

To Town Meeting Voters:

It has been traditional for the Chairman of the Finance Committee to offer some thoughts in conjunction with the presentation of the Warrant. What follows are the thoughts of the Chairman alone, so any blame for their focus should fall on him alone.

It is clear that we have a serious financial problem in the Town, and it is becoming increasingly clear that the problems extend far beyond our borders and reach to both the State and Federal governments.

What happened and what can be done?

The first part, while complex, is reasonably easy to answer.

As a society, we allowed ourselves to listen to the siren song of “ain’t-life-grand” and believed that the government could and would solve our problems. We allowed ourselves to over-leverage our personal assets to an unparalleled extreme.

According to the Federal Reserve Bank, the average household has total debt per household of \$117,951, including, again on average, \$85,000 of mortgage debt. But on the savings side, there is only \$392 of annual savings. So, the leverage is well over 100:1

And what was happening at the personal level, was also happening at the Town level, the State level and the Federal level. Euphoria, tax dollars rolling in, yippee, let’s spend it!

But at that personal, Town, and State level, we have to balance our budget. There is no choice. It is mandated by law.

However, at the Federal level, why they can issue paper and borrow from.....China. Twenty percent of our funding for our lifestyles comes from China. Are the Chinese going to continue this? I would not bet on it. One statistic from a recent National Geographical article on China is illuminating. Eighty-seven percent of recent car buyers paid cash for their cars.

They have the money and we don’t.

We have effectively lost control of our own destiny.

So, what to do?

We all have to deleverage, get our balance sheets back in order; be it personal, Town, State or Federal.

On the personal side, things like buying a new car (if ever) go from once every four years to once every six years. While it is nice to go out to dinner once a month, now maybe it is once every two months. Another way of putting this is that our standard of living has to go down.

But then you say, I own my own home and have a comfortable and secure pension. Good for you, but you are not average. And the trend is not our friend as a society.

For much longer term, for your children and grand children, set them down, pull out some credit

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

cards and a pair of scissors, and let them get to work. In the same Federal Reserve study, they found the average person had 13 credit cards. You say that you have “one,” well, again, good for you, but that means that someone else has 26.

On the Town side, over time, we should be planning to combine functions and streamline procedures. Is it really necessary to go to five different departments to verify information for a building permit, keeping people “busy” by checking records when it all could have been done in one stop? As we automate, and need fewer people, and importantly fewer benefits, we do not replace people as they retire. And please note the word “retire”. This is not a paean for layoffs.

And on the State side, where did we get (or used to get) all of those nice grants? Consider where the money is coming from. It’s coming from you and me, goes into Boston where they take out what amounts to a toll (their salaries, etc) and redistribute it back to various towns and cities through various formulas. The exception is, we do not get “back” 100%. So, grants are not free money. It may have seemed that way, but it never was and never will be.

But then, you say, well if we don’t take the grant, someone else will. Quite frankly, that kind of thinking is precisely what helped to get us into this predicament in the first place. If towns and cities started to turn their backs on grants, then we would wind up funding our own activities. Never happen? Well probably not, but then again, it has never been tried.

As for the Federal government, they are well intentioned, but their main purpose in life for most of them, is to get re-elected so that they can serve the greater good, or at least the greater good as they see it. Not one of them would tell you that an American, any American, has to cut their standard of living. They all remember what happened to Jimmy Carter after he spoke in April of 1977:

“Tonight I want to have an unpleasant talk with you about a problem unprecedented in our history. With the exception of preventing war, this is the greatest challenge our country will face during our lifetimes. The energy crisis has not yet overwhelmed us, but it will if we do not act quickly”

Americans don’t want to hear “unpleasant talk,” and President Carter was no longer President a year later..... and politicians have long memories.

Someone once observed that if you are selling water in the desert, and it starts to rain, then you had better consider a different business plan.

Well, we are dealing with a monsoon, and it is sweeping in from different directions. We have to put aside the umbrella, slog around in the mud and sort this out. It is not a matter of “can this be done”, but rather “it must be done.”

Dick Paulsen
Wareham Finance Committee Chairman

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

2008 FALL TOWN MEETING WARRANT ARTICLES

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Supplemental Budget	1-8
2	Amend Bylaw – Mullin Rule	8
3	Demand Fees	9
4	Rescind Article – Two Police Cruisers	9
5	Legal Bills	10
6	Unpaid Bill	10
7	Community Preservation Fund	11
8	Community Preservation: Debt Service	11
9	Community Preservation: Town Hall Roof	12
10	Community Preservation: Bike Path Study	13
11	Community Preservation: Great Neck Project	13
12	Community Preservation: Minot Forest/Brochures	14
13	Land Donation	14
14	Transfer of Property	15
15	Excavation, Earth Removal, & Filling Bylaw	15-23
16	Community Events Fund	24
17	Bylaw: Sewer Construction in New Developments	24-26
18	Amend Bylaw: Nitrogen Standards	27
19	Personnel Plan	28
20	Trench Permitting Authority	29
21	Petition: Amend Bylaw - Town Meeting Location	29
22	Petition: Swifts Beach Property Committee	30
23	Petition: Charter Change – Recall of Elected Officials	31
24	Petition: Charter Change – Recall of Elected Officials	32
25	Petition: Charter Change – Submittal of Town Budget	32
26	Petition: Charter Change – Uniform Procedures	33
27	Petition: Charter Change – Action of Proposed Budget	33
28	Petition: Charter Change – Amendments to Budget	34
29	Petition: Charter Change – Moderator	34
30	Petition: Charter Change – Meeting Minutes	35
31	Petition: Bylaw Change – Selectmen	35
32	Petition: Bylaw Change – Board Meetings & Hearings	35
33	Petition: Bylaw Change – Board Meetings & Hearings	36

FALL TOWN MEETING WARRANT
TOWN OF WAREHAM

OCTOBER 27, 2008

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 amend or supplement the Fiscal Year 2009 budget, to defray the costs of a projected deficit or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Favorable Action 4-0-0
The Finance Committee Voted: Favorable Action 7-0-0

Explanation:

The Town has a projected deficit for the FY 2009 (which began July 1, 2008) of approximately \$1.9 million dollars, most of it driven by revenue shortfalls for the twelve (12) months ending June 30, 2008 (July 1, 2007 to June 30, 2008) and requirements by the State that, given the problems in FY 2008, we reexamine our FY 2009 budget.

Expanding upon this, about one half of this deficit, approximately \$800,000, can be directly attributed to the fiscal year just ended. The remainder is forced upon the Town by the State for the new fiscal year, the one we have just entered, forcing the Town to recast revenue and expense projections to reflect what happened last fiscal year.

Aside from State school aid, the Town has essentially two sources of revenue; property taxes (approximately \$29 million budgeted) and Local Receipts (approximately \$6 million budgeted). The whole issue on the revenue side (there are some expense items to be commented on later) was in the latter category, which includes auto excise, fees, licenses, and "other local receipts".

As an example, fees collected were almost \$200,000 below budget. About one-half of this shortfall came about because it had been assumed (and budgeted) that the Fire Districts would pay the Town additional amounts for administrative services provided by the Town to the Districts. This proved not to be the case, hence the shortfall. This amounted to approximately \$100,000, which represented half of the \$200,000 mentioned previously.

The largest component, however, was in the "other local receipts" which was budgeted at \$1.9 million, but came in at approximately \$1.6 million. Looked at a bit differently, of the \$800,000 overall shortfall for last year mentioned above, \$278,000 came from this one category. Within this category, the largest problem was the effects of the fire at SEMASS. The Town collects what amounts to a haulage fee. Due to the fire in April 2007 and the resulting closure of the plant for several months, the anticipated revenue was around \$120,000 below budget. Should this have been anticipated, yes, but it was not.

There are also issues on the expense side. The snow and ice deficit was \$200,000 and that was expected to be funded by Free Cash as has been done in the past. The exception is that there was and is no Free Cash. Year after year, this is budgeted at \$83,000, yet it always comes in significantly higher. The Finance Committee believes that this lack of foresight is shortsighted and will make every effort to bring the budgeted amount in the line with more realistic expectations.

