtual desktop units which operate through a central server. This will save electricity, time and costs, and provide a higher level of system security. The Systems Manager will be able to make adjustments and load programs and updates from a central server.**

**The radio communications system for the Police and other Town departments is outdated and inadequate in its range and ability to communicate among Town departments. Currently, Police operate on limited channels which cause problems when trying to communicate with other Town departments and the fire departments. In emergency situations, there is a need for efficient communications. The Police, Harbormaster, EMS, Municipal Maintenance, and fire departments need the proper tools to coordinate their efforts.**

**The computer upgrade will cost \$375,000 and the radio infrastructure replacement will cost \$325,000. The Town will borrow the money for this capital project.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 6 - PURCHASE CAPITAL EQUIPMENT**

To see if the Town will vote to raise and appropriate or transfer from available funds One Hundred Thirty Thousand Dollars and No Cents (\$130,000) to purchase or lease the following equipment:

Chipper Municipal Maintenance Department	\$55,000
Upgrade of Generator Multi-Service Building	\$75,000

or act in any manner relative thereto.

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

**Explanation:**

**The intent of this article is to purchase new equipment for the Municipal**

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**Maintenance Department and to upgrade a generator at the Multi-Service Center. The cost of a new chipper is \$55,000. The chipper is utilized on a regular basis all over Town to clear fallen trees and limbs. The chipper currently being utilized by the Municipal Maintenance Department can only handle branches one inch in diameter and does not have required safety features. The current chipper is a 1979 model.**

**The cost to upgrade the generator at the Multi-Service Center Building is \$75,000. The current generator being utilized is inadequate in an emergency to operate the elevator. This upgrade will replace it with a properly sized unit capable of handling emergency situations.**

**The Board of Selectmen Voted:       Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 7 - PURCHASE CAPITAL VEHICLES**

To see if the Town will vote to raise and appropriate transfer from available funds or borrow a sum of money to lease/purchase heavy equipment for the Municipal Maintenance department as follows:  
or act in any manner relative thereto.

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

**Explanation:**

**The intent of this article is to purchase new equipment for the Municipal Maintenance Department.**

**The catch basin truck currently being utilized is a 1980 model with greater than 169,000 miles on it. The estimated replacement cost is \$200,000.**

**The sweeper currently being utilized is a 1988 model which had an estimated ten-year life span. The odometer does not work. The engine has over 4,500 hours on it. The estimated replacement cost is \$180,000.**

**The backhoe currently being utilized is a 1993 model with in excess of 8,500 hours on it. The estimated replacement cost is \$200,000.**

**The Board of Selectmen Voted:       Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

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**ARTICLE 8 - TO AUTHORIZE THE TOWN TO BORROW \$200,000 FROM THE MWPAT FOR SEPTIC LOAN PROGRAM**

To see if the Town will vote to appropriate \$200,000 for the purpose of financing the repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Chapter 29C, Section 1 of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$200,000 and issue bonds or notes therefore under Chapter 111, Section 127B1/2 and/or Chapter 29C of the General laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town, that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof, and that the Board of Selectmen or Board of Health is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the CEDA Director.

**Explanation:**

**The Massachusetts Water Pollution Abatement Trust (MWPAT) program allows the Town to provide financial assistance in the form of low-cost loans to homeowners so they can repair, upgrade or replace their septic system. The Town assumes the responsibility for borrowing \$200,000 from the MWPAT so that it can administer the program locally through the Community and Economic Development Authority (CEDA). The homeowner is responsible for repayment to the Town.**

**This has been an ongoing program in Wareham for over thirty years. Voting in favor of this article allows the continuation of this valuable community program which supports the Town's goal for cleaner water.**

**The Board of Selectmen Voted:      Favorable Action 5-0-0  
The Finance Committee Voted:      Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

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**ARTICLE 9 - TO RESCIND BORROWING FOR THE ROSEPOINT, BRIARWOOD BEACH, BEAVER DAM ESTATES SEWER PROJECT**

To see if the Town will vote to rescind the unissued balance of \$1,000,800 from the Rosepoint, Briarwood Beach, Beaver Dam Estates sewer project approved at the October 28, 2003 Fall Annual Town Meeting, or to do or act in any manner relative thereto.

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

**Explanation:**

**This is a housekeeping article to rescind prior bond authorizations for money that was not spent on several approved sewer projects. This allows the Town to clean up the books and improves the Town's financial status.**

<b>The Board of Selectmen Voted:</b>	<b>Favorable Action 5-0-0</b>
<b>The Finance Committee Voted:</b>	<b>Favorable Action 9-0-0</b>

**The Finance Committee recommends Favorable Action on this article.**

**COMMUNITY PRESERVATION ARTICLES**

**ARTICLE 10 - TO RESCIND THE BOND AUTHORIZATION**

To see if the Town will vote to rescind the bond authorization approved under Article 25 of the October 22, 2007 Fall Town Meeting for the purposes of restoration of the slate roof of Memorial Town Hall, in the amount of one-hundred and seventy-nine thousand, two-hundred and thirteen dollars and sixty cents (\$179,213.60), or to do or act in any manner relative thereto.

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

**Explanation:**

**This is a housekeeping article to rescind a prior bond authorization for money that was allocated for repairs to the roof of the Memorial Town Hall, but not spent. This allows the Town to clean up the books and improves the Town's financial status.**

**This article appeared on the 2010 April Town Meeting Warrant, but was withdrawn at the request of the Community Preservation Committee (CPC) so they could finalize their vote.**

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**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 11 - TO RESCIND BOND AUTHORIZATION**

To see if the Town will vote to rescind the bond authorization approved under Article 26 of the October 22, 2007 Fall 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, Phase 2, in the amount of four-hundred thousand dollars (\$400,000), or to do or act in any manner relative thereto.

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

**Explanation:**

**This is a housekeeping article to rescind a prior bond authorization for money that was allocated, but not spent for the Great Neck Conservation project.**

**This article appeared in the 2010 Spring Town Meeting Warrant, but was withdrawn at the request of the Community Preservation Committee (CPC) so they could finalize their vote.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 12 – APPROPRIATE TO COVER CPC DEBT**

To see if the Town will vote to: (1) appropriate from the Community Preservation Fund, Open Space Reserve Fund, or any other available monies in the Community Preservation fund, the sum of \$7,623 for payment for debt service on the bond issued for the acquisition of the property known as Bryant Farm, as authorized by the April 2004 Annual Town Meeting; and, (2) to appropriate the sum of \$106,928, with \$87,528 coming from the Historic Preservation Reserve Fund and \$19,400 coming from the unallocated Community Preservation fund, or any other available monies in the Community Preservation Fund for payment for debt service on the bond issued for the acquisition of the property known as Tremont Nail, as authorized by the April 2004 Annual 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



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**Explanation:**

**This article is an annual housekeeping article to authorize the debt service payment for Bryant Farm and Tremont Nail which are projects that have been ongoing since 2004.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 7-2-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 13 – PLACE CPC FUNDS IN RESERVE ACCOUNTS**

To see if the Town will vote to transfer from the Community Preservation Fund FY 2011 estimated annual revenues to reserve for future appropriation the following sums: \$27,350 for the Affordable Housing Reserve, \$27,350 for the Historic Preservation Reserve, \$27,350 for the Open Space Reserve; to transfer a sum of money from the Community Preservation Fund FY 2011 estimated annual revenues into the FY 2011 budgeted reserve; and to appropriate from the Community Preservation Fund FY 2011 estimated annual revenues the sum of \$13,675 for the administrative expenses of the Community Preservation Committee, all in accordance with the provisions of MGL c.44B, §6 or to do or act in any manner relative thereto.

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

**Explanation:**

**This article is an annual housekeeping article that transfers estimated revenues from the general Community Preservation Fund to specific Community Preservation reserve accounts:**

<b>Affordable Housing Reserve</b>	<b>\$ 27,350</b>
<b>Historic Preservation Reserve</b>	<b>\$ 27,350</b>
<b>Open Space Reserve</b>	<b>\$ 27,350</b>
<b>Budget Reserve</b>	<b>Unknown at this time</b>

**The article additionally appropriates \$13,675 for the administrative expenses of the Community Preservation Committee.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 4-5-0**

**The Finance Committee does not recommend Favorable Action on this article.**

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**ARTICLE 14 - TO FUND WEWEANTIC CORRIDOR PROJECT**

To see if the Town will vote to appropriate from the Community Preservation Fund Open Space Reserve or any other available monies in the Community Preservation Fund, under the category of Open Space, the sum of \$225,000 for the acquisition by gift, purchase or otherwise of a fee simple interest in land described as Assessors Map 92, Lot 1003, containing 1.2 +/- acres, Assessors Map 92, Lot 1007; 30.04 +/- acres, and Assessors Map 92, Lot 1009, 17.30 +/- acres for a total of 49.5 +/- acres, known as Phase 1 of the Weweantic Corridor Project, and to authorize the Wareham Conservation Commission and/or the Board of Selectmen to acquire said parcels; and, further, to authorize the Wareham Conservation Commission and/or the Board of Selectmen to grant 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

**Explanation:**

**This article is to appropriate \$225,000 from the Community Preservation Fund Open Space Reserve for the acquisition of three (3) lots of land totaling 49.5 acres known as Phase I of the Weweantic Corridor Project. The article also authorizes the Wareham Conservation Commission and/or the Board of Selectmen to make the acquisition and to grant a Conservation Restriction of this land to a nonprofit organization.**

**The Board of Selectmen Voted:           Favorable Action 3-1-0  
The Finance Committee Voted:       Favorable Action 1-5-3**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 15 - RESTORATION OF EVERETT EDUCATIONAL CENTER**

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 \$13,000 for the preservation and/or restoration and rehabilitation of the historic Everett Educational Center, located at 15 Gibbs Ave, Wareham, through the undertaking of a so-called conditions assessment, and further, to authorize the Board of Selectmen to convey to a nonprofit, charitable corporation or foundation an historic preservation restriction on the property, and, as may be necessary therefore, to transfer custody of the property, or to change in the purpose for which the property is held, or to do or act in any manner relative thereto.

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

**Explanation:**

**This article is to appropriate \$13,000 from the Community Preservation unallocated funds or Historic Preservation Reserve for the cost of a conditions assessment for the preservation and/or restoration and rehabilitation of the Everett Educational Center. The article also authorizes the Board of Selectmen to grant a Historic Preservation Restriction on the property to a nonprofit organization, and to transfer the custody of the property or to change the purpose for which the Town currently holds the property.**

**The Board of Selectmen Voted:           Favorable Action 0-4-0  
The Finance Committee Voted:       Favorable Action 0-7-2**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 16 - HISTORIC RESTORATION OF WEBSTER HALL**

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 \$100,000 as a grant for the historic restoration and rehabilitation of the exterior of the historic Webster Hall, located at 207 Main Street, Wareham; and further, that a grant agreement between the Board of Selectmen and the owners of said Webster Hall shall provide that funds appropriated hereunder shall be provided only as matching funds for monies raised privately, and shall further require the owners of Webster Hall to grant to the Town a Historic Preservation Restriction on 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

**Explanation:**

**This article is to appropriate \$100,000 from the Community Preservation unallocated funds or Historic Preservation Reserve for a matching funds grant agreement between the owners of Webster Hall and the Board of Selectmen for the historic restoration and rehabilitation of only the exterior of the building provided the owners grant to the Town a Historic Preservation Restriction on the building. Matching funds would be provided by the Community Preservation Committee for those monies raised privately by the owners of Webster Hall. The article also authorizes the Board of**

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**Selectmen to accept the restriction.**

**The Board of Selectmen Voted:           Favorable Action 3-1-0  
The Finance Committee Voted:       Favorable Action 0-9-0**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 17 - ESTABLISHMENT OF TWO AFFORDABLE HOUSING UNITS IN  
WAREHAM**

To see if the Town will vote to appropriate from the Community Preservation Affordable Housing Reserve Fund, or any other monies available in the Community Preservation Fund, the sum of \$80,000 for the acquisition by purchase or otherwise of two affordable housing restrictions, establishing two affordable housing units in Wareham, and to authorize the Board of Selectmen to acquire said restrictions; and further, that the purchase agreement between the Town and the owner of the units shall include a requirement that the creation and use of the units shall conform to the Local Initiative Program so that the restricted properties 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

**Explanation:**

**This article is to appropriate \$80,000 from the Community Preservation Affordable Housing Reserve Fund or other funds for the purchase of two (2) affordable housing restrictions from the owner of the units, provided the units qualify for inclusion in the affordable housing inventory maintained by the Massachusetts Department of Housing and Community Development. The article also authorizes the Board of Selectmen to acquire the restrictions.**

**The Board of Selectmen Voted:           Favorable Action 3-2-0  
The Finance Committee Voted:       Favorable Action 0-9-0**

**The Finance Committee does not recommend Favorable Action on this article.**

**COLLECTIVE BARGAINING**

**ARTICLE 18 - TO FUND COLLECTIVE BARGAINING AGREEMENT – MLPEC  
WAREHAM CLERICAL UNION**

To see if the Town of Wareham will vote to raise and appropriate or Transfer from available funds to fund the Collective Bargaining Agreement between the Town and the Massachusetts Labor's Public Employees' Council Union 1249 of the Labor's

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International Union of North America Wareham Clerical Union; or to do or act in any manner relative thereto.

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

**Explanation:**

**This article will fund the settlement between the Town Administration and the Clerical Union members. The sum of \$20,756 is needed to cover FY2009, FY2010, and makes the contract current through the end of FY2011.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 6-0-2**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 19 - TO FUND COLLECTIVE BARGAINING AGREEMENT – MLPEC  
WAREHAM WASTEWATER TREATMENT PLANT UNION**

To see if the Town of Wareham will vote to raise and appropriate or Transfer from available funds to fund the Collective Bargaining Agreement between the Town and Massachusetts Labor's Public Employees' Council Union 1249 of the Labor's International Union of North America Wareham Wastewater Treatment Plant Union or to do or act in any manner relative thereto.

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

**Explanation:**

**This article will fund the settlement between the Town Administration and the Wareham Wastewater Treatment Plant Union members. The sum of \$5,765 is needed to cover FY2009, FY2010, and makes the contract current through the end of FY2011.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 6-0-2**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 20 - TO FUND COST OF LIVING INCREASE FOR ALL NON-UNION  
EMPLOYEES**

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Cost of Living Increase for Non-Union Employees; or to do or act in any manner relative thereto.

