

FALL TOWN MEETING WARRANT
TOWN OF WAREHAM

OCTOBER 27, 2008

WAREHAM HIGH SCHOOL
7 VIKING DRIVE
WAREHAM, MA

7:00 PM

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH §

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 27, 2008 to act on the following articles:

ARTICLE: 1

To see if the Town will vote to raise and appropriate or appropriate and transfer from available funds a sum of money to amend or supplement the Fiscal Year 2009 budget, to defray the costs of a projected deficit or to do or act in any manner relative thereto.

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

MOTION: Mr. Paulsen

I move to lay on the table Article One until November the seventeenth at 7:00 p.m. Second

VOTE: 299 AFFIRMATIVE - 144 NEGATIVE – FAVORABLE TWO-THIRDS VOTE

November 17, 2008:

MOTION: Mr. Paulsen

I move that the Town will vote to amend the Fiscal 08' Spring Town Meeting as approved by reducing raise and appropriate from \$47,729,884 dollars to \$47,124,315 dollars or by \$605,569 dollars and no cents and to transfer an additional \$100,000 and no cents, a hundred thousand dollars, from Harbor Service Permit Fund to amend and supplement the Fiscal Year 2009 budget as printed in the Finance Committee's recommendations and as follows:

AMENDMENT: James Potter

I move favorable action on Article One, as amended. Second

AMENDMENT: John Bonell

I would like to amend the budget to return \$200,000 to the Library budget that was passed in April. Second

VOTE ON

AMENDMENT: 141 FAVORABLE AND 205 NEGATIVE – MOTION LOST

AMENDMENT: Geoff Swett

A motion to make an amendment to article number one to add one hundred thousand dollars to WTCF administrative fee for a total of nine hundred forty-nine thousand five hundred thirty-five dollars as approved in Article Six of the April 28, 2008 Annual Town Meeting to create a total proposed budget surplus of \$202,255 dollars; and to add to the appropriation for the Counsel on Aging a total of \$32,067 dollars for the Fiscal 2009 operating budget, with \$152,993 dollars for the Counsel on Aging wages and \$20,355 dollars for Counsel on Aging expenses; and to add to the appropriation for the Library, a total of \$135,000 dollars for the fiscal year 2009 operating budget, with \$313,852 for Library wages and \$117,622 dollars for Library expenses; and to add \$34,188 dollars to the reserve fund, for a total of \$334,188 dollars. Second

VOTE ON

AMENDMENT: 152 FAVORABLE AND 176 NEGATIVE – MOTION LOST

VOTE ON MAIN

MOTION: MAJORITY – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (7-0-0)

ARTICLE: 2

To see if the Town will vote to amend the By-laws of the Town of Wareham, Division I, Article II, Section Four, Boards, Committees, Commissions holding adjudicatory hearings, by adding the following:

For all Boards, Committees, Commissions holding adjudicatory hearings in the Town of Wareham, the provision of Mass. General Law Chapter 39, Section 23D, which provides that a member of a board, committee or commission holding an adjudicatory hearing shall not be disqualified from voting in any matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met, shall apply, or to do or act in any manner relative thereto.

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

MOTION: Ms. Cottuli

I move that the town will vote to amend the by-laws of the Town of Wareham, Division I, Article II, Section Four, Boards, Committees, Commissions holding adjudicatory hearings by adding the words "shall apply" to the end. Second

VOTE: UNANIMOUS – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (7-0-0)

ARTICLE: 3

To see if the Town will vote to change the fee for the written demand issued by the collector from the current fee of Five Dollars (\$5.00) to Fifteen dollars (\$15.00), to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective as of January 1, 2009, or to do or act in any manner relative thereto.

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

MOTION: Ms. Bronk

I move that the town will vote to change the fee for the written demand issued by the collector from the current fee of Five Dollars (\$5.00) to Fifteen dollars (\$15.00) to be added to and collected as part of the tax, as authorized by Massachusetts General Laws, Chapter 60. Section 15, effective as of January 1, 2009. Second

VOTE: MAJORITY – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (3-1-0)

The Finance Committee Voted: Favorable Action (7-0-0)

ARTICLE: 4

To see if the Town will vote to rescind Article 18 voted at the April 2008 Town Meeting, which was to replace two front line cruisers for the Wareham Police Department, or to do or act in any manner relative thereto.

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

MOTION: Mr. Cheever

I move that the town will vote to rescind Article 18 voted at the April 2008 Town Meeting, which was to replace two frontline cruisers for the Wareham Police Department. Second

VOTE: MAJORITY – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (3-0-1)

The Finance Committee Voted: Favorable Action (7-0-0)

ARTICLE: 5

To see if the Town will vote to raise and appropriate or transfer from available funds and authorize the payment of a fiscal year 2008 bill from the Kopelman and Paige, P.C., the Town Legal Counsel, in the amount of forty-three thousand, eight hundred and six dollars and twenty-two cents (\$43,806.22), or to do or act in any manner relative thereto.

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

MOTION: Mr. Paulsen

I move that the town will vote to raise and appropriate \$43,806.22 and authorize the payment of the Fiscal Year 2008 bill from Kopelman and Paige, P.C., the Town Legal Counsel. Second

AMENDMENT: Geoff Sweat

Motion to table Article Five until November 17, 2008 - Second

VOTE ON

AMENDMENT: 214 AFFIRMATIVE – 239 NEGATIVE – MOTION FAILS

VOTE ON MAIN

MOTION: 406 AFFIRMATIVE – 43 NEGATIVE – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (7-0-0)

ARTICLE: 6

To see if the Town will vote to raise and appropriate or transfer from available funds and authorize the payment of a fiscal year 2008 bill from NSTAR in the amount of eight hundred seventy-six dollars and seventy-nine cents (\$876.79), or to do or act in any manner relative thereto.

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

MOTION: Mr. Cammarano

I move that the town will vote to raise and appropriate \$876.79 and authorize the payment of Fiscal Year 2008 a bill from NSTAR – Second.

