

## **ARTICLE 1**

To see if the Town will vote to raise and appropriate or appropriate and transfer from available funds a sum of money to supplement the Fiscal 2006 operating budget and adjust the Fiscal 2006 operating budget to reflect changes in State Aid, or to do or act in any manner relative thereto.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 6-0-0**

**At the April Town Meeting there were several areas of the budget that we recommended be adjusted at this Fall Town Meeting. At this time we recommend that \$495,542 be appropriated to the School Department Operating Budget; that \$597,310 be appropriated for the Snow and Ice deficit of Fiscal 2005; \$130,000 be appropriated for the Police Department Operating Budget for the acquisition of police cruisers. All of these amounts will be appropriated from Free Cash in the amount of \$1,222,852.**

## **ARTICLE 2**

To see if the Town will vote to appropriate and transfer a sum of money from available funds to the Stabilization Fund, or to do or act in any manner relative thereto.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 6-0-0**

**Bond rating agencies continue to review the Town's finances. The Finance Committee believes there may be an opportunity to enhance our current rating. One of the ways to help our rating is to periodically increase the Stabilization Fund. Therefore the Finance Committee recommends \$25,000 be appropriated to the Stabilization Fund from available Free Cash.**

## **ARTICLE 3**

To see if the Town will vote to appropriate and transfer a sum of money from available funds and appropriate funds and authorize borrowing subject to Chapter 44, Sections 7 or 8 of Massachusetts General Laws, or any other enabling authority, for the purpose of capital improvement projects including replacement of vehicles and equipment and repairs and improvements to Town buildings, facilities and waterways, or to do or act in any manner relative thereto.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 6-0-0**

**This article asks the Town Meeting Members vote to appropriate and transfer \$61,000 and authorize borrowing subject to Chapter 44, Section 7 or 8 of Massachusetts General Laws or any other enabling authority, of \$100,000 for Capital improvement projects including repairs to Town facilities. This article consolidates the heating systems requested in Article 13 and Article 22 as well as provide for a study to determine the best way to repair or replace the slate roof on the Town Hall requested in Articles 11 & 12.**

#### **ARTICLE 4**

To see if the Town will vote to rescind the unissued balances of previously authorized borrowing articles or take any action related thereto

Date	Article #	Original Authorization	Un-issued Balance
05/04/1988	22	\$3,700,000	\$1,693,241
04/22/1991	65	250,000	\$41,262
05/01/1995	23	968,674	23,674
10/19/1998	8	296,000	21,000
10/16/2000	10	405,222	5,222
10/16/2000	10	100,000	20,000
04/29/2003	31	39,500	39,500

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 5-0-1**

**This article rescinds authorizations for projects entered into in past years. The un-issued balances have been developed through savings from project cost, scope or in one case cancellation. This is a housecleaning article that appears from time to time.**

#### **ARTICLE 5**

To see if the Town will vote to raise and appropriate or appropriate and transfer from available funds, a sum of money to fund the economic conditions for the period from July 1, 2004 through June 30, 2006, of an agreement for the period July 1, 2004 through June 30, 2007 between the town and the Personnel Plan Employees, or to do or act in any manner relative thereto.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 5-0-1**

**The economic adjustment for Personnel Plan Employees has been completed and approved by the Board of Selectmen. The adjustment covers a two-year period retroactive to July 1, 2004. The amount of the adjustment for the two-year period is \$90,041, which will be appropriated from Free Cash.**

#### **ARTICLE 6**

To see if the town will vote to raise and appropriate or appropriate and transfer from available funds a sum of money to fund the economic conditions for the period from July 1, 2004 through June 30, 2006, of an agreement for the period July 1, 2004 through June 30, 2007 between the town and the Wareham Police Union, or to do or act in any manner relative thereto.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 5-0-1**

**The Police Union is the last of the Unions to reach agreement with the Town. The economic conditions of that agreement are retroactive to July 1, 2004. The amount necessary to fund the agreement through June 30, 2006 is \$95,840. This amount will be appropriated from Free Cash.**

## **ARTICLE 7**

To see if the Town will vote to transfer \$10,000 from the Parking Meter Fund to the Municipal Maintenance Department Sign Materials account, or to do or act in any manner relative thereto.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 5-0-1**

**This article is addressed regularly at the Spring and/or Fall Town Meetings. This article requests the transfer of monies from the Parking Meter Fund to the Municipal Maintenance Sign Materials account to be used for that purpose by the Municipal Maintenance Department.**

## **ARTICLE 8**

To see if the Town will vote to transfer \$10,000 from the Parking Meter Fund to the Municipal Maintenance Line Painting Account, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Administrator and the Director of Municipal Maintenance

