

W A R R A N T  
ANNUAL SPRING TOWN MEETING

TOWN OF WAREHAM

APRIL 5, 2011  
(ELECTION)

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

APRIL 25, 2011  
(GENERAL BUSINESS PORTION)

WAREHAM HIGH SCHOOL  
VIKING DRIVE  
WAREHAM, MA 02571

7:00 O'CLOCK P.M.

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COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, S.S.

TO EITHER OF THE CONSTABLES OF THE TOWN OF WAREHAM

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town qualified to vote in Town affairs to meet in **Precinct 1:** Wareham Town Hall, 54 Marion Road; **Precinct 2 and Precinct 3:** Dudley L. Brown VFW, 4 Gibbs Ball Park Road, Onset; **Precinct 4 and Precinct 5:** John W. Decas School, 760 Main Street, South Wareham; **Precinct 6:** Wareham Lodge of Elks, 2855 Cranberry Highway, East Wareham on Tuesday, April 5, 2011 at 8:00 o'clock a.m. for the election of Town officers designated in the official ballot, to be adjourned until Monday, April 25, 2011 at 7:00 o'clock p.m. in the High School Auditorium , 7 Viking Drive, Wareham, MA at which time the general business of the Town shall be transacted, and to act on the following articles:

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

ARTICLE 1

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

Inserted by the Board of Selectmen

ARTICLE 2

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

Inserted by the Board of Selectmen

ARTICLE 3

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

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

ARTICLE 4

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

Inserted by the Board of Selectmen

ARTICLE 5

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

Inserted by the Board of Selectmen

ARTICLE 6

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

To see if the Town will vote to raise and appropriate and transfer from available funds, to defray charges and expenses of the Town, including debt and interest, and to provide for a Reserve Fund for the Fiscal Year beginning July 1, 2011 and ending June 30, 2012 and as more particularly described in the report of the Wareham Finance Committee, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 7

To see if the Town will vote to raise and appropriate Two million three hundred and seventy five thousand one hundred and seventy three and no cents (\$2,375,173.00) as its share of the operating and capital costs of the Upper Cape Cod Regional Vocational-Technical High School District for the Fiscal Year July 1, 2011 through June 30, 2012, or to do or act in any manner relative thereto.

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

ARTICLE 8

To see if the Town will vote to raise and appropriate or transfer from available funds operating Budget \$150,000.00 to the stabilization fund, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 9

To see if the Town will vote to appropriate \$6,230,399.00 from the Water Pollution Control Enterprise Fund: Salary and Wages \$711,913.00; Expenditures (includes debt) \$5,518,486.00, in accordance with Chapter 44, Section 53F-1/2 of Massachusetts General Laws to defray the operating and capital expenses of the Water Pollution Control Enterprise Fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 10

To see if the Town will vote to appropriate Six hundred and seventy three thousand ninety five dollars and no cents (\$673,095.00) to the Emergency Medical Services salaries and wages account and One Hundred sixty two thousand two hundred and nineteen dollars and no cents (\$162,219.00) to the Emergency Medical Services general expense account, still further, to authorize a Eight hundred and thirty five thousand three hundred and fourteen dollars and no cents (\$835,314.00) in estimated receipts of the Emergency Medical Services to be used to offset said appropriation in accordance with MGL Chapter 44, Section 53E, or to do or act in any manner relative thereto.

APRIL 25, 2011  
 SPRING TOWN MEETING WARRANT (CONT'D.)

Inserted by the Board of Selectmen

ARTICLE 11

To see if the Town will vote to transfer \$40,000.00 from receipts reserved for appropriation from the Harbor Service Permit fees to the General Fund Operating Budget to defray the cost of Harbormaster Seasonal Personnel, or to do or act in any manner relative thereto.

