

FALL TOWN MEETING WARRANT

TOWN OF WAREHAM

OCTOBER 22, 2012

WAREHAM HIGH SCHOOL
7 VIKING DRIVE
WAREHAM, MA

7:00 PM

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH S.S.

TO EITHER OF THE CONSTABLES OF THE TOWN OF WAREHAM

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town qualified to vote in Town affairs to meet in the High School Auditorium, 7 Viking Drive, Wareham, MA on Monday, October 22, 2012 to act on the following articles:

ARTICLE 1 – BUDGET AMENDMENTS

To see if the Town will vote to amend the FY2013 Budget and/or transfer a sum of money to supplement the budget voted as Article 6 at the April 2012 Town Meeting, or to take any action relative thereto.

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

ARTICLE 2 – CAPITAL PLAN

To see if the Town will vote to accept the FY2013 Capital Plan, or to take any action relative thereto.

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

ARTICLE 3 – FUND CAPITAL PLAN

To see if the Town will vote to authorize the Treasurer with the approval of the Board of Selectmen to borrow a sum of money to fund the FY2013 Capital Plan and further see if the Town will vote to transfer a sum of money from the Stabilization Fund to put

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towards the first payment of the FY2013 Capital plan, or to take any action relative thereto.

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

ARTICLE 4 – POLICE TRANSFER

To see if the Town will vote to transfer the sum of \$4,600 for the purpose of defraying the operating expenses related to the Onset Pier Parking from the Onset Pier Parking account #26007-4-2100-0-0000-0000-432000-00 to the Parking Meter Maintenance account #10000-2-2100-2-2107-0000-525200-00:

Electricity	\$ 425
Equipment Repairs	\$2,500
Tickets	\$ 925
Uniforms	\$ 425
Operating Supplies	\$ 125
Building Maintenance	\$ 200
Total	\$4,600

or to take any action relative thereto.

Inserted by the Board of Selectmen at the request of the Police Department

ARTICLE 5 – ADDITIONAL STATE EDUCATION AID (CHAPTER 70)

To see if the town will vote to transfer from available funds a sum of money from additional State Educational Aid (Chapter 70) to the Net School Spending Line item under Article 6 of the 2012 Spring Annual Town Meeting, or take any other action relative thereto.

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

ARTICLE 6 – MCKINNEY-VENTO HOMELESS STUDENT TRANSPORTATION

To see if the town will vote to transfer from available funds a sum of money to the Non-Net School Spending line item under Article #6 of the 2012 Annual Town Meeting for the purpose of transportation, or take any action relative thereto.

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

ARTICLE 7 – WAREHAM HIGH SCHOOL GYMNASIUM ROOF

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To see if the town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money for the purpose of funding repairs to the Wareham High School gymnasium roof including ancillary costs, or take any action relative thereto.

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

ARTICLE 8 - TO TRANSFER FROM THE WATERWAYS ACCOUNT TO THE HARBORMASTER'S MAINTENANCE AND IMPROVEMENTS ACCOUNTS

To see if the town will transfer the sum of \$30,000.00 from the Waterways Account to the Harbormaster's Maintenance and Improvement Account or to take any action relative thereto.

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

ARTICLE 9 - TO TRANSFER FROM THE HARBOR SERVICES PERMITS RECEIPTS TO THE HARBORMASTER'S MAINTENANCE AND IMPROVEMENTS ACCOUNTS

To see if the Town will vote to transfer the sum of \$85,000.00 from the Harbor Services Permits Receipts Reserved for Appropriations Account, to be transferred to the Harbormaster's Maintenance and Improvements account or take any other action relative thereto.

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

ARTICLE 10 - CARDIAC MONITOR/DEFIBRILLATORS

To see if the Town will vote to transfer from available funds the sum of \$15,000.00, such funds to constitute the Town's 10% share of a Department of Homeland Security, Assistance to Firefighters and Emergency Services grant award for the purchase of four (4) cardiac monitor / defibrillators for use by the Emergency Medical Services department, or take any action relative thereto.

Inserted by the Board of Selectmen at the request of EMS

ARTICLE 11 – TRANSFER TO HARBORS AND BEACHES MAINTENANCE ACCOUNT

To see if the Town will vote to appropriate and transfer \$30,000.00 dollars from the waterways improvement and maintenance fund or any other available fund to the harbors and beaches maintenance account or take any action relative thereto.