Previous years' legal bills equaled an additional \$45,000, again with no Free Cash to pay them.

Finally, the Finance Committee and the Board of Selectmen asked that an additional \$165,000 be added to the Reserve Fund to try and avoid some of these issues in the future. The Reserve Fund, prior to this suggested addition, had a modest balance. Any further shortfalls, if they materialize, would have required yet another set of issues dealing with deficits.

The Finance Committee believes strongly that the Town should initiate both short and long-range plans to build the Town's Reserve and Stabilization Funds. The Reserve Fund is modest and gives very little flexibility and the Stabilization Fund exists in name only.

*****PLEASE REFER TO THE FOLLOWING PAGES FOR THE 2009 OPERATING BUDGET.**

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

Town of Wareham Operating Budget 2009	FY 2009 Town Meeting Approved Budget	FY 2009 Finance Committee Amended Recommendations	Variance
<u>PROPERTY TAXES & OTHER REAL ESTATE TAXES</u>			
Real Estate Taxes - Levy Base	26,985,972	26,985,972	
2 1/2 Authorized	674,649	674,649	
Growth	300,000	665,000	
Debt Exclusion	338,625	338,625	
PROPERTY TAXES & OTHER REAL ESTATE TAXES	28,299,246	28,664,246	365,000
<u>INTER-GOVERNMENTAL TRANSFERS</u>			
School Chapter 70	12,491,866	12,491,866	
Charter Tuition Assess.	67,393	44,302	
School construction	1,171,856	1,171,856	
Lottery	2,462,468	2,462,468	
Other Cherry Sheet Items:	427,374	427,374	
Offsets	202,994	189,326	
STATE AID & OFFSETS	16,823,951	16,787,192	-36,759
<u>EST. LOCAL REC. & REIMBURSEMENTS</u>			
Motor Vehicle Excise	2,415,500	2,300,467	
Licenses & Permits	910,000	884,042	
Fees	626,000	438,974	
Penalties & Interest	425,000	425,000	
Other Local Receipts	1,877,120	1,371,327	
Estimated Local Receipts - Total	6,253,620	5,419,810	
WPCF Administrative Fee (Admin Fee - Breakdown)	949,535	849,535	
WPCF - Direct Costs	368,706	368,706	
WPCF - Indirect Costs	294,317	294,317	
WPCF - PILOT	286,512	186,512	
EST. LOCAL REC. & REIMBURSEMENTS	7,203,155	6,269,345	-933,810
<u>AVAILABLE FUNDS</u>			
Free cash		0	
Stabilization Fund- (Budget Offset)	0	0	
Water Ways	10,000	10,000	
Hotel Tax Fund/Visitors Service	0	0	
Community Development Retirement			
Harbor Service Permit Fees	63,082	163,082	
Overlay Reserve			
Federal Education Grants	0	0	
Cemetery Perpetual Care			
Wetlands Protection	30,000	30,000	
Miscellaneous Transfers	50,000	50,000	
AVAILABLE FUNDS	153,082	253,082	100,000
<u>REVOLVING FUNDS/OFFSET RECEIPTS</u>			
Recreation	120,000	120,000	

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

Recycling	15,000	15,000	
Shellfish	20,000	20,000	
COA-Transportation - GATRA	210,000	210,000	
COA_Activities	7,500	7,500	
EMS Offset Receipt	783,801	783,801	
Recreation Camp Enterprise			
All Day Kindergarten	195,000	195,000	
TOTAL REVOLVING FUNDS	1,351,301	1,351,301	
TOTAL GENERAL FUND	53,830,735	53,325,166	
ENTERPRISE FUNDS			
Water Pollution Control Facility Total	5,992,473	5,992,473	
Emergency Medical Services-Ambulance			
Solid Waste Revenue			
Recreation Camp Enterprise			
TOTAL ENTERPRISE FUNDS	5,992,473	5,992,473	0
TOTAL REVENUE	59,823,208	59,317,639	-505,569
EXPENSE			
Department or Unit			
Selectmen's-Wages	148,591	69,504	
Selectmen's-Expenses	12,500	10,300	
SELECTMEN	161,091	79,804	-81,287
Town Administrator-Wages	180,725	211,939	
Town Administrator-Expenses	6,300	27,550	
ADMINISTRATOR	187,025	239,489	52,464
Personnel Services-Expenses	7,200	7,200	0
PERSONNEL			
Finance Committee	7,000	4,600	-2,400
FINANCE COMMITTEE			
Town Accountant-Wages	122,161	119,426	
Town Accountant-Expenses	4,490	4,090	
ACCOUNTANT	126,651	123,516	-3,135
Assessors-Wages	278,014	272,462	
Assessors-Expenses	13,100	12,200	
ASSESSOR	291,114	284,662	-6,452
Revaluation			
Recycling Wages	0	0	
Recycling Expenses	3,000	3,000	
RECYCLING	3,000	3,000	0
Treasurer-Wages	305,103	306,336	
Treasurer-Expenses	103,450	92,374	
TREASURER	408,553	398,710	-9,843
Town Collector-Wages			
Town Collector-Expenses			
COLLECTOR			

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

Legal Services	140,000	140,000	0
LEGAL SERVICE			
Personnel Board	100	100	
PERSONNEL BOARD			
Data Processing-Wages	69,976	67,261	
Data Processing-Expenses	215,000	170,800	
INFORMATION SERVICES	284,976	238,061	-46,915
General Services-Wages			
General Services-Expenses	87,193	36,682	
GENERAL SERVICES	87,193	36,682	-50,511
Audit	50,000	50,000	0
AUDIT			
Communications	70,150	59,150	-11,000
COMMUNICATIONS			
Engineering-Wages			
Engineering-Expenses			
ENGINEERING	0	0	
Town Clerk-Wages	132,541	135,236	
Town Clerk-Expenses	14,172	14,052	
CLERK	146,713	149,288	2,575
Elections & Registrations-Wages	34,042	34,042	
Elections & Registrations-Expenses	12,625	12,625	
ELECTIONS & REGISTRATIONS	46,667	46,667	0
Town Meetings-Wages	8,742	8,742	
Town Meetings-Expenses	7,640	7,640	
TOWN MEETING	16,382	16,382	0
Planning Board-Expenses	13,800	13,000	-800
PLANNING BOARD			
Board of Appeals	4,825	4,175	-650
APPEALS BOARD			
Town Planning-Wages	187,094	141,988	
Town Planning-Expenses	17,200	12,450	
PLANNING	204,294	154,438	-49,856
Conservation Commission	800	800	
CONSERVATION			
Public Buildings-Wages	226,664	195,223	
Public Buildings-Expenses	194,500	186,420	
BUILDINGS	421,164	381,643	-39,521
Admin Clerical Pool	2,500	0	-2,500
CLERICAL POOL			
ADA Coordinator			
ADA			

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

Commission on Disabilities	400	400	0
DISABILITIES			
Police Wages	3,849,544	3,711,723	
Police Expenses	398,652	396,309	
Police Special Articles	67,578	0	
POLICE	4,315,774	4,108,032	-207,742
Inspectional Services-Wages	240,289	199,024	
Inspectional Services-Expenses	33,687	31,487	
INSPECTION	273,976	230,511	-43,465
Emergency Management-Expenses	100	100	
EMERGENCY MANAGEMENT	100	100	0
Animal Control-Wages	55,756	46,306	
Animal Control-Expenses	30,690	27,190	
ANIMAL CONTROL	86,446	73,496	-12,950
Shellfish/Harbormaster-Wages	200,629	200,555	
Shellfish/Harbormaster-Expenses	29,523	27,908	
SHELLFISH/HARBORMASTER	230,152	228,463	-1,689
Herring Commission-Wages	6,720	6,720	
Herring Commission-Expenses	1,000	1,000	
HERRING COMMISSION	7,720	7,720	0
Municipal Maint. & Public Bldgs -Wages	774,143	768,479	
Municipal Maint. & Public Bldgs-Expenses	249,060	243,810	
Municipal Maint. Special Articles			
MUNICIPAL MAINTENANCE	1,023,203	1,012,289	-10,914
Snow & Ice-Wages	25,000	25,000	
Snow & Ice-Expenses	58,000	58,000	
SNOW & ICE	83,000	83,000	0
Street Lights-General	135,481	135,481	0
STREET LIGHTS			
Council on Aging-Wages	152,993	125,346	
Council on Aging-Expenses	20,355	14,935	
COA	173,348	140,281	-33,067
Veteran's Services-Expenses	199,800	199,800	
VETS	199,800	199,800	0
Board of Health-Wages	155,241	127,476	
Board of Health-Expenses	26,862	25,412	
BOARD OF HEALTH	182,103	152,888	-29,215
CEDA	0	0	
Library-Wages	401,651	229,853	
Library-Expenses	94,824	66,622	
LIBRARY	496,475	296,475	-200,000

