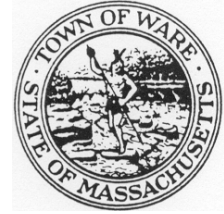




**WARRANT FOR SPECIAL TOWN MEETING  
TOWN OF WARE  
COMMONWEALTH OF MASSACHUSETTS**



HAMPSHIRE, ss

To any of the Constables of the Town of Ware, in said County,

**GREETINGS:**

In the name of the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn all of the inhabitants of the Town of Ware, Precincts A,B, and C, qualified to vote on Town affairs, to meet at the Ware High School Auditorium 239 West Street Ware, on Monday, May 10, 2010, at six thirty (6:30 PM) o'clock in the evening, then and there to act on the following articles:

**ARTICLE #1**

To see if the Town will vote to amend or adjust any of the line items of the Fiscal Year 2010 Town Budget, including debt and interest, and to determine the manner of meeting said appropriation, whether by transfer from available funds, transfer from other items or appropriations, borrowing, or any other means or combination thereof, or take any other action relative thereto.

**ARTICLE #2**

To see if the Town will vote to pay unpaid bills of prior fiscal period or take any other action thereto.

And you are directed to serve up this Warrant by posting up attested copies at the Ware Town Hall, at the Post Office, all within the said Town of Ware, fourteen (14) days, at least before the time of said meeting and by publishing an attested copy thereof in the Ware River News, a newspaper published in said Town, and by publishing a copy of the warrant on the Town of Ware website at least seven (7) days before such meeting and make due return of this warrant with doings thereon, to the Town Clerk of Ware, on or before the time of said meeting.

Given under our hands at this 20<sup>th</sup> day of April 2010.

**SELECTMEN OF WARE:**

\_\_\_\_\_  
Nancy J. Talbot- Chairman

\_\_\_\_\_  
John A. Desmond

\_\_\_\_\_  
William R. Braman –Vice Chairman

\_\_\_\_\_  
Richard A. Norton, Sr.

\_\_\_\_\_  
Melissa D. Weise - Clerk

HAMPSHIRE, ss.

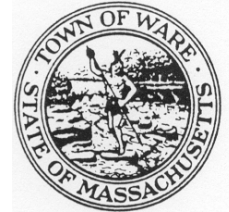
By virtue of this Warrant I have posted three attested copies at the post office, and the Town Hall. I have also caused to be published in the Ware River News, one (1) attested copy and one attested copy on the Ware website.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010

\_\_\_\_\_  
Constable of Ware



**WARRANT FOR ANNUAL TOWN MEETING  
TOWN OF WARE  
COMMONWEALTH OF MASSACHUSETTS**



HAMPSHIRE, ss

To any of the Constables of the Town of Ware, in said County,

GREETINGS:

In the name of the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn all of the inhabitants of the Town of Ware, Precincts A, B, and C, qualified to vote on Town affairs, to meet at the Ware High School Auditorium 239 West Street Ware, on Monday, May 10, 2010, at seven (7:00 PM) o'clock in the evening, then and there to act on the following articles:

**ARTICLE 1**

To see if the Town will vote to hear the report of the Finance Committee or take any other action relative thereto.

**ARTICLE 2**

To see if the Town will vote to hear the report of the Capital Budget Planning Committee, or take any other action relative thereto.

**ARTICLE 3**

To see if the Town will vote to accept bequests for the Aspen Grove Cemetery Perpetual Care. The same to be deposited in any Massachusetts Savings Bank and the income to be expended for Perpetual Care of the lots in Aspen Grove Cemetery, Ware, Massachusetts, or take any other action relative thereto.

**ARTICLE 4**

To see if the Town will vote to authorize the Treasurer/Tax Collector to enter into Compensating Balance Agreements during Fiscal Year 2011 as permitted by Massachusetts General laws, Chapter 44, Section 53F, or take any other action relative thereto.

**ARTICLE 5**

To see if the Town will vote to authorize the Treasurer/Tax Collector, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year 2011, beginning July 1, 2010 in accordance with the Provisions of Massachusetts General Laws, Chapter 44, Section 4, and to renew notes or notes payable as may be given, for a period of less than one (1) year, in accordance with Massachusetts General Laws, Chapter 44, Section 17, or taken any other action relative thereto.

**ARTICLE 6**

To see if the Town will vote to accept and appropriate any Grant Funds awarded to the Town of Ware under the Massachusetts Small Cities Program by the Executive Office of Housing and Economic Development, and to authorize the Board of Selectmen and Community Development Authority to expend the funds in accordance with the Terms and Conditions of the Grant Agreement, or take any action relative thereto.

**ARTICLE 7**

To see if the Town will vote to accept all State and Federal Educational Grants in any amount as may be awarded for the direct educational expenditures for Fiscal Year 2011 to be expended by the Pathfinder Regional Vocational Technical High School District, or take any other action relative thereto.