VOTE: UNANIMOUS – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (7-0-0)

ARTICLE: 7

To see if the Town will vote to transfer from Community Preservation Fund FY2009 estimated annual revenues a sum of money to the Community Preservation fund reserves for future appropriation as follows; \$94,000 for Affordable Housing Reserve; \$94,000 for Open Space Reserve; and \$94,000 for Historic Preservation Reserve, and \$658,000 for the FY2009 Budgeted Reserve, or to do or act in any manner relative thereto.

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

MOTION: Mr. White

I move that the town will vote to transfer from Community Preservation Fund to FY2009 Estimated Annual Revenues a sum of money to the Community Preservation Fund Reserves for future appropriation as follows: \$94,000 for Affordable Housing Reserve, \$94,000 for Open Space Reserve, and \$94,000 for Historic Preservation Reserves and \$658,000 for the FY 2009 Budgeted Reserve. Second

VOTE: UNANIMOUS – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (7-0-0)

ARTICLE: 8

To see if the Town will vote to appropriate from Community Preservation Historic Preservation Reserve the sum of \$94,000 and from Community Preservation estimated annual revenues the sum of \$18,528, totaling \$112,528 for payment of debt service on the Tremont Nail property and further to appropriate from the Community Preservation Open Space Reserve the sum of \$8,023 for payment of debt service on the property known as Bryant Farm, which purchases were authorized by vote of the April 2004 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

MOTION: Mr. Paulsen

I move the town will vote to appropriate from Community Preservation Historic Preservation Reserve the sum of \$94,000 and from Community Preservation estimated annual revenues the sum of \$18,528 for payment of debt service on the Tremont Nail property and further to appropriate from the

Community Preservation Open Space Reserve the sum of \$8,023 for payment of debt service on the property known as Bryant Farm, which purchases were authorized by vote by the April 2004 Town Meeting. Second

VOTE: UNANIMOUS – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (6-0-1)

ARTICLE: 9

To see if the Town will vote to appropriate under the category of Historic Preservation, the sum of \$100,000 for additional costs to preserve, restore and rehabilitate the Memorial Town Hall roof, such sums to be added to the amount appropriated for such purposes by vote of the October 2007 Town Meeting; and to meet said appropriation, to transfer said funds from the Community Preservation Fund FY2009 estimated annual revenues or to borrow said funds pursuant to G.L. c44B §11 or any other enabling authority, and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes therefore, or to do or act in any manner relative thereto.

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

MOTION: Ms. Cottuli

I move that the town will vote to appropriate under the category of Historic Preservation, the sum of \$100,000 for additional costs to preserve, restore and rehabilitate the Memorial Town Hall roof, such sums to be added to the amount appropriated for such purposes by vote of the October 2007 Town Meeting; and to meet said appropriation, to transfer said funds from the Community Preservation Fund FY2009 estimated annual revenues or to borrow said funds pursuant to G.L. c44B §11 or any other enabling authority, and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes therefore. Second

AMENDMENT: Stanley Andrews

I would like to make an amendment to this article and strike “or to borrow said funds pursuant to G.L. c44B §11 or any other enabling authority, and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes therefore. Second

VOTE ON

AMENDMENT: MAJORITY – FAVORABLE ACTION

AMENDMENT: Irving Russell

I would like to move to amend the one hundred thousand dollars to ninety-seven thousand dollars. Second

VOTE ON

AMENDMENT: MAJORITY – FAVORABLE ACTION

VOTE ON MAIN MOTION

AS AMENDED: MAJORITY – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (2-1-1)

The Finance Committee Voted: Favorable Action (4-3-0)

ARTICLE: 10

To see if the Town will vote to appropriate from the Community Preservation estimated annual revenues under the category of Open Space and Recreation, the sum of \$25,000 for a feasibility study of a proposed bike path 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 Community Preservation Committee

MOTION: Ms. Cottuli

I move the town will vote to appropriate from the Community Preservation estimated annual revenues under the category of Open Space and Recreation, the sum of \$25,000 for a feasibility study of a proposed bike path in the Town of Wareham. Second

VOTE: MAJORITY – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (7-0-0)

ARTICLE: 11

To see if the Town will vote to appropriate from Community Preservation estimated annual revenues under the category of Open Space and Recreation, the amount of \$400,000 for Phase II of the Great Neck Conservation Project; the acquisition of a conservation restriction with respect to approximately 19.55 (+/-) acres (a plan of which, titled "Plan of Land Showing Conservation Restriction to be Created at Great Neck Road- Assessor's Map 27, Lots owned by the Barker Family Trust, as described on Assessors Map 27, Parcels 1000 & 1009 in Wareham, Massachusetts (Plymouth County)," dated May 30, 2008, prepared for Robert H. Barker, Jr. by J.C. Engineering Inc., is on file with the Town Clerk), being a portion of a 33-acre parcel of land identified as Assessor's Map 27, Lot 1000 and described in deeds recorded with the Plymouth County Registry of Deeds in Book 9983, Pages 292 and 294, owned by the Barker Family Trust, such real property to be jointly under the care, custody and control of the Conservation Commission of the Town of Wareham and the Wareham Land Trust, a non-profit organization, and to be managed jointly by said Conservation Commission of the Town of Wareham and the Wareham Land Trust; and further to rescind the Town's vote under Article 26 of the October 2007 Town Meeting, appropriating funds and authorizing borrowing for such purposes, or to do or act in any manner relative thereto.

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

MOTION: Mr. Paulsen

I move that the town accept the wording of the warrant item under Article Eleven. Second

VOTE: TWO-THIRDS MAJORITY – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (6-0-1)

ARTICLE: 12

To see if the Town will vote to appropriate from Community Preservation estimated annual revenues under the category of Open Space and Recreation, the sum of \$5,000 for new trails and updated brochures of the Town owned William Minot Forest and Wildlife Sanctuary or to do or act in any manner relative thereto.