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

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ARTICLE 12 – TRANSFER TO SIGN MATERIALS ACCOUNT

To see if the Town will vote to transfer \$25,000.00 dollars from the parking meter fund to the municipal maintenance department sign materials account or to take any action relative thereto.

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

ARTICLE 13 – TRANSFER TO LINE PAINTING ACCOUNT

To see if the Town will vote to appropriate and transfer \$25,000.00 dollars from the parking meter fund to the municipal maintenance line painting account or to take any action relative thereto.

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

ARTICLE 14 - TO FUND RECYCLING COMMITTEE ADDITIONAL \$3000

To see if the Town will vote to raise and appropriate or transfer an additional \$3000 to the recycling expense budget thus increasing the total to \$8000, or to take any action relative thereto.

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

ARTICLE 15 – FY2012 UNPAID BILLS

To see if the Town will vote to raise and appropriate or transfer from available funds or by any combination of the foregoing, a sum of money to pay unpaid bills of prior fiscal years, or to take any action relative thereto.

Woodard & Curran, Invoice No. 81142 for	\$6,687.37
Woodard & Curran, Invoice No. 81728 for	\$3,312.63
Community Newspaper Company	\$2,172.60
Total	\$12,172.60

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

ARTICLE 16 – PURCHASING WIND POWER

To see if the Town will vote to authorize the Board of Selectmen to negotiate the terms of and execute (or authorize the Town Administrator to execute), on such terms and conditions as the Board of Selectmen deem necessary and advisable, either (i) a net

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metering power purchase agreement with Future Generation Wind, LLC ("FGW") for the purchase of electricity and associated net metering credits to be generated from FGW's planned wind energy project to be co-located with the Mann Farms cranberry farm off Head of the Bay Road in Buzzard's Bay, Massachusetts (the "FGW Project") or (ii) a net metering credit purchase agreement with another municipality or governmental entity for the purchase of net metering credits to be generated in connection with the FGW Project, or to take any action relative thereto.

Inserted by the Board of Selectmen

ARTICLE 17 – SOLAR CREDIT PURCHASE AGREEMENTS

To see if the Town will vote to authorize the Board of Selectmen to enter into alternate energy power purchase and/or net metering credit purchase agreements, including solar energy and related net electricity metering credits, for terms of more than three years, on such terms and conditions as the Board of Selectmen deem in the best interest of the Town; and to authorize the Board of Selectmen to take all actions necessary to administer and implement such agreements; or act on anything relative thereto.

Inserted by the Board of Selectmen

ARTICLE 18 - SOLAR LEASE AT WASTEWATER TREATMENT PLANT

To see if the Town will vote to authorize the Board of Selectmen and/or Sewer Commissioners to negotiate and enter into a lease for the Waste Water Treatment Plant property located at 6 Tony's Lane shown on Assessor's Map 43, parcel number 1000, for a term of up to twenty years and on such terms as it determines to be in the best interest of the Town, such lease to be awarded to a developer and or operator for the design, permitting, construction, and operation of a solar installation for the purpose of creating renewable electrical energy on said property, and to change the purposes for which the Board of Selectmen and/or Sewer Commissioners hold said property to sewer use, general municipal purposes and disposal by lease to alternate energy companies, or take any action relative thereto.

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

ARTICLE 19 – COMMUNITY PRESERVATION FUND TRANSFER

To see if the Town will vote to transfer from the Community Preservation Fund FY2013 estimated annual revenues, the sum of \$10,400 for the Community Preservation Fund Administrative Reserve and \$369,602 for the FY 2013 Budgeted Reserve, or to take any action relative thereto.

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

ARTICLE 20 – CPC PRESERVATION AND RESTORATION OF OLD TOWN OFFICES

To see if the Town will vote to appropriate from the Community Preservation Fund, FY2013 estimated revenues, or any other monies available in the Community Preservation Fund, under the category of Historic Preservation, the sum of \$50,000 for the preservation and restoration of Old Town Offices, at 505 Main St., Center Park, Wareham, or to take any action relative thereto.

