

FALL TOWN MEETING WARRANT  
TOWN OF WAREHAM

OCTOBER 26, 2015

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 26, 2015 to act on the following articles:

**ARTICLE 1 – BUDGET TRANSFERS**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow such sums of money as are necessary to fund the annual operating budget of the Town for Fiscal Year 2016, or take any other action relative thereto.

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

**ARTICLE 2 - APPROVE AND FUND FY16 CAPITAL PLAN**

To see if the Town will vote to approve the FY16 Capital plan and further to see if the Town will vote to raise and appropriate, or transfer a sum of money to fund the FY16 Capital plan, or to do or act in any manner relative thereto.

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

**OCTOBER 26, 2015  
FALL TOWN MEETING WARRANT (CONT'D)**

**ARTICLE 3 – SUMMER JOB YOUTH PROGRAM**

To see if the Town will vote to transfer a sum of money from Free Cash to serve as a one time grant to start a Summer Job Youth Program for the Town of Wareham, or to take any other action relative thereto.

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

**ARTICLE 4 – FREE CASH TO STABILIZATION FUND**

To see if the Town will vote to transfer a sum of money from Certified Free Cash to the Stabilization Fund in accordance with the Selectmen Policy, or to do or act in any manner relative thereto.

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

**ARTICLE 5 – 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 6 – ELECTRICITY AGGREGATION**

To see if the Town will vote to grant the Board of Selectmen authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt out of the aggregation, or take any other action relative thereto.

Inserted by the Board of Selectmen

**ARTICLE 7 – NON CRIMINAL DISPOSITION**

To see if the Town will vote to amend Division X, Article I Non-Criminal Disposition by inserting the phrase "Any duly adopted by-law or zoning by-law" in place of the phrase "Any duly adopted by-law", and further, by adding ",Town Zoning By-laws" after the phrase "Town By-law" or take any other action relative thereto.

Inserted by the Board of Selectmen

**OCTOBER 26, 2015  
FALL TOWN MEETING WARRANT (CONT'D)**

**ARTICLE 8 – LIFTING OF RESTRICTIONS IN PREVIOUS LIQUOR LICENSE**

To see if the Town will vote to petition the General Court for a special act pertaining to liquor licenses authorized to be granted in the Town of Wareham by previous special legislation; such new legislation to authorize the Board of Selectmen, acting as licensing authority, to lift locational, durational, and ownership transfer restrictions imposed by the original authorizing legislation, and that such newly unencumbered licenses not be counted against the license quota, or take any other action relative thereto.

Inserted by the Board of Selectmen

**ARTICLE 9 – AMEND STREET NUMBERING IN BYLAW**

To see if the Town will vote to amend Division III, Article 1 ("House Numbering") by deleting the word "Selectmen" as it appears in the bylaw, and substituting therefor the phrase "Road Commissioners", or take any other action relative thereto.

Inserted by the Board of Selectmen

**ARTICLE 10 – JUNK BYLAWS**

To see if the Town will vote to amend Division II, Article II of the Town By-Laws as shown in a document on file with the Town Clerk, or take any other action relative thereto.

Inserted by the Board of Selectmen

**ARTICLE 11 - LAND ACQUISITION – FEARING HILL WEST**

To see if the Town will vote to authorize the Board of Selectmen to utilize state, federal and other outside grants and/or to raise and appropriate, borrow, transfer, and/or appropriate \$675,000.00 for the acquisition by purchase, gift or otherwise for conservation and passive recreation purposes, the fee simple interest in a certain property of 50.94 acres on Fearing Hill Road and Farmer's Lane and shown as Lot 1007 on Assessor's Map 74, Lot 1000 on Assessor's Map 91 and Lot 1018 on Assessor's Map 93, to be managed and controlled by the Conservation Commission of the Town of Wareham in accordance with Massachusetts General Laws Chapter 40, Section 8C, and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by Massachusetts General Laws Chapter 44, or any other enabling authority, and that the Board of Selectmen and/or the Conservation Commission be authorized to file on behalf of the Town of Wareham any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act in accordance with Massachusetts General Laws Chapter 132A, Section 11 and/or any other application for funds in any way connected with the scope