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

Recreation Department-Wages	0	0	
Recreation Department-Expenses	0	0	
RECREATION	0	0	
Beaches & Lifeguards-Wages	13,535	0	
Beaches & Lifeguards-Expenses	1,000	1,000	
BEACHES	14,535	1,000	-13,535
Historical District Comm.	100	100	0
HISTORICAL DISTRICT			
Historical Commission	1,000	250	-750
HISTORICAL COMMISSION			
Parking Attendants-Wages	0	0	
Parking Attendants-Expenses	0	0	
PARKING	0	0	
Holiday Dec/Lights	0	0	
HOLIDAY LIGHTS			
Departmental Wages	7,569,154	7,002,641	
Departmental Expenses	2,268,079	2,099,012	
General Government Departmental	9,904,811	9,101,653	-803,158
EDUCATION			
Local Schools			
Net School Spending-Gas Leases			
Net School Spending	23,842,348	23,842,348	
Non-Net School Spending	1,492,915	1,492,915	
TOTAL LOCAL SCHOOLS	25,335,263	25,335,263	0
FIXED COSTS			
Debt-Principal	2,208,503	2,187,000	
Debt-Interest	361,551	206,076	
Middle School Debt	338,625	344,600	
TOTAL FIXED COST	2,908,679	2,737,676	-171,003
EMPLOYEE BENEFITS			
Sick Leave Bonus	115,000	115,000	
Retirement Contribution	2,246,643	2,246,643	
Workman's Compensation-Town	327,000	307,000	
Insurance			
Unemployment	150,000	150,000	
Medical Insurance	5,880,868	5,445,000	
Life Insurance	41,000	41,000	
FICA-Medicare	353,625	365,000	
TOTAL EMPLOYEE BENEFITS	9,114,136	8,669,643	-444,493
OTHER FIXED COSTS			
Town Insurance-General Liability	414,750	319,752	
Reserve Fund	135,000	300,000	
Community Hlth Services			
Regional Landfill	84,620	84,620	
SPREDD Assessment	3,285	3,285	
TOTAL OTHER FIXED COSTS	637,655	707,657	70,002
TOTAL OPERATING BUDGET	47,900,544	47,032,648	

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

REVOLVING FUNDS / OFFSET RECEIPTS			
Recreation	120,000	120,000	
Recycling	15,000	15,000	
Shellfish	20,000	20,000	
Transportation	210,000	210,000	
COA Activities	7,500	7,500	
Recreation Camp Enterprise			
All Day kindergarten	195,000	195,000	
EMS Offset Receipt	783,801	783,801	
Total Revolving Funds	1,351,301	1,351,301	0
ENTERPRISE ACCOUNTS			
Water Pollution Control Wages	709,816	709,816	
Water Pollution Control Expenses	5,282,657	5,282,657	
Total Pollution Control	5,992,473	5,992,473	0
OFFSETS			
COUNTY & STATE ASSESSMENTS	2,218,342	2,092,013	
OTHER CHERRY SHEET OFFSETS	202,994	189,326	
2009 Revenue Deficit		480,756	
Snow & Ice		222,384	
Teachers Pay Deferral - Off Budget	44,916	44,916	
99-02 OVERLAY	290,000	425,000	
TOTAL OFFSETS	2,756,252	3,454,395	698,143
OTHER BUDGET ARTICLES			
Article - Unpaid Leagal Bills		43,806	
Article - Unpaid NSTAR BILL		879	
Article - South Shore Women's Center	2,000	0	
Article - Head Start			
Article Upper Cape Cod Reg Vocational	1,820,638	1,820,638	
TOTAL OTHER BUDGET ARTICLES	1,822,638	1,865,323	42,685
TOTAL E X P E N S E S	59,823,208	59,215,384	-607,824
SURPLUS/DEFICIT	0	102,255	

ARTICLE 2

To see if the Town will vote to amend the By-laws of the Town of Wareham, Division I, Article II, Section Four, Boards, Committees, Commissions holding adjudicatory hearings, by adding the following:

For all Boards, Committees, Commissions holding adjudicatory hearings in the Town of Wareham, the provision of Mass. General Law Chapter 39, Section 23D, which provides that a member of a board, committee or commission holding an adjudicatory hearing shall not be disqualified from voting in any matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met, shall apply, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Clerk.

The Board of Selectmen Voted: Favorable Action 4-0-0
The Finance Committee Voted: Favorable Action 7-0-0

Explanation:

Passage of this article would amend the Bylaw, as written, approved at Town Meeting on April 28, 2008. The amendment will include the words "shall apply".

Finance Committee Recommendations:

The Finance Committee recommends Favorable Action on this article for the purposes of helping boards, committees, and commissions function better for the benefit of the Town.

ARTICLE 3

To see if the Town will vote to change the fee for the written demand issued by the collector from the current fee of Five Dollars (\$5.00) to Fifteen dollars (\$15.00), to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective as of January 1, 2009, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Treasurer/Collector

The Board of Selectmen Voted: Favorable Action 3-1-0
The Finance Committee Voted: Favorable Action 7-0-0

Explanation:

The intent of this article is to increase the Demand Fee from \$5.00 to \$15.00 for those who pay their taxes late.

Finance Committee Recommendation:

The Finance Committee recommends Favorable Action on this article in the hopes it will serve as a better deterrent and encourage taxpayers to pay on time.

ARTICLE 4

To see if the Town will vote to rescind Article 18 voted at the April 2008 Town Meeting, which was to replace two front line cruisers for the Wareham Police Department, or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Favorable Action 3-0-1

The Finance Committee Voted: Favorable Action 7-0-0

Explanation:

Given the projected deficit in the approved FY 2009 Town budget, the Board of Selectmen and Interim Town Administrator had to make budget reductions in a number of departments. One such reduction is the postponement of the purchase of two (2) police cruisers.

Finance Committee Recommendation:

The Finance Committee recommends Favorable Action on this article. They feel the Police Department has an adequate number of cruisers at the present time to permit this postponement.

ARTICLE 5

To see if the Town will vote to raise and appropriate or transfer from available funds and authorize the payment of a fiscal year 2008 bill from the Kopelman and Paige, P.C., the Town Legal Counsel, in the amount of forty-three thousand, eight hundred and six dollars and twenty-two cents (\$43,806.22), or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Favorable Action 4-0-0

The Finance Committee Voted: Favorable Action 7-0-0

Explanation:

This is a housekeeping article to pay last year's legal bills, which consists of multiple bills.

Finance Committee Recommendation:

The Finance Committee recommends Favorable Action on this article.

ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds and authorize the payment of a fiscal year 2008 bill from NSTAR in the amount of eight hundred seventy-six dollars and seventy-nine cents (\$876.79), or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Favorable Action 4-0-0

The Finance Committee Voted: Favorable Action 7-0-0

Explanation:

The intent of this article is to authorize payment of an unpaid bill from Fiscal Year 2008 in the amount of \$876.79 to NSTAR.

Finance Committee Recommendation:

This is a housekeeping article. The Finance Committee recommends Favorable Action on this article.

