

FALL TOWN MEETING WARRANT  
TOWN OF WAREHAM

OCTOBER 28, 2013

WAREHAM HIGH SCHOOL  
7 VIKING DRIVE  
WAREHAM, MA

7:00 PM

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH SS

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 28, 2013 to act on the following articles:

**ARTICLE 1 - TRANSFER FUNDS FROM RECEIPTS RESERVED FOR  
APPROPRIATIONS INSURANCE RECOVERY OVER \$20,000 ACCOUNT TO THE  
SCHOOL BUDGET**

To see if the Town will vote to transfer a sum of money from the Receipts Reserved for Appropriations Insurance Recovery over \$20,000 Account to the School Budget, or take any other action relative thereto.

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

**ARTICLE 2 – ESTABLISH FUND**

To see if the Town will vote to accept MGL Chapter 32B, Section 20 authorizing the Treasurer to establish a separate fund to be known as the "Other Post Employment Benefits (OPEB) Liability Trust Fund", or take any other action relative thereto.

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

### **ARTICLE 3 – TRIENNIAL REVALUATION AND CERTIFICATION**

To see if the town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding the 2015 triennial certification revaluation, or take any other action relative thereto.

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

### **ARTICLE 4 - TRANSFER FROM THE WATERWAYS ACCOUNT TO THE HARBORMASTER'S MAINTENANCE AND IMPROVEMENTS ACCOUNTS**

To see if the Town will vote to transfer the sum of \$38,000 from the Waterways Account, to the Harbormaster's Maintenance and Improvements account or take any other action relative thereto.

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

### **ARTICLE 5 - TRANSFER FROM THE HARBOR SERVICES PERMITS RECEIPTS TO THE HARBORMASTER'S MAINTENANCE AND IMPROVEMENTS ACCOUNTS**

To see if the Town will vote to transfer the sum of \$103,000 from the Harbor Services Permits Receipts Reserved for Appropriations Account to the Harbormaster's Maintenance and Improvements account or take any other action relative thereto.

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

### **ARTICLE 6 – LINE PAINTING**

To see if the Town will vote to raise and appropriate or transfer a sum of money from the Parking Meter fund to the Municipal Maintenance Line Painting fund or take any action relative thereto.

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

### **ARTICLE 7 –AUTHORIZE PURCHASE OF VACUUM TRUCK**

To see if the if the Town will vote to authorize a sum of money for the purpose of purchasing a vacuum truck for the Water Pollution Control Facility and further authorize the trade-in of a 1991 Ford Vacon vacuum truck, or to take any other action relative thereto.

Inserted by the Board of Selectmen at the request of the Water Pollution Control Facility Department

#### **ARTICLE 8 – NATURE EXPLORE OUTDOOR CLASSROOM/PLAY AREA**

To see if the Town will vote to appropriate from Community Preservation Funds, the sum of \$7,500 to create a concept plan for a **Nature Explore Outdoor Classroom/Play Area** at the Wareham Free Library, 59 Marion Road, Wareham, MA, or to take any other action relative thereto.

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

#### **ARTICLE 9 – RETURNED FUNDS FROM COMPLETED PROJECTS**

To see if the Town will vote to transfer \$28,430.66 into the Unallocated Community Preservation Fund Account as follows:

- A) \$ 183.80 from Cemetery Mapping approved under Article #23, Fall 2004;
  - B) \$ 2227.06 from Westfield Athletic Fields, approved under Article 19, Fall 2006;
  - C) \$ 5100.00 from Minot Forest Land Survey, approved under Article #27, Fall 2007;
  - D) \$ 1750.00 from Bike Path Feasibility Study, approved under Article #10, Fall 2008;
  - E) \$ 4362.80 from American Legion, approved under Article 46, Spring 2010;
  - F) \$10332.00 from Tremont Nail Roof, approved under Article 47, Spring 2010;
  - G) \$ 4475.00 from Weweantic Ahern, approved under Article 41, Spring 2012,
- or take any other action relative thereto.

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

#### **ARTICLE 10 – MULTI-SERVICE ROOF RESTORATION**

To see if the Town will vote to appropriate from the Community Preservation Fund under the category of Historic Preservation, the sum of \$110,000 for a Historical Preservation Restriction and the restoration of the Multi-Service Center Roof, or to take any other action relative thereto.

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

## **ARTICLE 11 – TRANSFER OF FUNDS TO FUND PARKING KIOSK PROGRAM**

To see if the Town will vote to transfer a sum of money from Receipts Reserved for Appropriation Parking at Onset Pier to fund the Parking Kiosk Program to be used for related expenses of running the parking kiosk program, with such funds to be distributed by approval of the Town Administrator, or to take any other action relative thereto.