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

ARTICLE 12

To see if the Town will vote to approve and all of the following G.L. c. 44, §53½ revolving funds, or to do or act in any manner relative thereto:

<u>Revolving Fund</u>	<u>Authorizing to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY(current) Spending Limit</u>	<u>Disposition of FY (prior) Fund Balance</u>	<u>Spending Restrictions or Comments</u>
COA/Transportation	COA/Transportation	User Fees/	Transportation	200,000	Unencumbered balance available for expenditure	
Library	Library	Fines/fees/ Fund Raising	Supplies, books	20,000	Unencumbered balance available for expenditure	
COA/Social Programs/Daycare	COA/Social Programs	User Fees/ Fund Raising	Programs, supplies, equipment, contracted instructors and any other related expenses	50,000	Unencumbered balance available for expenditure	
COA/Activities	COA/Activities	User Fees/ Fund Raising	User Fees/ Fund Raising	50,000	Unencumbered balance available for expenditure	
Recreation	Director of Social Services	Programs, Supplies, Equipment, Contracted instructors and any other related expenses	Programs, supplies, equipment, contracted instructors and any other related expenses	50,000	Unencumbered balance available for expenditure	
Recycling	Chair of Recycling Committee with approval of Town Administrator	Programs, receipts from recycling programs and projects, proceeds from fundraising activities and donations	User Fees/ Fund Raising	50,000	Unencumbered balance available for expenditure	

Inserted by the Board of Selectmen

ARTICLE 13

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

To see if the Town will vote pursuant to Chapter 44, Section 53E-1/2 of the general laws to authorize the use of a revolving fund for the purpose of all day kindergarten tuition, programs, supplies, equipment, wages, salaries, fringe benefits and any related expenses, which fund shall be credited with receipts from user fees, proceeds of fund raising activities, donations and other related receipts under the authority and direction of the Superintendent of Schools, acting with the approval of the School Committee, such expenditures not to exceed \$307,000 expended in fiscal year 2012, and further that the unencumbered balance as of the close of the fiscal year 2011 in the existing kindergarten revolving account be transferred to the revolving fund established for fiscal year 2012, or to do or act in any manner relative thereto.

Inserted by the Wareham School Committee

ARTICLE 14

To see if the Town will vote pursuant to Chapter 44, Section 53E-1/2 of the general laws to authorize the use of a revolving fund for the purpose of special education tuition, programs, supplies, equipment, wages, salaries, fringe benefits and any related expenses, which fund shall be credited with receipts and under the authority and direction of the Superintendent of Schools, acting with approval of the School Committee; such expenditures not to exceed \$307,000 expended in fiscal year 2012, and further that the unencumbered balance as of at the close of the fiscal year 2011 in the existing special education revolving account be transferred to the revolving fund established for fiscal year 2012, or to do or act in any manner relative thereto.

Inserted by the Wareham School Committee

ARTICLE 15

To see if the Town will vote to raise and appropriate or transfer from the Onset Pier Parking Fund \$30,000.00 to be used to defray the costs of federally mandated signage inventory for Municipal Maintenance, or to do or act in any manner relative thereto.

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

ARTICLE 16

To see if the Town will vote to raise and appropriate or transfer from receipts reserved for appropriation to the general fund \$57,600.00 to defray the costs, demolition of condemned property in the inspectional services budget and to defray the costs of tax title filing in the Town Treasurer/Collector's office, or to do or act in any manner relative thereto.

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

ARTICLE 17

To see if the Town will vote to raise and appropriate or transfer from receipts reserved for

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

appropriation from the wetlands protection fee \$25,000.00 to the general funds budget, or to do or act in any manner relative thereto.

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

ARTICLE 18

To see if the Town will vote to accept the provisions of M.G.L. c. 64L s. 2(a) authorizing the imposition of a Local Option Meals Excise at a rate .75% on the sale of restaurant meals originating within the town, or to do or act in any manner relative thereto.

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

ARTICLE 19

To see if the Town will vote to amend the amount of the local excise imposed under G.L. c.64G, §3A pm the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments within the town to an amount of 6%, or to do or act in any manner relative thereto.