ARTICLE 7

To see if the Town will vote to transfer from Community Preservation Fund FY2009 estimated annual revenues a sum of money to the Community Preservation fund reserves for future appropriation as follows; \$94,000 for Affordable Housing Reserve; \$94,000 for Open Space Reserve; and \$94,000 for Historic Preservation Reserve, and \$658,000 for the FY2009 Budgeted Reserve, or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Favorable Action 7-0-0

The Finance Committee Voted: Favorable Action 7-0-0

Explanation:

This housekeeping article, as required by MGL, Chapter 44B, (The Community Preservation Act), seeks approval to allocate estimated income (\$940,000) consisting of combined local and State funds from the Community Preservation Fund FY 2009 to Community Preservation Fund reserves at a minimum rate of 10% (\$94,000) each to Affordable Housing Reserve, Open Space Reserve, and Historic Preservation Reserve. The remaining 70% (\$658,000) is to be allocated to the Budgeted Reserve. Note that the exact dollar amounts will not be available until October 15, 2008. Thus, this article may be amended at Town Meeting.

Finance Committee Recommendation:

This article directs the allocation of Community Preservation Act funds in accordance with MGL, Chapter 44B and is recommended by the Finance Committee in order that Wareham remains in compliance.

ARTICLE 8

To see if the Town will vote to appropriate from Community Preservation Historic Preservation Reserve the sum of \$94,000 and from Community Preservation estimated annual revenues the sum of \$18,528, totaling \$112,528 for payment of debt service on the Tremont Nail property and further to appropriate from the Community Preservation

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

Open Space Reserve the sum of \$8,023 for payment of debt service on the property known as Bryant Farm, which purchases were authorized by vote of the April 2004 Town Meeting, or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Favorable Action 4-0-0
The Finance Committee Voted: Favorable Action 6-0-1

Explanation:

This article requests to continue funding of two (2) Community Preservation Projects.

Finance Committee Recommendation:

The debt service is a legal obligation of the Town and the payments are mandated by those binding obligations. There are no pre-payment options.

ARTICLE 9

To see if the Town will vote to appropriate under the category of Historic Preservation, the sum of \$100,000 for additional costs to preserve, restore and rehabilitate the Memorial Town Hall roof, such sums to be added to the amount appropriated for such purposes by vote of the October 2007 Town Meeting; and to meet said appropriation, to transfer said funds from the Community Preservation Fund FY2009 estimated annual revenues or to borrow said funds pursuant to G.L. c44B §11 or any other enabling authority, and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes therefore, or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Favorable Action 2-1-1
The Finance Committee Voted: Favorable Action 4-3-0

Explanation:

The intent of this article is to appropriate \$100,000 from Community Preservation Funds for a slate roof for Town Hall. This money would be in addition to funds previously designated for this project.

Finance Committee Recommendation:

The Finance Committee had a split vote on this article. Some members felt that in these difficult economic times, almost \$300,000 should not be spent on a slate roof versus under \$100,000 for a conventional roof.

ARTICLE 10

To see if the Town will vote to appropriate from the Community Preservation estimated annual revenues under the category of Open Space and Recreation, the sum of \$25,000 for a feasibility study of a proposed bike path in the Town of Wareham, or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Favorable Action 4-0-0
The Finance Committee Voted: Favorable Action 7-0-0

Explanation:

Passage of this article would allow the Community Preservation Committee to expend \$25,000, allotted from the Open Space and Recreation category, for a bike path feasibility study.

Finance Committee Recommendation:

The Finance Committee recommends Favorable Action on this article. The Finance Committee feels a bike path feasibility study is a worthy endeavor of Open Space and Recreation funds.

ARTICLE 11

To see if the Town will vote to appropriate from Community Preservation estimated annual revenues under the category of Open Space and Recreation, the amount of \$400,000 for Phase II of the Great Neck Conservation Project; the acquisition of a conservation restriction with respect to approximately 19.55 (+/-) acres (a plan of which, titled "Plan of Land Showing Conservation Restriction to be Created at Great Neck Road- Assessor's Map 27, Lots owned by the Barker Family Trust, as described on Assessors Map 27, Parcels 1000 & 1009 in Wareham, Massachusetts (Plymouth County)," dated May 30, 2008, prepared for Robert H. Barker, Jr. by J.C. Engineering Inc., is on file with the Town Clerk), being a portion of a 33-acre parcel of land identified as Assessor's Map 27, Lot 1000 and described in deeds recorded with the Plymouth County Registry of Deeds in Book 9983, Pages 292 and 294, owned by the Barker Family Trust, such real property to be jointly under the care, custody and control of the Conservation Commission of the Town of Wareham and the Wareham Land Trust, a non-profit organization, and to be managed jointly by said Conservation Commission of the Town of Wareham and the Wareham Land Trust; and further to rescind the Town's vote under Article 26 of the October 2007 Town Meeting, appropriating funds and authorizing borrowing for such purposes, or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Favorable Action 4-0-0
The Finance Committee Voted: Favorable Action 6-0-1

Explanation:

The intent of this article is to place a Conservation Restriction on 19+ acres which would be jointly under the care and custody of the Conservation Commission of the Town of Wareham and the Wareham Land Trust. The article further seeks to reverse the Town Meeting vote on Article 26 of the October 2007 Town Meeting.

The Finance Committee Recommendation:

The positive aspect of this article is that it would provide limited access to the area along designated paths and preserve it for future generations without development.

The negative aspects of this article is it will provide inadequate parking spaces and joint control, but not majority control by the Town of Wareham.

ARTICLE 12

To see if the Town will vote to appropriate from Community Preservation estimated annual revenues under the category of Open Space and Recreation, the sum of \$5,000 for new trails and updated brochures of the Town owned William Minot Forest and Wildlife Sanctuary or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Favorable Action 4-0-0
The Finance Committee Voted: Favorable Action 7-0-0

Explanation:

Community Preservation funds will improve the public trail system in the Town's William Minot Forest and update the trail map available for public use.

Finance Committee Recommendation:

The Finance Committee recommends Favorable Action on this article.

ARTICLE 13

To see if the Town will accept the donation of a 1.36 acre undeveloped parcel of land, Lot 1005, Map 45, known as 33 Indian Neck Rd., at the corner of Indian Neck Rd. and Minot Ave., from the property owner John C. Decas, for conservation purposes, or take any other action relative thereto.

Inserted by the Conservation Commission

The Board of Selectmen Voted: Selectmen to make recommendation at Town Meeting
The Finance Committee Voted: Favorable Action 7-0-0

Explanation:

The intent of this article is to accept a donation of 1.36 acres of undeveloped land from John C. Decas. The property is located at 33 Indian Neck Road (at the corner of Indian Neck Road and Minot Avenue).

Finance Committee Recommendation:

The Finance Committee is in favor of the acceptance of this donated land due to its high visibility and for Town beautification purposes.

ARTICLE 14

To see if the Town will vote to transfer property located at 18-20 Allen Street shown on Assessors map 50F, lots 140 and 141 currently in the custody of the Treasurer/Collector to control of the Board of Selectmen for sale through the M.G.L. Chapter 30B process, or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Favorable Action 4-0-0
The Finance Committee Voted: Favorable Action 7-0-0

Explanation:

This article seeks approval to transfer custody of the property designated in the article, located at 18-20 Allen Street, from the Treasurer/Collector to the Board of Selectmen in anticipation of the property again being offered for sale subsequent to an unsuccessful tax title auction transaction earlier in 2008.

Finance Committee Recommendation:

The Finance Committee recommends that this article be approved so that the property can be sold and the tax revenue stream recommence.

ARTICLE 15

To see if the Town will Delete Division IV Article III in its entirety and replacing it with the following:

EXCAVATON, EARTH REMOVAL, FILLING BYLAW
Section 1. Purpose

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

- A. To leave land in a safe and convenient condition for appropriate reuse without requiring excessive and unreasonable maintenance or resulting in damage to public and private property;
- B. To provide that excavation, earth removal or filling activities shall be conducted in a safe manner with due regard to safety and with minimal detrimental effect upon the environment of the district in which the activities are located;
- C. To ensure that excavation, earth removal or filling activities are conducted in a manner that will not cause undue stress to municipal resources and adjacent neighborhoods; and
- D. To ensure the protection of groundwater resources throughout the community including, but not limited to wellhead protection areas and the Plymouth-Carver aquifer.