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

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**Explanation:**

**This article will give a cost of living increase to the two individuals who are non-union employees. The Assistant to the Board of Selectmen and the Town Clerk are not covered under the collective bargaining agreements. The sum of \$2,494 is needed to cover FY2009, FY2010, and FY2011.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 8-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 21 - TO FUND COLLECTIVE BARGAINING AGREEMENT – AFSCME COUNCIL 93 AFL-CIO LOCAL 30 WAREHAM LIBRARY EMPLOYEES**

To see if the Town of Wareham will vote to raise and appropriate or Transfer from available funds to fund the Collective Bargaining Agreement between the Town and AFSCME Council 93 AFL-CIO Local 30 Wareham Library Employees; or to do or act in any manner relative thereto.

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

**Explanation:**

**Contract was not available at the time of voting.**

**The Board of Selectmen Voted:           The contract was not available at the time of voting.  
The Finance Committee Voted:       The contract was not available at the  
time of voting.**

**ARTICLE 22 - TO FUND COLLECTIVE BARGAINING AGREEMENT – MLPEC WAREHAM DISPATCHERS UNION**

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Collective Bargaining Agreement between the Town and Massachusetts Labor's Public Employees' Council Union 1249 of the Labor's International Union of North America Wareham Dispatchers Union; or to do or act in any manner relative thereto.

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

**Explanation:**

**The contract was not available at the time of voting.**

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<b>The Board of Selectmen Voted:</b>	<b>The contract was not available at the time of voting.</b>
<b>The Finance Committee Voted:</b>	<b>The contract was not available at the</b>
<b>time of voting.</b>	

**ARTICLE 23 - TO FUND COLLECTIVE BARGAINING AGREEMENT – MLPEC  
WAREHAM FOREMEN UNION**

To see if the Town of Wareham will vote to raise and appropriate or Transfer from available funds to fund the Collective Bargaining Agreement between the Town and Massachusetts Labor's Public Employees' Council Union 1249 of the Labor's International Union of North America Wareham Foremen Union; or to do or act in any manner relative thereto.

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

**Explanation:**

**The contract was not available at the time of voting.**

<b>The Board of Selectmen Voted:</b>	<b>The contract was not available at the time of voting.</b>
<b>The Finance Committee Voted:</b>	<b>The contract was not available at the</b>
<b>time of voting.</b>	

**ARTICLE 24 - TO FUND COLLECTIVE BARGAINING AGREEMENT – WAREHAM  
SUPERIOR OFFICERS UNION**

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Collective Bargaining Agreement between the Town and Wareham Superior Officers Union; or to do or act in any manner relative thereto.

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

**Explanation:**

**This article will fund the settlement between the Town Administration and the Superior Officers Union members. The sum of \$4,936 is needed to cover FY2009, FY2010, and makes the contract current through the end of FY2011.**

<b>The Board of Selectmen Voted:</b>	<b>Favorable Action 5-0-0</b>
<b>The Finance Committee Voted:</b>	<b>Favorable Action 6-1-1</b>

**The Finance Committee recommends Favorable Action on this article.**

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**ARTICLE 25 - TO FUND COLLECTIVE BARGAINING AGREEMENT – WAREHAM POLICE UNION**

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Collective Bargaining Agreement between the Town and Wareham Police Union; or to do or act in any manner relative thereto.

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

**Explanation:**

**The contract was not available at the time of voting.**

<b>The Board of Selectmen Voted:</b>	<b>The contract was not available at the time of voting.</b>
<b>The Finance Committee Voted:</b>	<b>The Contract was not available at the time of voting.</b>

**ARTICLE 26 - TO FUND COLLECTIVE BARGAINING AGREEMENT – MLPEC WAREHAM MUNICIPAL MAINTENANCE DEPARTMENT AND TOWN CUSTODIANS UNION**

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Collective Bargaining Agreement between the Town and Massachusetts Labor's Public Employees' Council Union 1249 of the Labor's International Union of North America Wareham Municipal Maintenance Department and Town Custodians Union; or to do or act in any manner relative thereto.

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

**Explanation:**

**The contract was not available at the time of voting.**

<b>The Board of Selectmen Voted:</b>	<b>The contract was not available at the time of voting.</b>
<b>The Finance Committee Voted:</b>	<b>The contract was not available at the time of voting.</b>

**ARTICLE 27 - TO FUND COLLECTIVE BARGAINING AGREEMENT – IAFF, LOCAL 2895 WAREHAM EMT ASSOCIATION**

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Collective Bargaining Agreement between the Town and IAFF, Local 2895 Wareham EMT Association; or to do or act in any manner relative thereto.



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FALL TOWN MEETING WARRANT (CONT'D)**

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

**Explanation:**

**The contract was not available at the time of voting.**

<b>The Board of Selectmen Voted:</b>	<b>The contract was not available at the time of voting.</b>
<b>The Finance Committee Voted:</b>	<b>The contract was not available at the</b>
<b>time of voting.</b>	

**ARTICLE 28 - TO FUND COLLECTIVE BARGAINING AGREEMENT – UNITED STEEL WORKERS AFL-CIO-CLC, LOCAL UNION 13507, UNIT 4**

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Collective Bargaining Agreement between the Town and United Steelworkers, AFL-CIO-CLC, Local Union 13507, Unit 4 Lower Managers Union; or to do or act in any manner relative thereto.

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

**Explanation:**

**The contract was not available at the time of voting.**

<b>The Board of Selectmen Voted:</b>	<b>The contract was not available at the time of voting.</b>
<b>The Finance Committee Voted:</b>	<b>The contract was not available at the</b>
<b>time of voting.</b>	

**ARTICLE 29 - TO FUND COLLECTIVE BARGAINING AGREEMENT – UNITED STEEL WORKERS AFL-CIO-CLC, LOCAL UNION 13507, DEPARTMENT HEADS UNION**

To see if the Town of Wareham will vote to raise and appropriate or transfer from available funds to fund the Collective Bargaining Agreement between the Town and United Steelworkers, AFL-CIO-CLC, Local Union 13507, Unit 4; or to do or act in any manner relative thereto.

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

**Explanation:**

**The contract was not available at the time of voting.**

<b>The Board of Selectmen Voted:</b>	<b>The contract was not available at the time of voting.</b>
<b>The Finance Committee Voted:</b>	<b>The contract was not available at the</b>
<b>time of voting.</b>	

**ARTICLE 30 - TO FUND COLLECTIVE BARGAINING AGREEMENTS THAT HAVE NOT BEEN SETTLED YET**

To see if the Town will vote to raise and appropriate and/or transfer from available funds for the purpose of funding collective bargaining agreements that have not been settled; or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to set money aside to allow the Town Administration to continue contract negotiations on outstanding collective bargaining agreements (CBA).**

**The Board of Selectmen Voted:           Favorable Action 4-0-1  
The Finance Committee Voted:       Favorable Action 8-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 31 - TO ADOPT SECTION 66 OF CHAPTER 188 OF THE ACTS OF 2010 ALLOW FOR EARLY RETIREMENT**

To see if the town will vote to adopt Section 66 of Chapter 188 of the Acts of 2010 which allows for an early retirement for Municipal Employees, or to do or act in any manner relative thereto

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

**Explanation:**

**"Early Retirement" has a nice ring to it. The plan as proposed is not cost effective for the Town.**

**The Board of Selectmen Voted:       No Action 5-0-0  
The Finance Committee Voted:       Favorable Action 0-9-0**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 32 - TO TRANSFER FUNDS FOR REPAIRS AND UPGRADES TO HARBORMASTER BUILDING AND PIER**

To see if the town will vote to raise and appropriate or to transfer \$40,000.00 from the Harbor Service Permit Reserved for Appropriations Account, to the Harbormaster Maintenance and Improvement account, or to do or act in any manner relative thereto.

**OCTOBER 25, 2010  
FALL TOWN MEETING WARRANT (CONT'D)**

Inserted by the Board of Selectmen at the request of the Harbormaster

**Explanation:**

**This article is seeking to transfer \$40,000 raised through fees generated by permits to the Harbormaster Maintenance and Improvement account for needed repairs to the Harbormaster's office on the Onset Pier, installation of security cameras on the pier, and the purchase of personal safety equipment.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 33 - TO FUND THE PURCHASE OF ROAD SIGN MATERIALS**

To see if the Town will vote to transfer a sum of money dollars from the Parking Meter Fund to the Municipal Maintenance Department Sign Materials account, or to do or act in any manner relative thereto.

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

**Explanation:**

**This is a housekeeping article to transfer money from the Parking Meter Fund to the Municipal Maintenance Department Sign Materials account.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 34 - TO FUND HARBORS AND BEACHES MAINTENANCE ACCOUNT**

To see if the Town will vote to appropriate and transfer a sum of money 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 Town Administrator

**Explanation:**

**This is a housekeeping article to transfer money from the Waterways Improvement and Maintenance Fund to the Harbors and Beaches Maintenance account.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0**

**OCTOBER 25, 2010  
FALL TOWN MEETING WARRANT (CONT'D)**

**The Finance Committee Voted:          Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 35 - TO FUND LINE PAINTING**

To see if the Town will vote to transfer a sum of money dollars 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 Town Administrator

**Explanation:**

**This is a housekeeping article to transfer money from the Parking Meter Fund to the Municipal Maintenance Line Painting account.**

**The Board of Selectmen Voted:          Favorable Action 5-0-0  
The Finance Committee Voted:          No Action 9-0-0**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 36 - CHARTER CHANGE MISCELLANEOUS ITEMS TO UPDATE**

To see if the Town will vote to make minor changes to bring charter up-to-date and correct mistakes.

Remove the Summary of Articles section starting with the words:

SUMMARY OF ARTICLES

And ending with:

The signature lines and names.

In Section 1-2 Short Title remove the words:

This instrument shall be known and may be cited as the Wareham Home Rule Charter.

And insert the words:

This instrument shall be known and may be cited as the Wareham Charter.

Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to make word modifications as follows: Remove Wareham Home Rule Charter and insert Wareham Charter.**

**The Board of Selectmen Voted:          Favorable Action 2-2-0  
The Finance Committee Voted:          Favorable Action 0-6-3**

**OCTOBER 25, 2010  
FALL TOWN MEETING WARRANT (CONT'D)**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 37 - CHARTER CHANGE THE FORMAT OF TOWN MEETING**

To see if the Town will vote to authorize the Board of Selectmen to petition within no more than 90 days after the approval of this article the General Court of the Commonwealth of Massachusetts to enact a special act providing, upon approval by the voters at an annual or special election, for the Town of Wareham to modify the format of its Town Meeting as follows:

- i) Annual and Special Town Meetings shall allow for certain articles, to be identified in advance of Town Meeting or at Town Meeting, to be voted on by Official Ballot in order to increase voter participation for the most important articles affecting town residents.
- ii) The Selectmen shall draft the petition to the legislature to include all necessary changes to the charter to accomplish the intent of this article.
- iii) The specific criteria for which articles shall go to Official Ballot are:
  - A provision that allows 50 registered voters to petition prior to Town Meeting for an article to go to Official Ballot.
  - A provision that allows 25 registered voters to petition during Town Meeting for an article to go to Official Ballot.
- iv) Town Meeting will continue to be conducted in a manner similar to the current Town Meeting format, with the exception that final votes shall not be taken on any articles identified as Official Ballot articles. Amendments shall be allowed to any article to be voted on by Official Ballot, so long as they are germane and do not substantially change the intent of the original article, as determined by the Moderator.
- v) The Official Ballot vote will be scheduled to occur within 60 days of the end of Town Meeting on a date chosen by the Selectmen in accordance with state election laws. The ballot shall contain the amended versions of the articles and shall be conducted from 8:00 a.m. to 8:00 p.m. following the same balloting guidelines used for general town elections.
- vi) On the 5<sup>th</sup> anniversary of the first town meeting operated under the provision of this act, the Board of Selectmen shall place an article in the Warrant calling to affirm, modify or rescind the special act.  
Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to change the way in which articles are brought to the voters. It allows 50 registered voters, prior to Town Meeting, to petition that a particular article be placed on a Town ballot versus voting on an article at Town Meeting. In addition, it also seeks to permit 25 registered voters at Town Meeting to petition to have an article placed on a Town ballot. The Town ballot must be conducted within sixty (60) days of the end of Town Meeting.**

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FALL TOWN MEETING WARRANT (CONT'D)**

**The Board of Selectmen Voted:           No Action 3-2-0  
The Finance Committee Voted:       Favorable Action 0-9-0**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 38 - CHARTER CHANGE THE COMPOSITION OF THE BOARD OF  
SELECTMEN**

To see if the Town will vote to authorize the Board of Selectmen to petition within no more than 90 days after the approval of this article the General Court of the Commonwealth of Massachusetts to enact a special act providing for the Town of Wareham to modify the Board of Selectmen as follows:

- i) Increase the number of selectmen from 5 to 7.
- ii) The Selectmen shall when drafting the petition to the legislature include:
  - A provision whereby a selectmen is elected from each of the 6 voting precincts in the Town.
  - A provision whereby a selectmen is elected at-large by all voters.
  - A provision to increase the number of selectmen in the case of an increase of the number of precincts.
  - A provision to provide for the transition to elect the 2 new selectmen and establish election terms for the new positions while allowing the existing selectmen to serve out their terms, to do or act in any manner relative thereto.
  - Every selectmen who is elected to represent an individual precinct shall have been an inhabitant of a place within the precinct for which he is chosen for at least 1 year immediately preceding his election; and he shall cease to represent such precinct when he shall cease to be an inhabitant thereof.

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

**Explanation:**

**This article seeks to increase the size of the Board of Selectmen from five (5) to seven (7) member with provisions stating that one (1) Selectman will be from and by each precinct. The seventh member will be elected at large. In addition, this article requires every Selectman who is elected to represent an individual precinct to have lived in that precinct for at least one year prior to his/her election.**

**The Board of Selectmen Voted:           No Action 2-0-3  
The Finance Committee Voted:       Favorable Action 2-7-0**

**The Finance Committee does not recommend Favorable Action on this article.**

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FALL TOWN MEETING WARRANT (CONT'D)**

**ARTICLE 39 - CHARTER CHANGE TO EXPAND VOLUNTEERS**

To see if the Town will vote to allow residential property owners to serve on non elected committees and boards.

In Section 2-5 (a) Appointments add the following to the end of the section:  
Owners of residential property located in Wareham may be appointed and shall be allowed to serve on non elected committees and/or boards, to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to permit any residential property owner to serve on a non-elected committee or board.**

**The Board of Selectmen Voted:           Favorable Action 3-2-0  
The Finance Committee Voted:       Favorable Action 7-2-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 40 - CHARTER CHANGE APPOINTING AUTHORITY**

To see if the Town will vote to consolidate the responsibility for appointing town boards and committees by making the Board of Selectmen the appointing authority thereby ensuring those positions are filled by a broad group of elected officials.

In Section 2-5 (b) Finance Committee remove the words:  
...appointed by an appointing authority which shall consist of the town moderator, who shall act as chairman, and the chairman of the Board of Selectmen and the chairman of the finance committee.