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

MOTION: Mr. Cheever

I move that the town will vote to appropriate from Community Preservation funds estimated annual revenues under the category of Open Space and Recreation, the sum of \$5,000 and no cents for new trails and updated brochures of the town owned William Minot Forest and Wildlife Sanctuary. Second

VOTE: UNANIMOUS – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (7-0-0)

ARTICLE: 13

To see if the Town will accept the donation of a 1.36 acre undeveloped parcel of land, Lot 1005, Map 45, known as 33 Indian Neck Rd., at the corner of Indian Neck Rd. and Minot Ave., from the property owner John C. Decas, for conservation purposes, or take any other action relative thereto.

Inserted by the Conservation Commission

MOTION: Mr. White

I move that the Town vote to accept the donation of a 1.36 acre undeveloped parcel of land, Lot 1005, Map 45, known as 33 Indian Neck Road, at the corner of Indian Neck Road and Minot Avenue from the property owner John C. Decas for conservation purposes. Second

AMENDMENT: Brenda Eckstrom

I would like to make an amendment to the article just at the end of it to say, “Contingent upon receiving a clean 21E. Second

VOTE ON

AMENDMENT: MAJORITY – FAVORABLE ACTION

VOTE MAIN MOTION

AS AMENDED: MAJORITY – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action as amended (5-0-0)

The Finance Committee Voted: Favorable Action (8-0-0)

ARTICLE: 14

To see if the Town will vote to transfer property located at 18-20 Allen Street shown on Assessors map 50F, lots 140 and 141 currently in the custody of the Treasurer/Collector to control of the Board of Selectmen for sale through the M.G.L. Chapter 30B process, or to do or act in any manner relative thereto.

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

MOTION: Mr. White

I move that the Town vote to transfer property located at 18 and 20 Allen Street shown on Assessors map 50F, lots 140 and 141 currently in the custody of the Treasurer/Collector to the control of the Board of Selectmen for sale through the M.G.L. Chapter 30B process. Second

VOTE: TWO-THIRDS MAJORITY – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (7-0-0)

ARTICLE: 15

To see if the Town will Delete Division IV Article III in its entirety and replacing it with the following:

EXCAVATION, EARTH REMOVAL, FILLING BYLAW

Section 1. Purpose

To leave land in a safe and convenient condition for appropriate reuse without requiring excessive and unreasonable maintenance or resulting in damage to public and private property;

To provide that excavation, earth removal or filling activities shall be conducted in a safe manner with due regard to safety and with minimal detrimental effect upon the environment of the district in which the activities are located;

To ensure that excavation, earth removal or filling activities are conducted in a manner that will not cause undue stress to municipal resources and adjacent neighborhoods; and

To ensure the protection of groundwater resources throughout the community including, but not limited to wellhead protection areas and the Plymouth-Carver aquifer.

Section 2. Definitions

- A. Board – The Wareham Board of Selectman.
- B. Commercial Mining – The extracting of ore, earth, or minerals from the ground for sale, trade, profit or other considerations.
- C. Earth – All forms of soil, including but not limited to clay, gravel, hard pan, humus, ore, loam, peat, rock, sand or stone.
- D. Excavation – Removal of earth, whether such removed earth is taken away from the premises or placed in another location on the premises.
- E. Filling – Addition of earth, whether such addition originates from another location on the premises or originates from off the premises.
- F. Permit – Permit issued by the Board, pursuant to this Bylaw, allowing earth removal activities subject to conditions.

- G. Premises – One lot or all abutting lots or parcels, which are, or are proposed to be, in the same ownership or use, together with all buildings and structures thereon.
- H. Removal – Stripping, excavating, commercial mining, agricultural excavation, excavation due to construction or blasting earth and rearranging it on the same lot or carrying it away from the lot.
- I. Town – Town of Wareham

Section 3. Authority

The Town of Wareham's Board of Selectmen shall review and decide all applications under the jurisdiction of this Bylaw.

Section 4. Applicability

Except as provided otherwise in this Bylaw, no earth shall be excavated, removed or filled without the issuance of a permit from the Board of Selectmen as the granting authority.

A. Prior to any work being done, notification, in writing, must be provided to the Board regarding all excavation, earth removal or filling in excess of 100 cubic yards occurring in the Town. This notification will provide the name and address of the owner(s), exact location of the activity, estimated amount of cubic yards involved in the activity, a brief description of the activity and any other information that the Board deems appropriate. This information is needed by the Board in order to make a determination if this Bylaw applies to the activity. Failure to provide this notification will be considered a violation of the Bylaw.

B. Existing earth excavation, removal, or filling activities still in effect 45 days after the effective date of this Bylaw, will be required to provide the Board with the required information noted in Section 4.A above and will be required to obtain a Permit, if applicable, under this Bylaw.

Section 5. Activities Prohibited

A. Clear-cutting vegetation and stripping of topsoil on a site before permits have been issued for the intended use of the site is prohibited unless limited clearing is required for pre-development work including, but not limited to, site access, surveying, and test pits pursuant to accepted engineering practices.

B. Any excavation or earth removal to within ten (10) feet of the seasonal high water table.

C. Any excavation to a depth below the mean grade of an adjacent serving street or in the immediate vicinity of the street.

D. Commercial Mining in the Wareham Zoning District R-130.

Section 6. Activities Exempt

The following activities shall be exempt from permitting requirements under this Bylaw:

A. Activities associated with excavation, removal or filling of less than 100 cubic yards of earth per year;

B. Activities associated with excavation, removal or filling of earth on land owned or operated by the Town of Wareham;

C. Activities necessary for the construction of streets and the installation of utilities;

D. Activities performed in connection with any state and/or federal projects;

E. Activities necessary for normal agricultural uses as defined under M.G.L. c131, s40, 310CMR 10.04 (a) land in agricultural use, (b) normal maintenance of land in agricultural use, and (c) normal improvement of land in agricultural use. This agricultural-related work does not include the removal of earth for sale, trade or other considerations.