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

ARTICLE 20

To see if the Town will vote to rescind the use of a revolving fund account allowed under Article 18 of the April 26, 2010 Annual Town Meeting for the purpose of passport supplies, equipment, postage and any related expense, which was voted on May 3, 2010, under Chapter 44, Section 53E-1/2 of the general laws, or to do or act in any manner relative thereto.

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

ARTICLE 21

To see if the Town will vote to amend the Town of Wareham By-laws and place in the appropriate place the following addition:

**1. Barking / Howling Nuisance**

It shall be unlawful for the owner, keeper, or persons responsible for a dog to permit such dog to disrupt another person's right to peace or privacy by making loud and/or continuous noise which is plainly audible off the owner's or keeper's premises. The provisions of Massachusetts General Laws, Chapter 140, Section 157, shall be applicable to dogs exhibiting such behavior, as if said section was fully set forth herein.

In the event of a failure to correct howling/barking nuisance of dogs, there shall be a Fifty dollars (\$50.00) for each offense as permitted by Massachusetts General Laws, Chapter 140, Section 173A.

**2. Barking / Howling Nuisance – Remedies**

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

Upon complaint of a barking/howling dog which has been creating a public nuisance for at least ten (10) continuous minutes where such noise is plainly audible at a distance of one hundred fifty (150) feet or more from the building or premises, or in the discretion of the Animal Control Officer, the Animal Control Officer or any Police Officer may issue a written warning, which may be followed by a citation issued to the owner or keeper of the offending dog for failure to remedy the parking/howling nuisance. Failure of the owner or keeper to remedy the nuisance may result in the issuance of penalties as set forth by the by-laws and in any disciplinary actions voted by the Board of Selectmen in accordance with Massachusetts General Laws, Chapter 140, Section 157, including but not limited to, impoundment, permanent confinement, banishment from the Town of Wareham, and euthanasia.

**3. Vicious / Threatening Dogs**

It shall be unlawful for the owner, keeper, or person responsible for a dog exhibiting vicious, dangerous or potentially dangerous behavior, to fail safeguard humans or other animals from this dog. The provisions of Massachusetts General Laws, Chapter 140, Section 157, shall be applicable to dogs exhibiting such behavior, as if said section was fully set forth herein.

In the event of a failure to safeguard people or animals from vicious dogs, there will be a Fifty dollars (\$50.00) fine for each offense as permitted by Massachusetts General Law, Chapter 140, Section 173A.

**4. Dangerous / Potentially Dangerous:**

Dangerous: Any dog, which, according to the records of the Animal Control Officer or other appropriate authority, has:

- A. inflicted injury on a human being without provocation; or
- B. has killed a domestic animal without provocation; or
- C. any dog owned or harbored primarily, or in part, for the purpose of dog fighting or any dog trained for dog fighting.

Or to do or act in any manner relative thereto.

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

ARTICLE 22

To see if the Town will vote to amend its General Bylaws by adding a new Section, Division XI, Article I as follows, or take any other action relative thereto:

DIVISION XI  
ARTICLE I  
POLICE DETAIL FOR CITIZENS

Section 1. Should police department personnel while on duty in service to the department be dispatched or be caused to respond to an incident involving criminal activity and/or disturbing the peace, trespassing, underage drinking or assault, at a particular property or location, the Police

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

Chief is hereby authorized and empowered to assign to such property or location a member or members of the department to staff such paid police detail or details as the Police Chief deems appropriate to protect the health, safety and welfare of the inhabitants of the Town of Wareham.

Section 2. Such assignment of a detail shall only occur after the following procedures:

1. The department shall record the number of such incidents and after two such incidents in any twelve-month period, the Police Chief shall cause a copy of this bylaw to be sent by regular and certified mail to the property owner or management company of record according to the most recent records of the assessor's office.
2. After the fourth such incident in any twelve-month period, the Police Chief, in his discretion, should notify the property owner by certified and regular mail of his decision to assign said detail commencing seven days after the date of such notice.
3. The property owner may request, in writing, a hearing before the chief of the department within said seven days to appeal the Police Chief's decision to assign a detail. The Police Chief shall promulgate rules, procedures and regulations relative to same.

