



## Town of Wareham, Massachusetts

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### 2006 Annual Town Meeting Warrant APRIL 24, 2006

TOWN OF WAREHAM

#### ANNUAL TOWN MEETING WARRANT

APRIL 4, 2006  
(ELECTION)

Designated Poll Locations 8:00 AM to 8:00 PM

APRIL 24, 2006  
(GENERAL BUSINESS)

WAREHAM HIGH SCHOOL AUDITORIUM  
7 VIKING DRIVE  
WAREHAM, MA 02571 7:00 PM

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, §

TO THE CONSTABLE 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 of Wareham qualified to vote in Town affairs to meet in **Precinct 1:** Wareham Town Hall, 54 Marion Road; **Precinct 2:** Ethel B. Hammond Elementary School, Highland Avenue, Onset; **Precinct 3:** Minot Forest School, Minot Avenue, East Wareham; **Precinct 4:** Redmen Hall, 758 Main Street, South Wareham; **Precinct 5:** John W. Decas School, Main Street, South Wareham; and **Precinct 6:** Wareham Lodge of Elks, 2855 Cranberry Highway, East Wareham on Tuesday, April 4, 2006 at 8:00 o'clock a.m. for the election of town officers designated in the official ballot, to be adjourned until Monday, April 24, 2006 at 7:00 o'clock p.m. in the High School Auditorium, Viking Drive, Wareham, MA to act on the following articles:

#### ARTICLE 1

To choose the following officers: one (1) Selectmen for a term of three (3) years; two (2) Assessors for a term of (3) years; two (2) School Committee members for a term of three (3) years; one (1) Deputy Moderator for term of (3) years.

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 2007 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, Town Moderator, and any other elective officers of the town as provided by Chapter 41, Section 108 of MGL 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

To see if the town will vote to determine what sums of money the town will raise and appropriate, including appropriations 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, 2006 ending June 30, 2007, 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 what sums the town will vote to raise and appropriate as its share of the operating costs and as its share of the capital costs of the Upper Cape Cod Regional Vocational-Technical High School District for the Fiscal Year July 1, 2006 through June 30, 2007, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request Upper Cape Cod Reg Vocational-Technical School Dist.

#### ARTICLE 8

To see if the town will vote to appropriate a sum of money to the emergency medical services salaries and wages account and a sum of money to the emergency medical services general expense account, still further, to authorize a sum of money 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

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

#### ARTICLE 9

To see if the town will vote to appropriate a sum of money from the sewer betterment retained earnings account, a sum of money from the sewer enterprise fund retained earnings account, and a sum of money from the wastewater enterprise revenue in accordance with Chapter 44, Section 53F-1/2 of the MGL to defray the operating and capital expenses of the water pollution control enterprise fund for the fiscal year beginning July 1, 2006, and ending June 30, 2007, or to do or act in any manner relative thereto

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

#### ARTICLE 10

To see if the town will vote pursuant to MGL Chapter 44, Section 53E-1/2 authorize the use of a revolving fund for the purpose of recreation programs, supplies, equipment, contracted instructors and any related expenses, which fund shall be credited with receipts from all Recreation Department program user fees, proceeds of fund-raising activities, donations and 50% of concession sales receipts under the authority and direction of the Director of Recreation, acting with the approval of the Town Administrator and the Recreation Commission; such expenditures not to exceed \$120,000 expended in any one fiscal year; and further, that the unencumbered balance as of the close of fiscal year 2006 in the existing recreation revolving account be transferred to the revolving fund established for fiscal year 2007, or to do or act in any manner relative thereto

Inserted by the Board of Selectmen at the request of the Recreation Commission

#### ARTICLE 11

To see if the town will vote pursuant to MGL Chapter 44, Section 53E-1/2 to authorize the use of a revolving fund for the purpose of shellfish propagation programs and enhancement of shellfish resources within the Town of Wareham, which fund shall be credited with receipts from all commercial shellfish permit fees and thirty percent (30%) of all fees derived from the issuance of recreational (family) shellfish permits under the authority and direction of the Shellfish Constable and Town Administrator; such expenditures not to exceed \$40,000.00 in any one fiscal year; further, that the unencumbered balance as of the close of fiscal year 2006 in the existing shellfish revolving account be transferred to the revolving fund established for fiscal year 2007, or to do or act in any manner relative thereto

Inserted by the Board of Selectmen at the request of the Harbormaster/Shellfish Constable