F. Any activities incidental to and reasonably required for the legal operation of a cemetery.

Section 7. Earth Removal Regulations

The Board may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including but not limited to, application, inspection, and/or consultant fees) procedures and administration of this Excavation, Earth Removal and Filling Bylaw by majority vote of the Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date. After public notice and public hearing, the Board may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure of the Board to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

Section 8. Surety

The Board shall require a bond or other security determined sufficient by the Board to be posted in the name of the Town, including an enforceable consent to entry easement, assuring satisfactory performance in the fulfillment of the requirements of the permit as the Board may impose. The Board may require, as a condition of issuing a Permit under this Bylaw, that the applicant record a license authorizing the Town, its agents or contractors, to gain access to the property for the purpose of performing the restoration work secured by the bond or guaranty posted under this paragraph. In a particular case, the Board may find that such a security is not warranted, and will state its decision, giving the specific reasons for its finding.

Section 9. Minor and Major Excavation, Earth Removal, Filling Permit Status Determination

Activities requiring a permit under this bylaw shall be categorized as “Minor” or “Major” in accordance with the provisions below.

A. Minor Excavation, Earth Removal, Filling Permit

(1.) Activities in existing or proposed residential, non-residential or mixed use developments greater than 100 cubic yards but less than 1,000 cubic yards of earth per aggregate site area.

B. Major Excavation, Earth Removal, Filling Permit

- (1.) Activities in existing or proposed residential, non-residential or mixed-use developments greater than 1,000 cubic yards of earth per aggregate site area.
- C. Determination of Applicability

Applicants for any Permit shall indicate to the Board whether their project shall be reviewed as a Minor or Major project as part of the application submittal. The Board shall confirm or refute the applicant's claim in writing with a Letter of Determination within fourteen (14) days of receiving an application. Such confirmation shall not restrict the Board from later remanding the plan to a different status if revised information is presented during the review process indicating that the status should be changed.

D. Segmentation

Applicants for any Excavation, Earth Removal, or Filling Permit that hold contiguous undeveloped land potentially subject to future excavation, earth removal, filling activities shall provide information to the Board detailing the nature of future activities to the greatest extent practicable. Successive Minor Earth Removal applications may not be filed for the same lot or contiguous lots in common ownership within a five (5) year period. Between five (5) and ten (10) years of a previously issued earth removal permit, any future earth removal activities on the same lot or contiguous lots in common ownership that would otherwise qualify as a minor project shall be deemed a major project by the Board.

Section 10. Minor and Major Earth Removal Permit Procedures and Application Contents

Applicants for any Excavation, Earth Removal or Filling Permit shall follow the procedures and provide the information specified by the Rules and Regulations associated with this Bylaw.

Section 11. Performance Standards and Determination

The following performance standards shall apply to Minor or Major Earth removal permits as specified below and as they are applicable to the excavation, earth removal, filling operations. The Board shall use these performance standards as the basis for any determination to approve, approve with conditions, or deny a permit application. The Board may summarily condition a Permit approval to meet these standards by referencing this section of the Bylaw. The Board may also modify any of the following performance criteria as part of a conditional approval in order to ensure that operations will not be injurious, dangerous, obnoxious or offensive to people in the general vicinity by reason of the emission of odor, fumes, dust, smoke, vibration, noise, heat, glare, or other nuisances observable at the lot lines or the immediate neighborhood. Where waivers have been provided for certain procedures or plan requirements as part of a formal petition under the Rules and Regulations associated with this Bylaw, associated performance standards shall not apply.

A. Minimum Performance Standards for All Permits.

- (1) Operation hours, including warm-up and repairs of equipment shall be only between 7 A.M. and 3 P.M., Monday through Friday, and trucks may enter and leave prescribed premises only within such hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the vehicle. There will be no convoying (three (3) or more trucks) of trucks entering or leaving the prescribed premises;

- (2) The operation shall not require the transportation of materials over

particular public streets on which undue congestion or hazards will be created, or on which undue injury to the roadway surfaces will be sustained;

(3) The Permit holder shall be responsible for necessary cleaning of spillage of materials on all public ways as a result of operation. If for reasons of safety, it becomes necessary for the Town to clean and remove spillage, the cost shall be charged to the permit holder. The Town may halt all activities until such time that said expenses are reimbursed. The Permit holder shall be responsible for all damage to public ways from traffic occurring in connection with the permit, entering and exiting the site;

(4) The maximum depth of the excavation shall be ten (10) feet above the highest water level as determined by the monitoring wells installed pursuant to the Rules and regulations associated with this Bylaw except where excavation is specifically designed to provide improvements to surface or groundwater quality through the use of structural Best Management Practices;

(5) Excavations shall not be permitted at an elevation which is lower than the street;

(6) When the depth of excavation is five (5) feet or less as measured from grade through the entire width of the cross section, earth may be removed to within twenty-five (25) feet of an abutting residential property line and shall be restored to a maximum (3:1) grade up to this setback, unless the excavation is backfilled to grade;

(7) When the depth of excavation is greater than five (5) feet, as measured through the entire width of the cross section, earth may be removed to within fifty (50) feet of abutting residential property lines and shall be restored to a maximum (2:1) grade up to this setback unless the excavation is backfilled to grade;

(8) For any depth of excavation, earth may be removed to within twenty-five (25) feet of abutting non-residential property lines and shall be restored to a maximum (3:1) grade up to said property line. These standards shall not necessarily apply to adjacent lots in common ownership or where deviations from these standards will provide for complementary design between properties;

(9) No area shall be excavated so as to cause accumulation of free standing water unless free standing water is integral to the post-construction purpose of the activity and acceptable to the Board. Permanent drainage and siltation control shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into surface water;

(10) No excavation or associated activities shall be allowed closer than two hundred (200) feet to any water resource within the jurisdiction of the Conservation Commission, except for existing bogs, also subject to their approval. Natural vegetation shall be left and maintained on the undisturbed land;

(11) All debris, stumps and boulders shall be disposed of at a facility specifically designed to perform this type of disposal unless reused on-site as part of future operations in a manner acceptable to the Board;

(12) The applicant agrees by acceptance of the permit to allow the Town or its representatives free access to the site to conduct inspections to determine compliance with

the conditions of the permit at any time without notice;

(13) The Permit is not transferable without prior approval from the Board. Transfer of equity ownership or legal interest in the subject property shall be considered a transfer. The pledging of such, to secure a mortgage or other loan shall not be considered a transfer unless the lender should acquire ownership or interest by foreclosure; and

(14) If contamination occurs as a result of the excavation, earth removal, or filling operation, the applicant will be held totally responsible and will be required to restore the site to pre-activity conditions.