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

ARTICLE 21 – CPC REQUEST TO RESCIND ARTICLE 49 FROM SPRING 2010 TOWN MEETING

To see if the Town will vote to rescind Article 49 from Spring 2010 Town Meeting, which appropriated the sum of \$255,000 from the Community Preservation Fund FY2011 estimated annual revenues, under the category of Open Space, for the acquisition of the northern portion of the parcel of land now or formerly owned by BKT Realty Trust; Tucs Enterprises Inc; Assessors Map 117, Lot 1005A, or to take any action relative thereto.

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

ARTICLE 22 – TAX INCREMENT FINANCING AGREEMENT 1

To see if the Town will vote to: (a) approve the form of the Tax Increment Financing (TIF) Agreement by and between the Town of Wareham and the T. Marzetti Company on file with the Board of Selectmen; (b) designate as an Economic Opportunity Area land and buildings located on one tax parcel containing 2.52 acres located at 20 Kendrick Road, as further depicted on the Wareham Town Assessor's Map 108 Block 1006, Lot X, respectively and pursuant to Massachusetts General Laws Chapter 23A, § 3E; and (c) authorize the Board of Selectmen to execute the TIF Agreement and to take such other actions as are necessary or appropriate to implement the TIF Agreement or to take any action relative thereto.

Inserted by the Board of Selectmen at the request of Community & Economic Development Authority

ARTICLE 23 – TAX INCREMENT FINANCING AGREEMENTS 1A

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To see if the Town will vote to: (a) approve the form of two Tax Increment Financing (TIF) Agreements by and between the Town of Wareham ("Wareham" or "the Town"), the T. Marzetti Company ("T. Marzetti" or "the Company") and the respective owners of land and buildings located at 15 and 20 Kendrick Road currently on file with the Board of Selectmen; (b) designate as an Economic Opportunity Area both the land and buildings on two separate tax parcels containing 6.17 acres located at 15 and 20 Kendrick Road, as further depicted on the Wareham Town Assessor's Map 108 Block 1006, Lots N and U respectively and pursuant to Massachusetts General Laws Chapter 23A, § 3E; and (c) authorize the Board of Selectmen to execute the TIF Agreements and to take such other actions as are necessary or appropriate to implement the TIF Agreements or to take any action relative thereto.

Inserted by the Board of Selectmen at the request of Community & Economic Development Authority

ARTICLE 24 - TRANSFER OF HAMMOND SCHOOL

To see if the Town will transfer the care, custody and control of the Hammond School building and property as shown on Assessors Map 01, Page 1021 from the School Committee for school purposes to the Board of Selectmen for general municipal purposes and/or disposal, including in such grant of authority the authorization for the Board of Selectmen to convey the property and building to the CEDA Board, on such terms as the Board of Selectmen deems appropriate, or take any other action relative thereto.

Inserted by the Board of Selectmen at the request of Community & Economic Development Authority

ARTICLE 25 - TO AMEND THE WATERWAYS BYLAW – DIVISION IV, ARTICLE 1, SECTION 2 AND 2A

Amendment to the Waterways By-Law

To see if the town will vote to amend the Town of Wareham, Waterways Bylaw Division IV, Article 1, Section 2 and 2A or to take any action relative thereto:

Proposed

Purpose

The Town of Wareham's Waterways Regulations have been established in order to provide efficient utilization of harbor areas, to improve the safety of moored vessels, and to provide adequate space for the enjoyment of all the users of the harbors. This shall be done by controlling the placement of moorings, establishing standards for mooring tackle, and by establishing regular, systematic mooring inspections.

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Section 2 - Boat Regulations, Harbor Service Permit:

No person shall keep any vessel within the waters of the Town of Wareham, held by mooring or dock without first obtaining a Harbor Service Permit from the Harbormaster. This shall include all personal watercraft. No vessel may be anchored in the waters of Wareham for more than six (6) consecutive days without the consent of the Harbormaster Department. Anchoring shall be prohibited within all designated mooring areas. Anchorage may be at the discretion of the Harbormasters Department.

There shall be an annual fee for the harbor service permit which shall be assessed annually, with such fees being established by the Board of Selectmen in accordance with Massachusetts General Laws, Chapter 40, Section 22F.

The Harbormaster's office shall forward to each harbor service permit holder a bill indicating the due date of the fee. The bill shall be sent to allow 30 days for payment.

The Harbormaster shall issue a harbor service permit decal for the vessel listed on the permit and be displayed to identify that the annual fee has been paid. The harbor service permit shall be displayed in a location that is clearly visible at all times.