Section 3. If, after termination by the Police Chief of a paid detail, police department personnel while on duty in service to the department are again dispatched or caused to respond to an incident at a particular property as described in subsection A of this section, within sixty days of such termination, the Police Chief is hereby authorized and empowered to again assign a paid detail to such property or location as he shall deem appropriate, following the procedure as set forth in subsection B of this section.

Section 4. For the purpose of this section, "paid police detail" shall mean one or more otherwise off-duty member or members of the Wareham police department assigned by the Police Chief, to a particular property or location for the purpose of presence, monitoring, patrol, supervision and otherwise acting to maintain the peace and good order of and at the property or location to which such member or members of the police department is or are assigned.

Section 5. Paid police details shall be of a minimum of four hours in duration.

Section 6. The member or members of the police department staffing such paid police details, shall be paid therefore at the rates set by the Town of Wareham or the Wareham police department, and such paid police details shall be subject to such other rules and regulations of the department, that pertain to police details other than as provided for under this section.

Section 7. The Police Chief or his designee shall keep an accurate record of the number of paid police details assigned to a particular property or location under this section and of the number of members of the department staffing such paid police details and the chief of the department or his designee shall forward such information to the office of the treasurer-collector.

Section 8. In addition to the other duties of the treasurer-collector, it shall be the duty of, and the treasurer-collector is hereby authorized and empowered to, bill to the record owner of the

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

particular property or location the costs of such paid police details assigned thereto, pursuant to G.L. c. 40, s. 58. The costs shall, if unpaid, become an unpaid fee for purposes of G.L. c. 40, s. 58 and become a lien on the property.

Section 9. The owner of record of the particular property or location to which such paid police detail or details have been assigned under this section, who has been billed for the costs of such paid police details assigned thereto pursuant to this section, shall pay to the treasurer-collector all amounts so billed within thirty days of the date of such bill prepared and tendered by the treasurer-collector.

Section 10. All amounts so collected by the treasurer-collector shall be deposited into the general fund of the city and used to pay the member or members of the department for the service rendered in staffing the paid police details provided for pursuant to this section.

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

ARTICLE 23

To see if the Town will vote to raise and appropriate or transfer from the Cemetery sales of lots and graves fund a sum of \$15,000 Dollars to a special account for the routine care and maintenance of the Town cemeteries or to do or act in any manner relative thereto.

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

ARTICLE 24

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

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

ARTICLE 25

To see if the Town will vote to authorize the transfer of \$25,000.00 Twenty Five thousand and no cents from Receipts Reserved For Appropriation Community Events funds drawn from 70% of the Hotel/Motel Tax and 40% from the Parking Meter Fund to the Community Events Special Revenue Account. The funds will solely be used for the continuing support and assistance of community events, projects, activities, services, programs and public improvements which are of mutual interest to residents and visitors of the Town, or to do or act in any manner relative thereto.

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

ARTICLE 26

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ninety-nine thousand two hundred and twenty four dollars and no cents (\$99,224.00) to pay for the

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

second year of a three year lease for 8 police cruisers and 1 police SUV and to authorize the Town Administrator to expend such funds that are necessary for this action, or to do or act in any manner relative thereto.

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

ARTICLE 27

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Fifty Five Thousand Two Hundred and Sixty Dollars and no cents (\$55,260.00) to pay for defibrillators for the police vehicles, or to do or act in any manner relative thereto.

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

ARTICLE 28

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Fifty Thousand Dollars and no cents (\$50,000.00) to pay for the first year of a three year lease for Three (3) police cruisers and to authorize the Town administrator to expend such funds that are necessary for this action, or to do or act in any manner relative thereto.

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

ARTICLE 29

To see if the Town will vote to accept G.L. c. 64L, § 2(a) to impose a local room occupancy tax, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 30

To see if the Town will vote to transfer a sum of money from the Passport Revolving Fund Account, established at the April 26, 2010 Town Meeting under Article 18, to supplement the Town Clerk's budget in order to bound several Marriage Intention Record books in order to preserve same, or to do or act in any manner relative thereto.