B. Additional Performance Standards for Major Earth Removal Permits.

(1) Access roads shall be constructed in a manner that precludes any trucks from turning more than 90 degrees to enter or leave the site. All access roads shall be properly secured during the non-operational hours of the excavating process and this security will remain in effect until the property has been restored and seeding and planting have begun growth;

(2) All access roads leading to the public ways shall be paved in a manner suitable to the intended vehicle load for a distance of two hundred (200) feet back from said public ways unless such surfacing will impact adjacent resource areas or essential elements of on-site operations. On-site refueling of equipment shall be performed only on access roads to the greatest extent practicable;

(3) Limits of excavation shall be set by stakes located every one hundred (100) feet with a minimum of three (3) feet exposed. A vertical control monument shall be installed in a readily accessible location;

(4) Active earth removal operations shall not exceed a total of five (5) acres at any one time. Each five (5) acre section shall be restored prior to the beginning of the next five (5) acre section. No trees shall be removed from the next five (5) acre section until the first five (5) acre section has been appropriately restored, but allowing for reasonable access to the next five (5) acre section. The extent and sequencing of phasing may be altered by the Board where changes are deemed to be equally or more protective of the natural environment;

(5) Any temporary shelters or buildings erected on the premises shall be screened from the public view. These structures shall be removed from the premises within thirty (30) days after termination of operation prior to the release of securities;

(6) Within thirty (30) days following completion of operation, final grading shall be established and shown on the approved topographical plan;

(7) All Excavation, Earth Removal and Filling must be compliant with applicable state and local standards regarding stormwater management; and

(8) Records showing the amount of earth removal shall be provided monthly by the permit holder, and quarterly reports, certified by a registered professional engineer, shall also be submitted to the Board or its designee. The method of measurement of materials removed shall be determined by the Town's engineer or designee. The Board

may require more frequent reports if it deems that circumstances warrant them. Reports to the Board by said engineer shall be at the permit holder's expense.

Section 12. Validity

The invalidity of any section or provision of this section shall not invalidate any other section of provisions thereof, or to do or act in any manor relative thereto

Inserted by Board of Selectmen

MOTION: Mr. Paulsen

I move that the town will vote to delete Division IV, Article III, in its entirety and replace it with text as printed in the warrant. Second

MOTION: Melody Conway

I would like to propose an amendment for further study. Second

VOTE ON AMENDED

MOTION: MAJORITY – FAVORABLE ACTION

MAIN MOTION AS

AMENDED: MAJORITY – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (4-2-1)

ARTICLE: 16

To see if the Town will vote to authorize the Community Events Committee to expend a sum of money as approved by Article 28 at the April 23, 2007 Annual Town Meeting and consistent with the authorization of the Special Act submitted and approved by the general court in April 2008. Such funds will solely be used for the continuing support and assistance of community events, projects, activities, services, programs and public improvements which are of mutual interest to residents and visitors of the Town, or to do or act in any manner relative thereto.

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

MOTION: Mrs. Bronk

I move that the town will vote to authorize the Community Events Committee to expend a sum of money as approved by Article 28 at the April 23, 2007 Annual Town Meeting and consistent with the authorization of the Special Act submitted and approved by the general court in April 2008. Such 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. Second

AMENDMENT: Carl St. Pierre

I move to amend Article Sixteen by striking, "to expend a sum of money" and inserting "not to exceed \$40,000 thousand dollars." Second

VOTE ON AMENDED

MOTION: MAJORITY – UNFAVORABLE ACTION

AMENDMENT: Ms. Cottuli

I move that the town will vote to authorize the Community Events Committee to expend \$41,702 dollars from Community Events funds as approved by Article Twenty-eight, etc. Second

VOTE ON AMENDED

MOTION: MAJORITY – FAVORABLE ACTION

VOTE ON MAIN MOTION

AS AMENDED: UNANIMOUS – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (7-0-0)

ARTICLE: 17

To see if the Town will delete **Division V, Article II, Section 2** of the By-laws of the Town of Wareham and insert in place thereof:

Section 2: Sewer Construction in New Developments:

1. The developer of any subdivision which is within a reasonable distance of an existing sewer line must receive a permit to tie in to the sewer system from the Sewer Commissioners before presenting the subdivision plan to the Planning Board or any other required authority. No permits shall be considered by the Sewer Commissioners for subdivisions until the twelve areas identified are sewerred, as identified in the Comprehensive Wastewater Management Plan/Single Environmental Impact Report (CWMP/SEIR), approved by the Department of Environmental Protection (DEP) on April 19, 2002. The twelve needs areas are, alphabetically: Agawam Beach, Beaver Dam Estates, Cromesett Park, Linwood and Ladd Avenues, Mayflower Ridge, Oakdale, Parkwood Beach, Rose Point, Sunset Island, Tempest Knob and Weweantic Shores. Once all the identified needs areas are serviced with sewer, the Sewer Commissioners may consider a connection of a subdivision to the existing sewer as capacity of the Water Pollution Control Facility may allow. If connection to the existing sewer is granted, all costs for the connection and any associated costs shall be borne by the Developer. A “reasonable distance” shall be determined by the Sewer Commissioners, who shall consider the size, nature and location of the subdivision in relation to its proximity to the existing sewer line.
2. When a developer installs sewers in proposed streets or rights-of-way in anticipation of the extension of an existing sewer, the cost of the building connections shall be borne by the Developer; the Town will not install lines or assess betterment charges for sewers in the subdivision.
3. The design of any proposed sewer construction under this section must be reviewed by the Town’s contracted sewer design engineering firm, at the Developer’s expense, and approved by the Sewer Commissioners prior to the issuance of permit.
4. When the design of any proposed sanitary sewer includes any appurtenances, such as but not limited to, pumps or grinder pumps, such appurtenances shall be subject to prior review by the Town’s contracted sewer design engineering firm, at the Developer’s expense, and prior

approval of the Sewer Commissioners, provided all requirements contained in Section 2.5 are strictly adhered to.