**OCTOBER 26, 2015  
FALL TOWN MEETING WARRANT (CONT'D)**

of this Article, and the Board of Selectmen and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Wareham to affect said acquisition and to grant a conservation restriction in accordance with Massachusetts General Laws Chapter 184 over the property to Buzzards Bay Coalition, Inc. or any other appropriate land conversation organization qualified and willing to hold such conservation restriction, provided however that no portion of said appropriation shall be expended unless the Town is awarded grants, other outside funding and/or contracts for reimbursement for all funds expended for the acquisition, including related projects costs, of this property; or to take any other action relative thereto.

Inserted by the Board of Selectmen

Inserted by the Board of Selectmen

**ARTICLE 12 – AMENDMENT TO CHARTER**

To see if the Town will vote to petition the Legislature to amend the Wareham Charter, Section 2-5 (d) by deleting the phrase, “the town accountant” and substituting therefore the phrase, “the finance director”, or take any other action relative thereto.

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

**ARTICLE 13 - WESTFIELD**

To see if the Town will vote to rescind some or all previous actions with respect to the use of Westfield Property known as Westfield, and further, to authorize the Board of Selectmen to convey said property on such terms as it deems appropriate, or to take any action relative thereto.

Inserted by the Board of Selectmen

**ARTICLE 14 – TOWN CLERK**

To see if the Town will vote to make the position of the Town Clerk an appointed position rather an elected position, or take any other action relative thereto.

Inserted by the Board of Selectmen

**ARTICLE 15 – WATERWAYS ACCOUNT TRANSFER**

To see if the Town will vote to transfer the sum of \$25,000.00 from the Waterways Account , to be transferred to the Harbormaster’s Maintenance and Improvements account or take any other action relative thereto.

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

**OCTOBER 26, 2015  
FALL TOWN MEETING WARRANT (CONT'D)**

**ARTICLE 16 – HARBOR SERVICES**

To see if the Town will vote to transfer the sum of \$42,000.00 from the Harbor Services Permits Receipts Reserved for Appropriations Account, to be transferred to the Harbormaster's Maintenance and Improvements account or take any other action relative thereto.

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

**ARTICLE 17 –TITLE V SEPTIC PROGRAM**

To see if the Town will vote to: expend interest earned from loan repayments made between the Town of Wareham and Wareham residential property owners as authorized under Chapter 111, Section 127B1/2 and/or Chapter 29C of the General Laws for use for the administration of the Septic Loan Program and for additional so-called betterment loan projects, or to do or act in any manner relative thereto.

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

**ARTICLE 18 – CODE ENFORCEMENT BY-LAW**

To see if the Town will vote to amend the by-laws and zoning bylaws to make the Town Administrator or his designee an enforcement officer for all such bylaws, as printed in a document on file in the office of the Town Clerk, and further, to see if the Town will vote to create a revolving fund to which the enforcement fines will be credited, to be expended by the Town Administrator for purposes of enforcement activities, with a maximum of \$100,000 in such fund, or take any other action relative thereto.

Inserted by the Board of Selectmen

**ARTICLE 19 – CPC – RETURN UNUSED FUNDS FROM COMPLETED PROJECTS**

To see if the Town will vote to transfer \$30,871.43 into the Community Preservation Unallocated Fund Account as follows:

- A) \$6275.00 from WAREHAM HISTORICAL SOCIETY BUILDINGS STUDY approved under Article 13, Fall 2009
- B) \$2010.00 from OLD TOWN OFFICES RESTORATION approved under Article 20, Fall 2012
- C) \$8000.00 from PLAYGROUND ASSESSMENT approved under Article 26, Spring 2013
- D) \$6243.95 from MULTI-SERVICE CENTER ROOF approved under Article 10, Fall 2013
- E) \$8342.48 from OLD TOWN OFFICES approved under Article 21, Special Spring 2014

**OCTOBER 26, 2015  
FALL TOWN MEETING WARRANT (CONT'D)**

or to do or act in any matter relative thereto.

