

W A R R A N T

ANNUAL TOWN MEETING

APRIL 7, 2009  
(ELECTION)

APRIL 27, 2009  
(GENERAL BUSINESS PORTION)

W A R R A N T  
ANNUAL TOWN MEETING  
TOWN OF WAREHAM

APRIL 7, 2009  
(ELECTION)

DESIGNATED POLL LOCATIONS 8:00 O'CLOCK A.M. to 8:00 O'CLOCK P.M.

APRIL 27, 2009  
(GENERAL BUSINESS PORTION)

WAREHAM HIGH SCHOOL  
VIKING DRIVE  
WAREHAM, MA 02571

7:00 O'CLOCK P.M.

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, S.S.

TO EITHER OF THE CONSTABLES OF THE TOWN OF WAREHAM

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town qualified to vote in Town affairs to meet in **Precinct 1:** Wareham Town Hall, 54 Marion Road; **Precinct 2 and 3:** Onset VFW, 4 Gibbs Ball Park Road, Onset; **Precinct 4 and Precinct 5:** John W. Decas School, 760 Main Street, South Wareham; **Precinct 6:** Wareham Lodge of Elks, 2855 Cranberry Highway, East Wareham on Tuesday, April 7, 2009 at 8:00 o'clock a.m. for the election of Town officers designated in the official ballot, to be adjourned until Monday, April 27, 2009 at 7:00 o'clock p.m. in the High School Auditorium, Viking Drive, Wareham, MA at which time the general business of the Town shall be transacted, and to act on the following articles:

ARTICLE: 1

To choose the following officers: two (1) Selectmen for the term of three (3) years; two (2) Assessors for the term of three (3) years; two (2) School Committee members for the term of three (3) years; one (1) Housing Authority member for the term of five (5) years and one Housing Authority member for the term of four (4) years; one (1) Deputy Moderator for a term of (3) years, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

**MOTION:** Decided by the April 7<sup>th</sup> 2009 Election:

<b>Walter B. Cruz, Selectman</b>	<b>2012 - Three Years</b>
<b>Steven F. Curry, Assessor</b>	<b>2012 - Three Years</b>
<b>James G. Makrys, Assessor</b>	<b>2012 - Three Years</b>
<b>Rachel E. Gillette, School Committee</b>	<b>2012 - Three Years</b>
<b>Geoffrey W. Swett, School Committee</b>	<b>2012 - Three Years</b>
<b>Benjamin C. Donahue, Deputy Moderator</b>	<b>2012 - Three Years</b>
<b>Donna M. Barros, Housing Authority</b>	<b>2014 - Five Years</b>
<b>Manuel S. Barros, Jr., Housing Authority</b>	<b>2013 – Four Years</b>

**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

**The Board of Selectmen Voted: Favorable Action (5-0-0)**  
**The Finance Committee Voted: Favorable Action (8-0-0)**

**MOTION: John Donahue, Consent Calendar**

I move that the Town 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. Second

**VOTE: MAJORITY - FAVORABLE ACTION**

**The Board of Selectmen Voted: Favorable Action (5-0-0)**  
**The Finance Committee Voted: Favorable Action (8-0-0)**

**ARTICLE: 3**

To see whether the Town will authorize the Town Treasurer/Collector to enter into a compensating balance agreement or agreements for fiscal year 2009 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

**MOTION: John Donahue, Consent Calendar**

I move to authorize the Town Treasurer/Collector to enter into a compensating balance agreement or agreements for the fiscal year 2010 pursuant to Chapter 44, Section 53F of the General Laws. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen Voted: Favorable Action (5-0-0)**

**The Finance Committee Voted: Favorable Action (8-0-0)**

**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

**MOTION: John Donahue, Consent Agenda**

I move that the Town vote to act upon the reports of the Selectmen and the School Committee as required by statute and upon any other report from officers and committees who consider it expedient to do so.

At the request of the Superintendent of Schools, Dr. Rabinovitch, I am incorporating his written report, which was available outside and which will become part of this article. (see attached)  
Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen Voted: Favorable Action (5-0-0)**

**The Finance Committee Voted: Favorable Action (8-0-0)**

**WAREHAM PUBLIC SCHOOLS – STRATEGIC PLAN – 2009 – 2013**

**Introduction**

This document presents the revised strategic plan for the Wareham Public Schools. It establishes a long-range direction for the district and provides a clear focus for future planning by establishing priorities for improvement.

Strategic Planning is a process for creating an organization's preferred future. It is a long-range planning process for organizational renewal and transformation which provides a framework for improving programs, management functions, and evaluation of an organization's progress. Strategic planning helps organizations think and act strategically, develop effective strategies, clarify future directions, establish priorities, improve organizational performance, build teamwork and expertise, and deal effectively with a rapidly changing environment. The strategic planning process involves a series of steps that moves an organization through:

- ♦ analyzing relevant external trends and their implications;
- ♦ assessing organizational capacity to manage external change;
- ♦ developing a mission statement and guiding beliefs;
- ♦ establishing goals, objectives, and action plans designed to move the organization to where it wants to be;
- ♦ setting a strategic direction to follow to achieve its mission and objectives;
- ♦ communicating its mission, beliefs, and goals/objectives to all stakeholder groups;

- ♦ implementing action plans it has developed; and
- ♦ monitoring progress, solving problems, and renewing action plans.

Organizations implement strategic planning to effectively deal with change in a proactive, rather than reactive manner by establishing a common purpose, a sense of direction, priorities for change, and a blueprint for action. This plan presents an analysis of the district's strengths and weaknesses as well as opportunities and threats anticipated by emerging trends and changing conditions. Based upon this understanding and analysis, this document defines the mission, vision, guiding beliefs, and goals and objectives which will guide the school district during the next three to five years.

This strategic plan is the culmination of analysis and work by a strategic planning committee consisting of teachers, administrators, parents, school committee members, government officials, students, and community leaders.

#### Wareham Public Schools Strategic Planning Committee Members

Leslyn Hayes – WHS Student  
 Randy Bemis – WHS Student  
 Cindy Correia – Parent  
 Geoff Swett - Business  
 Christopher Smith - Community  
 Dr. Barry Rabinovitch - Superintendent  
 Sally Morrison - Teacher  
 Rhonda Veugen - Parent  
 Grace Kish - Parent  
 Rev. David Show - Parent  
 Ann Pearle - Community  
 Rhonda Josey - Parent  
 Barbara Sullivan - Community  
 Jack Ducey - Community  
 Mike Murray - Teacher  
 Michelle Montrond - Teacher  
 Jo-Anne Gibbs - Teacher  
 Debbie maxim - Teacher  
 Tracie Cote - Teacher  
 Kathy Moore-Minkle - Teacher  
 Dick Paulsen - Finance  
 Pam Schluter - Teacher  
 Bethany Chandler - Teacher  
 Mary Morgan - Teacher  
 Chris Mars -Teacher  
 Ken Fontes – Sch. Committee  
 Robert Brousseau – Sch. Committee  
 Joan Seamans – Principal MF  
 Pat Clark – Principal WHS  
 Howard Gilmore – Principal Middle  
 Kevin Lynn – Principal Jr/Sr  
 Aaron Viera – Principal Decas  
 Teri DeFilippo - Technology  
 Ana Miranda – Operations/Finance  
 Jan Rotella - Curriculum  
 Bob Louzan - SpEd  
 Lynne Burroughs - Parent

**MISSION STATEMENT:** The mission of the Wareham Public Schools is to educate all students for life's responsibilities, challenges, and opportunities.

### **Guiding Beliefs**

We believe...

- ◆ All children can achieve.
- ◆ Education is key to a successful life.
- ◆ Education sets high expectations for each individual in the school community.
- ◆ Education requires respect for one another, the community, and ourselves.
- ◆ Education requires a commitment to life-long learning.
- ◆ Excellence requires diligent effort and responsibility.
- ◆ Education is a partnership among home, school, and community.
- ◆ Communication is a cornerstone to fulfilling our vision.

**VISION STATEMENT:** The Wareham Public Schools, in partnership with the community, provides a valuable, safe, and supportive learning environment for its most cherished resource, our children. District educators are committed to challenging and empowering all students to reach high academic achievement by celebrating the diversity, interests and individual abilities of each child. Our school district is dedicated to offering excellent educational experiences that focus on the entire community as life-long learners.

### **GOALS AND OBJECTIVES:**

*The Wareham Public Schools will:*

1. Student Achievement – Provide a system of integrated programs and curriculum with rigorous expectations that assures proficiency in all core subject areas for all students.
  - 1.1 Develop and expand formative assessments that reflect rigorous grade level benchmarks.
  - 1.2 Expand professional learning communities to enhance the rigor of classroom instruction and build professional collaboration.
  - 1.3 Implement additional student support programs for all students pre K-12.
2. Technology – Expand the application and integration of technology to improve learning, instruction, and the organization of the school community.
  - 2.1 Develop and implement a comprehensive pre K-12 Tech Literacy curriculum that is embedded in WPS Priority Standards.
  - 2.2 Provide professional development to all staff to support on-going and changing technological advances.
  - 2.3 Upgrade the network infrastructure to support 21<sup>st</sup> century skills.
3. Community – Facilitate school-community partnerships to enhance the education of our children.
  - 3.1 Improve communication with everyone who has, or should have, an interest in the education of our children.
  - 3.2 Build community partnerships to explore resources to support the expected achievement of all students.
  - 3.3 Expand student involvement in the larger community.

4. Resources – Procure sustainable resources necessary to provide an excellent learning experience.
  - 4.1 Improve the physical space of facilities to maximize educational opportunities.
  - 4.2 Expand upon and effectively utilize present funding sources.
  - 4.3 Engage stakeholders for the improvement of the educational experience.

Dr. Barry Rabinovitch  
Superintendent

**ARTICLE: 5**

To see if the Town will vote to fix the salary and compensation of the following elective officers: Town Clerk and Town Moderator, and any other elective officers of the Town as provided by Section 108, Chapter 41, General Laws 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

**MOTION: Ms. Bronk**

I move that the Town vote to raise and appropriate from the tax levy to fix the salary and compensation of the following elected offices, the Town Clerk \$59,300; Registrar \$700; Moderator \$118 per diem, with all other elected officials being zero. Second.