Section 2. Definitions

- A. Board – The Wareham Board of Selectman.
- B. Commercial Mining – The extracting of ore, earth, or minerals from the ground for sale, trade, profit or other considerations.
- C. Earth – All forms of soil, including but not limited to clay, gravel, hard pan, humus, ore, loam, peat, rock, sand or stone.
- D. Excavation – Removal of earth, whether such removed earth is taken away from the premises or placed in another location on the premises.
- E. Filling – Addition of earth, whether such addition originates from another location on the premises or originates from off the premises.
- F. Permit – Permit issued by the Board, pursuant to this Bylaw, allowing earth removal activities subject to conditions.
- G. Premises – One lot or all abutting lots or parcels, which are, or are proposed to be, in the same ownership or use, together with all buildings and structures thereon.
- H. Removal – Stripping, excavating, commercial mining, agricultural excavation, excavation due to construction or blasting earth and rearranging it on the same lot or carrying it away from the lot.
- I. Town – Town of Wareham

Section 3. Authority

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

The Town of Wareham's Board of Selectmen shall review and decide all applications under the jurisdiction of this Bylaw.

Section 4. Applicability

Except as provided otherwise in this Bylaw, no earth shall be excavated, removed or filled without the issuance of a permit from the Board of Selectmen as the granting authority.

- A. Prior to any work being done, notification, in writing, must be provided to the Board regarding all excavation, earth removal or filling in excess of 100 cubic yards occurring in the Town. This notification will provide the name and address of the owner(s), exact location of the activity, estimated amount of cubic yards involved in the activity, a brief description of the activity and any other information that the Board deems appropriate. This information is needed by the Board in order to make a determination if this Bylaw applies to the activity. Failure to provide this notification will be considered a violation of the Bylaw.
- B. Existing earth excavation, removal, or filling activities still in effect 45 days after the effective date of this Bylaw, will be required to provide the Board with the required information noted in Section 4.A above and will be required to obtain a Permit, if applicable, under this Bylaw.

Section 5. Activities Prohibited

- A. Clear-cutting vegetation and stripping of topsoil on a site before permits have been issued for the intended use of the site is prohibited unless limited clearing is required for pre-development work including, but not limited to, site access, surveying, and test pits pursuant to accepted engineering practices.
- B. Any excavation or earth removal to within ten (10) feet of the seasonal high water table.
- C. Any excavation to a depth below the mean grade of an adjacent serving street or in the immediate vicinity of the street.
- D. Commercial Mining in the Wareham Zoning District R-130.

Section 6. Activities Exempt

The following activities shall be exempt from permitting requirements under this Bylaw:

- A. Activities associated with excavation, removal or filling of less than 100 cubic yards of earth per year;

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

- B. Activities associated with excavation, removal or filling of earth on land owned or operated by the Town of Wareham;
- C. Activities necessary for the construction of streets and the installation of utilities;
- D. Activities performed in connection with any state and/or federal projects;
- E. Activities necessary for normal agricultural uses as defined under M.G.L. c131, s40, 310CMR 10.04 (a) land in agricultural use, (b) normal maintenance of land in agricultural use, and (c) normal improvement of land in agricultural use. This agricultural-related work does not include the removal of earth for sale, trade or other considerations.
- F. Any activities incidental to and reasonably required for the legal operation of a cemetery.

Section 7. Earth Removal Regulations

The Board may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including but not limited to, application, inspection, and/or consultant fees) procedures and administration of this Excavation, Earth Removal and Filling Bylaw by majority vote of the Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date. After public notice and public hearing, the Board may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure of the Board to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

Section 8. Surety

The Board shall require a bond or other security determined sufficient by the Board to be posted in the name of the Town, including an enforceable consent to entry easement, assuring satisfactory performance in the fulfillment of the requirements of the permit as the Board may impose. The Board may require, as a condition of issuing a Permit under this Bylaw, that the applicant record a license authorizing the Town, its agents or contractors, to gain access to the property for the purpose of performing the restoration work secured by the bond or guaranty posted under this paragraph. In a particular case, the Board may find that such a security is not warranted, and will state its decision, giving the specific reasons for its finding.

Section 9. Minor and Major Excavation, Earth Removal, Filling Permit Status Determination

Activities requiring a permit under this bylaw shall be categorized as "Minor" or "Major" in accordance with the provisions below.

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

A. Minor Excavation, Earth Removal, Filling Permit

- (1) Activities in existing or proposed residential, non-residential or mixed use developments greater than 100 cubic yards but less than 1,000 cubic yards of earth per aggregate site area.

B. Major Excavation, Earth Removal, Filling Permit

- (1) Activities in existing or proposed residential, non-residential or mixed-use developments greater than 1,000 cubic yards of earth per aggregate site area.

C. Determination of Applicability

Applicants for any Permit shall indicate to the Board whether their project shall be reviewed as a Minor or Major project as part of the application submittal. The Board shall confirm or refute the applicant's claim in writing with a Letter of Determination within fourteen (14) days of receiving an application. Such confirmation shall not restrict the Board from later remanding the plan to a different status if revised information is presented during the review process indicating that the status should be changed.

D. Segmentation

Applicants for any Excavation, Earth Removal, or Filling Permit that hold contiguous undeveloped land potentially subject to future excavation, earth removal, filling activities shall provide information to the Board detailing the nature of future activities to the greatest extent practicable. Successive Minor Earth Removal applications may not be filed for the same lot or contiguous lots in common ownership within a five (5) year period. Between five (5) and ten (10) years of a previously issued earth removal permit, any future earth removal activities on the same lot or contiguous lots in common ownership that would otherwise qualify as a minor project shall be deemed a major project by the Board.

Section 10. Minor and Major Earth Removal Permit Procedures and Application Contents

Applicants for any Excavation, Earth Removal or Filling Permit shall follow the procedures and provide the information specified by the Rules and Regulations associated with this Bylaw.

Section 11. Performance Standards and Determination

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

The following performance standards shall apply to Minor or Major Earth removal permits as specified below and as they are applicable to the excavation, earth removal, filling operations. The Board shall use these performance standards as the basis for any determination to approve, approve with conditions, or deny a permit application. The Board may summarily condition a Permit approval to meet these standards by referencing this section of the Bylaw. The Board may also modify any of the following performance criteria as part of a conditional approval in order to ensure that operations will not be injurious, dangerous, obnoxious or offensive to people in the general vicinity by reason of the emission of odor, fumes, dust, smoke, vibration, noise, heat, glare, or other nuisances observable at the lot lines or the immediate neighborhood. Where waivers have been provided for certain procedures or plan requirements as part of a formal petition under the Rules and Regulations associated with this Bylaw, associated performance standards shall not apply.