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 5-0-1**

**This article is addressed regularly at the Spring and/or Fall Town Meetings. The article requests the transfer of monies from the Parking Meter Fund to the Municipal Line Painting account to be used for that purpose by the Municipal Maintenance Department.**

## **ARTICLE 9**

To see if the Town will vote to appropriate from available funds the sum of \$410,815.00 in accordance with Chapter 291B of the Acts of 2004, under Chapter 90 of Massachusetts General Laws for the purpose of constructing, reconstructing and improving primary roads and local roads eligible for reimbursement, and all other eligible transportation enhancement projects, or to do or act in any manner relative thereto.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 6-0-0**

**This article will determine if the Town will vote to appropriate the sum of \$410,815.00 for the purpose of constructing, reconstructing and improving primary roads and local roads. This amount will be reimbursed by the Commonwealth when “...such city or town that actual expenses have been incurred on projects eligible for reimbursement under this section and that the work has been completed.” Acceptance of these funds must be voted upon or the Town will not receive the reimbursement.**

## **ARTICLE 10**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$48,550.00 for the purpose of acquiring a 2005 Barber Surf Rake for the maintenance of town harbors and beaches, or to do or act in any manner relative thereto.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 6-0-0**

**This article requires \$12,500 be transferred from the Beach Improvement Funds, \$15,000 from the Waterways Improvement Fund, and \$21,550 from the remaining unused balance in the capital article for the East River dredging for a total of \$48,550 to purchase a 2005 Barber Surf Rake for beach maintenance.**

**ARTICLE 11**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$399,712.00 for the purpose of the installing of a new slate roof system and re-lining the existing gutters to the town hall building, or to do or act in any manner relative thereto.

EXPLANATION: The existing roof is beyond reasonable repair.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     No Action 6-0-0**

**This article is addressed in Article 3.**

**ARTICLE 12**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$297,712.00 for the purpose of installing a new asphalt slate “look-alike” roof system and re-lining the existing gutters of the town hall building, or to do or act in any manner relative thereto.

EXPLANATION: The existing roof is beyond reasonable repair.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     No Action 5-0-1**

**This article is addressed in Article 3.**

**ARTICLE 13**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$63,400.00 for the purpose of the installation of a new steam boiler and gas fired burner at the town hall building, or to do or act in any manner relative thereto.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     No Action 6-0-0**

**This article is addressed in Article 3.**

**ARTICLE 14**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$101,000.00 for the purpose of acquiring a 2005 bombardier with a power angle plow and snow

blower, or to do or act in any manner relative thereto.

EXPLANATION: The town presently owns a 1968 bombardier that is now 37 years old and needs replacing.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted: Favorable Action 5-1-0**

This article seeks to replace a 37 year-old Bombardier for which parts are no longer available. (This equipment is used to plow the Town's sidewalks). The Capital Planning Committee proposes to fund the \$101,000 needed from the following old capital articles as follows:

1. Bus garage	\$ 4.00
2. Land purchase	290.00
3. Town Hall wiring	32526.00
4. School buses	1328.00
5. Middle School roof	270.00
6. Equipment 10/00	1103.00
7. East River Dredging	3099.00
8. Onset Storm Water	19101.00
9. Trash Packer	390.00
10. Equipment 10/02	<u>42889.00</u>

**TOTAL: \$101000.00**

#### **ARTICLE 15**

To see if the Town will vote to appropriate and transfer \$25,000.00 from the Waterways Improvement and Maintenance Fund to the Harbors and Beaches Maintenance Account, or to do or act in any manner relative thereto.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted: No Action 6-0-0**

**The Finance Committee recommends no action on this article.**

#### **ARTICLE 16**

To see if the Town will vote to raise and appropriate or to transfer \$43,000.00 from the Harbor Service Permit Reserved for Appropriations Account, to the Harbormaster Maintenance and Improvement account, or to do or act in any manner relative thereto.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted: Favorable Action 6-0-0**

Harbor Service fees generate funds for the Town specifically for the purpose of maintaining and improving the area of the Town overseen by the Harbormaster. The Harbormaster intends to use this request for \$43,000 to acquire a new vehicle.