#### ARTICLE 12

To see if the Town will vote pursuant to MGL Chapter 44, Section 53E-1/2 to authorize the use of a revolving fund for the purpose of providing transportation to elderly and disabled citizens of the town, which fund shall be credited with receipts from transportation proceeds including donations, under the authority and direction of the senior director acting with the approval of the Town Administrator; such expenditures not to exceed \$170,000; and further, that the unencumbered balance as of the close of fiscal year 2006 in the existing transportation revolving account be transferred to the revolving fund established for fiscal year 2007, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

#### ARTICLE 13

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 MGL Chapter 44, Sections 7 or 8 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

#### ARTICLE 14

To see if the Town will vote to appropriate from available funds the amount of \$10,800 to be used for Wareham children being served by Cape Cod Child Development Program, Inc. (Head Start), or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

#### ARTICLE 15

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2007 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2007, 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 recreation 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 community housing, 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 16

To see if the town will vote pursuant to MGL Chapter 44, Section 53E 1/2 to authorize the use of a revolving fund for the purpose of recycling programs, projects, supplies, equipment and any related expenses, which fund shall be credited with receipts from recycling

programs and projects, proceeds of fund-raising activities and donations under the authority and direction of the Chairman of the Recycling Committee, acting with the approval of the Town Administrator; such expenditures not to exceed \$15,000; and further, that the unencumbered balance as of the close of fiscal year 2006 in the existing recycling revolving account be transferred to the revolving fund established for fiscal year 2007, or to do or act in any manner relative thereto.

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

#### ARTICLE 17

To see if the town will vote pursuant to c.44 s.53E ½ of the MGL 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 2006 in the existing kindergarten revolving account, be transferred to the revolving fund established for fiscal year 2007, or to do or act in any manner relative thereto.

Inserted by the Wareham School Committee

#### ARTICLE 18

To see if the town will vote to amend the vote taken under ARTICLE 5 at the April 2003 Special Town Meeting, which created the **Business Development Overlay District** by **deleting** the language **“These amendments shall take effect upon passage by the Legislature of the Home Rule Petition approved under article 7 of the April 28, 2003 Special Town Meeting.”** 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 its Zoning By-law, Article 2, Zoning Districts and related articles, by expanding the Business Development Overlay District as follows, to do or act in any manner relative thereto:

Amend Article 2, Zoning Districts, Section 220 Zoning Map, Section 225 Business Development Overlay District; Article 4, Overlay Districts, Section 450, Business Overlay Development District, Accepted Overlays; and amend the Zoning Map by expanding the Business Development Overlay District to include the following:

#### METES AND BOUNDS DESCRIPTION

Parcels to be rezoned to Business Development Overlay District being described as those parcels or portions of parcels shown on Town of Wareham Assessors' Map 109, Parcels 1000, 1001, 1001-A, 1002 thru 1012, 1051, 1052, 1053 and Map 109-A, Parcel 1038 and Mosquito Dam Road, currently zoned as Residential R-60:

Southerly 5,700 feet more or less by Tihonet Road, to a point at the intersection of the southeasterly corner of Assessors' Parcel 1012 on Map 109 at the intersection of Tihonet Road and the Lot line, thence running;

Westerly and

Northwesterly 330 feet more or less by the southerly lot line of Assessors' Parcel 1012 on Map 109, to a point at the intersection of the Lot Line and the Zone Line that divides the Residential R-60 and Strip Commercial Zone, thence running;

Westerly 4500 feet more or less by the current Zone Line and land owned by A.D. Makepeace to the easterly sideline of Interstate Route 195, thence running;

Northeasterly 2,500 feet more or less by the easterly sideline of Interstate Route 195, to the point of beginning. Containing 300 Acres more or less.

Inserted by the Board of Selectmen

#### ARTICLE 20

To see if the Town will vote to appropriate and authorize borrowing \$1,500,000 for the purpose of designing a sewerage system in the Agawam Beach, Cromesett, Linwood/Ladd Avenue, Mayflower Ridge, Oakdale, Parkwood Beach and Tempest Knob sections of town

as shown in the "Comprehensive Wastewater Management Plan/Single Environmental Impact Report" dated March 2002 and on file with the Town Administrator, with said indebtedness to be in accordance with MGL c.44 s.7 or s.8, or any other enabling authority; and further that the Board of Selectmen and the Town Administrator be authorized to file applications for grants or loans in connection with said project; that the Board of Selectmen being the Board of Sewer Commissioners, is authorized to take all necessary action to carry out the project and take by eminent domain, for and on behalf of the Town of Wareham under MGL c.79 and c.83, acquire by lease, purchase or otherwise hold any lands, rights-of-way and other easements, public or private in the Town of Wareham, that may be necessary in the construction and maintenance of said sewerage system; and finally, that the Board of Selectmen be authorized to assess betterments for the total design and construction costs in accordance with MGL c.80 or c.83 or any other enabling authority, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