**ARTICLE 8**

To see if the Town will vote to accept all State and Federal Educational Grants in any amount as may be awarded for the direct educational expenditures for Fiscal Year 2011 to be expended by the Ware Public Schools, or take any other action relative thereto.

**ARTICLE 9**

To see if the Town will vote to raise and appropriate a sum of money to be expended for road repairs in anticipation of reimbursement by the Commonwealth of Massachusetts Highway Department under the Chapter 90 State Highway Aid Program and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing , or any other means or any combination thereof, or take any other action relative thereto.

**ARTICLE 10**

To see if the Town will vote to fix the salaries of the several Elected Officers of the Town, for the Fiscal Year 2011, and to determine whether any Town Board, Commission or Committee shall be authorized to employ any of its members for additional salary or compensation, or take any other action relative thereto.

**ARTICLE 11**

To see if the Town will vote to raise and appropriate a sum of money to operate the Water Enterprise during Fiscal Year 2011 and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

**ARTICLE 12**

To see if the Town will vote to raise and appropriate a sum of money to operate the Sewer Enterprise during Fiscal Year 2011 and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

**ARTICLE 13**

To see if the Town will vote to determine what sums of money the Town will raise and appropriate, including appropriations from Available Funds of whatever type, to defray the charges and expenses of the Town, including Debt and Interest , for Fiscal Year 2011, or take any other action relative thereto.

**ARTICLE 14**

To see if the Town will vote to hear the reports of committees and boards and to authorize their continuation, dissolution or any changes, with respect to said committees or boards, or take any other action relative thereto.

**ARTICLE 15**

To see if the Town will vote to appropriate \$4,800 to Valley Human Services, a program of the Carson Center, Inc. for its general operating budget, to provide social and rehabilitative services to the citizens of Ware during Fiscal 2011, to determine the matter of meeting said appropriation, whether by taxation, transfer from available funds, borrowing or any other means or combination thereof, or take any other action thereto.

**ARTICLE 16**

To see if the town will raise and appropriate or transfer from available funds the amount of \$75,000 to the Ware Public Schools for the purpose of supplementing the Ware Public Schools' Special Education costs associated with providing occupational therapy, physical therapy, psychological services for students with special needs, and the costs associated with the processing of Municipal Medicaid reimbursements, or take any other action relative thereto.

**ARTICLE 17**

To see if the Town will vote to rescind the Town of Ware Bylaw enacted under Article 4 at the Town Meeting of November 22, 1993 which provides:

At the open portion of any Selectmen’s meeting, the Chairman of the Board of Selectmen (or any person acting as Chairman in lieu of the Chairman) shall prior to concluding discussion on any agenda item recognize for a time period of time of time not to exceed five (5) minutes during the entire meeting each person who request to be hear. Failure of the Chairman of the Board of Selectmen, to recognize any person present shall be a violation of the foregoing by-law and shall be punishable of a fine not to exceed \$50.00 per violation. For each person that the Chairman fails to recognize, it shall be considered a separate violation of the by-law and punishable by a separate fine.

And to adopt the following:

At the open portion of every Selectmen’s Meeting, there shall be a comments and concerns period when any citizen of the Town of Ware may be heard on any matter relevant to the business or affairs of the Town. The Chairman of the Board of Selectmen, or the Selectman acting as Chair, will preside over the comments and concerns period and no person will speak until recognized by the Chairman or acting Chairman. The comments and concerns period will be limited to 15 minutes unless the Board of Selectmen votes to extend it. The Chairman or acting Chairman shall utilize his/her discretion in presiding over the comments and concerns period and each person speaking during the comments and concerns period shall be limited to 5 minutes.

Or take any other action relative thereto.

**ARTICLE 18**

To see if the town will vote to authorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44 Section 53E1/2 for the fiscal year beginning July 1, 2010, or take any other action relative thereto.

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY 11 Spending Limit	Disposition of FY10 Fund Balance
Senior Center Rental	Town Manager And/or Council on Aging	Fees charged for rental of the Senior Center	Expenses associated with rental of the Senior Center	\$20,000	Balance available for expenditure
Athletic Advertising	School Committee	Sales of advertising space at the Ware Public School campus	Expenses for Ware Public School athletics (i.e. uniforms, equipment, use of fields)	\$100,000	Balance available for expenditure

**ARTICLE 19**

To see if the Town will vote approve an order proposing the following amendment to the Ware Charter.

Strike Section 6-2 Budget and Budget Process in its entirety and replace it with the following:

**6-2 Budget and Budget Process**

Annually, prior to the first of December, the Town Manager shall establish and issue a budget schedule which shall set forth the calendar dates for developing the annual budget for the next fiscal year. All Town departments must submit an itemized budget for the new fiscal year to the Town Manager as prescribed by state law and the Charter.