And insert the words:

...appointed by the Board of Selectmen.

In Section 2-5 I Planning Board remove the words:

...appointed by an appointing authority consisting of the town moderator, who shall serve as chairman, the chairman of the Board of Selectmen and the chairman of the Planning Board. . The town may, by by-law, provide other conditions regarding such appointments.

And insert the words:

...appointed by the Board of Selectmen.

In Section 2-5 (d) Capital Planning Committee remove the words:

...three additional members appointed by an appointing authority which shall consist of

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FALL TOWN MEETING WARRANT (CONT'D)**

the Town Moderator, who shall serve as chairman, the chairman of the Board of Selectmen and the chairman of the Finance Committee. The members from the Finance Committee and the Planning Board shall each serve for a term of one year, the other members shall be appointed for terms of three years, so arranged that the term of as nearly an equal number of members as is possible shall expire each year. The town may, by by-law, provide for other conditions regarding such appointments.

And insert the words:

...three additional members appointed by the Board of Selectmen. The members from the Finance Committee and the Planning Board shall each serve for a term of one year, the other members shall be appointed for terms of three years, so arranged that the term of as nearly an equal number of members as is possible shall expire each year.

In Section 2-5 (e) Personnel Board remove the words:

... appointing authority consisting of the town moderator, who shall serve as chairman, the chairman of the Board of Selectmen and the chairman of the Finance Committee. The town may, by by-law, provide other conditions regarding such appointments.

And insert the words:

... appointed by the Board of Selectmen.

Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to give the Board of Selectmen the sole responsibility for appointing Town boards and committees. The current role of the Appointing Authority would be eliminated.**

<b>The Board of Selectmen Voted:</b>	<b>No Action 1-0-4</b>
<b>The Finance Committee Voted:</b>	<b>Favorable Action 0-9-0</b>

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 41 - CHARTER CHANGE ESTABLISHMENT OF BOARD OF ROAD COMMISSIONERS**

To see if the Town will vote to authorize the establishment of a seven-member Board of Road Commissioners add the following section:

Section 3-9 Board of Road Commissioners

- (a) Composition, Term of Office – There shall be a board of road commissioners consisting of 7 voting members: 3 ex officio members, the Chief of Police, the Town Planner, and the Director of Public Maintenance, and 4 members appointed by the Board of Selectmen according to the merit principle, whose terms shall be 2 years each, with 2 of the appointee positions expiring each year.
- (b) Powers and Duties – The board of road commissioners shall act in accordance



**OCTOBER 25, 2010  
FALL TOWN MEETING WARRANT (CONT'D)**

with the powers enumerated in Chapter 40, MA General Law, Section 22 and, as such, shall conduct a periodic review of public ways and shall make rules and orders for all traffic policies, including: speed limits, traffic control signs, regulation of heavy commercial vehicles, traffic and parking regulations, penalties and repeals. Insofar as these rules and orders are the same as the regulations, rules and order now in force in Wareham Municipal Traffic Code, they shall be deemed to be a continuation thereof. The board shall, furthermore, assume the responsibility of street marking, and house numbering as determined in the revised 10-26-2009 By-Laws of the Town of Wareham, Division III, Article 1.

Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to establish a seven (7) voting member Board of Road Commissioners. It would be made up of three (3) ex-officio members (the Chief of Police, the Town Planner, the Director of Municipal Maintenance) and four (4) members appointed by the Board of Selectmen according to the merit principle for a term of two years.**

**The Board of Selectmen Voted:           Favorable Action 2-1-2  
The Finance Committee Voted:       Favorable Action 7-2-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 42 - CHARTER CHANGE TO ELIMINATE REQUIREMENT FOR A PERSONNEL BOARD**

To see if the Town will vote to eliminate the requirement for a personnel board from the charter.

Delete Section 2-5 (e) Personnel Board

In Section 4-2 I discussing the Powers and Duties of the Town Administrator remove the words:

He shall, in conjunction with the personnel board, be entrusted with the administration of a town personnel system, including, but not limited to, personnel policies and practices, rules and regulations, the personnel by-law, and all collective bargaining agreements entered into on behalf of the town.

And insert the words:

He shall be entrusted with the administration of a town personnel system, including, but not limited to, personnel policies and practices, rules and regulations, and all collective bargaining agreements entered into on behalf of the town, and to maintain an

**OCTOBER 25, 2010  
FALL TOWN MEETING WARRANT (CONT'D)**

up-to-date employee handbook.  
Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to eliminate the Personnel Board and give its duties to the Town Administrator.**

**The Board of Selectmen Voted:        No Action 3-2-0  
The Finance Committee Voted:        Favorable Action 0-9-0**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 43 - CHARTER CHANGE ELIGIBILITY REQUIREMENTS**

To see if the Town will vote to add a residency requirement of 1 year for elected officers.

In Section 3-1 (b) Eligibility remove the words:  
Any voter shall be eligible to hold any elective town office.

And insert the words:  
Any voter, having been an inhabitant of the Town of Wareham for at least 1 year immediately preceding the day of the elections, shall be eligible to become a candidate for any elective town office.

Notwithstanding the above provisions, however: (i) the name of any person nominated for election to the elected office who will be able to comply with the above-requirements by the day of the election may appear on the ballot at that election as a candidate for the office; and (ii) a person who cannot meet the above-requirements by the day of the election shall not be deemed eligible for nomination to election to the office, and therefore may not appear on the ballot as a candidate for the office. No person elected to a Town office may be a public employee within the Town. A public employee or official may seek election to a Town office, but if elected, shall not be eligible to take office until after filing with the Town Clerk a resignation from such other position.

Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to add a residency requirement of one (1) year for elected officers.**

**OCTOBER 25, 2010  
FALL TOWN MEETING WARRANT (CONT'D)**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 7-0-1**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 44 - CHARTER CHANGE TO SPECIFY A DATE TO TAKE OFFICE**

To see if the Town will vote to specify July 1<sup>st</sup> as the date for newly elected officers to begin their term.

In Section 3-1 I Town Election add the words:  
All elected officials in the Town of Wareham shall begin their term on July 1.

Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to change the dates of an elected official beginning their term from immediately after election to July 1<sup>st</sup>.**

**The Board of Selectmen Voted:           Favorable Action 3-2-0  
The Finance Committee Voted:       Favorable Action 3-5-0**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 45 - CHARTER CHANGE TO LIMIT ELIGIBILITY FOR ELECTED OFFICIALS**

To see if the Town will vote to limit eligibility as follows:

In Section 3-1 General Provisions add the section:

(f) Appointments to Certain Positions – No elected official shall be eligible for appointment to any municipal position of employment while holding office. No former elected official shall be so eligible for appointment to a municipal position of employment until the expiration of thirty days from the termination of his elected service. This section shall not apply if such appointment has first been approved by an annual meeting of the town.

Or to do or act in any manner relative thereto.

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

**OCTOBER 25, 2010  
FALL TOWN MEETING WARRANT (CONT'D)**

**Explanation:**

**This article seeks to add the following provisions: No elected official shall be eligible for appointment to any municipal position of employment while holding office. Secondly, no former elected official shall be eligible for appointment to a municipal position until thirty (30) days from the termination of his/her elected service. This restriction shall not apply if such appointment has been approved by Town Meeting.**

**The Board of Selectmen Voted:           Favorable Action 4-1-0  
The Finance Committee Voted:       Favorable Action 8-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 46 - CHARTER CHANGE DEFINE DAY-TO-DAY**

To see if the Town will vote to clarify the duties and powers regarding day to day administration of the affairs of the town by the Board of Selectmen as follows:

In Section 3-2 (b) Powers and Duties remove the words:

...no individual member of the Board of Selectmen, nor a majority of it, shall, at any time, attempt to be involved in the day to day administration of the affairs of the town, but, shall, at all times, act only through the establishment of the said policy directives and guidelines which are to be implemented by officers and employees appointed or employed by it.

And insert the words:

...no individual member of the Board of Selectmen, nor a majority of it, shall, at any time, attempt to issue orders, instructions, commands, or mandates to town employees involved in the administration of the affairs of the town, but shall at all times act by majority through the Town Administrator or the established policy directives and guidelines.

Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to provide clarification of day-to-day involvement in the affairs of the Town by the Board of Selectmen. It gives full authority for day-to day operations and direction of employees to the Town Administrator.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 8-0-0**

**OCTOBER 25, 2010  
FALL TOWN MEETING WARRANT (CONT'D)**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 47 - CHARTER CHANGE THE COMPOSITION OF THE SCHOOL COMMITTEE**

To see if the Town will vote to authorize the Board of Selectmen to petition within no more than 90 days after the approval of this article the General Court of the Commonwealth of Massachusetts to enact a special act providing for the Town of Wareham to modify the School Committee as follows:

- i) Increase the number of School Committee members from 5 to 7.
  - ii) The Selectmen shall when drafting the petition to the legislature include:
    - A provision whereby a School Committee member is elected from each of the 6 voting precincts in the Town.
    - A provision whereby the chairman of the Board of Selectmen is, *ex officio*, the 7<sup>th</sup> voting member.
    - A provision to increase the number of School Committee members in the case of an increase of the number of precincts.
    - A provision to provide for the transition to elect the 1 new School Committee member and establish election terms for the new position while allowing the existing School Committee members to serve out their terms.
    - Every School Committee member who is elected to represent an individual precinct shall have been an inhabitant of a place within the precinct for which he is chosen for at least 1 year immediately preceding his election; and he shall cease to represent such precinct when he shall cease to be an inhabitant thereof.
- Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to change the size and composition of the School Committee. It directs that one (1) member be elected from each precinct and includes a provision where the Chairman of the Board of Selectmen is, ex-officio, the seventh voting member. Finally, it incorporates residency requirements.**

<b>The Board of Selectmen Voted:</b>	<b>No Action 3-1-1</b>
<b>The Finance Committee Voted:</b>	<b>Favorable Action 2-7-0</b>

**The Finance Committee does not recommend Favorable Action on this article.**

**OCTOBER 25, 2010  
FALL TOWN MEETING WARRANT (CONT'D)**

**ARTICLE 48 - CHARTER CHANGE ESTABLISHMENT OF BOARD OF SEWER COMMISSIONERS**

To see if the Town will authorize the establishment of a five-member, elected Board of Sewer Commissioners add the following section:

Section 3–7 Board of Sewer Commissioners

- (a) Composition, Term of Office – There shall be a board of Sewer Commissioners consisting of 5 members who shall be elected to terms of 3 years each, so arranged that the terms of as nearly an equal number of members as possible shall expire each year. Of these, at least three commissioners shall be sewer users and at least one shall be a non-sewer user.
- (b) Powers and Duties – The board of Sewer Commissioners shall make careful studies of the resources, possibilities and needs of the town as they relate to the availability of sanitary sewers and shall make plans for both the installation of a system of sanitary sewers and for the maintenance of a sanitary sewer system. The board of sewer commissioners shall develop a comprehensive or master plan for a town-wide system of sanitary sewers, setting forth, in graphic and textual form, policies to govern the future growth and development of the entire town. The board of sewer commissioners shall, in conjunction with other land use bodies, assist in developing a long-range strategic plan for guiding town growth and development. The powers and authority of the board of sewer commissioners shall include oversight of the sewer enterprise fund, setting rates and charges for the use of the sanitary sewer system, ratification responsibility for the sewer business manager and providing advice to the Board of Selectmen relating to intergovernmental agreements concerning sanitary sewers. The day-to-day operation, care and maintenance of the sanitary sewers shall be under the supervision of the Town Administrator.
- (c) Appointments – Should there exist an opening on the board, for which there is no candidate, that position shall be filled by appointment by the Board of Selectmen and the existing members of the Board of Sewer Commissioners, such appointee to fill the position until the next election.

The appointment of a Sewer Superintendent shall be made by the Town Administrator and shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of Sewer Commissioners, unless the board of Sewer Commissioners shall, within that period and by a majority vote of all of its members, reject such appointment or have earlier voted to affirm it.

Or to do or act in any manner relative thereto.

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

**OCTOBER 25, 2010  
FALL TOWN MEETING WARRANT (CONT'D)**

**Explanation:**

**This article seeks to establish an elected Board of Sewer Commissioners of five (5) members for a term of three years. It defines their duties and responsibilities. In addition, it gives the Town Administrator the authority to appoint the Sewer Superintendent. Finally, it permits the Board of Selectmen and the remaining members of the Sewer Commissioners to appoint individuals to vacancies that may arise.**

**The Board of Selectmen Voted:           Favorable Action 1-1-3  
The Finance Committee Voted:       Favorable Action 4-4-0**

**The Finance Committee proposed Favorable Action on this article, however, the vote did not support it.**

**ARTICLE 49 - CHARTER CHANGE TO CLARIFY MEANING OF APPOINTMENTS  
BY TOWN ADMINISTRATOR**

To see if the Town will vote to clarify the meaning of a provision regarding appointments by the Town Administrator.

In Section 4-2 (b) remove the words:

Appointments made by the Town Administrator shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within said period, by a majority vote of the full board, vote to reject any such appointment, or, has sooner voted to affirm it.

And insert the words:

Within fifteen days following the day on which notice of the appointment is filed with the Board of Selectmen, the Board of Selectmen shall have the opportunity, by a majority vote of the full board, to affirm any such appointment, in which case the appointment becomes effective immediately, or to reject it. Should the Board of Selectmen choose neither to affirm or reject, on the fifteenth day, the appointment made by the Town Administrator shall become effective.

Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to clarify the appointment process.**

**The Board of Selectmen Voted:           Favorable Action 4-0-1  
The Finance Committee Voted:       Favorable Action 6-0-2**

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**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 50 - CHARTER CHANGE TO REQUIRE ACTION BY BOARD OF  
SELECTMEN IN FILLING TOWN ADMINISTRATOR POSITION**

To see if the Town will vote to require the action regarding appointments by the Town Administrator.

In Section 4-1 Appointment, Qualifications, Term of Office append the following words:  
The Board of Selectmen shall fill a vacant Town Administrator position within 12 months.

Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to require the Board of Selectmen to fill a vacant Town Administrator's position within twelve (12) months.**

**The Board of Selectmen Voted:       No Action 4-1-0  
The Finance Committee Voted:       Favorable Action 7-0-1**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 51 - CHARTER CHANGE TO LIMIT PAY OF TOWN ADMINISTRATOR  
UPON THEIR REMOVAL**

To see if the Town will vote to limit the pay of the Town Administrator when removed from office.

In Section 4-4 I Removal and Suspension remove the words:  
The Town Administrator shall continue to receive his salary until at least one month, but not more than three months after the date of the final resolution of removal, as the Board of Selectmen shall deem proper.

