

**FALL TOWN MEETING MINUTES
TOWN OF WAREHAM
OCTOBER 24, 2022**

WAREHAM ELEMENTARY SCHOOL
63 MINOT AVENUE
WAREHAM, MA

Town meeting was called to order by Moderator Margaret Ishihara at Wareham Elementary School, 63 Minot Ave, Wareham, MA on Monday, October 24, 2022 at 7:00 p.m. to act on the following articles:

ARTICLE 1 - APPROVE AND FUND FY23 CAPITAL PLAN

I move that the Town vote to authorize a lease purchase financing agreement in the amount of \$450,000 under G.L. c. 44, § 21C for a maximum term of three years and transfer \$225,000 from the Town's Stabilization Fund to fund the capital purchases as stated below:

Dpt.	Description	Cost	Funding Source
Police Dept.	Purchase with Equipment 7 vehicles	\$450,000	Lease Purchase 3 year agreement funded through the WPD Capital Line
Municipal Maintenance	Upgrade, repair and replace streetlights and period lights	\$225,000	Stabilization Fund

Motion approved unanimously

ARTICLE 2 - TRANSFER OF FREE CASH

To see if the Town will vote to transfer a sum of money from Certified Free Cash to the Plymouth County OPEB Trust Fund, Plymouth County Retirement, Stabilization Fund, Collective Bargaining Reserve, Emergency Management, Derelict/Tax Title Properties, Unemployment Reserve and General Insurance or to take any other action relative thereto.

Passed over in Consent Agenda

ARTICLE 3 - PRIOR YEAR BILLS & DEFICITS

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 and deficits of prior fiscal years, or to take any other action relative thereto.

Passed over in Consent Agenda

ARTICLE 4 - PEG ACCESS RECEIPTS TO WAREHAM COMMUNITY TV

I move that the Town vote to transfer \$287,780.88 from the PEG Access Receipts Reserved for Appropriation account to Wareham Community Television (WCTV).

Approved in Consent Agenda

ARTICLE 5 - UNION CONTRACTS

I move that the Town approve and fund the collective bargaining agreement between the Town of Wareham and:

B. Massachusetts Laborer's Public Employees Council Union 1249 of the Labor's International Union of North America, Wareham Clerical Union;

C. Massachusetts Labor's Public Employees Council Union 1249 of the Laborer's International Union of North America, Wareham Municipal Maintenance Department and Town Custodians

Motion approved unanimously

ARTICLE 6 – OCCASIONAL REPORTS

Motion to hear reports from Decas School Steering Committee and Police Building Study Committee.

Approved unanimously

ARTICLE 7 - RETURN UNUSED FUNDS FROM CANCELLED PROJECT

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To see if the Town will vote to transfer \$200,000.00 to the Community Preservation Undesignated Funds account from the Tremont Nail Freight Building Restoration project unexpended funds which were approved at the 2018 Special Spring Town Meeting (Article 8) or to do or act in any manner relative thereto.

Approved in Consent Agenda

ARTICLE 8 - TREMONT NAIL REMEDIATION PROJECT

To see if the Town will vote to appropriate from the Community Preservation Undesignated Funds, or any other monies available in the Community Preservation Act Fund under the category of Historic Preservation, the sum of \$146,250.00, for the Long Term Debt Principal (\$130,000.00) and Interest (\$16,250.00), and the sum of \$80,958.99, for the Short Term Debt Principal (\$76,000.00) and Interest (\$4,958.99) on the bond approved at the 2018 Fall Town Meeting (Article 11), for the cleanup of contamination at the Tremont Nail Factory site, total payment from CPA undesignated fund is \$227,208.99, or to take any action relative thereto.

Approved in Consent Agenda

**ARTICLE 9 - 2021 COMMUNITY PRESERVATION FUND RESERVES
ADJUSTMENT**

To see if the Town will vote to reserve for future appropriation from Community Preservation Undesignated Funds the amount of \$21,800.00 to Affordable Housing Reserve or to do or act in any manner relative thereto.

Approved in Consent Agenda

ARTICLE 10 - LITTLE HARBOR COUNTRY CLUB LAND ACQUISITION

To see if the Town will vote to appropriate from the Community Preservation Undesignated Funds, or any other monies available in the Community Preservation Act Fund under the category of Open Space, the sum of \$139,051.11, for the Long Term Debt Principal (\$100,000.00) and Interest (\$39,051.11) payments on the bond approved at the 2/23/22 Special Town Meeting (Article 1), for the acquisition of 54 acres including the Little Harbor Country Club or to take any action relative thereto.

Approved in Consent Agenda

ARTICLE 11 - WATERWAYS RULES

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I move that the Town approve the bylaw as printed in the Finance Committee Report, but with the following correction section 109.0 should read: VESSELS LEFT ON TOWN OF WAREHAM PROPERTY, BEACH, OR SHORELINE, PUBLIC DINGHY DOCKS.