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

ARTICLE 31

To see if the Town will vote to hear and act on the report of the Community Preservation Committee, on the Fiscal Year 2012 Community Preservation budget and further to reserve for future appropriation from Community Preservation Fund FY2012 estimated annual revenues,

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

\$30,000 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2012; or to do or act in any manner relative thereto.

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

ARTICLE 32

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

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

ARTICLE 33

To see if the Town will vote to appropriate from the Community Preservation Affordable Housing Reserve Fund, or any other monies available in the Community Preservation Fund, the sum of \$50,000 to South Shore Housing, dba, "Depot Crossing" for general rehabilitation of the apartments in the affordable housing complex, or to do or act in any manner relative thereto.

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

ARTICLE 34

To see if the Town will vote to appropriate from the Community Preservation Affordable Housing Reserve Fund, or any other monies available in the Community Preservation Fund, the sum of \$50,000 to the Wareham Housing Authority for the replacement of exterior doors at the affordable housing complex, "Agawam Village", or to do or act in any manner relative thereto.

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

ARTICLE 35

To see if the Town will vote to appropriate from the Community Preservation Fund FY2012 Estimated Annual Revenue, or any other available monies in the Community Preservation fund,

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

under the category of Historic Preservation, the sum of \$20,000 to update and redraw the maps of the Parker Mills Historic District, Center Park Historic District and the Narrows Historic District and also to survey the proposed expansion areas of Center Park Historic District and Parker Mills Historic District, or to do or act in any manner relative thereto.

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

ARTICLE 36

To see if the Town will vote to appropriate from the Community Preservation Estimated Annual Revenues, or any other monies in the Community Preservation Fund under the category of open space pursuant to the Community Preservation Act G.L. c. 44B, the sum of \$375,000 for Phase II of the Weweantic River Corridor Project as follows, **(1)** to authorize the Wareham Conservation Commission and or the Board of Selectmen to utilize a portion of these funds, along with any state, federal and other outside grants and funds to acquire by purchase, gift or otherwise for conservation/passive recreation, in fee simple, land described as Assessors Map 75; lots 1004 (Ninety Six LLC, owner) and 1005 (Eagle Holt Company, Inc., owner) and a portion of lot 1003, (Ninety Six LLC, owner) totaling +/- 27.5 acres; and further to authorize the Wareham Conservation Commission and/or the Board of Selectmen to grant to a nonprofit organization qualified and willing to hold such restriction, a perpetual conservation restriction as required under G.L. c. 44B Section 12(a) on said property, and further to **(2)** and to authorize the Board of Selectmen and/or the Conservation Commission to acquire on behalf of the Town of Wareham a permanent conservation restriction on the land to be acquired by the Coalition for Buzzards bay Inc. described as Map 76, lots 1000a, 1000b and 1000c totaling +/- 4.5 acres; and further to **(3)** authorize the said Conservation Commission and or the Board of Selectmen to file on behalf of the Town, any and all applications deemed necessary for grants and/or reimbursements from State and Federal programs and to execute all such agreements as may be necessary on the part of the Town to complete such acquisition and/or reimbursement, and or to do or take any action relative thereto.

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

ARTICLE 37

To see if the Town will convey to the Wareham Affordable Housing Trust Fund, said parcels of land, known as the DePaolo, Subon Co., Striar and Marotta properties, as part of the subdivision identified as Seawood Springs development identified as follows: Map 114A lots 1001,1002, 1003,1004, 5, 82, 100; Map 114B lots 1000, 101, 105 to 109 inclusive, 112 to 124 inclusive, 126 to 135 inclusive, 141 to 145 inclusive, 155 to 215, inclusive, 219, 88, 89, 93, 94, 95, 99; Map 114C-2, lots, 300, 304, 319, and Map 114E lots 1000, 379, 383, 394, in exchange for the Trust paying the costs associated with the takings. These properties shall be deed restricted for the longest time allowable by law and used solely for the creation and preservation of affordable housing as defined by Massachusetts General Law and with the approval of the Wareham Affordable Housing Trust, or to do or take any action relative thereto.