And insert the words:

The Town Administrator shall continue to receive his salary until the date of his termination.

Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to limit the compensation of the Town Administrator upon their removal from office.**



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**The Board of Selectmen Voted:           Favorable Action 0-5-0  
The Finance Committee Voted:       Favorable Action 8-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 52 - CHARTER CHANGE TO REQUIRE BOARD OF SELECTMEN  
APPROVAL**

To see if the Town will vote to require the Town Administrator to obtain the approval of the Board of Selectmen for changes in compensation.

In Section 4-2 (d) remove the words:

He shall fix the compensation of all town officers and employees appointed by the Town Administrator within the limits established by appropriation and the provisions of town by-laws.

And insert the words:

He shall fix the compensation of all town officers and employees appointed by the Town Administrator within the limits established by appropriation, the provisions of town by-laws, and subject to the approval of the Board of Selectmen.

Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to require the Board of Selectmen's approval of salaries of employees appointed by the Town Administrator within the limits established by appropriation and Town Bylaws.**

**The Board of Selectmen Voted:           Favorable Action 4-1-0  
The Finance Committee Voted:       Favorable Action 8-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 53 - CHARTER CHANGE TO CLARIFY TOWN ADMINISTRATOR'S  
PREPARATION AND SUBMISSION OF BUDGET**

To see if the Town will vote to clarify the role of the Town Administrator in the preparation and submission of the budget.

In Section 4-2 (h) remove the words:

He shall prepare and submit, in the manner provided in article 5, a proposed annual operating budget and a proposed capital outlay program.

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And insert the words:

He shall prepare a proposed annual operating budget and a proposed capital outlay program, which he shall submit to the Board of Selectmen for review and approval, and shall forward the approved budget proposal to the Finance Committee for recommendations. He shall make the approved budget available in the manner provided in article 5-3.

In Section 5-3 Submission of proposed town budget replace the existing paragraph with:

Within 90 days prior to the date on which the town meeting is to meet in the spring of each year, but no later than the 28<sup>th</sup> of February, the Town Administrator shall have presented his proposed budget to the Board of Selectmen and made whatever adjustments are requested to obtain approval of the annual budget, and he shall have forwarded the approved budget proposal, with supporting documents and an accompanying budget message, to the finance committee for their recommendations. He shall simultaneously provide for the publication in a local newspaper of a general summary of the proposed budget and of a notice stating times and places where complete copies of the proposed budget are available for public examination.

In Section 5-4 Budget Message replace the existing paragraph with:

The Town Administrator shall submit a budget message with the proposed annual budget. He shall explain the budget for all town agencies, both in fiscal terms and in terms of work programs. He shall outline proposed financial policies of the town for the ensuing fiscal year and substantiate their adherence to established fiscal policy guidelines. He shall describe important features of the proposed budget and indicate any major variations from the current budget in financial policies, expenditures and revenues together with the reason for such changes. He shall summarize the town's debt position. He may include such other material as the Town Administrator deems desirable.

In Section 5-6 (a) Public Hearing remove the words:

The Finance Committee shall, forthwith upon receipt of the proposed budget, provide for publication in a local newspaper of a notice stating the date, time and place, not less than seven nor more than fifteen days following such publication, when a public hearing shall be held by the finance committee on the proposed budget.

And insert the words:

The Town Administrator shall, forthwith upon receipt of the approved proposed budget, provide for publication in a local newspaper of a notice stating the date, time and place, not less than seven nor more than fifteen days following such publication, when a public hearing shall be held on the proposed budget.

In Section 5-6 (b) Finance Committee Meetings remove the words:

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The Finance Committee shall consider in public meetings the detailed expenditures for each town agency as proposed by the Town Administrator, and may confer with representatives of any such agency in connection with its considerations. The finance committee may require the Town Administrator or any other town agency to furnish to it such additional information as it deems to be necessary in furtherance of its responsibility.

And insert the words:

The Finance Committee shall consider the detailed expenditures for each town agency as proposed by the Town Administrator, and may confer with the relevant department head in connection with its considerations. The Finance Committee may require the Town Administrator or any department head to furnish to it such additional information as it deems to be necessary in furtherance of its responsibility. Not fewer than seven days prior to the date on which town meeting is to act on the proposed budget, the finance committee shall make public a report containing its recommendations for action on the proposed budget which shall be made available at the Town Clerk's office, the Wareham Free Library, and the town website.

In Section 5-6 I Presentation to Town Meeting remove the words:

The finance committee shall file a report containing its recommendations for action on the proposed budget which shall be available not less than seven days prior to the date on which the town meeting is to act on the proposed budget. When the proposed budget is before the town meeting for action it shall first be subject to amendments, if any, as may be proposed to it by the finance committee.

And insert the words:

The Town Administrator shall present the proposed budget at the Town Meeting. The Town Administrator shall be prepared, if a hold is placed on the line item, to electronically display a full breakdown of the item.  
Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to re-define the entire budget process and reassigns the current Finance Committee responsibilities for public hearings, the budget message, and modifies who the Finance Committee interviews for their report.**

**The Board of Selectmen Voted:           Favorable Action 2-2-0  
The Finance Committee Voted:       Favorable Action 0-8-0**

**The Finance Committee does not recommend Favorable Action on this article.**

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**ARTICLE 54 - CHARTER CHANGE BUDGET PROCEDURE**

To see if the Town will vote to clarify the budget procedure:

In Section 2-5 (b) Finance Committee of the charter remove the words:

All articles which are contained in the warrant for a town meeting shall be referred to the Finance Committee for its study, review and report. The Finance Committee shall prior to each town meeting, at a time fixed by by-law, report its recommendations on each article contained in the warrant in such manner as may be determined by by-law. Whenever an article appears in the warrant for a Town Meeting which would require raising of funds by borrowing, (except in the case of tax anticipation notes as provided in Chapter 44, Section 4), a public hearing shall be held by the Finance Committee on each such warrant article. The Finance Committee may, in its discretion, hold public hearings concerning other articles which appear in the warrant for town meetings.

And insert the words:

As pertains to Town Meeting, the Town Budget Warrant Article shall be referred to the Finance Committee for its study, review and written report. The Finance Committee shall prior to each Town Meeting, at a time fixed by by-law, report its recommendations on, and limited to, the Town Budget Warrant Article.

Whenever an article appears in the Warrant for a Town Meeting which would require raising of funds by borrowing (except in the case of tax anticipation notes as provided in Chapter 44, Section 4), a public hearing shall be held by the Finance Committee on each such Warrant Article. The Finance Committee may, in its discretion, hold public hearings concerning the Town Budget warrant article.

Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to define the extent to which the Finance Committee can hold public hearings on articles presented to Town Meeting.**

<b>The Board of Selectmen Voted:</b>	<b>Favorable Action 2-2-0</b>
<b>The Finance Committee Voted:</b>	<b>Favorable Action 0-8-0</b>

**The Finance Committee does not recommend Favorable Action on this article.**

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**ARTICLE 55 - CHARTER CHANGE SCHOOL COMMITTEE BUDGET SUBMISSION TIME**

To see if the Town will vote to clarify the school committee budget procedure:

In Section 5-2 (a) Submission to the Town Administrator remove the words:

The budget adopted by the school committee shall be submitted to the Town Administrator in sufficient time to enable him to prepare the total town budget he is required to submit by section 5-3.

And insert the words:

The budget adopted by the school committee shall be submitted to the Town Administrator 90 days before the Town Administrator is required to submit the total town budget proposal to the Board of Selectmen for approval in accordance with section 5-3.

In Section 5-2 (b) Public Hearing by School Committee remove the words:

... (2) the date, time and place, not less than seven days following such publication, when a public hearing will be held by the school committee concerning its proposed budget.

And insert the words:

... (2) the date, time and place, not less than seven days following such publication, the School Committee shall conduct a joint meeting, to which the public is invited, at which the proposed budget shall be discussed. Invited participants shall include the Superintendent of Schools and the School Dept. business manager, the Board of Selectmen, the Finance Committee, and the Town Administrator and Town Accountant. Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to establish a time certain for submission of the school budget to the Town Administrator. In addition, this article defines a budget hearing process which includes the Board of Selectmen, Superintendent of Schools, School Department Manager, Finance Committee, the Town Administrator, and the Town Accountant.**

**The Board of Selectmen Voted:           Favorable Action 3-1-0  
The Finance Committee Voted:       Favorable Action 5-3-0**

**The Finance Committee recommends Favorable Action on this article.**

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**ARTICLE 56 - CHARTER CHANGE CAPITAL IMPROVEMENT PLAN PROCEDURE**

To see if the Town will vote to clarify the capital improvement plan procedure:

In Section 5-7 (a) Submission to the Town Administrator remove the words:  
The Town Administrator shall submit a capital improvement program to the Board of Selectmen and the Finance Committee at least thirty days before the date fixed for the submission of his proposed budget.

And insert the words:

The Town Administrator shall submit a capital improvement program approved by the Board of Selectmen to the Finance Committee at least thirty days before the date fixed for the submission of his proposed budget.  
Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to permit the Board of Selectmen to approve the Town Administrator's Capital Improvement Program before it is submitted to the Finance Committee.**

<b>The Board of Selectmen Voted:</b>	<b>Favorable Action 2-2-0</b>
<b>The Finance Committee Voted:</b>	<b>Favorable Action 0-8-0</b>

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 57 - CHARTER CHANGE REORGANIZATION PROCEDURES**

To see if the Town will vote to clarify the reorganization procedure:

In Section 6-3 Administrative Code remove the words:

The Town Administrator, after consultation with the Board of Selectmen, may from time to time prepare and submit to the town meeting plans of organization or reorganization, which establish town agencies for the orderly or convenient conduct of the business of the town.

And insert the words:

The Town Administrator, after consultation with the Board of Selectmen, may prepare and submit to the town meeting plans of organization or reorganization, which establish town agencies for the orderly or convenient conduct of the business of the town.

In Section 6-3 Administrative Code remove the words:

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A reorganization proposal may be amended or altered prior to its submission, by warrant article, to the next town meeting held following the public hearing. The town meeting at which the reorganization plan is submitted may vote only to approve or to disapprove of it, and may not vote to amend or to alter it in any way.

And insert the words:

A reorganization proposal may be amended or altered prior to its submission, by the Board of Selectmen, to the next town meeting held following the public hearing. The town meeting at which the reorganization plan is submitted shall vote only to approve or to disapprove of it, and shall not vote to amend or to alter it in any way, to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to allow the Board of Selectmen to amend or alter any reorganization plan developed by the Town Administrator, prior to submission to Town Meeting.**

**The Board of Selectmen Voted:           Favorable Action 2-2-0  
The Finance Committee Voted:       Favorable Action 6-1-2**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 58 - CHARTER CHANGE THE PERIODIC REVIEW**

To see if the Town will vote to reduce the time between reviews:

In Section 7-1 (b) Periodic Review remove the words:

The Board of Selectmen shall, in every year which ends in nine, appoint a committee to review the charter, said committee shall submit a report, with recommendations, to the first annual town meeting that ends in zero, concerning any proposed amendments or revisions to the charter which it believes to be necessary or desirable. This article shall become effective in year 1999.

And insert the words:

The Board of Selectmen shall at any time as may be deemed appropriate, but at least in January of every year which ends in a 5 or 0, appoint a committee of 9 members to review the town charter. The committee shall submit recommended changes to town meeting(s).  
or to do or act in any manner relative thereto.

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

**This article seeks to change the current Charter review process in that it shortens the timeframe between reviews and gives the Board of Selectmen**

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**the option of calling for a review at any time. A nine (9) person committee will be appointed by the Board of Selectmen to conduct the review.**

**The Board of Selectmen Voted:           Favorable Action 2-2-0  
The Finance Committee Voted:       Favorable Action 4-3-1**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 59 - CHARTER CHANGE CLARIFY THE DOCUMENT STORAGE LOCATION**

To see if the Town will vote to clarify the document storage location:

In Section 7-5 (b) Rules and Journal remove the words:  
These rules and journals shall be a public record, kept available in a place convenient to the public, and a certified copy shall be kept available in the Wareham Free Library.

And insert the words:  
These rules and journals shall be a public record, kept available in the Office of the Town Clerk, and a certified copy shall be kept available in the Wareham Free Library.  
Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article stipulates the storage location of original Town documents.**

**The Board of Selectmen Voted:           Favorable Action 2-2-0  
The Finance Committee Voted:       Favorable Action 6-0-2**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 60 - CHARTER CHANGE TO LIMIT ELIGIBILITY FOR MULTIPLE MEMBER BODY**

To see if the Town will vote to limit eligibility as follows:

In Section 7-5 Uniform Procedures Governing Multiple Member Bodies add the section:  
Appointments to Certain Positions – No member of a multiple member body, whether elected, appointed or otherwise constituted, shall be eligible for appointment to any municipal position of employment while holding office. No former member of a multiple member body shall be eligible for appointment to a municipal position of employment until the expiration of thirty days from the termination of his service is complete. This section shall not apply if such appointment has first been approved by an annual meeting of the town.  
Or to do or act in any manner relative thereto.



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

**This article states that no member of a multi-body committee can be an active employee of the Town unless such appointment is made by Town Meeting.**

**The Board of Selectmen Voted:           Favorable Action 2-2-0  
The Finance Committee Voted:       Favorable Action 1-5-2**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 61 - CHARTER CHANGE ADD DEFINITIONS**

To see if the Town will vote to add the following definitions to the charter:

In Section 7-6 Definitions add the following sections:

(j) **Policy** – The general principles by which a government is guided in its management of public affairs. This term, as applied to law, ordinance, by-law, Town Charter, or rule of law, denotes a general purpose or tendency considered as directed to the welfare or prosperity of the state or community.

(k) **Town Budget** – A plan that outlines the Town of Wareham's financial and operational goals including borrowing, revenue sources, expenditures, and fund allocations.

(l) **Qualify** – To take the oath of office.  
Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article defines the words: Policy, Town Budget, and Qualify as related to the Charter.**

**The Board of Selectmen Voted:           Favorable Action 3-1-0  
The Finance Committee Voted:       Favorable Action 8-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 62 - CLARIFY APPOINTING DONE BY TOWN OFFICIALS**

To see if the Town will vote to clarify the appointing done by town officials:

In Section 7-8 Notice of Vacancies and in Section 7-9 Removals and Suspensions remove all instances of the words:

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appointing authority

And insert the words:

appointing official(s)

or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to remove, in all instances, the term "Appointing Authority" in Section 7-8 and Section 7-9 and replaces it with the term "Appointing Officials."**

**The Board of Selectmen Voted:           Favorable Action 2-2-0**

**The Finance Committee Voted:       Favorable Action 8-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 63 - CHARTER CHANGE CLARIFY THE RECALL BALLOT AND ELECTION**

To see if the Town will vote to clarify the recall ballot and election:

In Section 7-10 (e) Propositions on Ballot remove the words:

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the propositions shall appear the word "candidates" and the names of candidates arranged alphabetically, by surname. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes on the question is in the negative, the ballots for candidates need not be counted, except as provided in I above.