Motion approved by declared voice majority

ARTICLE 12 - HARBOR SERVICES PERMIT RECEIPTS RESERVED FOR APPROPRIATIONS ACCOUNT-PATROL BOAT OUTBOARD MOTORS

To see if the Town will vote to transfer the sum of \$23,000.00 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.

Approved in Consent Agenda

ARTICLE 13 - HARBOR SERVICES PERMIT RECEIPTS RESERVED FOR APPROPRIATIONS ACCOUNT-ONSET PIER FLOATING DOCKS

To see if the Town will vote to transfer the sum of \$58,750.00 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.

Approved in Consent Agenda

ARTICLE 14 - HARBOR SERVICES PERMIT RECEIPTS RESERVED FOR APPROPRIATIONS ACCOUNT-PATROL BOAT UHF COMMUNICATION & OTHER REPAIRS, REPLACEMENTS AND MAINTENANCE

To see if the Town will vote to transfer the sum of \$37,000.00 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.

Motion approved unanimously

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ARTICLE 15 – ENGINEERING COST FOR WPCF PROJECT

I move that the Town vote to appropriate \$2,000,000 (2 million dollars) for the purpose of developing engineering plans for a capital improvement project for secondary clarifier upgrades/replacement, including the payment of all costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(7) or pursuant to any other enabling authority and to issue bonds and notes of the Town therefor.

Motion approved unanimously

ARTICLE 16 – ENGINEERING COST FOR WPCF PROJECT- HEADWORKS

I move that the Town vote to appropriate \$2,000,000 (2 million dollars) for the purpose of developing engineering plans for a capital improvement project to replace the headworks, including the payment of all costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(7) or pursuant to any other enabling authority and to issue bonds and notes of the Town therefor.

Motion approved unanimously

ARTICLE 17 – ENGINEERING COST FOR WPCF PROJECT – SWIFT’S BEACH SMITH ST LINES

I move that the Town vote to appropriate \$2,000,000 (2 million dollars) for the purpose of developing engineering plans for the conversion of gravity sewer lines to low-pressure sewer lines that feed to the Swifts Beach’s Smith Street pump station, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(7) or pursuant to any other enabling authority and to issue bonds and notes of the Town therefor.

Motion approved unanimously

ARTICLE 18 - RESCIND ARTICLE FOR LINE FORCE MAIN FROM NARROWS TO WPCF

I move that the town vote to rescind 22 Spring Town article # 17 for \$3,000,000 to line the force main from Narrows to WPCF or to do or act in any manner relative thereto.

Motion approved unanimously

ARTICLE 19 - LINE FORCE MAIN FROM NARROWS TO WPCF

I move that that the Town appropriate the sum of \$6,000,000 (Six Million Dollars) to pay for the capital improvement project to line the force main sewer line from the Narrows pump station to the WPCF, a distance of approximately 1.9 miles, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1), §8(14) or pursuant to any other enabling authority and to issue bonds and notes of the Town therefor. All or any portion of the borrowing authorized by this vote may be obtained through the Massachusetts Clean Water Trust established pursuant to G.L. c. 29C.

Motion approved unanimously

ARTICLE 20 - AMENDED AND RESTATED AGREEMENT CMW REGIONAL REFUSE DISPOSAL DISTRICT

To see if the Town will vote to adopt the Amended and Restated Carver, Marion and Wareham Regional Refuse Disposal District Agreement, a copy of which is on file in the Office of the Town Clerk or take any other action related thereto.

Approved in Consent Agenda

ARTICLE 21 - AMENDMENT OF ZONING BYLAW ART. 13, SEC 1381

To see if Town Meeting will vote to amend the Zoning By-Laws to include the following change to Article 1381 under Non-Conforming Lots, to broaden the requirements for compliance from setbacks to all zoning standards:

1380 NON-CONFORMING LOTS

1381 Existing lots lawfully laid out by plan or deed which complied at the time of layout with applicable provisions of zoning by-laws, if any, may be built upon for single or two family residential purposes, provided that:

1. Said lots have at least 5000 square feet, 50 feet of frontage, and were not held in common ownership and/or control after November 19, 1951.
2. For lots that were held in common ownership or under common control, said lots may be buildable for single or two family residential Use provided that such lots have 7500 square feet and 75 feet of frontage and were lawfully laid out by plan or deed prior to November 19, 1951 or conformed to setback zoning

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- requirements in effect as of January 1, 1976. This protection is available to not more than three adjoining lots.
3. The buildings to be located thereon are to be set back equal to the setback in effect at the time of lot creation or endorsement. For lots laid out prior to November 19, 1951, structures must meet the setback zoning requirements of the first published regulation in effect for the applicable zoning district.
 4. Said lots are buildable under other applicable state and local regulations i.e. Conservation, Health, Fire, etc.
 5. If said lots are shown on a subdivision plan as defined in Subdivision Control Law, and have been approved by the Planning Board, said lots must be in compliance with all applicable sections of M.G.L. Ch. 40A, Ch. 41, and all of the aforementioned provisions noted in this By-law.