5. All appurtenances, as outlined in Section 2.4, shall receive approval of the Sewer Commissioners prior to the submission of any plans for the sanitary sewer. Requests for review and approval must contain all information regarding project flow, loadings and other information deemed necessary by the Sewer Commissioners or their engineer to conduct their review. The request must also contain specifications and drawings indicating the type of equipment proposed.
6. All sewer construction under this Article, which includes any items defined in Section 2.4, shall provide a reliable emergency power source to the equipment necessary for the continuation of service.
7. The owner of all such appurtenances, in order to ensure the proper operation and long term maintenance of the same, shall be required to provide the Sewer Commissioners with a current signed agreement, on a yearly basis or longer term, with a reputable firm or person qualified in such operation and maintenance, to provide such maintenance. An annual report of the maintenance performed shall be submitted to the Sewer Commissioners by the owner or its contractor on or before January 15th of each year. If an annual report is not submitted by January 15th for the previous year, the owner shall be subject to a fine of twenty dollars per day (including Saturdays, Sundays and holidays) until the report is received by the Sewer Commissioners. Under no circumstances shall the Town assume any responsibility for the proper operation or maintenance of any privately owned system.
8. A fee, as set by the Sewer Commissioners, shall be charged for the connection of any appurtenances as outlined in Section 2.4 to the Town's sewer system. The fee shall be based on the proposed daily flow capacity of the facilities installed and any other factors related to the sewer service provided by the Town, including but not limited to, Administrative expenses.
9. In developments served by any owner-installed appurtenances, the owner shall apply for individual house connection permits as issued by the Town. The Town shall issue said permits and shall fully inspect each connection, provided the application complies with the provisions of this By-Law and other pertinent regulations and provided that all fees, as set in this Section have been paid in full. In the event that a connection is made solely by gravity means, then all normal permits and fees shall apply.
10. Any proposed development for commercial or industrial use shall be required, at the time of filing a proposal or request for approval, to specify the proposed use and type of discharge of the occupants or if unknown at the time of proposal, as soon as available thereafter. It shall remain the obligation of the owner and user of said units to report to the Sewer Commissioners any use or discharge which may require further treatment or study. Failure to provide accurate information regarding said use or discharge may be grounds to deny a proposal or request for approval or to commence an enforcement action or to impose penalties pursuant to Article IX.

The Town reserves the right to full control of flow from any appurtenance installed into the public system. A shut-off device, approved by the Sewer Commissioners or their agent(s) shall be installed at the entry point to the public system. A shut-off key, or similar device shall be provided to the Sewer Commissioners or their agent(s). The owner shall ensure that the device is always operational and accessible. In the event that any shut-down of the system is required, then advance notice shall be given, if possible, to all affected systems prior to shut-down. The owner or their agent(s) shall provide the Sewer Commissioners or their agent(s) with the names and telephone numbers of two (2) separate contacts who have control over said appurtenances. Proper disposal of any sewerage which backs-up or overflows shall remain the responsibility of the owner, with no costs or loss of revenue incurred by the Town or Sewer Commissioners, or to do or act in any manor relative thereto.

Inserted by Board of Selectmen

MOTION: Ms. Cottuli

I move that the town will vote to delete Division V, Article II, Section II of the By-Laws of the Town of Wareham and insert in the text as printed in the warrant. Second

AMENDMENT: Charlie Rowley

I would amend the article for further study. Second

VOTE ON AMENDED

MOTION: 192 AFFIRMATIVE – 116 NEGATIVE - MAJORITY – FAVORABLE ACTION

VOTE ON MAIN

MOTION AS AMENDED: MAJORITY – FAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (5-2-0)

ARTICLE: 18

To see if the Town will vote to amend the General By-Laws of the Town of Wareham by inserting at Division VI Article II the following:

STANDARDS FOR NITROGEN IN WASTEWATER

A. PURPOSE AND INTENT: To establish town-wide nitrogen loading standards for wastewater discharges and disposal in the Town of Wareham. These standards will protect the public health and welfare of the town's citizens, and minimize quantifiable, negative impacts to drinking, fresh and coastal water quality and natural resources.

B. STANDARDS:

1.) NEW CONSTRUCTION

- a.) One to four homes or a total wastewater flow of less than 2,000 gallons per day (gpd) must achieve a nitrogen standard of 14 part per million (ppm) or less.
- b.) Five or more homes or a total wastewater flow greater than 2,000 gpd must achieve a nitrogen standard of 5 ppm or less.

2.) EXISTING DWELLINGS/BUILDINGS

- a.) If the Board of Health determines that a septic system has failed, it must be replaced with a nitrogen reducing septic system that meets the standard in section B above.
- b.) If the Board of Health determines that an upgrade/expansion is needed to the current septic system due to an addition or remodel of the property, a nitrogen reducing septic system that meets the standard in section B above, will be utilized.

C. MAINTENANCE:

- 1.) ONE TO FOUR HOMES OR A TOTAL WASTEWATER FLOW LESS THAN 2,000 GPD – These systems will require an annual certification that the system is achieving the nitrogen standard. This certification will be performed by professional personnel acceptable to the Board of Health. This certification will be reported to the Board of Health. All costs for this certification will be borne by the property owner.
- 2.) FIVE OR MORE HOMES OR A TOTAL WASTEWATER FLOW GREATER THAN 2,000 GPD - These systems will require a quarterly certification that the system is achieving the nitrogen standard. This certification will be performed by professional personnel acceptable to the Board of Health. This certification will be reported to the Board of Health. All costs for this certification will be borne by the property owner.