**AMENDMENT: Bill Heaney**

Mr. Moderator I would like to amend this article to include the Town Clerk position if there is a furlough program in place for the year 2010 that this position also be included in that furlough program for the exact same number days. Second

**VOTE ON**

**AMENDMENT: MAJORITY – UNFAVORABLE ACTION**

**VOTE ON MAIN**

**MOTION: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen Voted: Favorable Action (4-0-1)**

**The Finance Committee Voted: Favorable Action (8-0-0)**

**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, 2009 and ending June 30, 2010 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 at the request of the Interim Town Administrator

**MOTION: Mr. Paulsen**

I move that the Town vote to approve the operating budget of the town totaling \$45,828,836, including

debt and interest and a reserve fund for the fiscal year beginning July 1, 2009, as set forth in the Finance Committee Report under the column headed: Fin Com Proposed Budget FY2010, as follows:

Raise and Appropriate	\$45,713,836
Transfer from Waterways Improvement	\$ 10,000
Transfer from Harbor Service Permits	\$ 75,000
Transfer from Wetland Protection	\$ 30,000

Second

**AMENDMENT: Geoff Swett**

I move to amend the motion on Article Six by reducing Selectmen's wages by \$50,000 and adding \$50,000 to the reserve fund. Second

**VOTE ON AMENDED**

**MOTION: 87 AFFIRMATIVE – 146 NEGATIVE – MOTION LOST**

**MOTION: Geoff Swett**

I move the town vote to amend the motion for Article Six by reducing legal services one hundred thousand and adding one hundred thousand to the reserve fund. Second

**VOTE ON AMENDED**

**MOTION: MAJORITY – MOTION LOST**

**MOTION: Geoff Swett**

I move the Town vote to amend the motion for Article Six by adding \$150,000 to the sewer administration fee and adding \$150,000 to the reserve fund. Second

**VOTE ON AMENDED**

**MOTION: MAJORITY – UNFAVORABLE ACTION**

**VOTE ON ORIGINAL**

**MOTION: UNANIMOUS – FAVORABLE ACTION**

**APRIL 28, 2009:**

**MOTION: Geoff Swett**

I move for reconsideration of Article Six. Second

**VOTE: MAJORITY – UNFAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (7-0-1)**

**ARTICLE: 7**

To see if the Town will vote to raise and appropriate One million, Nine hundred Ninety-two thousand, Ninety-two dollars and no cents (\$1,992,092.00) as its share of the operating costs and capital costs of the Upper Cape Cod Regional Vocational-Technical High School District for the Fiscal Year July 1,



2009 through June 30, 2010, or to do or act in any manner relative thereto.

Inserted by the Upper Cape Cod Regional Vocational-Technical School District

**MOTION: Mr. Trudell**

I move that the Town vote to raise and appropriate one million, nine hundred ninety two thousand, ninety two dollars and no cents (\$1,992,092.00) as its share of the operating costs and capital costs of the Upper Cape Cod Regional Vocational-Technical High School District for the Fiscal Year July 1, 2009 through June 30, 2010 - Second.

The Superintendent rose and stated, "I'm Kevin Farr Superintendent of Upper Cape Regional-Technical School. I'm here this evening to ask you to support Upper Cape Tech's assessment of one million nine hundred seventy-seven thousand four hundred. Our budget was approved by our nine-member school committee on March 12, 2009, and we were able to project that our health insurance costs would be two and a half percent less, because of the economies we've experienced as a member of the Cape Cod Municipal Health Group with ten thousand members across seventeen agencies throughout our area. As of October 1, 2008, Upper Cape Tech had two hundred and fourteen students from the town of Wareham, which was an increase of twenty students or ten percent from the previous year. If we divide the assessment figure of a million nine seventy-seven four hundred by the two hundred and fourteen students you can see the per-pupil cost to the Town of Wareham is nine thousand two hundred and forty dollars. In FY09 with a hundred and ninety-four students and an assessment of a million eight hundred and twenty thousand six hundred and thirty-eight dollars, the per-pupil cost was nine thousand three hundred and eighty-four. This is a reduction in the cost of educating students from Wareham a hundred and forty-four dollars per pupil. If we look at the increase of our assessment as the figure a hundred and fifty-six thousand seven hundred and sixty-two dollars and an increase of twenty students, we can compute that those additional students will cost the town seven thousand eight hundred and thirty-eight dollars each. The process of creating a budget for FY10 began almost as soon as fiscal year 09' began and many line items were cut or level funded. On April 15th this year the House Ways and Means Budget Committee cut the regional transportation reimbursement to Upper Cape Tech by an additional two hundred and thirteen thousand five hundred and nineteen dollars. We'll have to find a way to deal with that at this point. We also understand that the State must move through their process and that we are working on educated estimates tonight. By law the State should reimburse Regional School Transportation at a hundred percent. However, that hasn't happened in years. Two thousand and ten's reimbursement is now looking at about fifty-three percent of actual cost. This represents another unfunded mandate by the Commonwealth. As a regional school we are not allowed by statute to charge a fee for transportation, because we do understand at Upper Cape Tech that in the Commonwealth today it's a revenue problem. In my thirty year plus career thus far at Upper Cape Tech I've had the honor and privilege of serving several generations of students. The interest in our school has increased dramatically of the last eight years or so. We now have over three hundred and fifty applications from our five sending towns each year for a hundred and eighty seats in the freshman class. The initial letters of acceptance for the class of 2013 have recently been sent. We have purposefully left a number of positions that have there application rescored later in the school year. From the town of Wareham to date we have had ninety-five applications and I am happy to say sixty-three have been accepted. In a perfect world, in a perfect world, we would be able to take all students that desire an Upper Cape Tech education. In closing I would like to thank our elected officials, Upper Cape Tech representatives, Mr. Kent Perce and Mr. Robert Fichtenmayer for their support. I would like to thank interim town administrator John Sanguinet for his understanding of the regional school budget process during these difficult economic times. Please vote yes on the amendment to article seven and article seven on behalf of Upper Cape Tech students, parents, faculty, staff, administration and school committee, I thank you, and I pledge we will continue to prepare our graduates for the jobs of the twenty-first century and to be life-long learners. Thank you."

**VOTE: UNANIMOUS – FAVORABLE ACTION**

**The Board of Selectmen Voted: No Action (5-0-0)**

**The Finance Committee Voted: No Action (7-1-0)**

**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

**MOTION: John Donahue, Consent Calendar**

I move that the Town vote to appropriate \$617,980 to fund the Emergency Medical Services salaries and wages account and \$172,494 to fund the Emergency Medical Services general expense account; still further, to authorize \$790,474 in estimated receipts of the Emergency Medical Services to be used to offset said appropriation in accordance with Chapter 44, Section 53E. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen Voted: Favorable Action (50-0)**

**The Finance Committee Voted: Favorable Action (8-0-0)**

**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 MGL Chapter 44, Section 53F-1/2 of Massachusetts General Laws to defray the operating and capital expenses of the Water Pollution Control Enterprise Fund for the fiscal year beginning July 1, 2008, and ending June 30, 2009, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

**MOTION: John Donahue, Consent Calendar**

I move that the Town vote to appropriate the sum of \$5,792,450, as follows: \$5,435,510 Wastewater Enterprise Revenue and \$356,940 Sewer Enterprise Fund Retained Earnings in accordance with MGL Chapter 44, Section 53F-½ of Massachusetts General Laws to defray the operating and capital expenses of the Water Pollution Control Enterprise Fund for the fiscal year beginning July 1, 2009, and ending June 30, 2010. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 10**

To see if the Town will vote pursuant to MGL Chapter 44, Section 53E-1/2 of Massachusetts General Laws

to 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 and donations 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 2009 in the existing recreation revolving account be transferred to the revolving fund established for fiscal year 2010, or to do or act in any manner relative thereto.

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

**MOTION: John Donahue, Consent Calendar**

I move that the Town vote pursuant to MGL Chapter 44, Section 53E-1/2 of Massachusetts General Laws to 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 and donations 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 2009 in the existing recreation revolving account be transferred to the revolving fund established for fiscal year 2010. Second

**VOTE: MAJORITY - FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 11**

To see if the Town will vote pursuant to MGL Chapter 44, Section 53E-1/2 of Massachusetts General Laws 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 \$50,000; and further, that the unencumbered balance as of the close of fiscal year 2009 in the existing recycling revolving account be transferred to the revolving fund established for fiscal year 2010, or to do or act in any manner relative thereto.

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

**MOTION: Mr. Cammarano**

I wish to amend Article 11 expenditure not to exceed \$15,000, otherwise as printed in the warrant.  
Second

**AMENDMENT: Barbara White**

I would like to insert the words after “authorize the use of a revolving fund for the purpose of recycling programs, projects, supplies, equipment and any related expenses, **“endorsed by an affirmative vote of the Recycling Committee”** and then the rest of the verbiage as printed, including the amount of \$15,000. Second

**VOTE ON**

**AMENDMENT: MAJORITY – FAVORABLE ACTION**

**VOTE ON MAIN**

**MOTION: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 12**

To see if the Town will vote pursuant to MGL Chapter 44, Section 53E-1/2 of Massachusetts General Laws 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 20 percent (20%) of all fees derived from the issuance of recreational (family) shellfish permits under the authority and direction of the Shellfish Constable and Town Administrator, with such expenditures not to exceed \$20,000 in any one fiscal year; and further, that the unencumbered balance as of the close of fiscal year 2009 in the existing shellfish revolving account be transferred to the revolving fund established for fiscal year 2010, or to do or act in any manner relative thereto.

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

**MOTION: John Donahue, Consent Calendar**

I move that the Town vote pursuant to MGL Chapter 44, Section 53E-1/2 of Massachusetts General Laws 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 20 percent (20%) of all fees derived from the issuance of recreational (family) shellfish permits under the authority and direction of the Shellfish Constable and Town Administrator, with such expenditures not to exceed \$20,000 in any one fiscal year; and further, that the unencumbered balance as of the close of fiscal year 2009 in the existing shellfish revolving account be transferred to the revolving fund established for fiscal year 2010. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 13**

To see if the Town will vote pursuant to MGL Chapter 44, Section 53E-1/2 of Massachusetts General Laws 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/Social Services Director acting with the approval of the Town Administrator; such expenditures not to exceed \$210,000; and further, that the unencumbered balance as of the close of fiscal year 2009 in the existing transportation revolving account be transferred to the revolving fund established for fiscal year 2010, or to do or act in any manner relative thereto.

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

**MOTION: John Donahue, Consent Calendar**

I move that the Town vote pursuant to MGL Chapter 44, Section 53E-1/2 of Massachusetts General Laws

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/Social Services Director acting with the approval of the Town Administrator; such expenditures not to exceed \$210,000; and further, that the unencumbered balance as of the close of fiscal year 2009 in the existing transportation revolving account be transferred to the revolving fund established for fiscal year 2010. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 14**

To see if the Town will vote pursuant to M.G.L. c.44, §53E-1/2, to authorize the use of a revolving fund for the purpose of providing all day kindergarten tuition, programs, supplies, equipment, wages, salaries, fringe benefits and any related expenses, as printed in the warrant which fund shall be credited with receipts from user fee, proceeds of fund raising, donations, and other related receipts under the authority and direction of the Superintendent of Schools, acting with approval of the School Committee, such expenditures not to exceed \$one Hundred Ninety-five Thousand Dollars and no cents (\$195,000.00) expended in fiscal year 2009, and further that the unencumbered balance as of the close of the fiscal year 2008 in the existing kindergarten revolving account be transferred to the revolving account established for fiscal year 2009, or to do or act in any manner relative thereto.