Applications for a harbor service permit may be obtained at the Harbormaster Department or on-line. A service fee will be charged for all harbor service permit applications submitted to the Harbormaster Department.

All fees collected by the Harbormaster Department shall be deposited in a receipt reserved for appropriation account to be used to defray the costs of operating the department.

Proposed

Section 2A – Boat Regulations / Mooring Regulations

All moorings shall meet the minimum standards as set forth below prior to placement. These standards are set for normal weather conditions. In the event of gale winds or stronger and/or extreme tides, it is the mooring owner's responsibility to ensure certain precautions are taken. The Town of Wareham Harbormaster Department realizes that mooring loads are variable, that it is impossible to say that all vessels of equal length require the same size mooring, and such standards cannot be applied to all vessels. The Harbormasters Department reserves the right to require a vessel owner to increase the minimum mooring standard for any vessel should they feel the minimum standard would be inadequate for the vessel because of unusual design, such as but not limited to, excessive weight, windage, or draft. Furthermore, the Town of Wareham shall not be held liable for any damage inflicted if a minimum standard mooring fails.

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All approved installations shall require the mooring system be inspected by a town approved mooring inspector prior to placement. Once the mooring system is inspected, with the approval of the Harbormaster, the available space within the requested harbor location may be designated.

The harbor service permit number shall be permanently labeled on the mooring ball and on the winter stick for identification purposes. Any mooring ball or winter stick that is not identifiable by the harbormaster may be removed from the waterways.

Wintering of mooring gear

All winter sticks shall be removed prior to June 1st of each year and any mooring having a winter stick attached after June 15th of each year shall be considered abandoned, in which case the harbormaster may remove or order the removal of the mooring. The Harbormaster may contact one or more salvage companies, who then may treat the mooring and associated ground tackle as salvage.

A reinstatement fee of \$75.00 shall be added to the Harbor Service Permit invoice if the owner would like to maintain the location after the winter stick and/or associated ground tackle is removed from the waters. The harbor service permit holder has ten days from the date of removal to contact the Harbormaster Department to reinstate the mooring. After the ten days, the harbor service permit will be revoked and the location will be issued to the next applicant on the waiting list for that area.

Any mooring that is not being used for the holding of a vessel shall be required to have a winter stick correctly attached prior to December 1st.

Permit and renewal process

Any harbor service permit not renewed prior to July 1st of each year, where the harbor service permit involves a mooring, shall be considered forfeited and any mooring, and associated ground tackle, in the waters of the Town of Wareham shall be considered abandoned. After July 1st an additional late fee of \$25.00 shall be added to the harbor service permit invoice.

If the Harbor Service Permit involving a mooring remains unpaid by August 1st, the Harbormaster shall send a notice by certified mail, return receipt requested to the primary address listed on the Harbor Service Permit. The letter will advise the permit holder of the by-law violation.

If the letter ***has not been responded to*** within 10 days of the mailing, the mooring and all associated ground tackle shall be removed from the waterways. If the harbor service permits holder ***responds*** to the certified letter after the removal of the mooring, the permit holder may request to reinstate the mooring to the location in

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writing to the Harbormaster. An additional reinstatement fee of \$125.00 shall be applied, in addition to the unpaid harbor service permit and the July 1st late fee.

All moorings that are permitted by the Harbormaster to be reinstalled shall be installed in the same fashion as a new mooring installation. The Harbor Service Permit holder shall be responsible for any and all storage, inspection and installation charges that may apply with the reinstallation by a town approved mooring installer.

In the event the certified letter has remained unanswered by September 1st, the harbor service permit shall be revoked and the location may be assigned to the next person on the mooring waiting list.

Mooring Specifications

The below listed specifications are minimum standards for **normal weather conditions**. Under storm conditions vessels should be removed from the waterways.

1. Unless otherwise approved by the Harbormaster, all new and replacement mooring anchors shall be of the type and minimum holding application listed below:

<u>Length of Vessel</u>	<u>Mushroom Anchor</u>	<u>Pyramid</u>	<u>Helix</u>
Under 12'	75 lbs.	75 lbs.	
12' to 15'	100 lbs.	100 lbs.	
15' to 20'	200 lbs.	200 lbs.	
20' to 25'	300 lbs.	300 lbs.	
25' to 28'	500 lbs.	500 lbs.	
28' and larger – Helical mooring required.			