D. MONITORING AND ENFORCEMENT: The Board of Health will have sole responsibility for the implementation and enforcement of these standards. The Board of Health may institute regulations that will assist in the enforcement and monitoring of these standards. Neither the Board of Health nor any other Town Board or Town Official will issue an occupancy permit unless these standards have been met, or to do or act in any manor relative thereto.

Inserted by Board of Selectmen

MOTION: Mr. Cheever

I move that the town will vote to amend the General By-Laws of the Town of Wareham by inserting a Division VI, Article II, the text as printed in the warrant. Second

AMENDMENT: Brenda Eckstrom

I would like to amend the article under Section B, Standard One, New Construction, Section A by deleting the number fourteen and replacing it with nineteen, and then B, Standard One, New Construction B by deleting five and replacing it with ten, and delete C 1 and C 2 in its entirety and replace it with Nitrogen Reducing Septic Systems shall be under an operation and maintenance agreement in accordance with the requirements of the certification issued by the state. Second

MOTION: Cliff Sylvia

Mr. Moderator I would like to move the question on the amendment and the main motion.

VOTE: UNANIMOUS – FAVORABLE ACTION

VOTE ON AMENDED

MOTION: 107 AFFIRMATIVE – 153 NEGATIVE – UNFAVORABLE ACTION

VOTE: MAJORITY – UNFAVORABLE ACTION

The Board of Selectmen Voted: Favorable Action (4-0-0)
The Finance Committee Voted: Favorable Action (6-1-0)

ARTICLE: 19

To see if the Town will vote to adopt a Personnel Plan, effective July 1, 2009, which supersedes and rescinds any prior Personnel By-law(s) and/or Personnel Plan(s) of the Town, such Personnel Plan being on file in the office of the Town Clerk, or to do or act in any manner relative thereto.

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

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted:

The Finance Committee Voted: Favorable Action (6-1-0)

ARTICLE: 20

To see if the Town will vote, pursuant to M.G.L. c. 82A and 520 CMR 14.00, to authorize the Town Administrator to designate a Board or officer that is to act as the Town's permitting authority for the issuance of permits for the purpose of creating a trench, as that term is defined at 520 CMR 14.02, or to do or act in any manner relative thereto.

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

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: Favorable Action (4-0-0)

The Finance Committee Voted: Favorable Action (7-0-0)

ARTICLE: 21

Honorable Board of Selectmen
Wareham, Massachusetts

September 9, 2008

We the undersigned registered voters of the Town of Wareham, do hereby petition the Board of Selectmen to insert the following in the Warrant for the 2008 Annual Fall Town Meeting:

To see if the Town will vote to amend the By-Laws of the Town of Wareham, Division 1, Article 1, Town Meetings, by adding "**held in the Wareham High School Auditorium and**" in the third paragraph of Section 1. The entire sentence will be changed as follows:

From:

"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."

To:

"The general business portion of the Spring and Fall Town Meetings shall be **held in the Wareham High School Auditorium and** 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."

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

Inserted at the request of Geoffrey W. Swett, et al.

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: No Action (4-0-0)

The Finance Committee Voted: To abstain from voting (7-0-0)

ARTICLE: 22

Honorable Board of Selectmen
Wareham, Massachusetts

September 9, 2008

We the undersigned registered voters of the Town of Wareham, do hereby petition the Board of Selectmen to insert the following in the Warrant for the 2008 Fall Town Meeting:

To see if the Town will vote to establish a committee to research the potential uses/disposition of the property known as the Swifts Beach Property taken by the Town by eminent domain. The committee shall explore the feasibility of sub-dividing the property in order for the Town to maintain the approximately 660 feet of beach front for recreational use. In addition the committee shall explore the possible income generating uses of the remainder of the property. Those possible uses could include, but are not limited to long term leasing, beach club, beach parking or outright sale. The committee shall report its findings to Town Meeting members at the April 2009 Town Meeting.

The committee shall have seven members as follows: one member of the Board of Selectmen; one member of the Finance Committee; one member of the Planning Board; one member of the Community Preservation Committee; and three volunteer members of the community to be appointed by the majority of the above named members.

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

Inserted at the request of William G. Heaney, et al

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: No Action (4-0-0)

The Finance Committee Voted: Unfavorable Action (8-0-0)

ARTICLE: 23

To see if the Town will vote to take the following action:

Replace the sentence in the Town Charter - Section 7 – 10; Recall of Elected Officials Part (e) (Page 31) which reads:

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 (c) above.

with the sentence:

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 will be deemed to replace the recalled incumbent. If the majority of the votes is in the negative, the ballots for candidates need not be counted, except as provided in (c) above. If more than one officer is recalled, these officers are

replaced by the same number of incumbents, selected from those who have received the highest number of votes.

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

Inserted at the request of Robert Brady, et al

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: No Action (4-0-0)

The Finance Committee Voted: To refer article to Charter Review Committee (7-0-0)

ARTICLE: 24

To see if the Town will vote to take the following action:

Replace the sentence in the Town Charter - Section 7 – 10 Recall of Elected Officials Part (f) (Pages 31 and 32) which read:

If the officer is recalled in the election, he shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term.

With the sentence:

If the officer is recalled in the election, he/she shall be deemed removed upon the qualification of his successor, as specified in Section 3 – 1 (b) Eligibility, who shall hold office during the unexpired term

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

Inserted at the request of Robert Brady, et al

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: No Action (4-0-0)

The Finance Committee Voted: To refer article to Charter Review Committee (7-0-0)

ARTICLE: 25

To see if the Town will vote to take any or all of the following actions:

Replace the sentence in Town Charter Section 5 – 3 - Submission of proposed town budget which reads:

*Within a time fixed by by-law before the date on which the town meeting is to meet in the spring of each year, no later than December fifteenth, the town administrator, **under** the direction of the board of selectmen, shall submit to the finance committee a proposed budget for the ensuing fiscal year with an accompanying budget message and supporting documents.*

With the sentence:

*Within a time fixed by by-law before the date on which the town meeting is to meet in the spring of each year, no later than December fifteenth, the town administrator, **directed by** the board of selectmen, shall submit to the finance committee a proposed budget for the ensuing fiscal year*

with an accompanying budget message and supporting documents.