#### ARTICLE 21

To see if the town will vote to rescind the action taken on Article 11 of the April 24, 2000 Annual Town Meeting, accepting the provisions of Chapter 44, Section 53F1/2 of the MGL with respect to a Day Camp Enterprise Fund effective for fiscal year 2001, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request Town Administrator

#### ARTICLE 22

To see if the town will vote to authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below; provided however, that the General Court may make clerical and editorial changes to the Bill, unless the Board of Selectmen approves amendments to the Bill before enactment by the General Court. The Board of Selectmen, is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition:

An Act Authorizing the Town of Wareham to Issue Fifteen (15) Additional Licenses for the Sale of All-Alcoholic Beverages To Be Drunk on the Premises

SECTION 1. Notwithstanding §17 of Chapter 138 of the Massachusetts General Laws, the licensing authority of the Town of Wareham may issue fifteen (15) additional licenses for the sale of all-alcoholic beverages to be drunk on the premises under § 12 of said Chapter 138. The license shall be subject to all of said Chapter 138 except said § 17, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

#### ARTICLE 23

To see if the Town will vote to Accept Chapter 491 of the Acts of 2004, An Act Establishing Municipal Affordable Housing Trust Funds by voting to accept said provisions and said act in accordance with the Town of Wareham's Home Rule Authority and by so amending the Town of Wareham's General Bylaw accordingly, all as more specifically provided for as follows:

Chapter \_\_\_\_\_. Wareham Affordable Housing Trust Fund.

##### §1 Authority/establishment:

Pursuant to the authority of Chapter 491 of Legislative Acts of 2004, codified as G.L. c.44, s.55C and the Town of Wareham's Home Rule Charter, there is hereby created an affordable housing trust fund to be known as the Wareham Municipal Affordable Housing Trust Fund (hereinafter: "Trust Fund")

##### §2 Purposes:

The purpose of the Trust Fund shall be:

A. To receive, hold, invest, and/or expend funds for the acquisition, rehabilitation, renovation, construction, financing or refinancing of property within the Town of Wareham so that such property will be substantially available as residential property for low and moderate income persons and to further provide mechanisms to ensure such use; and

B. To utilize funds for temporary consulting services that allow the Town of Wareham to provide or preserve real property in the Town so that such property will be substantially available as residential property for low and moderate-income persons and to further provide mechanisms to ensure such use.

##### §3 Composition:

The Trust Fund shall have five (5) Trustees at all times. At least one of the Trustees shall be a member of the Board of Selectmen. The

Board of Selectmen shall appoint the remaining Trustees. In making the appointments, the Board of Selectmen shall endeavor to provide a broad-based membership including legal, banking, financial and real estate professionals, other members of the local business community and affordable housing advocates.

§4 Term of Office:

The Trustees shall be appointed for a two (2) year term commencing on July 1 and ending on June 30 or until such time as a successor is appointed, should said appointment be delayed.

§5 Organization:

The Trustees shall annually elect one Trustee to serve as Chairperson. The Chairperson may establish sub-committees and/or ad hoc task related committees to carry out the purposes of the Trust Fund. The members of the sub-committees may select chairpersons of the sub-committees.

§6 Filling of vacancies:

In the event of a vacancy in the position of Trustee, the appointment shall be made in the same manner as the original appointment.

§7 Meetings, quorum:

Meetings of the Trust Fund shall be held on a regular basis. The Chairperson or any two (2) Trustees may call Special meetings. Notice of any meeting of the Trust Fund shall be filed with the Town Clerk and posted in accordance with M.G.L. Ch. 39, §23, the Open Meeting Law. Four (4) Trustees shall constitute a quorum but a majority vote of the full membership shall be required to approve any motion.

§8 Powers and duties:

The Wareham Municipal Affordable Housing Trust Fund shall have the responsibility to support the construction and preservation of affordable housing in order to secure rental and home ownership opportunities for our community's low and moderate-income individuals and families in the future.

The Trust Fund shall have the powers and duties specified in G.L. c.44, s.55C if provided that it shall have no ability to borrow money, or mortgage or pledge trust assets without prior Town Meeting approval.

It shall have the following additional powers and duties:

A. To establish criteria and/or qualifications for recipients and expenditures in accordance with Trust Fund's above-stated purposes

B. To employ consultants, legal counsel and full or part-time staff, to contract for administrative and support goods and services, and to expend up to ten (10) percent of Trust Fund's receipts for these purposes.

§9 Treasurer-Collector as custodian:

The Town of Wareham Treasurer-Collector shall be the custodian of the Trust's funds and shall maintain separate accounts and records for said funds. He or she shall invest the funds in the manner authorized by Sections 55, 55A and 55B of Chapter 44 of the General Laws. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.