*Helical moorings may be used in lieu of any application. Helical moorings may only be installed by a town approved installer.

2. Helix Anchor

The following specifications shall be considered the minimum allowable specifications of a helix mooring system.

(a) The shaft must be a minimum of 1 1/2" thick and at least six feet in length.

(b) The shaft and helix must be of galvanized or other non-corrosive metal, such as stainless steel.

(c) The shaft must be designed to allow the bottom chain to swivel around the shaft and to be replaced when necessary.

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(d) There shall be a minimum of 2 helixes attached to each shaft with the lower helix being a minimum of 8" in diameter and the top helix being a minimum of 8" in diameter.

(e) All chain and pennant specifications will remain consistent with the chain and pennant specifications.

(f) It shall be the responsibility of the Mooring Installer to assure that the proper size and length helix is used according to sub-soils within a given mooring area and for the vessel to be moored.

(g) The mooring installer shall record the position of the helix mooring by a GPS fix and record all the mooring specifications including the length of shaft, depth of mean high water, torque reading at set, all sizes and length of ground tackle. All information shall be filed with the Harbormasters Office within 10 days of work.

(h) All helix moorings shall be installed as close to flush with the bottom surface as possible with no more than 6" protruding above the bottom surface.

3. All mooring chain shall be manufactured of galvanized iron or stainless steel and shall be a minimum of size and length specified below: Any/all shackle(s) used shall be secured with stainless steel wire or plastic wire ties.

4. Navy / Anchor chain may be used to substitute all or a portion of the heavy chain requirements.

5. The use of Jaw Swivels and quick links are not allowed in the mooring system.

6. Effective January 1, 2016, it will be required that all concrete block style moorings be removed from the waterways and replaced with a system allowable under the Waterways Rules and Regulations. Harbor Service Permit Holders will have one calendar year to comply (ending January 1, 2017)

7. Concrete block style moorings not removed from the water after the deadline date of January 1, 2017 shall have the Harbor Service Permit Revoked and the Harbormaster shall order the immediate removal of the system from the waterways.

8. Any concrete block style mooring that fails a mooring inspection prior to January 1, 2016 shall be required to update the system with an allowable system as defined in the Waterways Rules and Regulations. Proof of removal of the concrete system must be provided to the Harbormaster prior to installing the updated system.

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Chain Specifications

<u>Length of Vessel</u>	<u>Heavy Chain</u>	<u>Light Chain</u>	<u>Navy Chain</u>	<u>Elastic Mooring System</u> **
Under 12'			3/8"	2X maximum water depth
12' to 15'	1/2"		3/8"	
15' to 25'	5/8"		1/2"	
25' to 35'	3/4"		5/8"	
35' to 45'	1"		3/4"	
45' and above	<i>- To be determined by Harbormaster and installer specifications</i>			

**In lieu of traditional chain moorings, an Elastic Environmental Mooring System may be permitted under the approval of the Harbormaster and the guidelines of the Manufacturers Specifications.

The length of the heavy chain shall be equal to 1.5 times the maximum depth of water at the mooring location. The length of the light chain shall be equal to the maximum water depth at the mooring location, except as specified above for boats under 12 feet in length.

Pennant Specifications

- a. Pennants shall be 2.5 times the distance from the water line to the bow.
- b. Pennants shall be constructed of nylon or polyester (Dacron) rope and shall be the minimum diameter as listed below:

<u>Length of Vessel</u>	
15' and under	3/8"
15' to 25'	1/2"
25' to 35' **	5/8" ** <i>see below</i>
35' to 45'	3/4"
45' to 55'	1"
55' and above ***	<i>see below</i>

* - *Stainless Steel Wire Rope may be substituted.*

** - *All Vessels Over 23' shall be required to have a double pennant. Vessels between 23' to 28' may use a single pennant if the minimum pennant diameter is upgraded to the next diameter line, with the approval of the Harbormaster.*

*** - *To be determined by Harbormaster and Mooring System Installer.*

- c. The use of polypropylene rope for pennants is prohibited.
- d. Pennants shall be periodically inspected for wear and/or damage.

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e. The use of chafe gear on pennants **is required** and shall cover an area of one foot on either side of the bow chocks.