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

## **ARTICLE 12 – FY 2013 UNPAID BILLS**

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

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

## **ARTICLE 13 – Feasibility Study At Wareham High School For a Potential Partial Roof Replacement Project**

To see if the Town will vote to raise and appropriate, transfer or borrow a sufficient sum of money to be expended under the direction of Wareham Public Schools for a Feasibility Study of a potential partial roof replacement project at Wareham High School, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or to take any other action relative thereto.

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

## **ARTICLE 14 – APPROPRIATION TRANSFERS**

To see if the Town will vote to transfer and appropriate from available funds, including funds previously appropriated for other uses, or retained earnings, or to raise a sum of money to appropriate to accounts for the purposes here specified, or to take any other action relative thereto.

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

## **ARTICLE 15 – FUND RATIFIED UNION CONTRACTS**

To see if the Town will vote to raise and appropriate or transfer from available funds sums of money to fund ratified union contracts:

- a) Clerical Union
- b) Dispatchers
- c) EMT Association
- d) Forepersons
- e) Library Employees
- f) Municipal Maintenance and Custodians
- g) Police
- h) Steelworkers – Lower Management
- i) Steelworkers – Upper Management
- j) Superior Officers
- k) Wastewater Treatment Plant, or to take any other action relative thereto.

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

## **ARTICLE 16 – CREATE BY-LAW FOR CIVIL FINGERPRINTING OF VENDORS**

To see if the Town will vote to adopt the following as bylaw Division II, Article VI “**FINGERPRINTING FOR CERTAIN LICENSES**”, or take any other action relative thereto:

**Section 1.** As authorized by G.L. c. 6, § 172B ½, the Police Department may conduct State and Federal fingerprint based criminal history checks of individuals applying for licenses to engage in the business of Hawking and Peddling, Junk/Metal/Secondhand Dealers, Pawn Brokers, house to house commercial salesmen and Hackney Drivers. Fingerprint-based state and national criminal history records shall solely be used for screening applicants for the above named municipal licenses and for no other purpose, including municipal employment. An applicant seeking to engage in the above licensed activities if required by the licensing authority, shall allow the Police Department to fingerprint that applicant. The Police Department will transmit the fingerprints to the State Police Identification Unit through the Department of Criminal Justice Information Services (DCJIS), formerly the Criminal History System Board (CHSB).

**Section 2.** In rendering an applicant fitness determination, the Police Department will decide whether the applicant has been convicted of, or is under pending indictment for, any crime which bears upon his/her ability or fitness to be granted a license, or any felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense.

**Section 3.** The Police Department and any authorized municipal recipients shall store all criminal history record information received from the FBI for municipal licensing

background check purposes in a secure location, and such information may not be disseminated to any unauthorized persons or entities. The Police Department shall restrict access to areas in which the information is processed and handled to authorized personnel in the performance of their duties. The Police Department and authorized municipal recipients of fingerprint-based state and national criminal history information must provide a secure area, out of the view of the public and unauthorized personnel, for the handling and retention of the information. When fingerprint-based state and national criminal history information is no longer needed, the licensing authority is responsible for its destruction. It shall be destroyed by the Police Department by burning, shredding, or other method rendering the information unreadable.

**Section 4.** An applicant may request and is entitled to receive a copy of his/her criminal history record from the Police Department. The Police Department must advise the applicant of the procedures to change, correct, or update the record. The Police Department must provide the applicant with the opportunity to challenge the accuracy or completeness of the FBI criminal history before action is taken on the application for which the record is sought.

**Section 5.** The Town or any of its officers, departments, boards, committees or other licensing authorities are hereby authorized to deny any application for, or to revoke or suspend any license or permit, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law. The licensing authority shall not deny a license to an applicant based on information in a criminal record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

**Section 6.** The Police Chief shall adopt policies and procedures to effectuate the purposes of this by-law which shall be consistent with G.L. c. 6, § 172B ½, EOPSS guidelines, Massachusetts Department of Criminal Justice Information Services rules, guidelines and with the Department of Criminal Justice Information Services Model Municipal Civil Fingerprinting Policy, as well as with all Federal Bureau of Investigation requirements for access to the national database.