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

**ARTICLE 20 – CPC - WAREHAM HISTORICAL SOCIETY OLD DISTRICT SCHOOL #6**

To see if the Town will vote to transfer from the Community Preservation Historical Preservation Reserve Fund, or any other monies available in the Community Preservation Fund, up to the sum of \$34,200.00, to award a grant to the Wareham Historical Society to restore the Old District School #6, located at 495 Main Street, Wareham MA and to acquire a preservation restriction, or to do or act in any manner relative thereto.

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

**ARTICLE 21– CPC – BRYANT FARM WALKING TRAIL**

To see if the Town will vote to appropriate from the Community Preservation Unallocated Fund or any other monies available in the Community Preservation Fund under the category of Open Space/Recreation, up to the sum of \$67,000.00, to fund the creation of a parking lot and ADA accessible walking trail on the property known as Bryant Farm located at 123 Sandwich Road or to take any action relative thereto.

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

**ARTICLE 22 – CPC – ONSET BAY PROJECT – WICKETS ISLAND PURCHASE**

To see if the Town will vote to transfer from the Community Preservation Unallocated Fund or any other available monies in the Community Preservation Fund, under the category of open space, to grant the Buzzards Bay Coalition the sum of \$400,000 to purchase the property shown on the Assessor's Map 1/A, lot 1004, and further, to authorize the Board of Selectman and/or the Conservation Commission to acquire on behalf of the Town of Wareham a permanent conservation restriction on the land known as Wickets Island or to do or act in any manner relative thereto.

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

**OCTOBER 26, 2015  
FALL TOWN MEETING WARRANT (CONT'D)**

**ARTICLE 23 – CPC – SWIFTS BEACH ENGINEERING PLAN**

To see if the Town will vote to appropriate from the Community Preservation Unallocated Fund or any other monies available in the Community Preservation Fund under the category of Open Space/Recreation, up to the sum of \$11,000.00, to fund an engineering plan for the redesign of the playground on property known as Joseph W Conway Sr. playground (map 50, lot 1031), the design of a removable pedestrian bridge (connects lots 1031 and B1 on map 50-2), and structures that limit unauthorized motorized vehicle access to all town owned Swift's Neck and Swifts Beach beaches or to take any action relative thereto.

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

**ARTICLE 24 – RECYCLING**

To see if the town will vote to raise and appropriate or transfer \$5000 to the recycling expense budget, to fund recycling in the town, thus preventing a recycling shutdown, or to take any action relative thereto.

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

**ARTICLE 25 – WETLANDS BY-LAW**

To see if the Town will vote to Delete Division VI, Article I, the Town's Wetlands Protective By-law, in its entirety, or to take any action relative thereto.

Inserted by the Board of Selectmen

**ARTICLE 26 –PARTIAL ROOF and BOILER REPLACEMENT**

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of Wareham Public School Committee to conduct a Feasibility Study at John W. Decas Elementary School, 760 Main Street, Wareham MA 02571 for a potential partial roof and boiler replacement project, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. 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 action relative thereto.

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

**OCTOBER 26, 2015  
FALL TOWN MEETING WARRANT (CONT'D)**

**ARTICLE 27 – MCKINNEY VENTO**

To see if the Town will vote to approve the transfer of McKinney Vento revenue received in FY2016 into the School Transportation Revolving Account, or to take any action relative thereto.

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

**PETITIONED ARTICLES**

**NOTE:** these articles are reproduced exactly as presented, in accordance with the law.

**ARTICLE 28 – ZONING**

To see if the Town will vote to amend the Zoning Map of the Town of Wareham by changing the zoning district classification of so much of Lot 1004-D on Wareham Assessors' Map No. 85 on Seth F. Tobey Road as lies within the Industrial (IND) Zoning District to the Strip Commercial (CS) Zoning District or take any other action relative thereto.

Inserted by Margaret Ishihara, et al.