Motion approved unanimously

ARTICLE 22 - AMENDMENT OF ZONING BYLAW ART. 12, NEW MS4 REGULATIONS

To see if Town Meeting will vote to amend the Zoning Bylaw in conformance with the U.S. EPA's MS4 Permit by amending the sections of the Wareham Zoning By Laws, a copy of which is on file in the Office of the Town Clerk, or to take any other action thereto.

Motion approved unanimously

ARTICLE 23 - ZONING BY-LAWS-MORATORIUM ON MARIJUANA SOCIAL CONSUMPTION ESTABLISHMENTS

To see if Town Meeting will vote to amend the Zoning By-Laws, by voting to reaffirm the moratorium on Marijuana Social Consumption Establishments, given that the conditions for the first moratorium adopted October 2019 and ended on October 2020, have not changed, and to so approve the following text:

399. Because State program development for cannabis businesses is on-going and State regulations have not been finalized, a one-year moratorium on issuance of any permits for Social Consumption marijuana establishments shall be in force from the date of Town Meeting vote.

or take any action relative thereto.

Motion was made to send to Board of Health for further study
Motion defeated by voice vote majority

Motion approved unanimously

ARTICLE 24 - ZONING BY-LAWS FOR SIGNS

To see if Town Meeting will vote to amend the Zoning By-Laws for Signs by adding the following addition to Article 11, Section 1172. Signs in Business and Commercial Districts:

9. Window signs shall not exceed more than 25% of the total window glass area of the wall of each business facing each street or parking lot in which they are displayed.

or take any action relative thereto.

Motion was made to amend to the version below:

I move to amend the Wareham Zoning By Laws by adding under Article 11, Section 1172, the following:

“Signs shall not exceed more than 25% of the glass area of any window or door of a business.”

Motion approved by declared 2/3’s voice vote

ARTICLE 25 - AMENDMENT OF ZONING BYLAW ART. 6, CORRECTIONS

To see if the Town will amend Article 6 – Density and Dimensional Regulations, a copy of which is on file in the Office of the Town Clerk, or to take any other action thereto.

Pulled in Consent Agenda

ARTICLE 26 - BOILER REPLACEMENT PROJECT, WAREHAM HIGH SCHOOL

I move that the Town appropriate the amount of \$2,462,614, (two million four hundred sixty two thousand six hundred fourteen dollars) for the purpose of paying costs of the boiler replacement project at Wareham High School, 7 Viking Dr, Wareham, MA 02571, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town has applied for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA.

Motion approved unanimously

ARTICLE 27 - ROOF REPLACEMENT PROJECT, WAREHAM MIDDLE SCHOOL

I move that the town appropriate the amount of \$1,500,000 (one million five hundred thousand dollars) for the purpose of replacing a portion the Wareham Middle School roof, including the payment of all costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1) or pursuant to any other enabling authority and to issue bonds and notes of the Town therefor.

Motion approved unanimously

PETITIONED ARTICLES

Note: These articles are reproduced exactly as presented, in accordance with the law.

ARTICLE 28 – RESCIND ARTICLE 17, 2021 FALL TOWN MEETING

To see if the Town will vote to rescind its prior vote approving Article 17 from the Fall 2021 Town Meeting, and, further, to authorize the Board of Selectmen to notify the state legislature of the vote of rescission and to request no further action to be taken toward legislature approval of Article 17 or to take any other action relative thereto.

Inserted by Sam Corbitt et al.

Motion was made for no action. Motion failed by voice vote.

Main motion approved by declared majority voice vote

ARTICLE 29 - ACT ON RECOMMENDATIONS OF THE DECAS SCHOOL STEERING COMMITTEE

To see if the Town will vote to approve and accept the recommendations of the Decas School Steering Committee as presented and authorize such action by the Town Administrator as is required to implement the committee's recommendations. If any section or part of a section, provision or application of this warrant article is to be determined illegal, invalid or unenforceable and / or unconstitutional, such determination shall not affect the validity of any other section, provision or application

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of this warrant article which is operable without the offending section, provision or application.

Inserted by Jonathan Dallmeyer et al.

Motion made to move the question was approved by declared 2/3's voice vote

Main motion failed YES 55 No 65

ARTICLE 30 - HEAR THE REPORT OF THE DECAS SCHOOL STEERING COMMITTEE

To see if the Town will hear the Report of the Decas Steering Committee.

Inserted by Jonathan Dallmeyer et al.

See Article 6

Motion made and seconded to end Town Meeting.

Meeting dissolved October 24, 2022

Respectfully Submitted by:



Michele Bissonnette
Town Clerk