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

#### **ARTICLE 17– BY-LAW REVISION - PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS DEMOLITION DELAY**

To see if the Town will vote to amend all references to ***50 years*** in the present Wareham Demolition-Delay By-law, Division VIII, Article III to ***75 years***; and further, to add the Demolition-Delay By-law language to the beginning of the section titled Historic District Act; ***"Any property requesting demolition that lies within Wareham Historical Districts, shall apply to the Wareham Historical District***

***Commission for a Determination and Certificate of Appropriateness. The Wareham Historical Commission, as regards to these properties, has no jurisdiction and does not issue demolition permits for these said properties"***  
or to take any other action relative thereto.

Inserted by the Board of Selectmen at the request of the Wareham Historical Commission

#### **ARTICLE 18 – AMENDMENT TO THE WATERWAYS BY-LAW**

To see if the town will vote to amend the Town of Wareham, Waterways Bylaw Division IV, Article 1, Section 2B and replace it with a new Waterways Rules and Regulations Sections 2B through 2M, or take any other action relative thereto.

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

#### **ARTICLE 19- ROAD ACCEPTANCE LAYOUT OF CRANBERRY LANE**

To see if the Town will vote to accept the Board of Selectmen's layout of Cranberry Lane, a copy of which is on file in the Office of the Town Clerk, and further to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain and necessary land easements, and to raise and appropriate, transfer or borrow funds for such acquisition, or to take any other action relative thereto.

Inserted by the Board of Selectmen

#### **ARTICLE 20 - TRANSFER DEVELOPMENT RIGHTS**

To see if the Town will vote to amend the Zoning By-Laws to add Article 18 – Transfer Development Rights (Zoning By-Law) Rules and Regulations, or to take any other action relative thereto.

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

#### **ARTICLE 21 - FLOOD PLAIN OVERLAY DISTRICT – AMEND SECTION 222**

To see if the Town will vote to amend Section 222 (Flood Plain Overlay District) of the Flood Plain Bylaw (map panel number suffixes and map panel dates) so that it now reads as follows: "Floodplain District includes all special flood hazard areas within the Town of Wareham designated as Zone A, AE, AO or VE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially located within the Town of Wareham are panel numbers 25023C0459J, 25023C0467J, 25023C0468J, 25023C0469J,

25023C0486J, 25023C0487J, 25023C0488J, 25023C0491J, 25023C0492J, 25023C0493J, 25023C0494J, 25023C0511J, 25023C0513J, 25023C0556J, 25023C0577J, 25023C0583J, 25023C0584J, and 25023C0601J, dated July 17, 2012, and panel numbers 25023C0489K, 25023C0557K, 25023C0576K, 25023C0581K, and 25023C0582K, dated February 5, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Building Official", or to take any other action relative thereto.

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

#### **ARTICLE 22 – MEDICAL MARIJUANA TREATMENT CENTER ZONING BY-LAW**

To see if the Town will vote to rescind (Zoning By-Laws) Article 17: Temporary Moratorium – Medical Marijuana Treatment Centers and replace it with a new Zoning By-Law Article 17 setting for rules and regulations for such treatment centers, or to take any other action relative thereto.

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

#### **ARTICLE 23 – SIGN REGULATIONS**

To see if the Town will vote to rescind Article 11 Signs (1110 – 1115.6) of the Zoning By-Laws and replace with revised Sign Regulations (Article 11) (1110 – 1141), or to take any other action relative thereto.

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

#### **ARTICLE 24 – ZONING BY-LAW USE TABLE**

To see if the Town will vote to amend the Zoning By-Laws by voting to accept the Table of Principal Use Regulations contained in Article 3, Section 320 and the Table of Accessory Use Regulations in Article 3, Section 340, or to take any other action relative thereto.

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

#### **ARTICLE 25 – CHANGE ZONING STATUTES TO 2002 STATUTES**

Change zoning statutes to 2002 statutes.

Inserted by David W. Fenton, et. al.



**ARTICLE 26 – REQUIRED PHYSICAL ATTENDANCE OF ALL MEMBERS OF PUBLIC BODIES**

To see if the Town will vote to prohibit remote participation in public meetings by requiring the physical attendance of any member of a public body in order to participate and vote, or take any other action relative thereto.

Inserted by Michael Flaherty et. al..

You are hereby directed to serve this Warrant by posting attested copies thereof on or before September 20, 2013 in at least one public place in each precinct within the Town, and by publishing a copy of the Warrant by October 3, 2013.

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

Given under our hands this 17<sup>th</sup> day of September in the year 2013.

WAREHAM BOARD OF SELECTMEN

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Peter W. Teitelbaum, Chairman

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Alan H. Slavin, Clerk

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Stephen M. Holmes

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Patrick G. Tropeano

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Judith Whiteside