And further to strike part a. in its entirety and replace it with the following:

By the first Monday in **March** the Town Manager shall submit the budget for the next fiscal year to the Finance Committee for review and recommendations. The Finance Committee shall return the budget with

Finance Committee recommendations by the first Monday in **April** to the Town Manager. A copy of the budget shall be sent to the Board of Selectmen by the first Monday in April.

or take any other action relative thereto.

#### **ARTICLE 20**

To see if the town will vote to make accept Grove Street in its entirety.

To make official , that Grove Street is a town street, removing all questionable aspect to that effect, and making it qualified for maintenance and repair, over it's entire length.

#### **ARTICLE 21**

To see if the Town will vote to adopt a bylaw prohibiting the use or consumption of marijuana or tetrahydrocannabinol.

#### **"Public Consumption or Use of Marijuana or Tetrahydrocannabinol Prohibited"**

- A. No person, whether in or upon a vehicle, motor vehicle, conveyance, or on foot, shall burn, smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c94C § 1, as amended) while in or upon any area by or under the control of the Town, including by not limited to, any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school, school grounds, cemetery, or parking lot; or in or upon any place to which the public has a right of access as invitees or licensees.
- B. Any marijuana or tetrahydrocannabinol burned, smoked, ingested, or otherwise used or consumed in violation of this bylaw shall be seized, held, and disposed of in accordance with G.L. c 94C § 47A.
- C. Whoever is found in violation of this bylaw shall, when requested by a Police Officer or other Official authorized to enforce this May 10, 2010 bylaw, state his true name and address to police or official.
- D. This bylaw 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, § 21D, by the Board of Selectmen, the Town Manager, or their duly authorized agents, or any police officer.

The fine for a violation of this bylaw shall be Three hundred (\$300.00) Dollars for each offense.

A penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G. L. c. 94, § 32L.

**ARTICLE 22**

To see if the Town will vote to increase the fees charged for the Sealer of Weights and Measures to amounts recommended by the state as follows:

<b>SCALES</b>	<b>FEE</b>	<b>MEASURING DEVICES</b>	<b>FEE</b>
Over 10,000 lbs.	\$100.00	Gasoline Meters	\$25.00
5,000 - 10,000 lbs.	60.00	Vehicle Tank (Oil Trucks)	100.00
1,000 - 5,000 lbs.	30.00	Bulk Storage	100.00
100 - 1,000 lbs.	25.00	Taxi Meters/Odometers	25.00
10 - 100 lbs.	20.00	Fabric Measures	20.00
Under 10 lbs.	15.00	Cordage Measures	20.00
Weights (All Types)	1.00	Linear Measures (Yard Sticks, etc.)	5.00
<b>OTHER DEVICES</b>		<b>ELECTRONIC CHECKOUT SYSTEMS</b>	
Reverse Vending (Bottle Return)	\$10.00	Less than 4 units	\$75.00
		4 units and not more than 11 units	150.00
		More than 11 units	250.00

**Article 23**

To see if the Town will vote to amend the Zoning By-Law, Article 5 Special Use Regulations, Section 5.3 Sign Regulations.

Adding the following sections:

- Sign Registration
- Remote Sign
- Electronic Message Sign
- Appeal Process

Adding the following Definitions:

- Automotive Sign
- Audio Sign
- Bulletin Board
- Civic Organizational Sign
- Decorative Sign
- Electronic Sign
- Flag
- 

Adding the following Definitions

- Fund Raising Sign
- Governmental
- Local Event Sign
- Menu Sign
- Product Sign
- Real Estate and Auction Sign (Large)
- Real Estate and Auction Sign (small)
- Remote Sign
- Sponsor Sign
- Sports Field Sign
- Tag Sale Sign
- Transient Vendor Sign
- Code Enforcement Officer

And other proposed changes proposed during the public hearings.

(A copy of this proposed zoning by-law amendment is posted in the Town Hall and copies are available to the public at the Town Clerk’s office, the Selectmen’s office and the Building Department office, during normal business hours.)

**Article 24**

To see if the Town will vote to amend the Zoning By-Laws Overlay District Regulations, Article 6, Section 6.2 Zone II Groundwater Protection District By-Law.