## **ARTICLE 17**

To see if the Town will vote to appropriate \$200,000 for the purpose of financing the following water pollution control facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the Massachusetts General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or other wise, or to do or act in any manner relative thereto.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 6-0-0**

**The article, if approved allows the Town to borrow \$200,000 form the Massachusetts Water Abatement Trust for the purpose of repairing, replacing or upgrading septic systems in the Town. “Costs” which are to be included in the borrowing (per Section 1 of Chapter 29c of the Massachusetts General Laws) are “costs, whenever incurred, approved by the department in accordance with section twenty-seven A of chapter twenty one of carrying out a project including, ...costs for planning, preparation of studies and surveys, design, construction, expansion, facilities improvement and rehabilitation, acquisition of real property, personal property, materials, machinery or equipment, start-up costs, demolitions and relocations, reasonable reserves and working capital, interest on loans, local governmental obligations and notes in anticipation thereof prior to and during construction of such project of prior to the date of such loan, if later, administrative, legal and financing expenses, and other expenses necessary or incidental to the aforesaid”.**

## **ARTICLE 18**

To see if the Town will vote to authorize the Board of Selectmen to accept with quitclaim covenants, the perpetual, non-exclusive right and easement within the following land area (the “Easement Area”): A strip of land 25 feet in width situated on the Westerly side of Great Neck Road and lying Southerly of and adjacent to the Southerly property boundary line defines the Agawam Cemetery and being more particularly described as follows:

Beginning at a point in the southeast corner of land of the Town of Wareham know as Agawam Cemetery; said point also lying in the westerly sideline of Great Neck Road and also being the northeast corner of land of the Grantor;

Thence in the Westerly line of Great Neck Road S 00°-00'-03” W, a distance of 25.09 feet, more or less;

Thence in line of remaining land of the Grantor, N 85°-13'-55” W, a distance of 525.77 feet to an angle;

Thence continuing in line of remaining land of the Grantor, N 64°W, a distance of 116.31 feet to land of the Town of Wareham;

Thence in line of land of the Town of Wareham; N 28°-48'-48’ -53” E, a distance of 25.04 feet to a stone wall;

Thence in line of said stone wall and land of the Town of Wareham, S 64°-17'-17” E, a distance of 110,33 feet to a drill hole in the wall; and

Thence in line of said wall and land of the Town of Wareham, S 85°E, a distance of 519.06 feet to the

point of beginning.

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

EXPLANATION: The Wareham Historical Commission asked the Planning Board to present this article for town meeting vote for legal access to the ancient wall surrounding the cemetery and abuts land on a recorded plan entitled "Definitive Subdivision Known as Griffith Estates"

**The Board of Selectmen Voted:**

**The Finance Committee Voted: Favorable Action 6-0-0**

**This article creates an easement, which will give legal access to the Town to make repairs, when necessary, to the existing ancient stone wall surrounding the 17<sup>th</sup> century Agawam Cemetery. The easement will also prevent building on the easement area and protect any possible human remains lying within the easement area that were buried previous to the 19<sup>th</sup> century construction of the stone wall.**

#### **ARTICLE 19**

To see if the town will vote to amend the by-laws of the Town of Wareham, DIVISION II, ARTICLE III, REGULATION OF PAWNBROKING ACTIVITIES, as required by Massachusetts General Laws c. 140 §78 that so states: "The authorities who grant licenses to pawnbrokers shall establish...the rate of interest to be charged by them, and a pawnbroker shall not charge or receive upon any loan a greater rate of interest than that fixed by the licensing authorities." by adding into the regulations: The maximum allowed monthly rate of interest is 3% the maximum annual rate of interest is 36%. The rate of interest cannot vary no matter the amount of the loan, or to do or act in any manner relative thereto.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted: Favorable Action 6-0-0**

**This article is to establish the fixed rate of interest that pawnbrokers may receive on loans. The maximum proposed rate is 3% per month with a maximum annual rate of 36%. The rate of interest cannot vary no matter the amount of the loan. Any rate of interest charged by the local board is subject to review by the Commissioner of Banks.**

#### **ARTICLE 20**

To see if the Town will vote to act upon the reports of the Board of Selectmen and School Committee as required by stature 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 at the request of the Town Administrator

**The Board of Selectmen Voted:**

**The Finance Committee Voted: No Action 6-0-0**

**This article is addressed each year at the Annual Spring Town Meeting.**

#### **ARTICLE 21**

To see if the town will vote pursuant to Chapter 44 Section 53E-1/2 of the Massachusetts 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 \$175,000 expended in any fiscal year, and further that the unencumbered balance as of the close of the fiscal year 2005 in the existing kindergarten revolving account be transferred to the revolving fund established for fiscal year 2006, or to do or act in any manner relative thereto.