A. Minimum Performance Standards for All Permits.

- (1) Operation hours, including warm-up and repairs of equipment shall be only between 7 A.M. and 3 P.M., Monday through Friday, and trucks may enter and leave prescribed premises only within such hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the vehicle. There will be no convoying (three (3) or more trucks) of trucks entering or leaving the prescribed premises;
- (2) The operation shall not require the transportation of materials over particular public streets on which undue congestion or hazards will be created, or on which undue injury to the roadway surfaces will be sustained;
- (3) The Permit holder shall be responsible for necessary cleaning of spillage of materials on all public ways as a result of operation. If for reasons of safety, it becomes necessary for the Town to clean and remove spillage, the cost shall be charged to the permit holder. The Town may halt all activities until such time that said expenses are reimbursed. The Permit holder shall be responsible for all damage to public ways from traffic occurring in connection with the permit, entering and exiting the site;
- (4) The maximum depth of the excavation shall be ten (10) feet above the highest water level as determined by the monitoring wells installed pursuant to the Rules and regulations associated with this Bylaw except where excavation is specifically designed to provide improvements to surface or groundwater quality through the use of structural Best Management Practices;

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

- (5) Excavations shall not be permitted at an elevation which is lower than the street;
- (6) When the depth of excavation is five (5) feet or less as measured from grade through the entire width of the cross section, earth may be removed to within twenty-five (25) feet of an abutting residential property line and shall be restored to a maximum (3:1) grade up to this setback, unless the excavation is backfilled to grade;
- (7) When the depth of excavation is greater than five (5) feet, as measured through the entire width of the cross section, earth may be removed to within fifty (50) feet of abutting residential property lines and shall be restored to a maximum (2:1) grade up to this setback unless the excavation is backfilled to grade;
- (8) For any depth of excavation, earth may be removed to within twenty-five (25) feet of abutting non-residential property lines and shall be restored to a maximum (3:1) grade up to said property line. These standards shall not necessarily apply to adjacent lots in common ownership or where deviations from these standards will provide for complementary design between properties;
- (9) No area shall be excavated so as to cause accumulation of free standing water unless free standing water is integral to the post-construction purpose of the activity and acceptable to the Board. Permanent drainage and siltation control shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into surface water;
- (10) No excavation or associated activities shall be allowed closer than two hundred (200) feet to any water resource within the jurisdiction of the Conservation Commission, except for existing bogs, also subject to their approval. Natural vegetation shall be left and maintained on the undisturbed land;
- (11) All debris, stumps and boulders shall be disposed of at a facility specifically designed to perform this type of disposal unless reused on-site as part of future operations in a manner acceptable to the Board;
- (12) The applicant agrees by acceptance of the permit to allow the Town or its representatives free access to the site to conduct inspections to determine compliance with the conditions of the permit at any time without notice;

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

- (13) The Permit is not transferable without prior approval from the Board. Transfer of equity ownership or legal interest in the subject property shall be considered a transfer. The pledging of such, to secure a mortgage or other loan shall not be considered a transfer unless the lender should acquire ownership or interest by foreclosure; and
- (14) If contamination occurs as a result of the excavation, earth removal, or filling operation, the applicant will be held totally responsible and will be required to restore the site to pre-activity conditions.

B. Additional Performance Standards for Major Earth Removal Permits.

- (1) Access roads shall be constructed in a manner that precludes any trucks from turning more than 90 degrees to enter or leave the site. All access roads shall be properly secured during the non-operational hours of the excavating process and this security will remain in effect until the property has been restored and seeding and planting have begun growth;
- (2) All access roads leading to the public ways shall be paved in a manner suitable to the intended vehicle load for a distance of two hundred (200) feet back from said public ways unless such surfacing will impact adjacent resource areas or essential elements of on-site operations. On-site refueling of equipment shall be performed only on access roads to the greatest extent practicable;
- (3) Limits of excavation shall be set by stakes located every one hundred (100) feet with a minimum of three (3) feet exposed. A vertical control monument shall be installed in a readily accessible location;
- (4) Active earth removal operations shall not exceed a total of five (5) acres at any one time. Each five (5) acre section shall be restored prior to the beginning of the next five (5) acre section. No trees shall be removed from the next five (5) acre section until the first five (5) acre section has been appropriately restored, but allowing for reasonable access to the next five (5) acre section. The extent and sequencing of phasing may be altered by the Board where changes are deemed to be equally or more protective of the natural environment;
- (5) Any temporary shelters or buildings erected on the premises shall be screened from the public view. These structures shall be removed from the premises within thirty (30) days after termination of operation prior to the release of securities;

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

- (6) Within thirty (30) days following completion of operation, final grading shall be established and shown on the approved topographical plan;
- (7) All Excavation, Earth Removal and Filling must be compliant with applicable state and local standards regarding stormwater management; and
- (8) Records showing the amount of earth removal shall be provided monthly by the permit holder, and quarterly reports, certified by a registered professional engineer, shall also be submitted to the Board or its designee. The method of measurement of materials removed shall be determined by the Town's engineer or designee. The Board may require more frequent reports if it deems that circumstances warrant them. Reports to the Board by said engineer shall be at the permit holder's expense.

Section 12. Validity

The invalidity of any section or provision of this section shall not invalidate any other section of provisions thereof, or to do or act in any manor relative thereto

Inserted by Board of Selectmen

The Board of Selectmen Voted: Favorable Action 4-0-0
The Finance Committee Voted: Favorable Action 4-2-1

Explanation:

This article would require a Bylaw change that would expand on the legal definitions of proposed changes in the procedures for the excavation and removal of earth with particular emphasis on trying to maintain the integrity of surrounding neighborhoods.

Finance Committee Recommendation:

A majority of the Finance Committee voted Favorable Action on this article. After considerable discussion, the "concerned" votes dealt with two issues. The first being that some of the language may be too general. For instance, there is a phrase "minimal detrimental effect". Who is to make that judgment? Hopefully, not a judge, but that was a concern. Another line of thought was that the property owner has rights and should be able to use his/her land as he/she sees fit. On the affirmative side (voting Favorable Action), the feeling was that protections for other landowners in the neighborhood were important and their interests had to be recognized.

ARTICLE 16

To see if the Town will vote to authorize the Community Events Committee to expend a sum of money as approved by Article 28 at the April 23, 2007 Annual Town Meeting and consistent with the authorization of the Special Act submitted and approved by the general court in April 2008. Such funds will solely be used for the continuing support and assistance of community events, projects, activities, services, programs and public improvements which are of mutual interest to residents and visitors of the Town, or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Favorable Action 4-0-0

The Finance Committee Voted: Favorable Action 7-0-0

Explanation:

The Community Events Committee would like to expend money that was approved at the April 2007 Town Meeting. The money will be used towards community events, projects, activities, services, programs and public improvements which are of interest to Town residents and visitors.

Finance Committee Recommendation:

The Finance Committee recommends Favorable Action on this article.

ARTICLE 17

To see if the Town will delete **Division V, Article II, Section 2** of the By-laws of the Town of Wareham and insert in place thereof:

Section 2: *Sewer Construction in New Developments:*

1. The developer of any subdivision which is within a reasonable distance of an existing sewer line must receive a permit to tie in to the sewer system from the Sewer Commissioners before presenting the subdivision plan to the Planning Board or any other required authority. No permits shall be considered by the Sewer Commissioners for subdivisions until the twelve areas identified are sewerred, as identified in the Comprehensive Wastewater Management Plan/Single Environmental Impact Report (CWMP/SEIR), approved by the Department of Environmental Protection (DEP) on April 19, 2002. The twelve needs areas are, alphabetically: Agawam Beach, Beaver Dam Estates, Cromesett Park, Linwood and Ladd Avenues, Mayflower Ridge, Oakdale, Parkwood Beach, Rose Point, Sunset Island, Tempest Knob and Weweantic Shores. Once all the identified needs areas are serviced with sewer, the Sewer Commissioners may consider a connection of a subdivision to the existing sewer as capacity of the Water Pollution Control Facility may allow. If connection to the existing sewer is granted, all costs for the connection and any associated costs shall be borne by