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

**MOTION: John Donahue, Consent Calendar**

I move that the Town vote pursuant to M.G.L. c.44, §53E-1/2, to authorize the use of a revolving fund for the purpose of providing 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, donations, and other related receipts under the authority and direction of the Superintendent of Schools, acting with approval of the School Committee, such expenditures not to exceed \$195,000.00 expended in fiscal year 2010, and further that the unencumbered balance as of the close of the fiscal year 2009 in the existing kindergarten revolving account be transferred to the revolving account established for fiscal year 2010. Second

**VOTE: MAJORITY - FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 15**

To see if the Town will vote pursuant to Chapter 44, Section 53E-1/2 of the general laws to authorize the use of a revolving fund for the purpose of special education tuition, programs, supplies, equipment, wages, salaries, fringe benefits and any related expenses, which fund shall be credited with receipts from the Massachusetts Department of Elementary and Secondary Education Circuit Breaker Fund and other related receipts under the authority and direction of the Superintendent of Schools, acting with approval of the School Committee; such expenditures not to exceed \$500,000 expended in any fiscal year, and further that the unencumbered balance as of at the close of the fiscal year 2009 in the existing special education revolving account be transferred to the revolving fund established for fiscal year 2010, or to do or act in any manner relative thereto.

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

**MOTION: John Donahue, Consent Calendar**

I move that the Town vote pursuant to Chapter 44, Section 53E-1/2 of the general laws to authorize the use of a revolving fund for the purpose of special education tuition, programs, supplies, equipment, wages, salaries, fringe benefits and any related expenses, which fund shall be credited with receipts from the Massachusetts Department of Elementary and Secondary Education Circuit Breaker Fund and other related receipts under the authority and direction of the Superintendent of Schools, acting with approval of the School Committee; such expenditures not to exceed \$500,000 expended in any fiscal year, and further that the unencumbered balance as of at the close of the fiscal year 2009 in the existing special education revolving account be transferred to the revolving fund established for fiscal year 2010. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 16**

To see if the Town will vote pursuant to M.G.L. c.44, §53E-1/2, to authorize the use of a revolving fund for the purpose of providing Library services, programs, supplies, equipment, wages, salaries, fringe benefits and any related expenses, which fund shall be credited with receipts from Library fines, proceeds of fund raising, donations, and other related receipts under the authority and direction of the Library Director, acting with the approval of the Town Administrator; such expenditures not to exceed \$10,000.00 expended in fiscal year 2010, and further that the unencumbered balance as of the close of the fiscal year 2009 in the existing library revolving account be transferred to the revolving account established for fiscal year 2010, or to do or act in any manner relative thereto.

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

**MOTION: Ms. Donahue**

I move that the Town vote pursuant to M.G.L. c.44, §53E-1/2, to authorize the use of a revolving fund for the purpose of providing Library services, programs, supplies, equipment, wages, salaries, fringe benefits and any related expenses, which fund shall be credited with receipts from Library fines, proceeds of fund raising and other related receipts under the authority and direction of the Library Director, acting with the approval of the Town Administrator; such expenditures not to exceed \$10,000.00 expended in fiscal year 2010, and further that the unencumbered balance as of the close of the fiscal year 2009 in the existing library revolving account be transferred to the revolving account established for fiscal year 2010. Delete the word donations. Second

**VOTE: UNANIMOUS – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (0-0-0)**

**The Finance Committee voted: Favorable Action (9-0-0)**

**ARTICLE: 17**

To see if the town will vote pursuant to Chapter 44, Section 53E-1/2 of the General Laws to authorize the use of a revolving fund for the purpose of supporting, improving and increasing the COA senior daycare

fees, add and expand beneficial programs, pay for all supplies, equipment, salaries, fringe benefits and any related expenses, this fund shall be credited with receipts from user fees, credited with proceeds of fund-raising activities, donations and other related receipts under the authority and direction of the COA Director such as expenditure will not exceed our planned projected income of \$200,000 expended in any one fiscal year; and further, that the unencumbered balance as of the close of fiscal year 2009 in the existing COA revolving account be transferred to the revolving fund established for fiscal year 2010, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Council on Aging

**MOTION: John Donahue, Consent Calendar**

To see if the town will vote pursuant to Chapter 44, Section 53E-1/2 of the General Laws to authorize the use of a revolving fund for the purpose of supporting, improving and increasing the COA senior daycare fees, add and expand beneficial programs, pay for all supplies, equipment, salaries, fringe benefits and any related expenses, this fund shall be credited with receipts from user fees, credited with proceeds of fund-raising activities, donations and other related receipts under the authority and direction of the COA Director such as expenditure will not exceed our planned projected income of \$200,000 expended in any one fiscal year; and further, that the unencumbered balance as of the close of fiscal year 2009 in the existing COA revolving account be transferred to the revolving fund established for fiscal year 2010. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 18**

To see if the Town will vote pursuant to MGL Chapter 44, Section 53E ½ to authorize the use of a revolving fund for the purpose of providing educational and social programs to the elderly and disabled citizens of the town, which fund shall be credited with receipts from proceeds from the above programs, under the authority and direction of the Senior/Social Services Director with the approval of the Town Administrator; said expenditures not to exceed \$7,500 for fiscal year 2010, or to do or act in any manner relative thereto.

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

**MOTION: John Donahue, Consent Calendar**

I move that the Town vote pursuant to MGL Chapter 44, Section 53E ½ to authorize the use of a revolving fund for the purpose of providing educational and social programs to the elderly and disabled citizens of the town, which fund shall be credited with receipts from proceeds from the above programs, under the authority and direction of the Senior/Social Services Director with the approval of the Town Administrator; said expenditures not to exceed \$7,500 for fiscal year 2010.  
Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 19**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation budget, and further to reserve for future appropriation from the Community Preservation FY2010 Estimated Annual Revenues the following amounts as recommended by the Community Preservation Committee: \$84,950 for the acquisition, creation and preservation of open space excluding land for recreational use; \$84,950 for the acquisition, preservation, rehabilitation and restoration of historic resources; and \$84,950 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

**MOTION: Mrs. Bronk**

I move that the town vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation Budget, and further to reserve for further appropriation from the Community Preservation Fiscal Year 2010 Estimate Annual Revenues the following amounts as recommended by the Community Preservation Committee: \$84,950 for the acquisition, creation and preservation of open space excluding land for recreational use; \$84,950 for the acquisition, preservation, rehabilitation and restoration of historic resources, and \$84,950 for the creation, preservation and support of community housing. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 20**

To see if the Town will vote to appropriate from the Community Preservation Fund Fiscal Year 2010 Estimated Annual Revenues the amount of \$42,500 more or less to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal year 2010 or to do or act in any manner relative thereto.

Community Preservation voted favorable action 7-0-0

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

**MOTION: Ms. Bronk**

I move that the Town vote to appropriate from the Community Preservation Fund Fiscal Year 2010 Estimated Annual Revenues in the amount of \$42,500 more or less to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal year 2010. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (4-0-1)**

**The Finance Committee voted: Further Study (6-2-0)**

**ARTICLE: 21**



To see if the Town will vote to transfer from the Community Preservation Fund FY 2009 estimated annual revenues the following sums, \$10,178 for the Affordable Housing Reserve; \$10,178 for the Historic Preservation Reserve; \$10,178 for the Open Space Reserve, and \$5,200 for administration, as required by MGL Chapter 44B, or to do or act in any manner relative thereto.

Community Preservation voted favorable action 7-0-0

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

**MOTION: Mr. White**

I move the Town vote to transfer from the Community Preservation Fund FY 2009 estimated annual revenues the following sums, \$10,178 for the Affordable Housing Reserve; \$10,178 for the Historic Preservation Reserve; \$10,178 for the Open Space Reserve, and \$5,200 for administration, as required by MGL Chapter 44B. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (4-0-1)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 22**

To see if the Town will vote to appropriate from Community Preservation funds, under the category of Historic Preservation the sum of \$6,875 for additional costs for the restoration of the “Office Building” roof at the Tremont Nail Complex, as originally approved under Article 23, Fall 2007 Town Meeting or to do or act in any manner relative thereto.

Community Preservation voted favorable action 7-0-0

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

**MOTION: Mr. White**

I move that the Town vote to transfer from Community Preservation funds, under the category of Historic Preservation the sum of \$6,875 for additional costs for the restoration of the “Office Building” roof at the Tremont Nail Complex, as originally approved under Article 23, Fall 2007 Town Meeting. Second

**VOTE: UNANIMOUS – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 23**

To see if the Town will vote to rescind the Preservation Restriction language placed upon the 18<sup>th</sup> century Kendrick Museum in Wareham, owned by the Wareham Historical Society and designated on Assessors’ Map 47, Lot 1118BB as approved under the fall 2007 Town Meeting, Article 22.

Community Preservation voted favorable action 7-0-0

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

**MOTION: Ms. Bronk**

I move that the Town vote to rescind the Preservation Restriction language placed upon the 18<sup>th</sup> century Kendrick museum in Wareham, owned by the Wareham Historical Society and designated on Assessors' Map 47, Lot 1118BB as approved under the fall 2007 Town Meeting, Article 22. Second

**VOTE: UNANIMOUS – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (9-0-0)**

**ARTICLE: 24**

To see if the Town will vote to transfer \$20,000 from the parking meter fund to the municipal maintenance line painting account in FY09, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Municipal Maintenance Director

**MOTION: John Donahue, Consent Calendar**

I move that the Town voter to transfer \$20,000 from the Parking Meter Fund to the Municipal Maintenance Line Painting Account in FY09. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 25**

To see if the Town will vote to transfer \$10,000 from the parking meter fund to the municipal maintenance sign materials account in FY09, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Municipal Maintenance Director

**MOTION: John Donahue, Consent Calendar**

I move that the Town voter to transfer \$10,000 from the Parking Meter Fund to the Municipal Maintenance Sign Materials Account in FY09. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 26**

To see if the Town will vote to appropriate and/or transfer \$25,000 from the waterways improvement and maintenance fund to the harbors and beaches maintenance account in FY09, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Municipal Maintenance Director

**MOTION: John Donahue, Consent Calendar**

I move that the Town vote to appropriate and transfer \$25,000 from the Waterways Improvement and Maintenance Fund to the Harbors and Beaches Maintenance account FY09. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (9-0-0)**

**ARTICLE: 27**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following equipment purchases and to authorize the Town Administrator to expend such funds that are necessary for this action, or to do or act in any manner relative thereto.