Inserted by the Wareham School Committee

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 6-0-0**

**This article proposes the continuation of a revolving fund to receive payments from the Commonwealth, appropriations from the town, tuition/fee payments from parents, fundraising, etc. in support of the Wareham Public School All-Day Kindergarten programs. This account will track related expenses and the payments made from this account. This article is necessary because the Commonwealth (Chapter 44, § 53E ½) the Town voters to annually approve such accounts and places a limit of \$175,000 on the expenditures (payments) made from the account.**

#### **ARTICLE 22**

To see if the Town will vote to appropriate and transfer money a sum from available funds and appropriate funds and authorize borrowing subject to Chapter 44, Sections 7 or 8 of Massachusetts General Laws, or any other enabling authority, for the purpose of augmenting a capital improvement project to replace 2 Heating Boilers the sum of money needed in addition to money already appropriated is \$94,000

EXPLANATION: At the October 2004 Town Meeting the town approved Article 3, which included \$100,000 for the replacement of Boilers at the East Wareham School and the Ethel E. Hammond School. The bids that we opened ranged from \$171,733 to \$213,882. After consultations with an engineer it was determined that, we needed an additional \$94,000 to get the work done. Prices of raw material and labor have increased greatly since we estimated the cost of replacing these boilers. The boilers were installed in 1929 and 1945 and need to be replaced.

Inserted by the Wareham School Committee

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     No Action 6-0-0**

**This article is addressed in Article 3.**

#### **ARTICLE 23**

To see if the Town will vote to hear and act on a report of the Community Preservation Committee on the Community Preservation budget for fiscal year 2006 and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the fiscal year 2006; and further to reserve for future appropriation amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition, preservation, rehabilitation and restoration of historic resources, and a sum of money for the creation, preservation and support of affordable housing, or to do or take any other action relative thereto.

EXPLANATION: This fall the Community Preservation Committee is recommending two projects to the voters: \$301,292.00 for the development of four athletic fields at the Westfield complex; and \$55,667.00 for the rehabilitation and restoration of Old Town Hall at 505 Main Street. In addition,



the committee is recommending \$160,770.00 for debt service for the acquisition of Tremont Nail and \$12,145.00 for debt service for the acquisition of Bryant Farm. A sum of money will be set aside for the acquisition of open space and a sum of money, will be set aside for affordable housing.

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

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 6-0-0**

**In Fiscal 2003 Town Meeting members and Wareham voters adopted the Community Preservation Act (CPA) and creation of a Community Preservation Fund. The Fund is financed through a surcharge on real estate taxes as well as state matching funds. Each year Town Meeting must earmark by appropriation of reservation for later appropriation at least 10% of the annual fund revenues for each of three basic categories: (1) open space and recreation, (2) historic preservation and (3) community housing.**

**This article asks for the appropriation of the amounts identified by the Community Preservation Committee in their explanation above.**

#### **ARTICLE 24**

To see if the Town will approve the following article that will require employees of the Town who are in decision-making positions be residents of Wareham.

Any Town department head, department manager or any other managerial position employed in the Town is required to be a resident of the Town of Wareham. Any person affected has one year to establish residency or to tender his resignation. Any person who becomes a department manager has six months from date of position appointment to become a resident. "Residence" means the actual primary domicile where an employee regularly eats and sleeps and maintains a household. Seasonal dwellings do not establish residency. Any current employees under contract have three years or until the expiration of their contract (which ever is later) to become a resident. In the event that an employee's contract is to be renewed but residency has not been established, the length of the new contract cannot be for longer than the remainder of time allotted by the three year grace period. Submitted by Citizens of Wareham

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

Inserted by Cheryl M. Bushnell et al

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     No Action 6-0-0**

**The Finance Committee, which usually submits explanations for Warrant articles, has reviewed this article and determined that any explanation of the article, its spirit and intent, should come from the sponsor of the article (Cheryl M. Bushnell et al). The Finance Committee will therefore submit no explanation and will yield the opportunity to explain the article to the Town Meeting for Cheryl M. Bushnell et al, when the article is moved upon at Town Meeting.**

## **ARTICLE 25**

The following registered voters of the Town of Wareham request that the following Article be placed on the October 2005 Annual Town Meeting Warrant:

### **ARTICLE**

To see what action the Town will take to grant an easement for installation of utilities, conduits and related equipment over Lot 1006, Map 2, Wareham Assessors Maps, from and upon Eagle Way to BRT-Wickets, LLC including but not limited as shown on a plan entitled "Plan of Proposed Easement Prepared For: BRT – Wickets LLC" prepared by G.A.G. Engineering, Inc. dated September 7, 2005, which is on file at the offices of the Town Clerk and/or Board of Selectmen, or take any other action relative thereto.

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

Inserted by Larry Winokour, Esq. et al

**The Board of Selectmen Voted:**

**The Finance Committee Voted:     Favorable Action 6-0-0**

**This article is to grant an easement for installation of utilities, conduit and related equipment from and upon Eagle Way for the purpose of Wickets Island. The developer has agreed orally to pay for the work regarding utilities, conduit and related equipment for Wickets Island. The developer has also orally agreed to pay for any utility upgrades needed on Eagle Way including, but not limited to utilities, conduit, related equipment and any resurfacing needed for the road or sidewalk. The project would take an estimated four weeks to complete.**