9. The Harbormaster reserves the right to move any mooring within the towns designated mooring fields or reorganize any mooring field in a manner that will be able to utilize space more efficiently.

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

ARTICLE 26 – REPEAL PROVISIONS OF SPECIAL ACTS OF 1994

To see if the Town will vote to petition the Legislature to repeal the provisions of Chapter 152 of the Special Acts of 1994 entitled "An Act Relative To The Regulation Of Dogs In The Town Of Wareham" and to restore animal control hearing powers as provided for by Massachusetts General Laws Chapter 140, § 157 and any other applicable laws or to take any other action relative thereto.

Inserted by the Board of Selectmen at the request of the Dog By-Law Study Committee

ARTICLE 27 – EXTEND THE DOG BY-LAW STUDY COMMITTEE

To see if the Town will vote to extend the Dog By-Law Study Committee established pursuant to Article 32, Spring 2012 Town Meeting as amended and for the currently-appointed members of said committee, whose terms are due to expire November 1, 2012, to continue serving thereon until Spring 2013 Town Meeting, for the ongoing purpose of drafting by-laws relating to barking and dangerous dogs, and/or to provide majority or minority reports relating to same to said Spring 2013 Town Meeting, or take any other action relative thereto.

Inserted by the Board of Selectmen at the request of the Dog By-Law Study Committee

ARTICLE 28 - AN ACT CHANGING THE TOWN CHARTER PROVIDING FOR THE ELECTION OF SEWER COMMISSIONERS IN THE TOWN OF WAREHAM

To see if the Town will vote to petition the Great and General Court for special legislation in substantially the form set forth below, or take any other action relative thereto:

AN ACT PROVIDING FOR THE ELECTION OF SEWER COMMISSIONERS IN THE TOWN OF WAREHAM

SECTION 1. The charter of the town of Wareham which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws is hereby amended by striking out section 3-7 and, notwithstanding any general or special law to the contrary, inserting in place thereof the following section:-

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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 3-year terms, so arranged that the terms of as nearly an equal number of members as possible shall expire each year. Of the commissioners, at least 3 shall be sewer users and at least 1 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 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 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 shall include oversight of the sewer enterprise fund, setting rates and charges for the use of the sanitary sewer system, responsibility for the appointment of the sewer superintendent as set forth herein 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 sewer department shall be under the supervision of the sewer superintendent.
- (c) Appointments – Upon 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 and the person so appointed shall serve in that position until the next election.
- (d) Sewer Superintendent – The appointment of a sewer superintendent shall be made by the sewer commission and shall become effective on the fifteenth day following the day on which notice of the appointment has been filed with the board of selectmen unless the board of selectmen: (i) shall, within that period and by a majority vote of all of its members, reject such appointment; or (ii) have earlier voted to affirm it.
- (e) Powers and Duties of Sewer Superintendent -- The sewer superintendent shall be the chief administrative officer of the sewer department and shall be responsible to the sewer commissioners for the proper discharge of all duties of the office and for the proper administration of all sewer departmental affairs placed under his charge by or under the charter. His powers and duties shall include, but need not be limited to the following:
 - (i) He shall supervise, direct and be responsible for the efficient administration of all functions under his control, as may be

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authorized by the charter, by by-law, by other town meeting vote or by vote of the board of sewer commissioners.

- (ii) He shall appoint and remove, subject to the civil service law where applicable, all sewer department subordinates and employees. Within fifteen days following the day on which notice of the appointment is filed with the board of sewer commissioners, such board 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 sewer commissioners choose neither to affirm or reject, on the fifteenth day, the appointment made by the sewer superintendent shall become effective.
- (iii) He shall fix the compensation of all town officers and employees appointed by him within the limits established by appropriation and the provisions of town by-laws.
- (iv) He shall attend all regular and special meetings of the board of sewer commissioners, unless excused at his own request, and shall have a voice, but no vote, in all of its discussions.
- (v) He shall attend all sessions of the town meeting and shall answer all questions concerning warrant articles which are directed to him and which relate to matters under his general supervision.
- (vi) He shall see that all provisions of general laws, the charter, the by-laws and other votes of the town meeting and votes of the board of sewer commissioners which require enforcement by him, or officers and employees subject to his direction and supervision, are faithfully carried out and performed.
- (vii) He shall prepare and submit a proposed annual operating budget and a proposed capital outlay program.
- (viii) He shall keep the board of sewer commissioners fully informed as to the financial condition and needs of the sewer department, and shall make such recommendations to the board of sewer commissioners for actions to be taken by it as he deems to be necessary, advisable or expedient.
- (ix) He shall assure that full and complete records of the financial and administrative activities of the sewer department are kept and shall render full reports to the

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board of sewer commissioners at the end of each fiscal year and at such other times as it may reasonably require.