<b>Depart.</b>	<b>Equipment</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
MIS	Power Supply	6,700	
MIS	9 Laptops Police and Town Clerk	9,000	
MIS	Firewall Hardware and Software	9,200	
Town Clerk	5 Fireproof File Cabinets	4,000	
Town Clerk	DVD Recorder for Town Meeting	2,000	
Town Clerk	3 Typewriters	3,000	
Conservation	4 File cabinets	2,000	
Police	In-House Replacement Computer	7,500	
Police	Telephone	600	
Police	2 Video Security Cameras	1,500	
Police	Replace Digital Cameras	800	
Police	8 Tasers	6,400	
Police	2 A/C Window Units	400	
COA	4 Desktop Computers	4,000	
Library	15 Computers	18,000	
Library	Shade for Meeting Room	750	
Library	Computer Printer	1,200	
<b>Total</b>		<b>77,050</b>	<b>49,300</b>

or to do or act in any manner relative thereto.

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

**MOTION: Mr. Trudell**

I move to see if the Town will vote to raise and appropriate and/or transfer from available funds for the following equipment purchases and to authorize the Town Administrator such funds that are necessary for this action, or to do or act in any manner relative thereto. The motion is to expend forty-nine thousand three hundred dollars. Second

**VOTE: 114 AFFIRMATIVE AND 78 NEGATIVE – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

## **ARTICLE: 28**

To see if the Town will vote to Raise and Appropriate and or transfer from available funds the sum of \$30,000.00 to replace the Boiler at the Police Station and to authorize the Town Administrator to expend such funds that are necessary for this action, or to do or act in any manner relative thereto.

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

### **MOTION: Mr. Trudell**

I move the Town vote to raise and appropriate the sum of \$30,000 dollars to replace the boiler at the Police Station and authorize the Town Administrator to expend such funds that are necessary for this action. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (9-0-0)**

**The Capital Planning Committee Voted: Favorable Action (4-0-0)**

## **ARTICLE: 29**

To see if the Town will vote to Raise and Appropriate and or transfer from available funds the sum of \$75,000.00 to replace the Boiler at the Multi Service Center and to authorize the Town Administrator to expend such funds that are necessary for this action, or to do or act in any manner relative thereto.

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

### **MOTION: Mr. Trudell**

To see if the Town will vote to raise and appropriate the sum of \$75,000 dollars to replace the boiler at the Multi-Service Center and to authorize the Town Administrator to expend such funds that are necessary for this action. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (9-0-0)**

**The Capital Planning Committee voted: Favorable Action (4-0-0)**

## **ARTICLE: 30**

To see if the Town will vote to Raise and Appropriate and or transfer from available funds the sum of \$16,000.00 to replace the Roof at the EMS Building and to authorize the Town Administrator to expend such funds that are necessary for this action, or to do or act in any manner relative thereto.

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

### **MOTION: Mr. Trudell**

I move that the Town vote to Raise and Appropriate the sum of \$16,000 dollars to replace the Roof at the EMS Building and to authorize the Town Administrator to expend such funds that are necessary for this action. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**  
**The Finance Committee voted: Favorable Action (9-0-0)**  
**The Capital Planning Committee voted: Favorable Action (4-0-0)**

**Article: 31**

To see if the Town will vote to transfer from available funds a sum of money to supplement or reduce the Fiscal 2009 operating budget, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

**MOTION: Mr. White**

I move that the Town vote to transfer from the Finance Reserve Fund to the Legal Budget in the amount of \$121,000 dollars; from the Finance Committee Reserve Fund to the Veterans Benefits in the amount of \$46,000 dollars and to transfer from Stabilization Fund to the Street Lights in the amount of \$55,000 dollars; to transfer from Stabilization Fund to the Sick Leave bonus in the amount of \$46,000 dollars to supplement the Fiscal 2009 operating budget. Second

**VOTE: 2/3 MAJORITY DECLARED BY MODERATOR– FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (4-0-0)**  
**The Finance Committee voted: Favorable Action (5-4-0)**

**Article: 32**

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

Inserted by the Board of Selectmen

**MOTION: Mr. Paulsen**

I move that the Town will vote to raise and appropriate \$100,000 dollars to account 082-0000-362-0100, Stabilization Fund. Second

**VOTE: UNANIMOUS – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**  
**The Finance Committee voted: Favorable Action (8-0-0)**

**Article: 33**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact the following legislation. The legislature may reasonably vary the form and substance of the requested legislation subject to the approval of the Board of Selectmen who are hereby authorized to approve amendments within the scope of the general objectives of this petition.

**AN ACT AUTHORIZING THE TOWN OF WAREHAM TO GRANT EIGHT ADDITIONAL  
LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES  
TO BE DRUNK ON THE PREMISES.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

### **SECTION 1.**

Notwithstanding Sections 12 and 17 of Chapter 138 of the General Laws, or any other General or special law or rule or regulation to the contrary, the local licensing authority of the town of Wareham may grant eight (8) additional licenses for the sale of all alcoholic beverages to be drunk on the premises, subject to the conditions set forth in this act.

The local licensing authority shall restrict the granting of the (8) licenses authorized pursuant to this act to the following Zoning Districts and with the following limitations: 2 licenses shall be granted at a location within Onset Village I, each such license may be re-issued at the original location or may be granted at or transferred to another location within said Zone, provided, however, they shall not be granted at or transferred to another Zoning District or location within said town; 2 licenses shall be granted at a location within Onset Village II, each such license may be re-issued at the original location or may be granted at or transferred to another location within said Zone, provided, however, they shall not be granted at or transferred to another Zoning District or location within said town; 2 licenses may be granted at a location within Wareham Village, each such license may be re-issued at the original location, or it may be transferred to, or granted at, another location within said Zoning District, provided, however, they shall not be transferred to, or granted at, another Zoning District or location within said town; and 2 licenses may be granted at a location within West Wareham, each such license may be re-issued at the original location, or it may be transferred to, or granted at, another location within said Zoning District, provided, however, they shall not be transferred to, or granted at, another Zoning District or location within said town.

The local licensing authority may grant each license, as authorized by paragraph one of section 1 of this act and within the Zoning District as described in paragraph two of this act, if an applicant for such a license files with said authority a letter in writing from the department of Revenue indicating that said license is in good standing with said Department and that any and all applicable taxes have been paid.

If a license granted under this act is cancelled, revoked or no longer in use, such license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto to the local alcohol licensing authority. Notwithstanding section 17 of chapter 138 of the General Laws, or any other General or special law or rule or regulation to the contrary, the local alcohol licensing authority may then grant the license to an applicant at the same location and under the same conditions as specified in this act,

### **SECTION 2.**

This act shall take effect upon passage.

or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request

### **MOTION: Ms. Bronk**

I move that the Town vote to authorize the Board of Selectmen to petition the General Court to enact authorizing the Town of Wareham to grant eight additional licenses for the sale of all alcoholic beverages to be drunk on the premises. Second

**VOTE: UNANIMOUS – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (4-1-0)**

**The Finance Committee voted: Favorable Action (9-0-0)**

**ARTICLE: 34**

To see if the Town will vote to authorize the Community Events Committee to expend \$56,650.00, funds drawn from 70% of the Hotel/Motel Tax and 40% from the Parking Meter Fund. The 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

**MOTION: Ms. Cottuli**

I'm going to amend article number thirty-four to read as I move that the Town will vote to authorize the Community Events Committee to expend \$10,000 dollar fund drawn from 70% of the Hotel/Motel Tax and 40% of the Parking Meter Fund. The funds will solely be used for the continuing support and assistance of community events, projects, activities, services, programs and public improvements which are the mutual interest to residents and visitors of the Town. Second

**AMENDMENT: Ms. Cottuli**

I would amend the article to insert the words to expend an additional \$10,000 dollars. Second

**VOTE ON**

**AMENDMENT: UNANIMOUS – FAVORABLE ACTION**

**VOTE ON**

**MAIN MOTION: UNANIMOUS – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-0)**

**ARTICLE: 35**

To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the General Court in the following form:

**AN ACT RELATIVE TO INTEREST RATES TO BE CHARGED UPON APPORTIONED BETTERMENT ASSESSMENTS IN THE TOWN OF WAREHAM**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Notwithstanding the provisions of any general or special law to the contrary, the town of Wareham is hereby authorized with respect to betterment assessments for any or all projects assessed after the effective date of this act, to assess interest on apportionments of such assessments at the rate of interest set by the Town by bylaw, or by vote with respect to a particular project, provided that no such rate shall exceed the rates permitted by section 13 of chapter 80 of the general laws and provided that if the town does not elect to set lower rates as authorized under this act, the town shall charge interest at the rates permitted by section 13 of chapter 80 of the general laws.

Section 2: This act shall take effect upon its passage.

The General Court may make clerical or editorial changes of form only 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, which shall be within the scope of the general public objectives of this petition; or to do or act in any manner relative thereto.

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

**MOTION: Mr. Cammarano**

I move that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition with the General Court in the following form, as printed before you. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted to abstain from voting (8-0-0)**

**Article: 36**

To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the General Court in the following form:

**AN ACT RELATIVE TO INTEREST RATES TO BE CHARGED UPON APPORTIONED  
BETTERMENT ASSESSMENTS IN THE TOWN OF WAREHAM**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Notwithstanding the provisions of any general or special law to the contrary, the town of Wareham is hereby authorized with respect to betterment assessments for any or all projects assessed after the effective date of this act, to assess interest on apportionments of such assessments at the rate of interest set by the Town by bylaw, or by vote with respect to a particular project, provided that no such rate shall exceed the rates permitted by section 13 of chapter 80 of the general laws and provided that if the town does not elect to set lower rates as authorized under this act, the town shall charge interest at the rates permitted by section 13 of chapter 80 of the general laws.

Section 2: This act shall take effect upon its passage.

The General Court may make clerical or editorial changes of form only 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, which shall be within the scope of the general public objectives of this petition; or to do or act in any manner relative thereto.

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

**MOTION: Mr. Cammarano**

I move that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition with the General Court in the following form, as printed before you. Second



**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (6-0-0)**

**ARTICLE: 36**

To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the General Court in the following form:

**AN ACT RELATIVE TO THE INTEREST RATE TO BE CHARGED UPON APPORTIONED BETTERMENT ASSESSMENTS FOR THE WEWEANTIC SEWER PROJECT IN THE TOWN OF WAREHAM**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Notwithstanding the provisions of any general or special law to the contrary, the town of Wareham shall assess interest on apportionments of sewer betterment assessments for the Weweantic sewer project, the betterment assessment statement for which was recorded with the Plymouth County Registry of Deeds on November 14, 2003, in Book 27023, Page 221, at the rate of one-half of one percent.