And insert the words:

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the propositions shall appear the word "candidates" and the direction to "vote for one", and beneath this the names of the candidates listed alphabetically by surname. If a majority of the votes cast upon the question of a recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question are in the negative, the recall fails. There shall be a separate proposition for each incumbent being recalled. Candidates must declare one, and only one, officer they choose to replace.

Or to do or act in any manner relative thereto.

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

**OCTOBER 25, 2010  
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**Explanation:**

**This article seeks to clarify the recall ballot and election process.**

**The Board of Selectmen Voted:           Favorable Action 2-2-0  
The Finance Committee Voted:       Favorable Action 4-0-4**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 64 - CHARTER CHANGE AND CLARIFY THE RESTRICTIONS ON  
RECALLS**

To see if the Town will vote to change and clarify the restrictions on recalls:

In Section 7-10 Recall of Elected Officials remove the words:

(g) Repeat of Recall Petition – No recall petition shall be filed against an officer within three months after he takes office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.

And insert the words:

(g) Restriction on Recall Petition – No recall petition shall be filed against any officer until at least 6 months following the commencement of a term of office, nor, in the case of an officer subjected to a recall election and not recalled thereby, during the remainder of the current term of office. A recall election shall not be held if less than 6 months of the term of office of the person whose recall is sought remains at the time of the certification of the petition forms.  
Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to change the time currently stated in the Bylaw from three (3) to six (6) months and clarifies the restrictions on recalls.**

**The Board of Selectmen Voted:           Favorable Action 3-1-0  
The Finance Committee Voted:       Favorable Action 3-4-1**

**The Finance Committee does not recommend Favorable Action on this article.**

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**ARTICLE 65 - CHARTER CHANGE REMOVE AND CLARIFY TRANSITIONAL PROVISIONS**

To see if the Town will vote to remove and clarify transitional provisions:

In Section 8-3 Continuation of Personnel remove the words:

All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

In Section 8-4 (a) remove the words:

The board of sewer commissioners in office at the time the charter is adopted shall continue to perform the duties of their office until June 30 of the year in which the charter is adopted. At such time the office of sewer commissioner shall be terminated and the powers, duties and responsibilities of the office shall be transferred to the Board of Selectmen.

The maintenance, improvement and operation functions of the sewer department shall be under the supervision of the municipal maintenance department of the town and all persons employed by the sewer department on the June 30<sup>th</sup> aforesaid, shall be transferred to the maintenance department and shall, insofar as it is possible so to do, continue to perform the same duties as they previously performed.

And insert the words:

At the time the Charter change is adopted where the Sewer Commissioners are no longer the Board of Selectmen but are now elected, the existing Sewer Commissioners shall perform the duties of said office until the new elected Sewer Commissioners are qualified.

The election of Commissioners shall take place in conjunction with the Town's April election. They shall take office July 1 of the election year. If the charter change is adopted after the Town's April elections or before January of the following year, a Special Election shall be held within 120 days after adoption. The newly elected Sewer Commissioners shall take the oath of office 60 days after the election.

The Town Administrator shall assume responsibility for the day to day operation, care and maintenance of the Sewer Department during the changeover of Commissioners.

In Section 8-4 (b) remove the words and the entire section:

All persons serving in an elected town office which, under the provisions of the charter is to become an appointive office, shall continue to serve and shall continue to perform the duties of the office until the expiration of the term for which they were elected.

When such term has expired the appointing authority shall appoint a suitable person to fill the vacancy, giving due consideration to the incumbent whose term has expired.

In Section 8-4 I remove the words:

I Not more than 45 days following the election at which the charter is adopted the town moderator shall appoint a special committee to review the existing by-laws of the town, in order to bring them into conformity with the provisions of this charter. Said

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committees shall file a report, with recommendations, at the spring town meeting in the year following the year in which the charter is adopted.

And insert the words with the next section number after removals:

(b) Not more than 45 days after the adoption of charter changes, the Board of Selectmen shall appoint a special committee to review the existing by-laws of the town in order to bring them into conformity with the provisions of the amended charter. Said committee shall submit recommendations at town meeting(s) in the year following the year in which the charter changes are adopted.

In Section 8-4 (d) remove the words and the entire section:

The Board of Selectmen shall, forthwith, following the election at which the charter is adopted, initiate procedures to select a Town Administrator. In addition to the qualifications which are stated in section 4-1, the initial qualifications for the office shall be that the person have served, full-time, in a position as a city or town manager, executive secretary, Town Administrator or other office having a different title but similar powers and duties, for not less than three years. The first appointment to fill this position shall be made not later than October 15<sup>th</sup> in the year in which the charter is adopted. There shall be a widespread and diligent search for candidates to fill the position of Town Administrator.

In Section 8-4 (e) remove the words and the entire section:

The position of executive secretary to the Board of Selectmen is hereby abolished effective not more than two weeks following the appointment of the Town Administrator, or November 1<sup>st</sup>, whichever occurs first. The executive secretary may be a candidate for the office of Town Administrator, but nothing contained in the charter shall be deemed to grant to the incumbent of said office at the time the charter is adopted a right to assume automatically such office.

In Section 8-4 (f) remove the words and the entire section:

Until such time as another provision is made, by by-law, in accordance with the requirement of section 2-3, the fall session of the town meeting shall be held on the third Tuesday of October, annually.

In Section 8-4 (g) remove the words and the entire section:

Until such time as another provision is made, by by-law, the following additional requirements of publication shall apply to the notice of vacancy provisions of section 7-8:

Publication – In addition to the posting on town bulletin boards, required by section 7-8 of the charter, the appointing authority shall cause to be published in a local newspaper a notice of any such vacancy, or impending vacancy, at least two weeks prior to the date on which action is taken to fill the vacancy.

In Section 7-8 remove the words:

Whenever a vacancy occurs, or is about to occur, in any town office, including membership on any multiple member body, or town employment, except for positions covered under the state civil service law or otherwise provided for under a collective bargaining agreement, the appointing authority shall, forthwith, cause public notice of

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such vacancy, or impending vacancy, to be posted on the town bulletin board and shall give such further public notice as may be provided by by-law.

And insert the words:

Whenever a vacancy occurs, or is about to occur, in any town office, including membership on any multiple member body, or town employment, except for positions covered under the state civil service law or otherwise provided for under a collective bargaining agreement, the appointing official shall, forthwith, cause public notice of such vacancy, or impending vacancy, to be posted on the town bulletin board, published in a local newspaper, and shall give such further public notice as may be provided by by-law.

Or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to update transitional provisions where necessary and appropriate.**

<b>The Board of Selectmen Voted:</b>	<b>Favorable Action 2-2-0</b>
<b>The Finance Committee Voted:</b>	<b>Favorable Action 0-3-5</b>

**The Finance Committee proposed Favorable Action on this article, however, the vote did not support it.**

**ARTICLE 66 - CHARTER CHANGE ADD A PROVISION FOR CITIZEN INITIATIVES**

To see if the Town will vote to add a citizen initiative provision:

Add Section 7-11 Citizen Initiative Petition with the words:

(a) Commencement – Initiative procedures shall be started by the filing of a proposed initiative petition with the Board of Selectmen or the school committee, as the case may be. The petition shall be addressed to the Board of Selectmen or the school committee, as the case may be, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least 250 voters, with at least 25 signatures certified from each precinct by the town clerk. The petition shall be accompanied by an affidavit signed by ten voters and containing their residential address stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) Referral to Town Counsel – The Board of Selectmen or the school committee, as the case may be, shall immediately following receipt of each proposed petition deliver a copy of the petition to the town counsel. The town counsel shall, within fifteen days after receipt of a copy of the petition, in writing, advise the Board of Selectmen or the school committee, as the case may be, whether the measure as proposed may lawfully

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be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the Board of Selectmen or the school committee, as the case may be. If the opinion of the town counsel is that the measure is not in proper form, the reply shall state the reasons for this opinion in full. A copy of the opinion of the town counsel shall also be mailed to the person designated as clerk of the petitioners committee, and any further petition shall be submitted as a new petition under this section.

(c) Submission to Town Clerk – If the opinion of the town counsel is that the petition is in a proper form, the town clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the town counsel, together with the names and addresses of the persons constituting the petitioners committee who signed the originating petition. Within thirty days after the date the blank forms are issued by the town clerk, the petitions shall be returned and filed with the town clerk signed by at least 10 percent of the total number of voters as of the date of the most recent town election. Signatures to an initiative petition need not all be on 1 paper but all papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement on them of the name and residence address of the person designated as filing the petition. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days after the filing of the petition the board of registrars of voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent town election. The town clerk shall attach to the petition a certificate showing the results of their examination and shall return the petition to the Board of Selectmen or the school committee, depending on how the petition is addressed. A copy of the board of registrars of voters' certificate shall also be mailed to the person designated as clerk of the petitioners committee.

(d) Action on Petitions – Within thirty days after the date a petition has been returned to the Board of Selectmen or the school committee, as the case may be, and after publication as described in this charter under requirements for by-laws and other measures, the Board of Selectmen or the school committee, as the case may be, shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be considered to be a rejection of the initiative measure. If the Board of Selectmen or the school committee, as the case may be, fails to act with respect to any initiative measure that is presented to it within thirty days after the date it is returned to it, the measure shall be considered to have been rejected on the thirtieth day. If an initiative measure is rejected, the Board of Selectmen or the school committee, as the case may be, shall promptly give notice of that fact to the person designated as the clerk of the petitioners committee, by certified mail and the town clerk to initiate an initiative election.

(e) Initiative Election – Within 60 days after the date an initiative petition has been rejected the Board of Selectmen shall call a special election to be held on a date fixed by it not less than 35 or more than 90 days after the date the Board of Selectmen votes to call for the special election and shall submit the proposed measure, without

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alteration, to the voters for determination, but if any other town election is to be held within 120 days after the date of the board of registrars of voters' certificate, the Board of Selectmen may omit the calling of the special election and cause the question to appear on the election ballot at the approaching election for determination by the voters.

(f) Publication – The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than 7 or more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the town clerk. Whenever a proposed measure would exceed in length 10 column inches of ordinary newspaper notice print, then, in lieu of publication in a local newspaper, the document may be published and made available not less than 14 days preceding the date of the election at which the question is to be voted on at the office of the town clerk in booklet or pamphlet form and this publication shall be considered sufficient notice. Whenever the Board of Selectmen or the school committee, as the case may be, provides for publication in a booklet or pamphlet in lieu of the newspaper publication, it shall, at least 14 days before the election at which the question is to be voted upon prepare and publish in a local newspaper a general summary of the proposed measure, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained by the public.

(g) Form of Question – The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form: Shall the following measure, which was proposed by an initiative petition, take effect? (Here, insert a fair, concise summary prepared by the town counsel.)

- YES
- NO

(h) Time of Taking Effect – If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

(i) None of the following shall be subject to the initiative procedures:

- (1) proceedings relating to the internal organization or operation of the town Board of Selectmen or the school committee;
- (2) the town budget or the school committee budget in whole or in part;
- (3) revenue loan orders;
- (4) any appropriation for the payment of the town's debt or debt service;
- (5) an appropriation of funds to implement a collective bargaining agreement;
- (6) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action;
- (7) memorial resolutions and other votes constituting ordinary, routine matters.

(j) The Board of Selectmen may of its own motion, and shall at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular town election for adoption or rejection any measure in the same manner and with the same force and effect as is hereby provided for submission by petitions of voters.



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(k) If two or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.  
Or to do or act in any manner relative thereto.

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

**This article seeks to provide a procedure and timeline for a "citizens initiative" to be presented on a Town-wide ballot. This procedure will bypass the Town Meeting process.**

**The Board of Selectmen Voted:           Favorable Action 2-2-0  
The Finance Committee Voted:       Favorable Action 7-1-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 67 - TO AMEND TOWN BYLAWS – ELECTION AND TOWN MEETING DATE**

To see if the Town will vote to amend the By-laws of the Town of Wareham, **Division I, Article I, Section One, Town Meetings: changing the date of the election and town meeting as stated below:**

**Section 1.** The spring Town Meeting shall be construed to be the Annual Town meeting and shall be held on the first **(1st) Tuesday of May** of each year and the polls shall be opened at 8:00 o'clock A.M. and shall be closed not earlier than 12:00 o'clock noon, for the election of town officers designated in the official ballots and for voting questions or matters that may be properly submitted to vote in the official ballot. This meeting will be adjourned until the **fourth (4) Monday of May** at which time the general business of the town shall be transacted; **in any year that Memorial Day occurs on the fourth Monday, the Town Meeting will begin the fourth (4<sup>th</sup>) Tuesday.**

The Fall Town Meeting shall be held on the fourth Monday of October. (Article 14 of the October 21, 2002 Town Meeting; Approved by the Attorney General December 2, 2002).

The general business portion of the Spring and Fall Town Meetings shall be called to order at 7:00 o'clock P.M. and shall adjourn not later than 10:00 o'clock P.M., except that a meeting may be continued beyond 10:00 P.M. by a two-thirds vote of those present and voting. (Article 18 of December 5, 6, and 13, 1994 Special Town Meeting; Approved by Attorney General February 27, 1995).

DELETE PARAGRAPH FOUR IN ITS ENTIRETY.

or to do or act in any manner relative thereto.

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

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FALL TOWN MEETING WARRANT (CONT'D)

**Explanation:**

**This article seeks to move the Town Election and Town Meeting to a later date.**

**The Board of Selectmen Voted:           Favorable Action 4-1-0**  
**The Finance Committee Voted:       Favorable Action 6-2-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 68 - TO AMEND TOWN BYLAWS – DUTY OF THE FINANCE COMMITTEE**

To see if the Town will vote to amend the By-laws of the Town of Wareham, **Division I, Article IV, Insurance Policies, Town Accountant, Town Fees, Procurement, Finance Committee, Cemeteries, Council on Aging, Historic District Commission, Community Health Services, Section 6**, by adding the following text:

**Section 6.** It shall be the duty of the Finance Committee to consider all **warrant articles presented for town meeting related to the Town Budget**. It shall be the duty of the Selectmen, immediately upon drawing up a town meeting warrant, to transmit a copy of such warrant to the Finance Committee. The Finance Committee, after due consideration, shall report in writing such recommendations as it shall deem best concerning **the Town Budget**. Such report shall be printed and distributed to the voters present at the Town meeting considering said warrant. Said recommendations shall note the **voting of the Finance Committee, i.e., affirmative and the negative vote with a pro and con opinion provided**.