Inserted by the Board of Selectmen at the request of the Housing Partnership Advisory Board

ARTICLE 24

To see if the town will vote to authorize the Board of Selectmen to acquire by gift or eminent domain or otherwise and to accept the deed of fee simple interest in the parcel described below, upon such terms and conditions as it shall determine appropriate for the purpose of the Oak School project, said parcel of land or interest therein being described as follows:

Beginning at a stone bound at the northeast corner of property now or formerly owned by the Town of Wareham, also shown as Lot 1005 on Wareham Assessors' Map 16, thence N 51°15'42" E, 4.77' through property now or formerly owned by Helen B. Gibbs, shown as Lot 1038 on Wareham Assessors' Map 16, to the southerly side line of Onset Avenue, thence N 38°28'50" W, 299.00' along the southerly side line of Onset Avenue, thence S 51°31'10" W, 5.00' through property now or formerly owned by Helen B. Gibbs, to the northwest corner of property now or formerly owned, by the Town of Wareham, thence S 38°31'33" E, 299.02' along the northeasterly property line of land now or formerly owned by the Town of Wareham to the point of beginning, containing 1,460 square feet more or less, a portion of a street layout of Onset Avenue and further, that the town portions of the privately owned property that include the layout of said roadways; and further to see if the town will raise, appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose, or to do or act in any manner relative thereto

Inserted by the Board of Selectmen at the request Town Administrator

ARTICLE 25

To see if the Town of Wareham will, in accordance with MGL c.40 s.4A, authorize the Board of Health to enter into an inter-municipal agreement with one or more other governmental units to provide public health services, which the Board of Health is authorized to perform, in accordance with an Inter-Municipal Mutual Aid Agreement to be entered into between the town and various governmental units, or to do or act in any other manner relative thereto

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

ARTICLE 26

We, the undersigned registered voters of the Town of Wareham, do hereby petition the Board of Selectmen to insert the following article in the Warrant for the Annual Town Meeting.

To see if the Town will vote to establish a committee to study the feasibility of establishing a municipal power and light company within the Town of Wareham. The appointing authorities should consider for appointment to the committee those individuals who by education and experience are knowledgeable in matters related to the economics of power generation and distribution. The Town Manager or his designee will serve as chairman and shall call the initial meeting of the committee. The charge of the committee will be to examine the feasibility and economic viability of establishing a municipal power and light company to be owned by the Town pursuant to the provisions of Massachusetts General Laws including without limitation Chapter 164 or special act.

Petition Article: What this would do is give the Selectmen a green light to move forward on developing a business plan, investigating the costs, approaching NStar about the possibility of a voluntary sale, and putting together a financial package to present to the voters if a public utility seems to be a fiscally viable option. There would also need to be subsequent TM votes to establish the utility and determine its governance under the Town Manager Act (our town charter), create an enterprise fund, vote a budget, vote any appropriations subsequent to a successful referendum.

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

Inserted by Jennifer Petersen, et al

ARTICLE 27

We the undersigned, do respectfully petition the Board of Selectmen to include the following Article in the Warrant for the **2006 Annual Town Meeting**.

Article: To ask the Town of Wareham to vote to raise or appropriate or transfer from available funds, the sum of **\$2,000** to contract with South Shore Women's Center for **domestic violence intervention and prevention services** for its residents.

Contact Person: Tiffany Park, Administrative Assistant (781) 582-0078  
Barbara M. Fuyat, Executive Director (781) 582-0078

15 Signatures Required of Registered Voters

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

Inserted by Tiffany Park and Barbara M. Fuyat

ARTICLE 28

We the undersigned registered voters of the Town of Wareham, do hereby petition the Board of Selectmen to insert the following article in the Warrant for the Annual Town Meeting:

To see if the Town will vote to accept the provisions of Chapter 32B, section 9D 1/2 of the General Laws, regarding contribution by the Town toward group insurance premiums payable by the surviving spouse of an employee or retired employee.

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

Inserted by Irving I. Wallace, III et al

ARTICLE 29

Honorable Board of Selectmen

Wareham, Massachusetts      February 6, 2006

We, the undersigned registered voters of the Town of Wareham, do hereby petition the Board of Selectmen to insert the following article in the Warrant for the Annual Town Meeting:

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$35,000 for the purpose of covering the costs of Police and Emergency Medical Services for the following community events; Gleason Family YMCA 5K Road Race, Gleason Family YMCA Triathlon, Onset Bay Association Blues Festival, Onset Cape Verdean Festival and Wareham Village Association Swan Festival, or to do or act in any manner relative thereto.

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

Inserted by Bruce Linwood Hutchins et al