Section 2: If upon the effective date of this act such assessments have already been apportioned and one or more portions with interest at the rates allowed under section 13 of chapter 80 of the general laws have been added to the annual tax assessed with respect to the assessed properties, then from the first day of October after the effective date of this act, such apportioned assessments shall bear interest at the rate authorized by Section 1 of this act.

Section 3: This act shall take effect upon its passage.

The General Court may make clerical or editorial changes of form only 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, which shall be within the scope of the general public objectives of this petition; or to do or act in any manner relative thereto.

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

**MOTION: Mr. Cammarano**

I move that the Town authorize the Board of Selectmen to file a Home Rule Petition with the General Court in the following form, as you see above you regarding the betterment assessments for the Weweantic Sewer Project in the Town of Wareham. Second

**VOTE: UNANIMOUS – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted to abstained from voting (8-0-0)**

**ARTICLE: 37**

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

**MOTION: Mr. Cheever**

I move that the Town vote to adopt a Personnel Plan effective July 1, 2009, as amended to include classification plan, change the matrix from five step back to previous steps and to delete under section eight vacation, number one, last sentence, all present employees will be grandfathered in.

**VOTE: 122 AFFIRMITIVE AND 146 NEGATIVE – MOTION LOST**

**MOTION: Dan Goodchild**

My amendment is that we vote thirty-seven to further study. Second

**VOTE ON**

**AMENDMENT: 163 IN FAVOR AND 104 OPPOSED – FAVORABLE ACTION**

**MAIN MOTION: MAJORITY – FAVORABLE ACTION – FURTHER STUDY**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (5-0-4)**

**ARTICLE: 38**

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:

**A. WATER QUALITY PROTECTION - NITROGEN DISCHARGE LIMITS FOR LARGE ONSITE WASTEWATER SYSTEMS**

**1.0 Purpose and Intent:**

The purpose of this bylaw is to protect the public health and welfare of its citizens, and to minimize quantifiable impacts to drinking, fresh and coastal water quality and natural resources by establishing a nitrogen discharge limit for large onsite wastewater disposal systems in the Town of Wareham. This bylaw is adopted pursuant the home rule amendments of the Massachusetts Constitution.

**2.0 Performance Standards and Applicability**

The Board of Health shall not issue a permit for the onsite disposal of wastewater greater than 2,000 gallons per day (gpd) on any parcel (individually or cumulatively) unless said system is a Locally Approved Nitrogen Removal Septic System that limits effluent discharge concentration to 10 parts per million (ppm) or less as determined by monitoring requirements and protocols established by the Board of Health.

**3.0 Exemptions**

The following wastewater systems are exempt from this bylaw:

3.1 Onsite systems installed in areas to be sewered according to the Town of Wareham's wastewater facilities plan dated December 4, 2001.

3.2 The repair or replacement of any system in existence before [effective date of bylaw], except for expansions of flows greater than 2000 gpd.

**4.0 Definitions**

4.1 Locally Approved Nitrogen Removal Septic System is any onsite wastewater disposal system accepted by the Wareham Board of Health for these purposes.

#### 5.0. Regulations

After public notice and public hearing, the Board of Health shall promulgate rules and regulations to effectuate the purposes of this bylaw, effective when voted and filed with the town clerk. Failure by the Board to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum, these regulations shall reiterate the terms defined in this bylaw, define additional terms that are not inconsistent with the bylaw, and impose filing and consultant fees.

6.0 Severability - In case any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

Commentary: While Chapter 40 B projects are generally exempt from compliance with local laws, the existence of a nitrogen limit bylaw creates a point of negotiation with developers of 40B. Towns can request some level of compliance as long as the requirement does not make the 40B project economically unfeasible. Thus, the presence of a bylaw like this one provides an important tool for local government to control nitrogen discharges for Chapter 40B projects. The language “individually or cumulatively” is meant to address the possibility of installing two or more 2000 gpd systems on a single property to avoid the provisions of this bylaw, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Clean Water Committee

**MOTION: Mr. Pacewicz**

I move favorable action on Article 38. Second

**AMENDMENT:**

I move further study on Article 38. Second

**MOTION: Mr. Brousseau**

**I would like to move the question.**

**VOTE: MAJORITY – FAVORABLE ACTION**

**VOTE ON**

**AMENDMENT: 158 AFFIRMATIVE AND 109 NEGATIVE - FAVORABLE ACTION**

**VOTE ON MAIN**

**MOTION: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Further Study (7-1-0)**

**ARTICLE: 39**

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

**MOTION: Mr. Carmody**

I move the Town 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.  
Second

**VOTE: UNANIMOUS – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (7-0-2)**

**ARTICLE: 40**

To see if the town will vote to accept the provisions of the Governors Filed Legislation allowing for the Town of Wareham to apply an additional 1% tax on all meals served with in the Town of Wareham Limits, this shall be implemented upon signature of the Governor, or to do or act in any manner relative thereto.

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

**MOTION: Mrs. Donahue**

I move that the Town vote to accept provisions of the Governor's legislation allowing for the Town of Wareham to apply an additional one percent tax on all meals served in the Town of Wareham, within the Town of Wareham limits. This shall be implemented upon the signature of the Governor. Second

**VOTE: MAJORITY – UNFAVORABLE ACTION**

**The Board of Selectmen voted: No Action (4-1-0)**

**The Finance Committee voted: Favorable Action (7-2-0)**

**ARTICLE: 41**

To see if the Town will vote to accept Chapter 40, § 21D of the Massachusetts General Laws, which is necessary in order to enforce any local ordinance or By-law, including any ordinance or By-law prohibiting public use of marihuana, or to do or act in any manner relative thereto.

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

**MOTION: Ms. Bronk**

I move that the Town vote to accept Chapter Forty and 21D of the Massachusetts General Laws which is necessary in order to enforce any local ordinance or By-law, including any ordinance or By-law prohibiting public use of marihuana. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-1)**

**ARTICLE: 42**

To see if the Town will vote to amend the By-laws of the Town of Wareham,

**Division II, Article I, by adding:**

**Section 16A:** No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This By-law may be enforced through any lawful means in law or in equity including but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, §21, or by non-criminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this By-law shall be three hundred dollars (**\$300**) for each offense. Any penalty imposed under this By-law shall be in addition to any civil penalty imposed under G.L. c 94C, § 32L, or to do or act in any manner relative thereto.

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

**MOTION: Ms. Bronk**

I move that the Town vote to amend the bylaws of the Town of Wareham by adding the above language. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)**

**The Finance Committee voted: Favorable Action (8-0-1)**

**ARTICLE: 43**

To see if the Town will vote to amend the By-laws of the Town of Wareham, Division II, Article I, Section Fifteen, which reads: “It shall be unlawful for any person who has attained the age of **twenty years** to consume or have in his or her possession alcoholic beverages on public highways, including vehicles, thereon, or public places within the town of Wareham. Whoever violates the provisions of this By-law shall be fined in an amount **not exceeding twenty (\$20.00) dollars for each offense.**”

**AND REPLACE WITH:**

It shall be unlawful for any person who has attained the age of **twenty-one years** to consume or have in his or her possession alcoholic beverages on public highways, including vehicles, thereon, or public places within the town of Wareham. Whoever violates the provisions of this By-law shall be fined in an amount **not exceeding twenty (\$20.00) dollars for each offense**, or to do or act in any manner relative thereto.

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

**MOTION: Mr. White**

I move that the Town vote to amend the bylaws of the Town of Wareham as follows: basically this is an open meeting law, open bottle law and the motion would replace the original language with the language at the bottom of the chart. Second

**AMENDMENT: Mrs. Carmody**

I'd like it to read: It shall be unlawful for any person though he or she has attained the age of twenty-one and the right to consume alcoholic beverages to consume or have in his or her possession opened alcoholic beverage containers on public highways, including vehicles, thereon or public places within the Town of Wareham. Whoever violates the provisions of this By-law shall be fined in an amount **not exceeding twenty (\$20.00) dollars for each offense.** Second

**MOTION:**

I'd like to move the question. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**VOTE ON  
AMENDMENT: MAJORITY – FAVORABLE ACTION**

**VOTE ON MAIN  
MOTION: MAJORITY – FAVORABLE ACTION**

**MOTION: Lynne Burroughs**

I would like to reconsider Article Forty-three. Second

**VOTE: MAJORITY – UNFAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)  
The Finance Committee voted: Favorable Action w/ language change (9-0-0)**

**ARTICLE: 44**

To see if the Town will vote to appropriate the name change from Wareham Council on Aging to Wareham Council on Aging and Social Services, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Council on Aging

**MOTION: John Donahue, Consent Calendar**

I move that the Town vote to appropriate the name change from Wareham Council on Aging to Wareham Council on Aging and Social Services. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: Favorable Action (5-0-0)  
The Finance Committee voted: Favorable Action (8-0-1)**

**ARTICLE: 45**

To see if the town will vote to 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 these sentences:

*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 candidates. The replacing candidates are those with the highest number of votes.*

Inserted by Robert Brady, et al.

**MOTION: Alan Slavin**

I would like to ask if the Moderator would consider moving articles forty-five to fifty-three ahead of schedule. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**MOTION: Alan Slavin**

I would like to move all these articles for further study. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Refer to Charter Review Committee (9-0-0)**

**ARTICLE: 46**

To see if the town will vote to replace the sentence in the Town Charter - Section 7 – 10; Recall of Elected Officials Part (f) (Pages 31 and 32) which reads:

*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 officers 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.*

Inserted by Robert Brady, et al.

**MOTION: Alan Slavin**

I would like to ask if the Moderator would consider moving articles forty-five to fifty-three ahead of schedule. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**MOTION: Alan Slavin**

I would like to move all these articles for further study. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Refer to Charter Review Committee (9-0-0)**

**ARTICLE: 47**

To see if the town will vote to replace the sentence in the Town Charter - Section 7 – 10; Recall of Elected Officials Part (e) (Page 31) which reads:

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, directed by 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.*

Inserted by Robert Brady, et al.

**MOTION: Alan Slavin**

I would like to ask if the Moderator would consider moving articles forty-five to fifty-three ahead of schedule. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**MOTION: Alan Slavin**

I would like to move all these articles for further study. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Refer to Charter Review Committee (9-0-0)**

**ARTICLE: 48**

Change the sentence in the Town Charter Section 7 – 5 Uniform Procedures (b) (Page 27) which reads:

*These rules and journals shall be a **pubic** record, kept available in a place convenient to the public, and a certified copy shall be kept available in the Wareham Free Library.*



to read:

*These rules and journals shall be a **public** record, kept available in a place convenient to the public, and a certified copy shall be kept available in the Wareham Free Library.*

Inserted by Robert Brady, et al.