The Finance Committee shall have authority to investigate the books and accounts of any department of the Town and the books and accounts of the Town shall be open to the inspection of the committee or of any person authorized to act for said committee, except those prohibited by General Law.

The members of the Finance Committee shall serve without pay for services, but may be reimbursed for actual expenses incurred in the discharge of their duties hereunder, **and as appropriated by Town Meeting vote**.

or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to redefine the scope and duties of the Finance Committee.**

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FALL TOWN MEETING WARRANT (CONT'D)

**The Board of Selectmen Voted:           Favorable Action 3-2-0**  
**The Finance Committee Voted:       Favorable Action 0-8-0**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 69 - TO AMEND TOWN BYLAWS – SELECTMEN AS TOWN EMPLOYEE**

To see if the Town will vote to amend the By-laws of the Town of Wareham, **Division I, Article I, Section Six, Town Meetings** by adding the following text as paragraph three (3) of **Section 6**, as highlighted:

**Section 6.** No person elected Selectman on or after January 1, 1973, shall hold any other elective Town Office during his term of office as Selectman.

If a Selectman elected on or after January 1, 1973 holds any other Town elective office during his term of office as Selectman, the office held by him as Selectman shall thereupon become vacant.

**No person elected Selectman may be an active employee of the Town during his term of office as Selectman. Upon qualification of office, the employee shall take a leave of absence or resign from said position with 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 Town Clerk

**Explanation:**

**This article seeks to preclude a sitting Selectman from being an active employee of the Town.**

**The Board of Selectmen Voted:           Favorable Action 3-2-0**  
**The Finance Committee Voted:       Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 70 - TO AMEND TOWN BYLAWS – SELECTMEN SERVING AS LIAISON**

To see if the Town will vote to amend the By-laws of the Town of Wareham, **Division I, Article I, Town Meetings** by adding the following **Section 8**, as highlighted:

**Section 8. Members of the Board of Selectmen may act as a Liaison to assigned Boards and Committees as a non-voting member, except by Charter provision,**  
or to do or act in any manner relative thereto.

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FALL TOWN MEETING WARRANT (CONT'D)**

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

**Explanation:**

**This article seeks to clarify the voting status of Selectmen, acting as liaisons, to boards and committees.**

**The Board of Selectmen Voted:           Favorable Action 4-0-1  
The Finance Committee Voted:       Favorable Action 7-2-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 71 - TO AMEND TOWN BYLAWS – APPOINTMENT OF FINANCE COMMITTEE**

To see if the Town will vote to amend the By-laws of the Town of Wareham, **Division I, Article IV, Insurance Policies, Town Accountant, Town Fees, Procurement, Finance Committee, Cemeteries, Council on Aging, Historic District Commission, Community Health Services, Section 5**, by deleting the second sentence in Section Five (5):

**“A committee consisting of the Moderator, the Chairman of the Board of Selectmen, and the Chairman of the Finance Committee.....”**

**And Replacing it with:**

**Section 5.** There shall be a Finance Committee of nine members, who shall hold no other town office in or be a permanent employee of the Town. **The Board of Selectmen** shall appoint three members annually for a term of three years. In the event a person shall have served two full consecutive terms, he or she shall be ineligible for re-appointment to the Finance Committee for a period of one year. Vacancies shall be filled by the Board of Selectmen, within thirty days after they occur, for the balance of the unexpired term, or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to change the appointing officials of the Finance Committee from the “Appointing Authority” to the Board of Selectmen.**

**The Board of Selectmen Voted:           Favorable Action 1-1-3  
The Finance Committee Voted:       Favorable Action 0-9-0**

**The Finance Committee does not recommend Favorable Action on this article.**

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**ARTICLE 72 - TO AMEND TOWN BYLAWS – TO TAKE ARTICLES AT TOWN MEETING BY LOTTERY**

To see if the Town will vote to amend the By-laws of the Town of Wareham, **Division I, Article I, Town Meetings, Section Two**, which reads: "Town meetings shall be legally called and all petitions for insertion of articles in any warrant shall be in accordance with Section 2-4 of Article 2 of the Wareham Home Rule Charter."

**AND ADD AS PARAGRAPH TWO:**

**Articles at the annual spring and fall town meeting and any special town meeting shall be taken up in order as drawn by the Town Clerk by lottery. Articles which are contingent upon action upon another article or articles shall be acted upon in succession. Further, those articles which the Board of Selectmen certifies to the Moderator are of such financial or emergency nature as to warrant action early in the town meeting, shall be exempt from the lottery provided by this section."**

or to do or act in any manner relative thereto.

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

**Explanation:**

**This article defines a new procedure for presenting articles at Town Meeting. A lottery process is proposed with some articles exempt from the lottery.**

**The Board of Selectmen Voted:           Favorable Action 1-2-2**  
**The Finance Committee Voted:       Favorable Action 8-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 73 - TO AMEND TOWN BYLAWS – THE RULES THAT GOVERN TOWN MEETING**

To see if the Town will vote to amend the By-laws of the Town of Wareham, **Division I, Article I, Town Meetings, Section Five**, which reads:

"The duties of the Moderator and the government of the town meeting, not specially provided for by law, shall be determined by the rules of practice contained in Robert's Rules of Order Revised (Seventy-Fifth Anniversary Edition) and Town Meeting Time, so far as they are adapted to the conditions and powers of the town.."

**CHANGE TO:**

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**"The duties of the Moderator and the government of the town meeting, not specially provided for by law, shall be determined by the rules of practice contained in Robert's Rules of Order (latest edition), so far as it is adapted to the conditions and powers of the town."**

or to do or act in any manner relative thereto.

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

**Explanation:**

**This article designates "Robert's Rules of Order" (latest edition) as the only source of procedures governing the conduct of Town Meeting.**

**The Board of Selectmen Voted:           Favorable Action 3-2-0  
The Finance Committee Voted:       Favorable Action 2-6-1**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 74 - TO AMEND TOWN BYLAWS – SETTING RULES FOR PETITIONED ARTICLES**

To see if the Town will vote to amend the By-laws of the Town of Wareham, **Division I, Article I, Section One, Town Meetings** by adding the following **Section 7**:

**Section 7.** Proponents or sponsors of an article shall be responsible to present the article and motion at town meeting.  
or to do or act in any manner relative thereto.

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

**Explanation:**

**This article defines who will present articles on Town Meeting floor.**

**The Board of Selectmen Voted:           Favorable Action 4-1-0  
The Finance Committee Voted:       Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 75 - TO AMEND TOWN BYLAWS – COMMUNITY PRESERVATION COMMITTEE PROVISIONS**

To see if the Town will vote to amend the By-laws of the Town of Wareham, **Division VII, Article II, Community Preservation Committee, Chapter-1 Establishment**, by changing the text as highlighted:

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FALL TOWN MEETING WARRANT (CONT'D)**

There is hereby a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Planning Board as designated by the Board for a term of three years.

One member of the **Open Space Committee** as designated by the **Committee** for an initial term of one year and thereafter for a term of three years.

One member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.

or to do or act in any manner relative thereto.

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

**Explanation:**

**This article proposes a change to the Town's Bylaws of Division VII, Article II, Community Preservation Committee (CPC), Chapter I by indicating that one (1) member of the CPC shall be an individual from the Open Space Committee and designated by the Open Space Committee to serve an initial one-year term and thereafter, for a three-year term.**

**The Board of Selectmen Voted:       Favorable Action 5-0-0**

**The Finance Committee Voted:       Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 76 - TO AMEND TOWN CLERK FEES**

To see if the Town will vote to increase fees in the Town Clerk's Office, in accordance with Massachusetts General Laws, Chapter 262, Section 34. Fees to be affected:

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FALL TOWN MEETING WARRANT (CONT'D)**

	<b><u>CURRENT</u> <u>FEE</u></b>	<b><u>NEW</u> <u>FEE</u></b>
<b>Kennel License</b>		\$30
	- \$60 - \$150	
		\$40 - \$70
	- \$160	
<b>Business Certificate</b>		
	\$40.00	
	\$50.00	
<b>Amend Business Certificate</b>		
	\$	
	5.00	
	\$10.00	
<b>Replace Dog License</b>		
	\$	
	5.00	
	\$	
	6.00	
<b>Amending a birth certificate</b>		
	\$25.00	
	\$30.00	
<b>Amending a death certificate</b>		
	\$15.00	



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FALL TOWN MEETING WARRANT (CONT'D)

\$25.00

**Amending a marriage certificate**

\$15.00

<b>Commissioner Fees/Oaths</b>	\$ 8.00	\$25.00
<b>Vital Record Fee/Births/Deaths/Marriages</b>	\$ 5.00	\$10.00
		\$10.00

All fees would take effect on December 31, 2010, or to do or act in any manner relative thereto.

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

**Explanation:**

**This article seeks to revise upward fees currently charged by the Town Clerk for the issuance, amendment, and replacement of various licenses, certificates as well as other administrative services. Some processes involve considerable time and effort or special materials to complete. Increases would take effect on December 31, 2010.**

**The Board of Selectmen Voted:      Favorable Action 4-0-1**  
**The Finance Committee Voted:      Favorable Action 6-3-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 77 - TO AMEND TOWN BYLAWS – RELATIVE TO ANIMAL CONTROL**

To see if the Town will vote to **amend Town Bylaws Division VIII, Article II, Rules and Regulations Relative to Animal Control in the Town of Wareham, Section One (1): Definitions: adding text as show in bold print.**

**KENNEL -**                      one pack or collection of dogs on a single premises, whether maintained  
   for breeding, boarding, sale, training, hunting or other purposes and  
   including any shop where dogs are on sale, and also including every pack  
   or collection of more than three dogs three months old or over owned or kept by a person on a single premises  
irrespective of the purpose for which they are maintained, **with**

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**the exception of said restrictions noted below.**

**SMALL KENNEL** - a kennel maintained for a collection of four or five dogs.  
**Boarding and grooming privileges for the purpose of a commercial enterprise is excluded under this license.**

**HOBBY KENNEL** - a kennel maintained for a collection of six to ten dogs or for breeding dogs for show or sport, or which sells dogs from less than four litters per year, not to exceed ten dogs on the premises over the age of three months.  
**Boarding and grooming privileges for the purpose of a commercial enterprise is excluded under this license.**

**COMMERCIAL KENNEL**- a kennel maintained as a business for the boarding and grooming of dogs, or which sells dogs born and raised on the premises from more than four litters per year, or a kennel of 11 or more dogs.

or to do or act in any manner relative thereto.

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

**Explanation:**

**This article proposes an amendment to the Town Bylaws Division III, Article II relating to animal control, Section I. New text is added to the section which more clearly defines what is permitted or excluded from the definitions of "Kennel, Small Kennel, Hobby Kennel and Commercial Kennel."**

**The Board of Selectmen Voted:           Favorable Action 2-1-2  
The Finance Committee Voted:       Favorable Action 8-0-1**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 78 - TO AMEND TOWN BYLAWS – ANIMAL CONTROL – KENNEL LICENSES**

To see if the Town will vote to amend Town Bylaws **Division VIII, Article II, Rules and Regulations Relative to Animal Control in the Town of Wareham, Section Seven (7): Kennel Licenses: adding text as shown in bold print to paragraph four, paragraph seven and adding a new paragraph eleven:**

**Paragraph Four:**

The fees for each classification of kennel license shall be as follows:

**Small Kennel License:                   \$ 40 (Forty dollars) per year**

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**Hobby Kennel License:           \$ 70 (Seventy dollars) per year**  
**Commercial Kennel License:   \$160 (One hundred Sixty dollars) per year**

**Paragraph Seven:**

If a kennel owner desires to increase the capacity of his kennel during a license period, he shall obtain an application from the Building Inspector to request modification. Upon written approval from the Building Inspector or the Board of Appeals, the applicant shall submit written proof to the Town Clerk, who shall issue a new license in accordance with the modification. **The owner shall pay full price for the new** kennel license most recently approved.

**By adding Paragraph Eleven:**

**Any and all license holders in the business of selling or boarding dogs for profit, must register with the Town of Wareham by acquiring a Business Certificate from the office of the Town Clerk.**

Contingent upon approval of Article 76.

or to do or act in any manner relative thereto.

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

**Explanation:**

**This proposed amendment to the Town Bylaws of Division VIII, Article II, Section 7 is contingent upon the approval of Article 76 in that the kennel license fees proposed in this article are cited in Article 76. Other issues addressed: 1. When a new license is required, the Town Clerk must charge the appropriate full fee. 2. All license holders in business to profit from selling or boarding dogs, must also have a Business Certificate issued by the Town Clerk.**

**The Board of Selectmen Voted:       Favorable Action 4-0-1**  
**The Finance Committee Voted:      Favorable Action 8-0-1**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 79 - TO AMEND TOWN BYLAWS – PENALTIES FOR FAILURE OR TARDINESS TO LICENSE KENNELS**

To see if the Town will vote to amend Town Bylaws **Division VIII, Article II, Rules and Regulations Relative to Animal Control in the Town of Wareham, Section Nine (9): Penalties for Failure and/or Tardiness to License: as highlighted in paragraph four, sentence three:**

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FALL TOWN MEETING WARRANT (CONT'D)**

Late fees for the licensing of kennels:

**Small Kennels:**

<b>April 1st to May 31st:</b>	<b>\$ 70.00</b>
<b>June 1st to July 31st:</b>	<b>\$100.00</b>
<b>August 1st to December 31st:</b>	<b>\$130.00</b>

**Hobby Kennels:**

<b>April 1st to May 31st:</b>	<b>\$130.00</b>
<b>June 1st to July 31st:</b>	<b>\$190.00</b>
<b>August 1st to December 31st:</b>	<b>\$250.00</b>

**Commercial kennel:**

<b>April 1st to May 31st:</b>	<b>\$235.00</b>
<b>June 1st to July 31st:</b>	<b>\$310.00</b>
<b>August 1st to December 31st:</b>	<b>\$385.00</b>

Exclusion from the above fines include new and/or first time dog and kennel licenses.

Contingent upon approval of Article 78.

or to do or act in any manner relative thereto.