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

- the Developer. A "reasonable distance" shall be determined by the Sewer Commissioners, who shall consider the size, nature and location of the subdivision in relation to its proximity to the existing sewer line.
2. When a developer installs sewers in proposed streets or rights-of-way in anticipation of the extension of an existing sewer, the cost of the building connections shall be borne by the Developer; the Town will not install lines or assess betterment charges for sewers in the subdivision.
 3. The design of any proposed sewer construction under this section must be reviewed by the Town's contracted sewer design engineering firm, at the Developer's expense, and approved by the Sewer Commissioners prior to the issuance of permit.
 4. When the design of any proposed sanitary sewer includes any appurtenances, such as but not limited to, pumps or grinder pumps, such appurtenances shall be subject to prior review by the Town's contracted sewer design engineering firm, at the Developer's expense, and prior approval of the Sewer Commissioners, provided all requirements contained in Section 2.5 are strictly adhered to.
 5. All appurtenances, as outlined in Section 2.4, shall receive approval of the Sewer Commissioners prior to the submission of any plans for the sanitary sewer. Requests for review and approval must contain all information regarding project flow, loadings and other information deemed necessary by the Sewer Commissioners or their engineer to conduct their review. The request must also contain specifications and drawings indicating the type of equipment proposed.
 6. All sewer construction under this Article, which includes any items defined in Section 2.4, shall provide a reliable emergency power source to the equipment necessary for the continuation of service.
 7. The owner of all such appurtenances, in order to ensure the proper operation and long term maintenance of the same, shall be required to provide the Sewer Commissioners with a current signed agreement, on a yearly basis or longer term, with a reputable firm or person qualified in such operation and maintenance, to provide such maintenance. An annual report of the maintenance performed shall be submitted to the Sewer Commissioners by the owner or its contractor on or before January 15th of each year. If an annual report is not submitted by January 15th for the previous year, the owner shall be subject to a fine of twenty dollars per day (including Saturdays, Sundays and holidays) until the report is received by the Sewer Commissioners. Under no circumstances shall the Town assume any responsibility for the proper operation or maintenance of any privately owned system.
 8. A fee, as set by the Sewer Commissioners, shall be charged for the connection of any appurtenances as outlined in Section 2.4 to the Town's sewer system. The fee shall be based on the proposed daily flow capacity of the facilities installed and any other factors related to the sewer service provided by the Town, including but not limited to, Administrative expenses.
 9. In developments served by any owner-installed appurtenances, the owner shall apply for individual house connection permits as issued by the Town. The Town shall issue said permits and shall fully inspect each connection, provided the application complies with the provisions of this By-Law and other pertinent

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

regulations and provided that all fees, as set in this Section have been paid in full. In the event that a connection is made solely by gravity means, then all normal permits and fees shall apply.

10. Any proposed development for commercial or industrial use shall be required, at the time of filing a proposal or request for approval, to specify the proposed use and type of discharge of the occupants or if unknown at the time of proposal, as soon as available thereafter. It shall remain the obligation of the owner and user of said units to report to the Sewer Commissioners any use or discharge which may require further treatment or study. Failure to provide accurate information regarding said use or discharge may be grounds to deny a proposal or request for approval or to commence an enforcement action or to impose penalties pursuant to Article IX.

The Town reserves the right to full control of flow from any appurtenance installed into the public system. A shut-off device, approved by the Sewer Commissioners or their agent(s) shall be installed at the entry point to the public system. A shut-off key, or similar device shall be provided to the Sewer Commissioners or their agent(s). The owner shall ensure that the device is always operational and accessible. In the event that any shut-down of the system is required, then advance notice shall be given, if possible, to all affected systems prior to shut-down. The owner or their agent(s) shall provide the Sewer Commissioners or their agent(s) with the names and telephone numbers of two (2) separate contacts who have control over said appurtenances. Proper disposal of any sewerage which backs-up or overflows shall remain the responsibility of the owner, with no costs or loss of revenue incurred by the Town or Sewer Commissioners, or to do or act in any manor relative thereto

Inserted by Board of Selectmen

The Board of Selectmen Voted: Favorable Action 4-0-0
The Finance Committee Voted: Favorable Action 5-2-0

Explanation:

This article supports a more environmentally conscientious future for the Town of Wareham. It is an attempt to set future guidelines for new construction concerning sewer issues and the welfare of the current sewer system of the Town.

Finance Committee Recommendation:

The Finance Committee was not unanimous in their support of this article. The majority of the Committee feels the article has merit as a valuable tool for the Town's Sewer Commissioner's in maintaining the integrity of the Town's sewer system. The minority of the Committee feels that the article grants too great a power to the Sewer Commissioner's while limiting and restricting future development in the Town.

ARTICLE 18

To see if the Town will vote to amend the General By-Laws of the Town of Wareham by inserting at Division VI Article II the following:

STANDARDS FOR NITROGEN IN WASTEWATER

A. PURPOSE AND INTENT: To establish town-wide nitrogen loading standards for wastewater discharges and disposal in the Town of Wareham. These standards will protect the public health and welfare of the town's citizens, and minimize quantifiable, negative impacts to drinking, fresh and coastal water quality and natural resources.

B. STANDARDS:

1.) NEW CONSTRUCTION

- a.) One to four homes or a total wastewater flow of less than 2,000 gallons per day (gpd) must achieve a nitrogen standard of 14 part per million (ppm) or less.
- b.) Five or more homes or a total wastewater flow greater than 2,000 gpd must achieve a nitrogen standard of 5 ppm or less.

2.) EXISTING DWELLINGS/BUILDINGS

- a.) If the Board of Health determines that a septic system has failed, it must be replaced with a nitrogen reducing septic system that meets the standard in section B above.
- b.) If the Board of Health determines that an upgrade/expansion is needed to the current septic system due to an addition or remodel of the property, a nitrogen reducing septic system that meets the standard in section B above, will be utilized.

C. MAINTENANCE:

- 1.) ONE TO FOUR HOMES OR A TOTAL WASTEWATER FLOW LESS THAN 2,000 GPD – These systems will require an annual certification that the system is achieving the nitrogen standard. This certification will be performed by professional personnel acceptable to the Board of Health. This certification will be reported to the Board of Health. All costs for this certification will be borne by the property owner.

- 2.) FIVE OR MORE HOMES OR A TOTAL WASTEWATER FLOW GREATER THAN 2,000 GPD - These systems will require a quarterly certification that the system is achieving the nitrogen standard. This certification will be performed by professional personnel acceptable to the Board of Health. This certification will be reported to the Board of Health. All costs for this certification will be borne by the property owner.

D. MONITORING AND ENFORCEMENT: The Board of Health will have sole responsibility for the implementation and enforcement of these standards. The Board of Health may institute regulations that will assist in the enforcement and monitoring of these standards. Neither the Board of Health nor any other Town Board or Town Official will issue an occupancy permit unless these standards have been met, or to do or act in any manor relative thereto.

Inserted by Board of Selectmen

The Board of Selectmen Voted: Favorable Action 4-0-0
The Finance Committee Voted: Favorable Action 6-1-0

Explanation:

Increased nitrogen levels are one of the main causes of the deterioration in water quality in Buzzards Bay and its tributaries. The resulting poor water quality has serious economic and environmental effects for Wareham and other towns. This article establishes Town standards for nitrogen levels in sewage and septic systems, but only for new construction in Wareham and existing system, which either failed or serve dwellings which will be expanded.

Finance Committee Recommendation:

A majority of the Finance Committee recommends approval of this article.

ARTICLE 19

To see if the Town will vote to adopt a Personnel Plan, effective July 1, 2009, which supersedes and rescinds any prior Personnel By-law(s) and/or Personnel Plan(s) of the Town, such Personnel Plan being on file in the office of the Town Clerk, or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Selectmen to make recommendation at Town Meeting
The Finance Committee Voted: Favorable Action 6-1-0

Explanation:

The adoption of a Personnel Plan will supersede and rescind any prior Personnel Bylaw(s) and/or Personnel Plan(s) of the Town. If this article is adopted, the Personnel Plan will become effective July 1, 2009.

Finance Committee Recommendation:

The positive aspect of this article is the proposed plan supposedly updates previous plan(s). It should provide a basis for a thorough discussion at Town Meeting.

The negative aspect of this article is the proposed plan was developed without Finance Committee input. It is available to read at the Town Clerk's office or a paid copy of the document can be obtained. The available copy does not explain where the differences are and why.

ARTICLE 20

To see if the Town will vote, pursuant to M.G.L. c. 82A and 520 CMR 14.00, to authorize the Town Administrator to designate a Board or officer that is to act as the Town's permitting authority for the issuance of permits for the purpose of creating a trench, as that term is defined at 520 CMR 14.02, or to do or act in any manner relative thereto.

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

The Board of Selectmen Voted: Favorable Action 4-0-0
The Finance Committee Voted: Favorable Action 7-0-0

Explanation:

The intent of this article is to designate a board or officer to act as the Town's permitting authority for the issuance of permits relative to trenches.

The Finance Committee recommends Favorable Action on this article. The State has required the Town designate a board or officer for the issuance of trench permits.