**MOTION: John Donahue, Negative Consent Calendar**

I move further study on Article Forty-Eight. Second

**VOTE: UNANIMOUS – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Refer to Charter Review Committee (9-0-0)**

**ARTICLE: 49**

Replace the sentence in Charter Section 5 – 6 -Action of the Proposed Budget; Section (c) Presentation to Town Meeting (page 23):

*When the proposed budget is before the town meeting for action it shall first be subject to amendments, if any, as may be proposed to it by the finance committee.*

With the following sentences:

*The only proposed budget initially to be put before the town meeting is that of the Town Administrator. When the Town Administrator's proposed budget is before the town meeting for action it shall first be subject to amendments, if any, as may be proposed to it by the finance committee.*

Inserted by Robert Brady, et al.

**MOTION: Alan Slavin**

I would like to ask if the Moderator would consider moving articles forty-five to fifty-three ahead of schedule. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**MOTION: Alan Slavin**

I would like to move all these articles for further study. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Refer to Charter Review Committee (9-0-0)**

**ARTICLE: 50**

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

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

Inserted by Robert Brady, et al.

**MOTION: Alan Slavin**

I would like to ask if the Moderator would consider moving articles forty-five to fifty-three ahead of schedule. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**MOTION: Alan Slavin**

I would like to move all these articles for further study. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Refer to Charter Review Committee (9-0-0)**

**ARTICLE: 51**

*The Moderator must recuse himself from moderating any Town Meeting if he has an immediate family member serving on the Board of Selectmen. No Selectman may serve as the Chairman of the Board of Selectmen if he/she is an immediate family member of the Moderator.*

*Immediate family member is defined as in the Massachusetts Conflict of Interest Law: Massachusetts General Law 268A:1 Definitions; [entry (e)]: "Immediate family", the employee and his spouse, and their parents, children, brothers and sisters.*

Inserted by Robert Brady, et al.

**MOTION: Alan Slavin**

I would like to ask if the Moderator would consider moving articles forty-five to fifty-three ahead of schedule. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**MOTION: Alan Slavin**

I would like to move all these articles for further study. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Refer to Charter Review Committee (9-0-0)**

**ARTICLE: 52**

Add the following to Charter - Section 7 – 5 (b):

*All meeting minutes are to be approved by their respective boards, committees, or commissions at their next meeting.*

Inserted by Robert Brady, et al.

**MOTION: Alan Slavin**

I would like to ask if the Moderator would consider moving articles forty-five to fifty-three ahead of schedule. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**MOTION: Alan Slavin**

I would like to move all these articles for further study. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Refer to Charter Review Committee (9-0-0)**

**ARTICLE: 53**

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

Replace the sentence in Bylaw Section 6, pages 1 and 2:

*No person elected Selectman on or after January 1, 1973 shall hold any other elective Town office during his term of office as Selectman.*

with the sentence:

*No person elected Selectman shall hold any other elective Town office, serve as a **voting** member on any other town board, committee, or commission during his term of office as Selectman.*

Inserted by Robert Brady, et al.

**MOTION: Alan Slavin**

I would like to ask if the Moderator would consider moving articles forty-five to fifty-three ahead of schedule. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**MOTION: Alan Slavin**

I would like to move all these articles for further study. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Refer to Charter Review Committee (9-0-0)**

**ARTICLE: 54**

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

Replace the Sentence in Bylaws Division I; Article II; Board Meetings and Hearings, Section 1 Page 2:

*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.*

Inserted by Robert Brady, et al.

**MOTION: Mr. White**

I move that the Town will vote to take the following action replace sentence in the bylaws Division I, Article II, Boards and meetings and hearings, section one, page two, with the language that is at the bottom of the chart. Second

**AMENDMENT: Mr. Sauvageau**

I move no action on Article Fifty-Four. Second

**VOTE ON**

**AMENDMENT: MAJORITY – UNFAVORABLE ACTION**

**VOTE ON MAIN**

**MOTION: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Favorable Action (9-0-0)**

**ARTICLE: 55**

To see if the Town of Wareham 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.*

Inserted by Robert Brady, et al.

**MOTION: Mr. Brady**

I move that the Town vote to take the following action: By changing the wording in the bylaws, Division I, Article II, Board meetings and hearings, section one, page two, to read that “All Board of Selectmen executive sessions must be called for open meeting that are announced by posting at the town office building at a single designated location, electronically via the news and announcement system at the Town of Wareham’s web address and on the Town’s website that give notice of the hour and place of the opening meeting and the jurisdiction of the executive session as specified by Mass General Law Chapter 39, Section 23B, at least twenty-four hours prior to that meeting.” Second

**AMENDMENT: Mr. Goodchild**

“Except in an emergency” after comma. Second

**MOTION: Mr. Gains**

Motion to move the question. Second

**VOTE: MAJORITY – FAVORABLE ACTION**

**VOTE ON**

**AMENDMENT: MAJORITY – UNFAVORABLE ACTION**

**VOTE ON MAIN**

**MOTION: MAJORITY – UNFAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Favorable Action (9-0-0)**

**ARTICLE: 56**

Will the Town amend the Town of Wareham Zoning Map, originally adopted November 19, 1951, as amended by including the **Resort Mixed Use Overlay** District the following described land:

A certain parcel of land on the Northerly side of Onset Avenue in that Part of Wareham, Plymouth County, Massachusetts, known as Onset, containing both registered and unregistered lane, shown as Lot 1004A (the “Unregistered Parcel”) and Lots 1,2,3,4,7,12 & 14 (the “Registered Parcels”) on a Plan entitled “PLAN OF LAND prepared for BPG, CORP., BP RESIDENTIAL CORP. & BAYBANK, Onset Avenue, Wareham, MA”, dated December 7, 1993, by Braman Engineering Company, Ltd., containing two sheets, which plan is recorded with the Plymouth Registry of Deeds as Plan No. 730 of 1993 at Plan Book 36, Pages 449 & 450, a copy of which is on file with the Board of Selectmen.

Or take any other action relative thereto?

Inserted by Gary Cananzey, et al.

**MOTION: John Donahue – Negative Consent Calendar**

I move further study on Article Fifty-Six. Second

**VOTE: UNANIMOUS – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**ARTICLE: 57**

Will the Town amend the Zoning By-Law of the Town of Wareham, Massachusetts, originally adopted November 19, 1951, as amended, by adding, in the correct chronological order, a new Article 460, entitled **“Resort Mixed Use Overlay District”**, as follows:

**460 Resort Mixed-Use Overlay District**

1. General

In order to permit a mixture of retail, residential, open space, general commercial and office uses, and a variety of building types, tracts of land within the Resort Mixed Use Overlay District may be developed under a Special Permit granted by the Board of Appeals as herein defined and limited.

2. Special Permit Authority

The Board of Appeals (Board) may grant a Special Permit for construction of a mixed-use project in the Industrial District. The Special Permit shall conform to this By-Law and to Massachusetts General Laws Chapter 40A, Section 9 and to regulations which the Board may adopt for carrying out its requirements hereunder.

- a. Review Board - The Planning Board shall function as a review board to review each proposed mixed-use permit.
  - b. Purpose - The purpose of the mixed-use Special Permit is to provide for a mixture of residential, open space, retail, general commercial and limited industrial uses within an Industrial District in order to foster greater opportunity for the construction of quality developments on large tracts of land by providing flexible guidelines which allow the integration of a variety of land uses and densities in one development, provided that such land usage is shown to be for the public good and:
    - i. will improve the physical and aesthetic qualities of the Industrial District and improve and/or reinforce the livability and aesthetic qualities of the surrounding neighborhood and/or environment, and
    - ii. is consistent with the objectives of the Zoning By-Law.
3. Review Procedure for Mixed Use Special Permit Applications  
The review procedure for a mixed use Special Permit consists of three steps:
1. a pre-application conference,
  4. Submission by the applicant and review by the Planning Board of a Preliminary Plan for the proposed mixed-use development, and submission by the applicant and review by both the Planning Board and the Board of Appeals of an application and final plan for a mixed-use Special Permit.
  5.
    - a. Pre-Application Conference. Prior to the submission of an application for a mixed-use Special Permit, the applicant must confer with the Planning Board to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.
    - b. Procedure for Preliminary Plan
      - i. The applicant shall file with the Town Clerk, at least seven (7) days before a regularly scheduled meeting of the Planning Board, the original and one (1) copy of the preliminary plan accompanied by the form entitled “Submission of Preliminary Plan Mixed-Uses”. The applicant shall at the same time submit to the Planning Board eight (8) copies of the preliminary plan.

- ii. A fee of \$100.00 (certified check) made out to the “Town of Wareham” shall accompany the submission of the preliminary plan to the Town Clerk.
- iii. The applicant shall also, at the time the preliminary plan is filed, submit copies of the preliminary plan to the Wareham Highway Department, Board of Health, Fire Department, Police Department, Conservation Commission and to the consulting engineer of the Planning Board. The applicant shall also submit copies of the preliminary plan to such other Town boards and agencies as the Planning Board deems appropriate, at such time and to such Town boards and agencies as the Planning Board shall in writing state to the applicant. The applicant shall file with the Town Clerk and submit to the Planning Board one or more transmittal letter(s), as required, certifying that it has forwarded copies of the preliminary plan to the Town boards and agencies as provided in this subparagraph and in any written request by the Planning Board that copies be submitted to other Town boards and agencies.
- iv. The applicant shall meet with the Planning Board to discuss the preliminary plan.
- v. The Town boards and agencies receiving copies of the preliminary plan shall submit to the Planning Board written recommendations on the preliminary plan within 35 days after filing of the preliminary plan. Failure to report to the Planning Board within 35 days shall be deemed lack of objection to the application.
- vi. The applicant is encouraged to meet with the Town boards and agencies receiving copies of the preliminary plan during the review period.
- vii. The Planning Board within 45 days from filing of the preliminary plan shall review and determine whether the proposed project is consistent with the development of the Town and this By-Law. The Planning Board may suggest modifications and changes to the development described in the preliminary plan and shall make a written report of its recommendations to guide the applicant in the preparation of the final plan. The written report of the Planning Board shall be filed in the Town Clerk’s office; after such filing the applicant may proceed to file its final plan.
- viii. If the Planning Board fails to file its written report within 45 days after filing of the preliminary plan, the applicant may proceed to file its final plan.

#### 4. Contents of Preliminary Plan

A preliminary plan shall comprise the graphic and narrative materials described below.