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

**Explanation:**

**This article is linked to Article 78.**

**If approved, this article will amend the Town Bylaws of Division VIII, Article II, Section 9 in that it assesses various late fees for three types of kennels. The new fees represent an increase over the current fees. Exclusion is provided for new and first time kennel licenses.**

<b>The Board of Selectmen Voted:</b>	<b>Favorable Action 4-0-1</b>
<b>The Finance Committee Voted:</b>	<b>Favorable Action 8-0-1</b>

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 80 - TO AMEND THE TOWN OF WAREHAM'S GENERAL BY-LAWS BY  
ADDING A WATER QUALITY PROTECTION BY-LAWS**

To see if the Town will vote to amend the general By-laws of the Town of Wareham by inserting at DIVISION VI, ARTICLEII the following:

- A. NITROGEN NET ZERO FOR NEW CONSTRUCTION**  
1.0 Purpose and Intent

**OCTOBER 25, 2010**  
**FALL TOWN MEETING WARRANT (CONT'D)**

The purpose of this bylaw is to protect the public health and welfare of its citizens, and to minimize quantifiable impacts to drinking, fresh and coastal water quality and natural resources by establishing a standard for new construction, as defined below, as "Nitrogen Net Zero".

**2.0 Performance Standards and Applicability**

Nitrogen Net Zero will eliminate nitrogen loading from existing sources in Wareham by an amount equal to the amount of nitrogen loading generated by the new construction through the use of nitrogen offsets.

2.1 The Board of Health shall not issue a permit to any residential construction equal to or greater than ten (10) homes/units unless the standard of Nitrogen Net Zero has been met.

2.2 The Board of Health shall not issue a permit to any commercial construction whose waste water discharge is equal to or greater than 3,300 GPD (Gallons per Day) unless the standard of Nitrogen Net Zero has been met.

**3.0 Offsets**

Developers or homeowners can achieve the Nitrogen Net Zero requirement by permanently reducing an equivalent amount of nitrogen from another source(s) by:

3.1 Connecting other properties with comparable nitrogen loading quantities to the municipal sewer system.

3.2 Removing one acre of cranberry bog from production for each new residential septic system installed. Commercial construction will use a standard of 15.26 lbs of nitrogen per acre of cranberry bog removed from production.

3.3 Any other method approved by the Board of Health that is proven to permanently eliminate a comparable volume of nitrogen.

**4.0 Exemptions**

The following are exempt from this By-law:

4.1 New construction of residential properties less than ten (10) homes or units.

4.2 New construction of commercial properties whose waste water discharge is less than 3,300 GPD.

4.3 Existing homes and commercial properties are exempt from the Nitrogen Net Zero standard.

4.4 Existing homes and commercial properties requiring septic upgrades are exempt from the Nitrogen Net Zero standard.

**5.0. Regulations**

After public notice and public hearing, the Board of Health shall promulgate rules and regulations to effectuate the purposes of this bylaw, effective when voted and filed with the town clerk. Failure by the Board 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. At a minimum, these regulations shall reiterate the terms defined in this bylaw, define additional terms that are not inconsistent with the bylaw, and impose filing and consultant fees.

**6.0 Severability**

In case any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect, or to do or act in any manner relative thereto.

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FALL TOWN MEETING WARRANT (CONT'D)**

Inserted by the Board of Selectmen at the request of the Clean Water Committee

**Explanation:**

**This article seeks to amend the Town's Bylaws by including a water quality protection Bylaw of Division VI, Article II. The article lays out a process designed to eliminate nitrogen loading from existing sources in Wareham by an amount equal to the amount of nitrogen loading generated by new construction through the use of nitrogen offsets. The article pertains to new residential construction of ten (10) units or more and new commercial construction whose wastewater discharge is equal to or greater than 3,300 gallons per day.**

**A number of exemptions are also provided for.**

**The Board of Health is charged with developing and promulgating regulations to implement the Bylaw.**

**The Board of Selectmen Voted:           Favorable Action 4-0-1  
The Finance Committee Voted:       Favorable Action 0-8-1**

**The Finance Committee does not recommend Favorable Action on this article.**

**ARTICLE 81 - TO AMEND TOWN BYLAWS – LOUD NOISE**

To see if the town will vote to amend Division II Article II of the town's bylaws To read:

Section 1: It shall be unlawful for any person or persons occupying or having charge of, or being present in or about any building, dwelling, structure, premises, shelter, boat, vehicle or conveyance, or any part thereof, in the Town (other than that section of any establishment licensed under MGL chapter 138), to create assist in creating, continue or allow to continue any excessive, unnecessary, or unusually loud noise, including any such noise in the operation of any radio, stereo equipment or other sound-making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noise or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise or to attract attention, or loud or continuous animal noises, where such noise is plainly audible at a distance of one-hundred and fifty (150) feet from the building, structure, premises, shelter, vehicle, boat or conveyance in which or from which it is produced.

Section 2: The fact that the noise is plainly audible at a distance of one-hundred fifty (150) feet from the building, dwelling, structure, premises, shelter, boat or vehicle from which it originates or when the noise occurs between the hours of 10 o'clock pm and 7 o'clock am shall constitute prima facie evidence of a violation of this bylaw.

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FALL TOWN MEETING WARRANT (CONT'D)**

Section 3: Any person shall be deemed in violation of this bylaw who shall make, or aid and abet, or cause, or suffer or countenance or assist in the making of any such noise.

Section 4: The following uses and activities shall be exempted from the provision of this bylaw:

A – Emergency vehicles. Any police or fire vehicle or any ambulance while engaged in necessary emergency business;

B – Highway and utility maintenance and construction. Necessary excavation in or repair of bridges, streets, or highways, or any public utility for or on behalf of the town or the commonwealth, or a public utility with the town's permission;

C – Public address. The reasonable use of amplifiers or loud speakers for public addresses which are non-commercial in nature;

D – Vehicles providing an emergency service (i.e: fuel delivery vehicles in winter);

E – Fireworks, sporting events, parades, church bells, and public events.

F – Garbage and refuse collection vehicles, or vehicles providing an emergency service including without limitation fuel delivery vehicles.

G – Fireworks, little league, soccer and other sporting events, parades, church bells, and public events including, but not limited to, pops in the park.

H – Normal operation of properly muffled motor vehicles, boats, equipment for lawn moving, farm or agricultural equipment, equipment used in the normal course of home or commercial repair, renovation, construction, or demolition, or in septic system construction or maintenance.

**§ 120-3. Penalties.**

- A. The first violation of this bylaw shall be punished by a fine of not more than \$50.00 and four hours community service.
- B. The second violation of this bylaw within 12 months after the first violation shall be punished by a fine or not more than \$100.00 and eight hours of community service.
- C. Further violations within 12 months after the last violation shall be punished by a fine of two hundred and fifty dollars \$250.00 and fifteen hours of community service.
- D. Each such act which either continues or is repeated more than once shall be prosecuted as a separate offense.
- E. If the violation occurs on the premises of rental property, then the owner will be notified in writing that a violation(s) has occurred.

**§ 120-4. Enforcement.**

This bylaw shall be enforced by the Police Department. Officers may:

- A. Issue a verbal warning.
- B. Issue a written warning on the appropriate departmental form.
- C. Utilize the noncriminal disposition procedure authorized by the Orleans Bylaw §1-1 and MGL c. 40, §21D.

**OCTOBER 25, 2010  
FALL TOWN MEETING WARRANT (CONT'D)**

MGL 40, section 21, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

**Explanation:**

**This article seeks to amend the Town's Bylaw of Division II, Article III as stated in the Warrant regarding loud noise.**

**The Board of Selectmen Voted:           Favorable Action 2-2-0**

**The Finance Committee Voted:       Favorable Action 6-3-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 82 - TO AMEND THE ZONING BY-LAWS BY ADDING A SECTION FOR  
CONFERENCE RECREATION DISTRICTS**

To see if the Town will vote to amend the Zoning By-Law by adding a new section 590 Special Permit for large tracts in the Conference Recreational District, to Article 5 Supplemental Regulations.

**590   Special Permit for large tracts in the Conference Recreational District**

**590.1   General**

In order to permit a mixture of retail, residential, open space, general commercial and office uses, and a variety of building types, tracts of land within the Conference Recreational District may be developed under a Special Permit granted by the Planning Board as herein defined and limited.

**590.2   Special Permit Authority**

The Planning Board (Board) may grant a Special Permit for construction of a mixed-use project in the Conference Recreational District. The Special Permit shall conform to this By-Law and to Massachusetts General Laws Chapter 40A, Section 9 and to regulations which the Board may adopt for carrying out its requirements hereunder.

- a. Purpose – The purpose of the mixed-use Special Permit is to provide for a mixture of residential, open space, retail, office and other compatible uses within the Conference Recreational District in order to foster greater opportunity for the construction of quality developments on large tracts of land by providing flexible guidelines which allow the integration of a variety of land uses and densities in one development, provided that such land usage is shown to be for the public good and will serve to preserve and protect the public health, safety and welfare; and
- b. will improve the physical and aesthetic qualities of the Conference Recreational District and encourage the most appropriate use of land within the Conference Recreational District and improve and/or reinforce the



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**FALL TOWN MEETING WARRANT (CONT'D)**

- livability and aesthetic qualities of the surrounding neighborhood and/or environment, and
- c. is consistent with the objectives of the Zoning By-Law.

**590.3 Review Procedure for Mixed Use Special Permit Applications**

The review procedure for a mixed use Special Permit consists of three steps:

- a. a pre-application conference,
- b. submission by the applicant and review by the Planning Board of a Preliminary Plan for the proposed mixed-use development, and
- c. submission by the applicant and review by both the Planning Board of an application and final plan for a mixed-use Special Permit.

**590.4.**

- a. Procedure for Preliminary Plan
  - i. The applicant shall file with the Town Clerk, at least fourteen (14) days before a regularly scheduled meeting of the Planning Board, the original and one (1) copy of the preliminary plan accompanied by the form entitled "Submission of Preliminary Plan Mixed-Uses". The applicant shall at the same time submit to the Planning Board eight (8) copies of the preliminary plan.
  - ii. A fee of \$350.00 (certified check) made out to the "Town of Wareham" shall accompany the submission of the preliminary plan to the Town Clerk.
  - iii. The applicant shall also, at the time the preliminary plan is filed, submit additional copies of the preliminary plan for distribution by the Planning Board to such Town boards and agencies as the Planning Board shall deem appropriate.
  - iv. The applicant shall meet with the Planning Board to discuss the preliminary plan.
  - v. The Town boards and agencies receiving copies of the preliminary plan shall submit to the Planning Board written recommendations on the preliminary plan within 30 days after filing of the preliminary plan. Failure to report to the Planning Board within 30 days shall be deemed lack of objection to the application, unless the Planning Board elects to contact such Town board or agencies requesting such a response.
  - vi. The applicant is encouraged to meet with the Town boards and agencies receiving copies of the preliminary plan during the review period.
  - vii. The Planning Board within 45 days from filing of the preliminary plan shall review and determine whether the proposed project is consistent with the development of the Town and this By-Law. The Planning Board may suggest modifications and changes to the development described in the preliminary plan and shall make a written report of its recommendations to guide the applicant in the preparation of the final plan. The written report of the Planning Board shall be filed in the Town Clerk's office; after such filing the applicant may proceed to file its final plan.
  - viii. If the Planning Board is unable to file its written report within 45 days after filing of the preliminary plan, the Planning Board shall notify the applicant, in writing, of the issue(s) preventing such a report in which

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case the Planning Board shall have an additional 21 days to file said written report.

**590.5 Contents of Preliminary Plan**

A preliminary plan shall comprise the graphic and narrative materials described below.

- a. Graphic materials shall include plans of sufficient number, character and clarity to show the proposed development and the existing conditions on the site. Such graphic materials shall show at least:
  - i. existing and proposed lines of streets, ways, utility and all easements, and any public areas within or next to the parcel;
  - ii. the approximate boundary lines of existing and proposed lots with appropriate areas and dimensions;
  - iii. the proposed system of drainage, including adjacent existing natural waterways, including any planned nitrogen reduction from surface water runoff;
  - iv. the existing and proposed topography of the site at five foot or smaller contour intervals;
- v. the proposed wastewater disposal system
  - vi. existing and proposed buildings, significant structures and proposed open space and proposed site amenities, and proposed circulation patterns; and,
  - vii. an analysis of the natural features of the site, including wetlands, flood plain, slopes over 10%, soil conditions and other features requested by the Planning Board or required by any regulation of the Board.
- b. Written materials shall include the following:
  - i. a description of the proposed mixed-use development, showing the planning objectives and the character of the development to be achieved through the mixed-use Special Permit;
  - ii. a description of the neighborhood in which the parcel lies, including utilities and other public facilities and the general impact of the proposed mixed use upon them; and,
  - iii. a summary of environmental concerns.
  - iv. a pro-forma for the entire proposal along with evidence of financial capacity to undertake and complete the proposed development

**590.6 Submission of Final Plan**

- a. The applicant shall file the original application for a mixed use Special Permit and the original of the final plan together with one (1) copy of those materials, with the Town Clerk. The applicant shall also submit to the Planning Board and to those boards and agencies set forth in subparagraph 590.4.a.iii of this Section at the time the application is filed with the Town Clerk, a copy of the application and the final plan. The Final Plan shall comply, except as may be waived by the Planning

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Board, with the substantive Rules and Regulations of the Planning Board and with Sections 1530-1534, inclusive, of this By-Law and the Design Standards and Guidelines contained in Section 730 of this By-Law

- b. The Town boards and agencies receiving copies of the final plan shall submit to the Planning Board written recommendations on the application and final plan within 30 days of the filing of the transmittal letter certifying that copies of the final plan have been forwarded.
- c. The Planning Board, within 65 days of the filing of the final plan with the Town Clerk, shall hold a public hearing, notice of which shall be given in the manner and to the parties provided in of this By-Law and Massachusetts General Laws Chapter 40A, Section 11, and to any other property owners deemed by the Planning Board to be affected thereby.
- d. The Board shall, within 90 days following the public hearing, issue a written decision setting forth the reason or reasons for its decision or actions. Such written decision may provide that the application is approved as submitted, is approved subject to modifications or conditions, or is denied. A copy of the Board's decision shall be filed within fourteen days with the Town Clerk and shall be mailed forthwith to the applicant. Failure by the Board to issue a written decision taking final action on the application within 90 days following the public hearing shall be deemed to be a grant of the application and the Town Clerk shall issue forthwith, upon request, a certificate of such failure to act.
- e. Approval of a Special Permit for a mixed-use shall require a majority vote of the Board.
- f. The final plan, as approved by the Board, shall be filed with the Town Clerk and recorded with the Plymouth Registry of Deeds or the Plymouth Registry District of the Land Court, as appropriate.
- g. Special Permits granted under this Section shall lapse in two years, excluding time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use has not sooner commenced or if construction has not been begun. The Board may grant an extension for good cause after a hearing, as provided in Massachusetts General Laws Chapter 40A, Section 11, and shall grant an extension if the delay has been caused by the need to seek other permits related to the development.
- h. No construction or reconstruction except as shown on the recorded final plan, or as provided in Section 590.11 hereof, approved amendments to such plan, shall occur without a further submission of plans to the Board; and a notation to this effect shall appear upon the recorded final plan and upon deeds to any property within the mixed-use parcel.
- i. Following filing with the Wareham Town Clerk and recording with the Plymouth Registry District, a final plan which has been approved pursuant to the provisions of this By-Law shall be deemed to run with the land, as provided in this Section of the By-Law.