ARTICLE 21

Honorable Board of Selectmen
Wareham, Massachusetts

September 9, 2008

We the undersigned registered voters of the Town of Wareham, do hereby petition the Board of Selectmen to insert the following in the Warrant for the 2008 Annual Fall Town Meeting:

To see if the Town will vote to amend the By-Laws of the Town of Wareham, Division 1,

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

Article 1, Town Meetings, by adding **“held in the Wareham High School Auditorium and”** in the third paragraph of Section 1. The entire sentence will be changed as follows:

From:

“The general business portion of the Spring and Fall Town Meetings shall be called to order at 7:00 o’clock P.M. and shall adjourn not later than 10:00 o’clock P.M., except that a meeting may be continued beyond 10:00 P.M. by a two-thirds vote of those present and voting.”

To:

“The general business portion of the Spring and Fall Town Meetings shall be **held in the Wareham High School Auditorium and** called to order at 7:00 o’clock P.M. and shall adjourn not later than 10:00 o’clock P.M., except that a meeting may be continued beyond 10:00 P.M. by a two-thirds vote of those present and voting.”

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

Inserted at the request of Geoffrey W. Swett, et al.

The Board of Selectmen Voted: No Action 4-0-0
The Finance Committee Voted: Voted to abstain from voting 7-0-0

Explanation:

This article seeks approval to fix the place at which Town Meeting occurs by amending the Town of Wareham Bylaws.

Finance Committee Recommendation:

The Finance Committee believes that the Charter adequately addresses the location of Town Meeting. Therefore, the Finance Committee abstained from voting on this article.

ARTICLE 22

Honorable Board of Selectmen
Wareham, Massachusetts

September 9, 2008

We the undersigned registered voters of the Town of Wareham, do hereby petition the Board of Selectmen to insert the following in the Warrant for the 2008 Fall Town Meeting:

To see if the Town will vote to establish a committee to research the potential uses/disposition of the property known as the Swifts Beach Property taken by the Town by eminent domain. The committee shall explore the feasibility of sub-dividing the property in order for the Town to maintain the approximately 660 feet of beach front for recreational use. In addition the committee shall explore the possible income generating uses of the remainder of the property. Those possible uses could include,

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

but are not limited to long term leasing, beach club, beach parking or outright sale. The committee shall report its findings to Town Meeting members at the April 2009 Town Meeting.

The committee shall have seven members as follows: one member of the Board of Selectmen; one member of the Finance Committee; one member of the Planning Board; one member of the Community Preservation Committee; and three volunteer members of the community to be appointed by the majority of the above named members.

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

Inserted at the request of William G. Heaney, et al

The Board of Selectmen Voted: No Action 4-0-0
The Finance Committee Voted: Unfavorable Action 6-1-0

Explanation:

This article is a citizen's petition that would explore the possibility of splitting the Swift's Beach property so that a portion of it could be used for some other purpose.

Finance Committee Recommendation:

A majority of the Finance Committee voted Unfavorable Action on this article feeling, generally, that land such as this should be allowed to be used for its original recreational purposes.

ARTICLE 23

To see if the Town will vote to take the following action:

Replace the sentence in the Town Charter - Section 7 – 10; Recall of Elected Officials Part (e) (Page 31) which reads:

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes on the question is in the negative, the ballots for candidates need not be counted, except as provided in (c) above.

with the sentence:

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes on the question will be deemed to replace the recalled incumbent. If the majority of the votes is in the negative, the ballots for candidates need not be counted, except as provided in (c) above. If more than one officer is recalled, these officers are replaced by the same number of incumbents, selected from those who have received the highest number of votes.

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

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

Inserted at the request of Robert Brady, et al

The Board of Selectmen Voted: No Action 4-0-0
The Finance Committee Voted: Voted to refer article to Charter Review Committee 7-0-0

ARTICLE 24

To see if the Town will vote to take the following action:

Replace the sentence in the Town Charter - Section 7 – 10 Recall of Elected Officials Part (f) (Pages 31 and 32) which read:

If the officer is recalled in the election, he shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term.

With the sentence:

If the officer is recalled in the election, he/she shall be deemed removed upon the qualification of his successor, as specified in Section 3 – 1 (b) Eligibility, who shall hold office during the unexpired term

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

Inserted at the request of Robert Brady, et al

The Board of Selectmen Voted: No Action 4-0-0
The Finance Committee Voted: Voted to refer article to Charter Review Committee 7-0-0

ARTICLE 25

To see if the Town will vote to take any or all of the following actions:

Replace the sentence in Town Charter Section 5 – 3 - Submission of proposed town budget which reads:

*Within a time fixed by by-law before the date on which the town meeting is to meet in the spring of each year, no later than December fifteenth, the town administrator, **under** the direction of the board of selectmen, shall submit to the finance committee a proposed budget for the ensuing fiscal year with an accompanying budget message and supporting documents.*

With the sentence:

Within a time fixed by by-law before the date on which the town meeting is to meet in the spring of each year, no later than December fifteenth, the town administrator,

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

committee. The only budget initially to be put before the town meeting is that of the Town Administrator.

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

Inserted at the request of Robert Brady, et al

The Board of Selectmen Voted: No Action 4-0-0
The Finance Committee Voted: Voted to refer article to Charter Review Committee 7-0-0

ARTICLE 28

To see if the Town will vote to take any or all of the following actions:

Add the following to the end of Charter Section 5 – 6 (c):

Proposed amendments to the budget are to be allowed on either the revenue or expenditure side of the budget without restriction at any point during which the budget is under discussion.

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

Inserted at the request of Robert Brady, et al

The Board of Selectmen Voted: No Action 4-0-0
The Finance Committee Voted: Voted to refer article to Charter Review Committee

ARTICLE 29

To see if the Town will vote to take any or all of the following actions:

Add the following to Charter Section 3 – 4 (b):

The Moderator must recuse himself when ruling on any conflict between the Board of Selectmen and any other person or persons, individually or collectively if there is a selectmen on the board to whom he/she is related by blood or marriage within one generation (inclusive) or to whom his spouse is related by blood or marriage within one generation (inclusive).

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

Inserted at the request of Robert Brady, et al

The Board of Selectmen Voted: No Action 3-0-1
The Finance Committee Voted: Voted to refer article to Charter Review Committee 7-0-0

OCTOBER 27, 2008 FALL TOWN MEETING WARRANT (CONT'D)

The Selectmen, Assessors, Board of Public Welfare, and any other regularly elected boards or committees shall cause to be posted at the Town Office building, a notice of the hour and place of their regular meetings.

with the sentence:

The Selectmen, Assessors, Board of Public Welfare, and any other regularly elected boards or committees shall cause to be posted at the Town Office building at a single designated location, electronically via the News & Announcements system (<http://www.wareham.ma.us/subscriber.shtml>), and on the Town's Website, a notice of the hour and place of their regular meetings at least 24 hours prior to that meeting.

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

Inserted at the request of Robert Brady, et al

The Board of Selectmen Voted: No Action 4-0-0
The Finance Committee Voted: Voted to refer article to Charter Review Committee 7-0-0

ARTICLE 33

To see if the Town will vote to take the following action:

Following Bylaws Division I; Article II; Board Meetings and Hearings, Section 1 Page 2 sentence:

The Selectmen, Assessors, Board of Public Welfare, and any other regularly elected boards or committees shall cause to be posted at the Town Office building, a notice of the hour and place of their regular meetings.

Or that sentence as amended, add the following sentence:

All Board of Selectmen Executive Sessions must be called from Open Meetings that are announced by postings at the Town Office building at a single designated location, electronically via the News & Announcements system (<http://www.wareham.ma.us/subscriber.shtml>), and on the Town's Website, that give notice of the hour and place of the open meeting and the justification for the Executive Session as specified by M.G.L Chapter 39, Section 23B. at least 24 hours prior to that meeting

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

Inserted at the request of Robert Brady, et al

The Board of Selectmen Voted: No Action 4-0-0
The Finance Committee Voted: Voted to refer article to Charter Review Committee 7-0-0