Inserted by the Board of Selectmen at the request of the Wareham Affordable Housing Trust Board

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

ARTICLE 38

To see if the Town will vote to change the Town Charter Article 3 Section 3-5 Board of Assessors (c). The following is to be inserted after the first sentence and prior to the second sentence:

Prior to the appointment of a Director of Assessment, the position will be properly posted in Town Hall, trade publications/websites and local news media. The posting will occur no later than 30 days after the vacancy of the position. An interviewing committee shall be formed which will consist of a minimum of 3 members. At least one member shall be a member of the Board of Assessors and the remaining members shall be determined by the hiring authority. These additional members will have knowledge of the position and qualifications needed to fill the position.

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

Inserted by Steven Curry, Et. Al.

ARTICLE 39

**To see if the Town will amend Division III, Article II, Anti-Noise Regulations by adding the following changes identified in bold print.**

**Section 1.** It shall be unlawful for any person or persons occupying or having charge of any building, premises, **motor vehicle, boat or conveyance** or any part thereof in the town, other than that section of any establishment licensed under Chapter 138 of the General laws, to cause or suffer or allow any unnecessary, loud, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise, where the noise is plainly audible at a distance of one hundred and fifty feet from the building, structure, vehicle or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of one hundred and fifty feet from the **building, premises, motor vehicle, boat or conveyance** from which it originates shall constitute prima facie evidence of a violation of this By-Law.

**It shall be unlawful for any person or persons being in control of a motor vehicle, boat or conveyance to cause an unnecessary, loud, excessive, or unusual noise in the operation of such vehicle, boat or conveyance. The fact that the noise is plainly audible at a distance of one-hundred and fifty feet from the motor vehicle from which it originates shall constitute prima facie evidence of a violation of this By-Law.**

**It shall be unlawful for any person or persons present or having charge of any building, premises, motor vehicle, boat or conveyance or any part thereof in the town, other than that section of any establishment licensed under Chapter 138 of the General Laws, to cause or suffer or allow, between the hours of 11:00 P.M. and 7:00 A.M., any**

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

**unnecessary, loud, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise. The fact that the noise occurs between 11:00 P.M. and 7:00 A.M. shall constitute prima facie evidence of a violation of this By-Law.**

**Section 2.** It shall be unlawful for any person or persons being present in or about any building, dwelling, premises, shelter, boat or conveyance or any part thereof, other than that section of any establishment licensed under Chapter 138 of the General laws, who shall cause or suffer or countenance any loud, unnecessary, excessive or unusual noises, including any loud, unnecessary, excessive or unusual noises in the operation of any radio, phonograph, or other mechanical sound making device, or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or the making of loud outcries, exclamations or other loud or boisterous noises or loud and boisterous singing by any person or group of persons, or in the use of any device to amplify the aforesaid noises, where the aforesaid noise is plainly audible at a distance of one hundred and fifty feet from the building, dwelling, premises, shelter, boat, or conveyance in which it is produced. The fact that the noise is plainly audible at a distance of one hundred and fifty feet from the building, dwelling, premises, from which it originates shall constitute prima facie evidence of a violation of this By-Law. Any person shall be deemed in violation of this By-Law, who shall make, or aid, or cause or suffer, or countenance, or assist in the making of the aforesaid and described improper noises, disturbance, breach of peace, and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat, or conveyance or part thereof during a violation of this By-Law shall constitute prima facie evidence that they are countenancer to such violation.

**Section 3. The owner of any building, dwelling, structure, premise, or shelter which is let, rented or leased, shall provide any and all tenants, lessees and sublessees with a copy of all sections of this By-Law.**

**Section 4. This article shall not be applicable to fire signals or alarms or to sounds emanating from police, fire or other governmental or emergency vehicles.**

**Section 5.** Any person violating the provisions of this By-Law shall be punished by a fine not to exceed two hundred (\$200.00) dollars for each offense.

or to do or act in any manner relative thereto.