- (x) He shall have full jurisdiction over the rental and use of all sewer department facilities. He shall be responsible for the preparation of all plans for capital improvement work on any new or existing departmental facility. He shall be responsible for the supervision of all capital improvement work on new and existing facilities.
- (xi) He shall keep a full and complete inventory of all real and personal property of the sewer department.

SECTION 2. This act shall take effect upon its passage.

Or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 29 – HIRING OF FOUR SEASONAL LABORERS

To see if the Town will appropriate \$6,000 from the general fund, Internment Revenues, to hire up to four seasonal laborers for FY 2013 to maintain the three Cemeteries in 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 Cemetery Commissioners

ARTICLE 30 – HIRING OF ARBORIST

To see if the Town will appropriate a sum, not to exceed \$10,000 from the Sale of Lots and Graves Account to hire an Arborist to evaluate the health and conditions of the trees and shrubs in the three town owned cemeteries, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Cemetery Commissioners

ARTICLE 31 – AMEND ZONING BY-LAWS

To see if the Town will vote to amend the Zoning By-Laws by removing from the Multiple Residence 30 (MR-30) district the following described area and changing its designation to Commercial Strip (CS):

The following described area bounded and described as follows: bounded to the South by Cranberry Highway, to the West by Carver Road, to the North by Route 25 and to the East by the Weweantic River, or to do or act in any manner relative thereto.

OCTOBER 22, 2012
FALL TOWN MEETING WARRANT (CONT'D)

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

ARTICLE 32 - OAKDALE/CROMESETT BETTERMENT FEE

To see if the Town will vote to set a financial cap for the sewer work to be charged to the Oakdale/Cromesett Neighborhoods (Betterment Fee) of not more than \$18,000.

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

**ARTICLE 33 – TO HEAR THE REPORT OF THE BOARD OF SELECTMEN
RELATIVE TO THE WESTFIELD PROJECT**

To see if the Town will vote to hear the report of the Board of Selectmen relative to the Westfield project, or take any other action relative thereto.

Inserted by the Board of Selectmen

OCTOBER 22, 2012
FALL TOWN MEETING WARRANT (CONT'D)

You are hereby directed to serve this Warrant by posting attested copies thereof on or before September 14, 2012 in at least one public place in each precinct within the Town, and by publishing a copy of the Warrant by September 20, 2012.

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

Given under our hands this 13th day of September in the year 2012.

WAREHAM BOARD OF SELECTMEN

Stephen M. Holmes, Chairman

Cara A. Winslow, Clerk

Ellen M. Begley

Alan H. Slavin

Peter W. Teitelbaum

**OCTOBER 22, 2012
FALL TOWN MEETING WARRANT (CONT'D)**

A True Copy

ATTEST:

DATE: September , 2012

Steven P. Coughlin, Constable of Wareham

Plymouth, S.S.

Pursuant to the within Warrant, I have notified the inhabitants of the Town of Wareham herein described, to meet at the time and place for the purpose within mentioned by posting attested copies thereof in at least one public place in each precinct within the Town on or before September 16, 2011, and by causing this Warrant to be published on or before September 22, 2011.

Date: September , 2012

Steven P. Coughlin, Constable of Wareham

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

Date: September , 2012

Steven P. Coughlin, Constable of Wareham

In accordance with the Wareham Charter, Article 2 - Legislative Branch - Section 2-4, Town Meeting Warrants, Item (d), I have hand delivered a copy of the Warrant for the Annual Town Meeting to be held on October 22, 2012 at 7:00 o'clock p.m. to the Town Moderator, Chairman of the Finance Committee, Chairman of the Planning Board, Chairman of the Capital Planning Committee and Chairman of the Personnel Board.

Date: September , 2012

Steven P. Coughlin, Constable of Wareham