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

Inserted at the request of Robert Brady, et al

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: No Action (4-0-0)

The Finance Committee Voted: To refer article to Charter Review Committee (7-0-0)

ARTICLE: 26

Change the sentence in the Town Charter Section 7 – 5 Uniform Procedures (b) (Page 27) which reads:

*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.*

to read:

*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.*

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

Inserted at the request of Robert Brady, et al

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: No Action (4-0-0)

The Finance Committee Voted: To refer article to Charter Review Committee (7-0-0)

ARTICLE: 27

To see if the Town will vote to take any or all of the following actions:

Replace the sentence in Charter Section 5 – 6 -Action of the Proposed Budget; Section (c) Presentation to Town Meeting (page 23):

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.

With the following sentences:

When the Town Administrator's 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. The only budget initially to be put before the town meeting is that of the Town Administrator.

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

Inserted at the request of Robert Brady, et al

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: No Action (4-0-0)
The Finance Committee Voted: To refer article to Charter Review Committee (7-0-0)

ARTICLE: 28

To see if the Town will vote to take any or all of the following actions:

Add the following to the end of Charter Section 5 – 6 (c):

Proposed amendments to the budget are to be allowed on either the revenue or expenditure side of the budget without restriction at any point during which the budget is under discussion.

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

Inserted at the request of Robert Brady, et al

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: No Action (4-0-0)
The Finance Committee Voted: To refer article to Charter Review Committee (7-0-0)

ARTICLE: 29

To see if the Town will vote to take any or all of the following actions:

Add the following to Charter Section 3 – 4 (b):

The Moderator must recuse himself when ruling on any conflict between the Board of Selectmen and any other person or persons, individually or collectively if there is a selectmen on the board to whom he/she is related by blood or marriage within one generation (inclusive) or to whom his spouse is related by blood or marriage within one generation (inclusive).

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

Inserted at the request of Robert Brady, et al

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: No Action (3-0-1)
The Finance Committee Voted: To refer article to Charter Review Committee (7-0-0)

ARTICLE: 30

To see if the Town will vote to take any or all of the following actions:

Add the following to Charter - Section 7 – 5 (b):

All meeting minutes are to be corrected if necessary and approved by their respective board or

commission within 14 day of the meeting itself.

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

Inserted at the request of Robert Brady, et al

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: No Action (4-0-0)

The Finance Committee Voted: To refer article to Charter Review Committee (7-0-0)

ARTICLE: 31

To see if the Town will vote to take the following action:

Replace the sentence in Bylaw Section 6, pages 1 and 2:

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

with the sentence:

No person elected Selectman on or after January 1, 1973 shall hold any other elective Town office, serve on any other town board, or serve on any town commission during his term of office as Selectman

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

Inserted at the request of Robert Brady, et al

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: No Action (4-0-0)

The Finance Committee Voted: To refer article to Charter Review Committee (7-0-0)

ARTICLE: 32

To see if the Town will vote to take the following action:

Replace the Sentence in Bylaws Division I; Article II; Board Meetings and Hearings, Section 1
Page 2:

The Selectmen, Assessors, Board of Public Welfare, and any other regularly elected boards or committees shall cause to be posted at the Town Office building, a notice of the hour and place of their regular meetings.

with the sentence:

The Selectmen, Assessors, Board of Public Welfare, and any other regularly elected boards or committees shall cause to be posted at the Town Office building at a single designated location, electronically via the News & Announcements system

(<http://www.wareham.ma.us/subscriber.shtml>), and on the Town's Website, a notice of the hour and place of their regular meetings at least 24 hours prior to that meeting.

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

Inserted at the request of Robert Brady, et al

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: No Action (4-0-0)

The Finance Committee Voted: To refer article to Charter Review Committee (7-0-0)

ARTICLE: 33

To see if the Town will vote to take the following action:

Following Bylaws Division I; Article II; Board Meetings and Hearings, Section 1 Page 2 sentence:

The Selectmen, Assessors, Board of Public Welfare, and any other regularly elected boards or committees shall cause to be posted at the Town Office building, a notice of the hour and place of their regular meetings.

Or that sentence as amended, add the following sentence:

All Board of Selectmen Executive Sessions must be called from Open Meetings that are announced by postings at the Town Office building at a single designated location, electronically via the News & Announcements system (<http://www.wareham.ma.us/subscriber.shtml>), and on the Town's Website, that give notice of the hour and place of the open meeting and the justification for the Executive Session as specified by M.G.L Chapter 39, Section 23B. at least 24 hours prior to that meeting

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

Inserted at the request of Robert Brady, et al

Town Meeting dissolved on November 17, 2008 after completing only eighteen articles.

The Board of Selectmen Voted: No Action (4-0-0)

The Finance Committee Voted: To refer article to Charter Review Committee (7-0-0)

You are hereby directed to serve this Warrant by posting attested copies thereof on or before Friday, September 19, 2008 in at least one public place in each precinct within the Town, and by publishing a copy of the Warrant by October 9, 2008.

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 at Wareham this 16th day of September in the year 2008.

WAREHAM BOARD OF SELECTMEN

A True Copy, Attest:

Steven P. Coughlin
Constable of Wareham

James L. Potter, Chairman

Bruce D. Sauvageau, Clerk

John P. Cronan

M. Jane Donahue

Brenda Eckstrom

Plymouth, S.S.

Date: September 19, 2008

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 19, 2008, and by causing this Warrant to be published on or before October 9, 2008.

Date: September 19, 2008

Steven P. Coughlin, Sr.
Constable of Wareham

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

Date: September 19, 2008

Steven P. Coughlin, Sr.
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 Fall Town Meeting to be held on October 27, 2008 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 19, 2008

Steven P. Coughlin, Sr.
Constable of Wareham