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

Inserted by Edward Pacewicz, Et. Al.

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

ARTICLE 40

To see if the Town will vote to accept the layout of Rock Marsh Road (Assessors' Map 56, Lot 1025, Brown Street, Wareham) as approved by the Board of Selectmen on October 19, 2010 and presented to the Wareham Town Clerk on October 20, 2010 as a public way together with the adjoining drainage easements as shown on a plan entitled "Site Plan – Phase Five for Rock Marsh Village, Wareham, "Massachusetts" prepared by Atlantic Design Engineers, LLC of Sandwich, MA dated December 4, 2007 which was recorded at the Plymouth County Registry of Deeds on December 11, 2007 (Plan Book 53, Page 935) and to raise and appropriate or transfer a sum of money to complete construction of the roadway, or to do or act in any manner relative thereto.

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

Inserted by Philip McClintock, Et. Al.

ARTICLE 41

To see if the town shall repeal Article 5, section 580 WIND ENERGY FACILITIES, in its entirety (500, 581, 582, 583, 583.1, 583.2, 583.3, 583.4, 583.5, 583.6, 583.7, 583.8, 583.9, 583.10, 583.11, 584, 584[sic], 585.1, 585.2, 585.3, 585.4, 585.5, 585.6, 585.7, 585.8, 585.9, 585.10, 585.11, 585.12, 585.13) of the Zoning By-laws of the Town of Wareham. We also stipulate the Town Moderator to establish a Wind Energy Review Committee, consisting of 7 members, and appoint no later than June 1, 2011 two citizens-at-large, the town planner, one member of the Zoning Board of Appeals, one member of the Conservation Commission, one member of the Board of Assessors and the Director of Inspectional Services to do a complete study of the effects of wind turbines on the Town of Wareham. This study, with recommendations, shall be completed and submitted to the Annual Spring Town Meeting of 2012 in writing. Recommendations shall be part of the report, but no by-law shall be submitted for placement on the warrant in conjunction with the report, or to do or act in any manner relative thereto.

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

Inserted by Brenda Eckstrom, Et. Al.

ARTICLE 42

To see if the Town will vote to amend the general By-Laws of the Town of Wareham by deleting in its entirety Division VI, Article II, A. NITROGEN NET ZERO FOR NEW CONSTRUCTION including all related subsections thereto.

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

Inserted by Robert Brady, Jr., Et. Al.

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

You are hereby directed to serve this Warrant by posting attested copies thereof on or before Friday, February 18, 2011 in at least one public place in each precinct within the Town, and by publishing a copy of the Warrant on or before March 18, 2011.

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

Given under our hands this 15<sup>th</sup> day of March in the year 2011.

**WAREHAM BOARD OF SELECTMEN**

\_\_\_\_\_  
M. Jane Donahue, Chairman

\_\_\_\_\_  
Walter B. Cruz, Sr., Clerk

\_\_\_\_\_  
Brenda Eckstrom

\_\_\_\_\_  
Stephen M. Holmes

\_\_\_\_\_  
Cara A. Winslow

A True Copy

ATTEST:

\_\_\_\_\_  
Stephen P. Coughlin  
Constable of Wareham

DATE: \_\_\_\_\_  
Plymouth §

DATE: \_\_\_\_\_

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

APRIL 25, 2011  
SPRING TOWN MEETING WARRANT (CONT'D.)

copies thereof in at least one public place in each precinct within the town on or before February 18, 2011 and by causing this Warrant to be published on or before April 7, 2011.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Stephen P. Coughlin  
Constable of Wareham

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

DATE: \_\_\_\_\_

\_\_\_\_\_  
Stephen 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 Spring Town Meeting to be held on April 25, 2011 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  
Chairman of the Personnel Board.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Stephen P. Coughlin  
Constable of Wareham