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**FALL TOWN MEETING WARRANT (CONT'D)**

590.7. Minimum Requirements – The mixed-use Special Permit shall be subject to the following conditions, and the Planning Board shall make a determination that the project meets the requirements of Massachusetts General Laws Chapter 40A, Section 9 and this mixed-use By-Law as to all the following conditions:

- a. the mixed use is consistent with the purpose set out in 590.2 of this By-Law;
- b. execution, delivery and recording of such covenants, agreements and instruments running with the land and binding on the owner of the parcel, its legal representative, successors, heirs and assigns, and enforceable by the Town, as the Board may require, and in form and substance satisfactory to it, in order to insure adherence to the terms of the Special Permit issued hereunder;
- c. the prior approval of detailed plans for the project including, without limiting the generality of the foregoing, plans showing all structures and improvements on the parcel, all ways and utilities serving the same (which plans shall, except as waived by the Planning Board, comply with the procedural and substantive Rules and Regulations of the Planning Board), all lot lines, easements and rights of way of record, building plans and specifications illustrating preliminary landscaping and architectural design, showing types, location and layout of buildings, typical elevations, as well as the general height, bulk and appearance of structures, and such other and further documents, studies, reports or data which the Board deems desirable in order to assist it in making its determination;
- d. the Board may, in appropriate cases, impose density, dimensional and setback requirements in addition to those required by this By-Law; and
- e. the Board may, in appropriate cases, reduce the density, dimensional and setback requirements set forth elsewhere in this By-Law.

590.8 Permitted Uses and Intensity of Use:

- a. The specific mixture of uses and square footages within the Conference Recreational District shall be the prerogative of the developer, subject to design and site plan review powers accorded to the Planning Board, except that any special permit application with the Conference Recreational District must include an existing or proposed regulation 18 hole golf course, par 70 or higher and meet the minimum lot size requirement set forth in 590.9.a below.
- b. Permitted Uses

In addition to the uses allowed with the Conference Recreational District, the Planning Board may allow such other uses, including, but not limited to, residential units, single family or multi-family, free standing, attached and/or multi-story, but excluding large, so-called "big box" retail uses, that the Planning Board deems to be appropriate, best and highest land uses within the Conference

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Recreational District and in harmony with the general purpose of this By-Law, upon finding that allowing said uses will encourage the preservation of valuable open space and promote the more efficient use of land in harmony with its natural features and will protect and promote the health, safety and general welfare of the inhabitants of the Town.

Uses not allowed in Section 320 of this By-Law may be permitted as part of the originally approved final plan if, in the judgment of the Board, the proposed use does not create health, traffic or safety problems for the remainder of the development area and abutter areas and is consistent with the remaining land uses in the mixed-use area and the overall plan contemplated by the Special Permit Application.

**590.9 Dimensional Requirements**

- a. Site Area Requirements – A minimum of 100 acres is required within the Conference Recreational District. The parcel(s) shall be contiguous; however, a public transportation, utility, parking area or public ways shall not constitute a boundary or property line in computing the size of the contiguous parcel. The public transport, utility, parking area or public way, however, shall not be used in the calculation of the total project area.
- b. Density – The Planning Board shall determine the appropriate density during the Hearing on the Special Permit application, notwithstanding any provision of this By-Law to the contrary
- c. Dimensional Requirements – The Planning Board shall determine the appropriate dimensional requirements during the Hearing on the Special Permit application, notwithstanding any provision of this By-Law to the contrary
- d. Setbacks – The Planning Board shall determine the appropriate dimensional requirements during the Hearing on the Special Permit application, notwithstanding any provision of this By-Law to the contrary
- e. Open Space – The Open Space (as that term is defined in Article 16 of this By-Law) within the proposed development may be used for recreational purposes as described in Section 817.3 of this By-Law.
- f. Height – No building within the mixed-use development shall exceed 55 feet in height above the average finished grade of abutting properties. Parking facilities within the building(s) shall not be calculated as part of the allowable height.

**590.10 Parking Requirements**

- a. In all mixed-use developments adequate off-street parking shall be provided. The Board and the applicant shall have as a goal, for the purposes of defining adequate off-street parking for the development, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In

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implementing this goal the Board shall make provision for complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in reductions in the parking requirements set out in this subsection of the By-Law. The parking may be at ground level, underground or in a parking garage. Parking garages can be free standing (in which case 55 feet is the allowed maximum height) or as part of buildings with commercial or residential purposes. If a free standing parking structure is proposed, the spaces must be assigned to specific uses at the time of the submission of the final plan.

590.11 Amendments – After approval of the mixed use Special Permit by the Board, the developer may seek amendments to the final plan as approved by the Board as provided below:

- a. Minor amendments shall be defined and administered in accordance with regulations adopted by the Board.
- b. An application for a major amendment shall be filed with the Town Clerk. The applicant shall also submit copies of the application for a major amendment with the Building Commissioner and the Planning Board. An application for a major amendment shall comply with subsections 5 and 6 of this Section.

To do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Wareham Planning Board

**Explanation:**

**This zoning article addresses changes to the Conference Recreation District that was presented at the 2010 Spring Town Meeting. It is being resubmitted because of procedural deficiencies that existed previously. This article is specifically designed to address the Bay Pointe Golf Course development and any other similar projects. In addition, this article addresses or prohibits big box retail from occurring in this zone.**

**The Board of Selectmen Voted:           Favorable Action 3-0-0  
The Finance Committee Voted:       Favorable Action 8-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 83 – TO ACCEPT WESTFIELD COMMITTEE REPORT**

To act upon the report of the Westfield Study Committee as created in the April 26, 2010 Town Meeting who consider it expedient to do so, or to do or act in any manner relative thereto.

**OCTOBER 25, 2010  
FALL TOWN MEETING WARRANT (CONT'D)**

Inserted by the Board of Selectmen

**Explanation:**

**Approval of this article accepts the Westfield Study Committee report. The Westfield Study Committee was constituted and directed to undertake its study mission by action at the 2010 Annual Spring Town Meeting. Approval of this article does not indicate an acceptance or approval of the committee's recommendations. The article to follow asks for approval of the committee's recommendations and directs certain actions to be accomplished.**

**The Board of Selectmen Voted:           Favorable Action 3-1-0  
The Finance Committee Voted:       Favorable Action 0-0-9**

**ARTICLE 84 - TO AUTHORIZE THE BOARD OF SELECTMEN TO LEASE THE WESTFIELD PROPERTY AND PLACE OTHER RESTRICTIONS ON THE PROPERTY**

To see if the Town will vote to clarify the definition of "municipal purposes" originally used in Article 10 from the Special Town Meeting held on July 20, 1977, wherein the Town authorized the Selectmen to acquire certain parcels of land from Campanelli, known as the Westfield land for municipal purposes. "Municipal purposes" shall mean any purpose for which the Town maintains legal title to the land and uses it for the benefit of the citizens of the Town. This shall include, but not limited to: municipal buildings, schools, fire/police buildings, passive recreation and/or senior affordable housing.

Not more than one third of the approximately 77 acres of the Westfield land defined in the original article shall be used for affordable housing and the remaining land to be used for passive recreation, open space or other municipal purposes.

And to see if the Town will vote to authorize the Board of Selectmen, pursuant to M.G.L. c. 40, s.15A, based on the recommendation of a duly appointed "RFP Review and Recommendation Committee" 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 Assessors' shown as Map 105, Parcel 1001 and Assessors' Map 105A, Parcels 110 through 127 and Parcels 165 through 173 and Parcels 202 through 206 and Parcels 232 through 235 and Parcels 262 through described in the instrument recorded with the being the Plymouth District Registry of Deeds in Book 4314, Page 189, said portion containing 24.49 acres, more of 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

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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 such leasehold interest shall be subject to initially rehabilitating the recreational facilities and maintaining the recreational facilities during the term of the lease, 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 at the request of the Westfield Study Group

**Explanation:**

**This article involves the Westfield Project; an senior affordable housing project in the Town of Wareham. It involves four parcels of land and specifically sets aside one parcel consisting of 18.5 acres for senior affordable housing, one parcel for recreational purposes, consisting of 17.5 acres (2 baseball diamonds, soccer field, and football field), one parcel for future school needs, and the remainder for open space. The article seeks to clarify the definition of Municipal purposes, originally utilized in Article 10 of a Special Town Meeting held on July 20, 1977. The article also authorizes the Board of Selectmen to undertake the legal process necessary to lease or convey the said property for the purposes of senior affordable housing.**

**The Board of Selectmen Voted:           Favorable Action 2-2-0**

**The Finance Committee Voted:       Favorable Action 5-4-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 85 – TO REDUCE THE NUMBER OF THE COUNCIL ON AGING AND  
ADD TWO ALTERNATES**

To see if the Town will vote to authorize the Board of Selectmen to reduce the number of members to the Council on Aging Advisory Board from 11 to 9 members and add two associate members as recommended by the Massachusetts Office of Elder Affairs. Associate members are non-voting members who participate and in effect are training to replace any permanent member who has resigned or whose term has expired.

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

**Explanation:**

**The Council on Aging seeks Town Meeting approval to reduce the voting members of the Council on Aging Advisory Board from eleven (11) to nine (9). In addition, two (2) Associate members (non-voting) are to be**



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FALL TOWN MEETING WARRANT (CONT'D)**

**authorized. This change has been recommended by the Massachusetts Office of Elder Affairs. The large size of the Council currently presents difficulties in obtaining a quorum.**

**The Board of Selectmen Voted:           Favorable Action 2-3-0  
The Finance Committee Voted:       Favorable Action 7-0-2**

**The Finance Committee recommends Favorable Action on this article.**

**MISCELLANEOUS ARTICLES**

**ARTICLE 86 - TO ABANDON AN EASEMENT FOR THE CONTRACT #2 SEWER PROJECT ON PRESERVATION LANE**

To see if the Town will vote to abandon all its right, title and interest in and to an easement it acquired by an Order of Taking recorded in the Plymouth County Registry of Deeds in Book 38186, Page 217 (the "Taking") from Yachatas Realty Corp. for 1,350 square feet of land for the siting of a sewer pump station as said site is no longer needed for the public purpose of siting a sewer pump station thereon; and that the Board of Selectmen be authorized to execute any and all documents deemed necessary in their discretion to abandon, disclaim and release all rights acquired in said Taking to Yachatas Realty Corp. or its successor in interest; or to do or act in any manner relative thereto.

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

**Explanation:**

**If approved, this article will allow the Town to abandon an easement originally obtained to locate a pump house integral to a Town sewer project. Further, the article authorizes the Board of Selectmen to complete the administrative tasks necessary to release all rights to the easement.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 87 – TO AUTHORIZE THE EXPENDITURE OF COMMUNITY EVENTS FUNDS**

To see if the Town will vote to authorize the Community Events Committee to expend a sum of money, 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

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do or act in any manner relative thereto.

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

**Explanation:**

**This article authorizes the expenditure of Town funds from the Hotel/Motel tax account and Parking Meter Fund by the Community Events Committee.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0**

**The Finance Committee Voted:       Favorable Action 9-0-0**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 88 - TO ACCEPT LAYOUT OF BETHEL WAY**

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

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

**Explanation:**

**This article returns from the 2010 Spring Annual Town Meeting and finishes the process of accepting Bethel Way. Additional Town funds will be required.**

**The Board of Selectmen Voted:           Favorable Action 4-0-0**

**The Finance Committee Voted:       Favorable Action 8-0-1**

**The Finance Committee recommends Favorable Action on this article.**

**ARTICLE 89 - TO ABANDON AND DISCONTINUE GARAGE STREET**

To see if the Town will vote to abandon and discontinue Garage Street as laid out by the department of Public Works of the Commonwealth of Massachusetts on Behalf of the Town of Wareham in case Number 5796 pursuant to Order of Taking recorded at Plymouth Registry of Deeds in Book 3510, Page 320 and depicted on Plan Number 175 of 1969 (the "taking"), and to convey any and all of the Taking to A.D. Makepeace Company, or to do or act in any manner relative thereto:

Inserted by the Board of Selectmen

**Explanation:**

**If approved, this article will abandon Garage Street and set aside the original**

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**taking by the Town of Wareham. Additionally, the article seeks to convey said street to A.D. Makepeace Co. No monetary amount is mentioned.**

**The Board of Selectmen Voted:           Favorable Action 2-1-1  
The Finance Committee Voted:       Favorable Action 5-0-4**

**The Finance Committee recommends Favorable Action on this article.**

**PETITIONED ARTICLES**

**ARTICLE 90 - PETITIONED ARTICLE – ACCEPT THE LAYOUT OF ROCK MARSH ROAD**

To see if the Town will vote to accept the layout of Rock Marsh Road (Assessors' Map 56, Lot 1025, Brown Street, Wareham) as a public way and to raise and appropriate or transfer a sum of money to reconstruct the roadway, or to do or act in any manner relative thereto.

Inserted at the request of Richard Callinan, et al

**NOTE:** this article was reproduced exactly as presented, in accordance with the law.

**Explanation:**

**This petition article seeks to have Town Meeting accept the layout of Rock Marsh Road. The original developer went bankrupt and did not complete construction plans for the road cited. Bond money retained by the Town is insufficient to complete the road project. There will be additional costs to the Town if this article is approved.**

**The Board of Selectmen Voted:           Favorable Action 5-0-0  
The Finance Committee Voted:       Further Study 7-1-0**

**The Finance Committee recommends Further Study of this article.**

**ARTICLE 91 - PETITION ARTICLE REGARDING WIND TURBINES**

We, the undersigned, would like to town a warrant article for Fall town meeting that would require a town meeting vote before any wind turbines are accepted and built in the towns of Wareham and Onset or to do or act in any manner relative thereto.

Inserted by Lynne Burroughs, et al.

**NOTE:** this article was reproduced exactly as presented, in accordance with the law.

**OCTOBER 25, 2010  
FALL TOWN MEETING WARRANT (CONT'D)**

**Explanation:**

**This petition article seeks Town Meeting approval before any wind turbines are permitted to be built in the Town of Wareham.**

**The Board of Selectmen Voted:      Favorable Action 3-2-0**

**The Finance Committee Voted:      Favorable Action 2-5-1**

**The Finance Committee does not recommend Favorable Action on this article.**

**OCTOBER 25, 2010**  
**FALL TOWN MEETING WARRANT (CONT'D)**