- a. Graphic materials shall include plans of sufficient number, character and clarity to show the proposed development and the existing conditions on the site. Such graphic materials shall show at least:
  - i. boundaries of the proposed mixed-use parcel, north arrow, date, scale, legend, and title “Preliminary Plan: Mixed Use”, the name or names of applicants and engineer or designer;
  - ii. names of all abutters as defined in Massachusetts General Laws Chapter 40A, Section 11, existing site conditions, proposed land uses and improvements, and approximate location and width of all adjacent streets;
  - iii. existing and proposed lines of streets, ways, utility and all easements, and any public areas within or next to the parcel;
  - iv. the approximate boundary lines of existing and proposed lots with appropriate areas and dimensions;
  - v. the proposed system of drainage, including adjacent existing natural waterways;
  - vi. the existing and proposed topography of the site at five foot or smaller contour intervals;
  - vii. existing and proposed buildings, significant structures and proposed open space and proposed site amenities, and proposed circulation patterns; and,

- viii. an analysis of the natural features of the site, including wetlands, flood plain, slopes over 10%, soil conditions and other features requested by the Planning Board or required by any regulation of the Board.
- b. Written materials shall include the following:
  - i. a description of the proposed mixed-use development, showing the planning objectives and the character of the development to be achieved through the mixed-use Special Permit;
  - ii. a description of the neighborhood in which the parcel lies, including utilities and other public facilities and the general impact of the proposed mixed use upon them; and,
  - iii. a summary of environmental concerns.

## 5. Submission of Final Plan

- a. The applicant shall file the original application for a mixed use Special Permit and the original of the final plan (which plan shall comply with the substantive Rules and Regulations of the Planning Board), together with one (1) copy of those materials, with the Town Clerk. The applicant shall also submit to the Planning Board and to those boards and agencies set forth in subparagraph 3 (b) (iii) of this Section at the time the application is filed with the Town Clerk, a copy of the application and the final plan. The applicant shall also submit an application for site plan review under Section I-I of this By-Law.
- b. The applicant shall file with the Town Clerk and submit to the Planning Board a transmittal letter certifying that it has forwarded copies of the final plan to the boards and agencies as provided.
- c. The Town boards and agencies receiving copies of the final plan shall submit to the Planning Board written recommendations on the application and final plan within 30 days of the filing of the transmittal letter certifying that copies of the final plan have been forwarded. Failure to report to the Planning Board within such 30 days shall be deemed lack of objection to the application.
- d. The applicant is encouraged to meet with the Town boards and agencies receiving copies of the final plan during the review period.
- e. Within 50 days of the filing of the final plan with the Town Clerk, the Planning Board shall submit to the Board, accompanied by the written recommendations of the other Town boards and agencies described in subparagraph 3 (b) (iii), a written report discussing the consistency of the proposed development with paragraph 2 (b) and the Rules and Regulations of the Planning Board. Copies of such written report shall also be mailed to the applicant and filed with the Town Clerk at the time it is submitted to the Board. Failure by the Planning Board to file such written report with the Town Clerk within 50 days shall be deemed a finding that the final plans are consistent with the By-Law.
- f. The Board upon receipt of the report of the Planning Board, but, in any case, within 65 days of the filing of the final plan with the Town Clerk, shall hold a public hearing, notice of which shall be given in the manner and to the parties provided in Section I-D (3) of this By-Law and Massachusetts General Laws Chapter 40A, Section 11, and to any other property owners deemed by the Planning Board to be affected thereby.  
 The Board shall, within 90 days following the public hearing, issue a written subject to modifications or conditions, or is denied. A copy of the Board's decision shall be filed within fourteen days with the Town Clerk and shall be mailed forthwith to the applicant. Failure by the Board to issue a written decision taking final action on the application within 90 days following the public hearing shall be deemed to be a grant of the application and the Town Clerk shall issue forthwith, upon request, a certificate of such failure to act.
- g. Approval of a Special Permit for a mixed-use shall require a majority vote of the Board.



- h. The final plan, as approved by the Board, shall be filed with the Town Clerk and recorded with the Plymouth Registry of Deeds or the Plymouth Registry District of the Land Court, as appropriate.
- i. If the application is denied, the developer shall not submit an application for substantially the same project for two years, except as provided under Massachusetts General Laws Chapter 40A, Section 16.
- j. Special Permits granted under this Section shall lapse in two years, excluding time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use has not sooner commenced or if construction has not been begun. The Board may grant an extension for good cause after a hearing, as provided in Massachusetts General Laws Chapter 40A, Section 11, and shall grant an extension if the delay has been caused by the need to seek other permits related to the development.
- k. No construction or reconstruction except as shown on the recorded final plan, or as provided in Section 12 hereof Amendments, shall occur without a further submission of plans to the Board; and a notation to this effect shall appear upon the recorded final plan and upon deeds to any property within the mixed-use parcel.

Following filing with the Wareham Town Clerk and recording with the Plymouth Registry District, a final plan which has been approved pursuant to the provisions of this By-Law shall be deemed to run with the land, as provided in this Section of the By-Law.

## 6. Contents of Final Plan

An application for a mixed-use Special Permit and a final plan (hereafter a final plan application) shall include an application for a mixed-use Special Permit under Massachusetts General Laws Chapter 40A and this By-Law, a site plan as specified in Section I-G of this By-Law, a final plan as specified in paragraph (a) below, and narrative materials as provided in paragraph (b) below. Plans submitted to the Board pursuant to Section I-I of this By-Law, where applicable, as part of the site plan review shall be sufficient for submission under this subsection 6.

- a. Final plans shall include the following:
  - i. a scale of one inch equals forty feet unless another scale is requested and found suitable by the Planning Board;
  - ii. preparation by and bearing the seals of an appropriate registered professional engineer, registered architect, registered land surveyor, and registered landscape architect;
  - iii. the registered land surveyor indicated on the final plan shall certify the accuracy of the location of the buildings, setback and all other required dimensions, elevations and measurements;
  - iv. a utilities and drainage plan prepared and stamped by a registered professional engineer;
  - v. the scale, date, and north arrow;
  - vi. lot numbers, dimensions of lots in feet, size of lots in square feet, and width of abutting streets and ways;
  - vii. all easements within the lot and abutting thereon;
  - viii. the location of buildings existing or proposed for the development, which shall be prepared by and bear the seal of a registered architect as provided in subparagraph (ii), including the total square footage and dimensions of all buildings, all building elevations and floor plans, and perspective renderings. Further, the depiction of materials and colors to be used shall be required;

- ix. the location of existing wetlands, water bodies, wells, 100-year flood plain elevation, and other natural features requested by the Planning Board in their written report on the preliminary plan;
  - x. the distance of existing and proposed buildings from the lot lines and the distance between buildings on the same lot;
  - xi. percent of the building lot coverage;
  - xii. average finished grade of each building at the base of the building;
  - xiii. the elevation above average finished grade of the floor and ceiling of the lowest floor of each building;
  - xiv. existing and proposed contour lines at two-foot intervals;
  - xv. the uses proposed for the mixed-use development by building or part thereof, including proposed open space, recreation areas, or other amenities;
  - xvi. proposed provisions for parking;
  - xvii. height of all buildings, above average finished grade of abutting streets;
  - xviii. a landscape plan to include the total square feet of all landscape and recreation areas, and depiction of materials to be used, and the quantity, size and species of plantings; and,
  - xix. a model or models illustrating preliminary landscaping and architectural design, showing types, location and layout of buildings, typical elevation as well as the general height, bulk and appearance of structures.
- b. Narrative information concerning the development's impact on the community shall be provided to include, at a minimum, the following:
- i. a description of the proposed mixed-use development, showing the planning objectives and the character of the development to be achieved through the mixed-use Special Permit;
  - ii. a parking and traffic plan to be prepared by a traffic engineer. The traffic plan shall include information on the type and number of vehicles generated on average and peak periods of uses, the impact on traffic intersections, and major roads servicing the project area. The parking plan shall comply with Section V-A of the By-Law;
  - iii. a description of the neighborhood in which the tract lies and the impact of the development on the neighborhood and the community. Such description shall include information concerning the impact to local schools and school districts, the local tax base, housing supply, sewer, water, and other utility systems, and other public facilities. When so requested by the Board's written report, other impact information shall be provided; and,
  - iv. evidence of ownership or interest in the land for which the Special Permit is sought.

## 7. Minimum Requirements

The mixed-use Special Permit shall be subject to the following conditions, and the Board of Appeals shall make a determination that the project meets the requirements of Massachusetts General Laws Chapter 40A, Section 9 and this mixed-use By-Law as to all the following conditions:

- a. the mixed use is consistent with the purpose set out in paragraph 2 (b) of this Section of the By-Law;
- b. the mixed use has received site plan approval as described in Article 15 of the By-Law;
- c. execution, delivery and recording of such covenants, agreements and instruments running with the land and binding on the owner of the parcel, its legal representative, successors, heirs and assigns, and enforceable by the Town, as the Board may require, and in form and substance satisfactory to it, in order to insure adherence to the terms of the Special Permit issued hereunder;

- d. the prior approval of detailed plans for the project including, without limiting the generality of the foregoing, plans showing all structures and improvements on the parcel, all ways and utilities serving the same (which plans shall comply with the procedural and substantive Rules and Regulations of the Planning Board), all lot lines, easements and rights of way of record, a model or models, building plans and specifications illustrating preliminary landscaping and architectural design, showing types, location and layout of buildings, typical elevations, as well as the general height, bulk and appearance of structures, and such other and further documents, studies, reports or data which the Board deems desirable in order to assist it in making its determination;
- e. the Board may, in appropriate cases, impose dimensional and setback requirements in addition to those required by this By-Law; and
- f. the Board may, in appropriate cases, impose a requirement that a motor vehicular and pedestrian easement for access and egress be provided from a street, road or other way over which the public has access, to the navigable waters bordering the tract of land.

8. Permitted Uses and Intensity of Use:

- a. The specific mixture of uses and square footages within the Resort Mixed Use Overlay District shall be the prerogative of the developer, subject to design and site plan review powers accorded to the Board of Appeals, except that any special permit application with the Resort Mixed Use Overlay District must include an 18 hole golf course.

b. Permitted Uses

Residential units, single family or multi-family, free standing, attached and/or multi-story, are a permitted use; further, residential units may be allowed as part of mixed-use buildings.

Retail businesses

Food stores and bakeries

Liquor stores

Conference centers

Function Facilities

Golf Course

Health or athletic facility

Banks

Eating and drinking establishments

Books and stationery

Drug stores

General business and professional office space

Dry Cleaning establishments

Personal services establishments

Medical and dental health services

Hotels, Condo Hotels, and motels: are permitted as part of an originally approved final plan. A change in use from any other allowed use to a hotel, condo hotel or motel requires a Special Permit from the Board. At a minimum, the applicant must show that the proposed new use meets all parking requirements and is consistent with the remaining land uses in the mixed-use.

Theaters and public assembly

Sports facilities, clubs, and similar activities

Accessory uses shall be permitted.