**ARTICLE 29 – ZONING**

To see if the Town will vote to amend the Zoning Map of the Town of Wareham by changing the zoning district classification of so much of Lot 1006 on Wareham Assessors' Map No. 85 off Seth F. Tobey Road and on Cranberry Highway as lies within the Industrial (IND) Zoning District to the Strip Commercial (CS) Zoning District or take any other action relative thereto.

Inserted by Margaret Ishihara, et al.

**ARTICLE 30 – ZONING**

To see if the Town will vote to amend the Zoning Map of the Town of Wareham by changing the zoning district classification of so much of Lot 1004-C on Wareham Assessors' Map No. 85 on Seth F. Tobey Road from the Industrial (IND) Zoning District to the Strip Commercial (CS) Zoning District or take any other action relative thereto.

Inserted by Matthew D. Buckingham, et al.

**ARTICLE 31 – ZONING**

To see if the Town will vote to amend the Zoning Map of the Town of Wareham by changing the zoning district classification of so much of Lot 1004-B on Wareham



**OCTOBER 26, 2015**  
**FALL TOWN MEETING WARRANT (CONT'D)**

Assessors' Map No. 85 on Seth F. Tobey Road from the Industrial (IND) Zoning District to the Strip Commercial (CS) Zoning District or take any other action relative thereto.

Inserted by William M. Rogers, et al.

**ARTICLE 32 – RENT CONTROL BOARD IN MOBILE HOME PARKS**

We, the undersigned residents in the town of West Wareham, Massachusetts, respectfully petition the town of Wareham, Massachusetts for a Rent Control Board to oversee the rights of low income senior residents living in mobile home parks within the town limits, as pertain to rent increases by the owner/operators of said parks, or take any other action relative thereto.

Inserted by Darrell S. Keighley, et al.

**ARTICLE 33 – NORTH AVENUE**

To see if the Town will vote to discontinue that part of North Avenue that extends from Onset Avenue to a line that extends across North Avenue, such line being a straight line continuation of the rear boundary line of Parcel 1030B as depicted on Assessors Map No. 1, continuing across North avenue to a point where it meets the side boundary of lot 763 as depicted on Assessors Map No. 1, and as further depicted in a plan filed with the Town Clerk as "Citizens' Petitioned Article Map-North Avenue Discontinuance"; and further to authorizer the Board of Selectmen to dispose of such property interest as the Town may have in the land that underlies the discontinued area, if any, or to take any other action relative thereto.

Inserted by Stephen Beranger, et al.

**OCTOBER 26, 2015  
FALL TOWN MEETING WARRANT (CONT'D)**

You are hereby directed to serve this Warrant by posting attested copies thereof on or before August 28, 2015 in at least one public place in each precinct within the Town, and by publishing a copy of the Warrant by October 8, 2015.

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 15<sup>th</sup> day of September in the year 2015.

WAREHAM BOARD OF SELECTMEN

\_\_\_\_\_  
Patrick G. Tropeano, Chairman

\_\_\_\_\_  
Judith Whiteside, Clerk

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

\_\_\_\_\_  
Peter W. Teitelbaum

\_\_\_\_\_  
Alan H. Slavin

A True Copy

ATTEST:

DATE: September, 2015

Plymouth, S.S.

\_\_\_\_\_  
Steven P. Coughlin, Constable of Wareham

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 August 28, 2015, and by causing this Warrant to be published on or before October 8, 2015.

Date: September, 2015

\_\_\_\_\_  
Steven P. Coughlin, Constable of Wareham

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

**OCTOBER 26, 2015  
FALL TOWN MEETING WARRANT (CONT'D)**

Date: September , 2015

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Steven P. Coughlin, Constable of Wareham

In accordance with the Wareham Charter, Article 2 - Legislative Branch - Section 2-4, Town Meeting Warrants, Item (d), I have hand delivered a copy of the Warrant for the Annual Town Meeting to be held on October 26, 2015 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 , 2015

\_\_\_\_\_  
Steven P. Coughlin, Constable of Wareham

9/16/2015 2:17 PM