Uses not listed in paragraph 8 (c), subparagraphs (i)-(iv) may be permitted as part of the originally approved final plan if, in the judgment of the Board, the proposed use does not create health, traffic or safety problems for the remainder of the development area and abutter areas and is consistent with the remaining land uses in the mixed-use area.

Uses not listed in paragraph 8 (c), subparagraphs (i)-(iv), if requested after approval of the final plan, may be permitted as an amendment to the original mixed-use Special Permit as provided in subsection 12.

Open space as provided in paragraph 9 (c) below.

#### 9. Dimensional Requirements

- a. Site Area Requirements - A minimum of 100 acres is required within the Resort Mixed Use Overlay District. The parcel shall be contiguous; however, a public transportation, utility, parking area or public ways shall not constitute a boundary or property line in computing the size of the contiguous parcel. The public transport, utility, parking area or public way, however, shall not be used in the calculation of the total project area.
- b. Floor Area Ratio - Maximum floor to area ratio shall be 1 to 1.
- c. Usable Open Space - The part or parts of land or structure within a mixed use which are reserved for permanent active or passive recreation use. This space shall exclude parking areas, streets, alleys, required setbacks, waterways, and sidewalks; and shall be open and unobstructed. Trees, plantings, arbors, flagpoles, sculpture, fountains, covered walkways, and similar objects shall not be considered obstructions. In all mixed-use developments the land designated as Open Space shall be set aside as permanent usable open space, available to the project's users or the community. The required open space shall be subject to reasonable restrictions, covenants, and maintenance arrangements, imposed by and legally enforceable by the town to assure access and maintenance as provided in this section.
- d. Height - No building within the mixed-use development shall exceed 55 feet in height above the average finished grade of abutting properties. Parking facilities within the building(s) shall not be calculated as part of the allowable height. The maximum additional height allowed for parking facilities shall be nine feet, provided that this shall not apply to free standing parking garages.

#### 10. Parking Requirements

- a. In all mixed-use developments adequate off-street parking shall be provided. The Board and the applicant shall have as a goal, for the purposes of defining adequate off-street parking for the development, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the Board shall make provision for complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in reductions in the parking requirements set out in this subsection of the By-Law. The parking may be at ground level, underground or in a parking garage. Parking garages can be free standing (in which case 55 feet is the allowed maximum height) or as part of buildings with commercial or residential purposes. If a free standing parking structure is proposed, the spaces must be assigned to specific uses at the time of the submission of the final plan.
- b. Parking requirements for the mixed-use development shall be in accordance with Section V-A of this By-Law.

#### 11. Signs:

Signs in mixed use development are permitted subject to the following requirements and

standards.

- a. The proposed location and size of all signs must be indicated at the time of submission of the final plan.
- b. Dimensional controls for signs in mixed-use development are as follows:
  - i. Development and Directory Signs  
One free standing permanent development sign per entrance to the development shall be permitted not to exceed 50 square feet in area and 20 feet above ground level for the purpose of identifying the name of the development; provided, however, that not more than two such signs shall be permitted per total completed mixed-use development. As an alternative to one of the foregoing development signs, a directory-type sign not exceeding 80 square feet in area and 16 feet above ground level identifying the name of the development and any nonresidential use therein shall be permitted at the entrance which is the primary entrance for the nonresidential uses of the mixed-use district; provided, that any identification of an individual non-residential use shall not exceed 10% of the total area of such directory-type sign. Any such sign shall be within the mixed-use development and, where adjacent to any contiguous residential classification or use, shall be located at least 100 feet from the interior boundary between the mixed-use development and such residential classification or use.
  - ii. Retail and General Commercial Buildings
    1. Parallel signs affixed to the facade of the structure shall not exceed 10% of the square footage of the facade, and in no instance shall they exceed 100 square feet in total sign space.
    2. Parallel signs shall not extend more than one foot from the wall to which they are attached.
    3. Perpendicular signs shall not exceed six square feet in total size and the area of the perpendicular sign shall be deducted from the total parallel sign space allowed, thus reducing the total square footage allowed for a parallel sign.
    4. Perpendicular signs shall be affixed to the building wall by hardware that extends no more than eight inches from the building wall.
  - iii. Residential Buildings
    1. Parallel signs affixed to the facade of the structure shall not exceed 30 square feet. Further, the location of said sign is limited to the first floor of the building. Awnings at entrances shall not be considered signs; however, the area used to denote the name of the building on the awning shall not exceed 30 square feet.
    2. Perpendicular signs are not allowed on residential buildings.
    3. Free standing signs, located in an area clearly associated with the residential structure, are allowed. In no instance will the sign be more than 30 square feet or 6 feet in height or within 20 feet of a roadway.
  - iv. Buildings Including Residential As Well As Retail, General Commercial or Industrial Uses (mixed use buildings)
    1. Parallel signs affixed to the facade of the structure shall not exceed 10% of the square footage of the facade. In no instance shall the sign area exceed 50 square feet. In calculating the 10% of building facade, the residential portions of the building must be excluded.
    2. Perpendicular signs are allowed on mixed-use buildings but shall not exceed six square feet in size, and shall be attached by hardware that does not extend from the wall more than eight inches. Further, the sign area used by perpendicular signs shall be subtracted from the allowable sign area for parallel signs.

12. Amendments - After approval of the mixed use Special Permit by the Board, the developer may seek amendments to the final plan as approved by the Board as provided below:

- a. Minor amendments shall be defined and administered in accordance with regulations adopted by the Board.

An application for a major amendment shall be filed with the Town Clerk. The applicant shall also submit copies of the application for a major amendment with the Building Commissioner, the Planning Board and the Board of Appeals. An application for a major amendment shall comply with subsections 5 and 6 of this Section.

Inserted by Gary Cananzey, et al.

**MOTION: John Donahue – Negative Consent Calendar**

I move further study on Article Fifty-Seven. Second

**VOTE: UNANIMOUS – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Favorable Action (9-0-0)**

**ARTICLE: 58**

Will the Town amend the Town of Wareham Zoning Map, originally adopted November 19, 1951, as amended by including with the **Resort Mixed Use Overlay** District the following described land:

A certain piece of woodland, situated in that part of Wareham, in the County of Plymouth, and Commonwealth of Massachusetts, called Long Neck and bounded as follows: Beginning at a stake and stones in the Southerly line of the Old Colony Railroad and running South 14° E. one hundred thirty-eight (138) rods to the stone post near the road leading to the School House, thence by said road S. 53° W. ten (10) rods to a turn in the road, thence S. 65° W. eight (8) rods, thence S. 57° W. 10¾ rods; thence S. 63° W. 8½ rods, thence S. 46° W. 13½ rods, thence S. 59° W. 9 rods to a point in said road opposite stone post, thence N. 14° W. running through stone post ninety-eight and one-half (98½) rods to a stone bound at land of Smith-Hammond Cranberry Company thence N. 53° E. seven hundred and seventy (770) feet by land of said Smith-Hammond Cranberry Company to a pitch pine tree marked and a stone bound, thence N. 15¼° E. seventeen and one-third (17⅓) rods, thence N. 52° W. twenty and one-half (20½) rods to a stake, thence N. 50¾° E. fourteen and one-quarter (14¼) rods to said railroad line, thence Five and one-third (5⅓) rods Easterly in line of railroad, to point of beginning, containing thirty-seven and one-fifth acres more or less excepting about one-fourth of an acre of which the School House now stands, all the foregoing course and distances being more or less. Being, with the exception of about two and four-fifths (2 4/5) acres of land conveyed by Frances L. Grover, et al. to Smith-Hammond Cranberry Company by deed dated December 2, 1904 and recorded with Plymouth County Registry of Deeds, Book 902, Page 292, the same premises, an undivided half of which was conveyed to said Frances L. Grover by Thomas B. Griffith by deed dated July 15, 1896 and recorded with said Plymouth County Registry of Deeds, Book 728, Page 155, and the other undivided half of which descended to said Hannah B. Shaw from the estate of Hannah M. Griffith (See Plymouth County Probate Records) or take any other action relative thereto.

Inserted by Gary Cananzey, et al.

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 2009 Spring Town Meeting:

**MOTION: John Donahue – Negative Consent Calendar**

I move further study on Article Fifty-Eight. Second

**VOTE: UNANIMOUS – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: Favorable Action (9-0-0)**

**ARTICLE: 59**

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, 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 October 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 by Marilyn Connors Donahue, et al

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 2009 Spring Town Meeting:

**MOTION: Marilyn Donahue**

Motion as printed in the warrant. Second

**MOTION: Ms. Bronk**

Motion to move the question.

**VOTE: UNANIMOUS – FAVORABLE ACTION**

**VOTE ON MAIN**

**MOTION: MAJORITY – UNFAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: No Action (7-1-1)**

**ARTICLE: 60**

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

Inserted by John J. Connors, et al.

**MOTION: Marilyn Connors Donahue**

I move no action on Article Sixty.

**VOTE: MAJORITY – FAVORABLE ACTION**

**The Board of Selectmen voted: No Action (5-0-0)**

**The Finance Committee voted: No Action (8-0-1)**



You are hereby directed to serve this Warrant by posting attested copies thereof on or before March 20, 2009 in at least one public place in each precinct within the Town, and by publishing a copy of the Warrant by March 27, 2009.

Hereof fail not and make sure due return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 17<sup>th</sup> day of March in the year 2009.

WAREHAM BOARD OF SELECTMEN

---

James L. Potter, Chairman

---

Bruce D. Sauvageau, Clerk

---

John P. Cronan

---

M. Jane Donahue

---

Brenda Eckstrom

A True Copy

ATTEST:

Steven P. Coughlin, Jr.  
Constable of Wareham

DATE: March 18, 2009

Date: March 18, 2009

Pursuant to the within Warrant, I have notified the inhabitants of the Town of Wareham herein described, to meet at the time and place for the purpose within mentioned by posting attested copies thereof in at least one public place in each precinct within the Town on or before March 20, 2009, and by causing this Warrant to be published on or before March 27, 2009.

Date: March 18, 2009

Steven P. Coughlin, Sr.  
Constable of Wareham

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

Date: March 18, 2009

Steven P. Coughlin, Sr.  
Constable of Wareham

Date: March 18, 2009

In accordance with the Wareham Charter, Article 2 - Legislative Branch - Section 2-4, Town Meeting Warrants, Item (d), I have hand delivered a copy of the Warrant for the Annual Town Meeting to be held on April 27, 2009 at 7:00 o'clock p.m. to the Town Moderator, Chairman of the Finance Committee, Chairman of the Planning Board, Chairman of the Capital Planning Committee and Chairman of the Personnel Board.

Steven P. Coughlin, Sr.  
Constable of Wareham