**Amend Section 6.22 Definitions to add:**

**Interim Wellhead Protection Area (IWPA)**

**In the absence of an approved Zone II, the Interim Wellhead Protection Areas is the primary, protected recharge area for public water supply groundwater sources, as determined by the MA Department of**

**Environmental Protection.**

**Amend Section 6.23 Establishment and Delineation of Zone II Groundwater Protection District**

**add the words:** and any interim Wellhead Protection Areas (IWPA's) as approved by the Massachusetts Department of Environmental Protection

**delete the words:** August 1999

**add the date:** \_\_\_\_\_

**as outlined below:**

**6.23 Establishment and Delineation of Zone II Groundwater Protection District**

For the purposes of this district there are hereby established within the Town of Ware certain groundwater protection areas consisting of aquifers or recharge areas **and any Interim Wellhead Protection Areas (IWPA's) as approved by the Massachusetts Department of Environmental Protection** which are delineated on a map. This map is entitled "Zone II Groundwater Protection District, Town of Ware" dated ~~August 1999~~ \_\_\_\_\_. This map is hereby made a part of the Town's Zoning By-law and is on file in the Office of the Town Clerk.

**AMEND: Section 6.242 Prohibited Uses subsection j.**  
**as outlined below:**

- j. earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within ~~4~~ **ten (10)** feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works:

And other proposed changes proposed during the public hearings.

(A copy of this proposed zoning by-law amendment is posted in the Town Hall and copies are available to the public at the Town Clerk's office, the Selectmen's office and the Building Department office, during normal business hours.)

**ARTICLE 25**

To see if the Town will vote to amend the Zoning By-Laws Article 6 Overlay District Regulations, Section 6.10 Water Supply Protection District.

**Section 6.12 Definitions to add:**

**High Yield Aquifers**

Those areas of sand and gravel deposits yielding greater than three hundred (300) gallons per minute of water.

**Medium Yield Aquifers**

Those areas of sand and gravel deposits that yield between one hundred (100) and three hundred (300) gallons per minutes of water.

**AMEND: Section 6.13 Water Supply Protection District Delineation**

**delete the words:** within the primary and secondary recharge areas of groundwater aquifers and watershed areas and reservoirs which provide public water supply

**add the words:** above medium and high yield aquifers

**add the date:** \_\_\_\_\_

as outlined below:

### 6.13 Water Supply Protection District Delineation

The water supply protection district is defined as all lands with the Town of Ware lying ~~within the primary and secondary recharge areas of groundwater aquifers and watershed areas and reservoirs which provide water supply~~ **above medium and high yield aquifers**. These areas are designated as the "Ware Water Supply Protection District," as depicted on the map entitled "Water Supply Protection District, \_\_\_\_\_," prepared for the Ware Planning board, and on file in the Planning Board office. The Water Supply Protection District is hereby incorporated as part of the "Zoning Map of Ware, Massachusetts, dated 02-09-1987 on file in the Town Clerk's office.

And other proposed changes proposed during the public hearings.

(A copy of this proposed zoning by-law amendment is posted in the Town Hall and copies are available to the public at the Town Clerk's office, the Selectmen's office and the Building Department office, during normal business hours.)

### ARTICLE 26

To see if the Town will vote to amend the Zoning By-Laws Article 2 Administration and Enforcement Section 2.1 Violations and Penalties.

#### 2.1 VIOLATIONS AND PENALTIES

Any person and/or business entity violating this By-Law shall be fined **a fee based on a schedule established and adopted by the Board of Selectmen. Three Hundred Dollars (\$300)** for each offense. Each day that such violations continue shall constitute a separate offense.

### ARTICLE 27

To see if the town will vote pursuant to the provisions of G.L. c. 41 §38A to authorize the Town Collector to collect all accounts due the Town of Ware, except for those accounts which are otherwise by law specifically collectible by others, and to define the Town Collector's duties and powers in relation to the collection of such accounts and/or to see if the Town will vote to enact a Bylaw pursuant to G.L. c 41 §38A or take any other action relative thereto.

### ARTICLE 28

To see if the Town will vote under MGL Chapter 60 §23B to authorize the collector of taxes when furnishing a certificate of liens according to the following fee schedule: for land of less than one acre upon which there is no permanent structure, a fee of twenty-five dollars (\$25) ; for land upon which is situated no more than a single family residence and outbuildings, a fee of twenty-five dollars (\$25) ; for land upon which is situated no more than a two family residence and outbuildings, a fee of twenty-five dollars (\$25) ; for land upon which is situated no more than a three family residence with outbuildings, a fee of twenty-five dollars (\$25) ; for land upon which is situated a residence for four or more families, a fee of one hundred dollars (\$100) ; for land upon which is situated a commercial, industrial or public utility structure, a fee of one hundred and fifty dollars (\$150) ; for farms, forest land and all other real property, a fee of fifty dollars (\$50). In no case shall the fee exceed one half of one per cent of the assessed value of the real estate and the money so received shall be paid into the town treasury.

And you are directed to serve up this Warrant by posting up attested copies at the Ware Town Hall, at the Post Office, all within the said Town of Ware, seven (7) days, at least before the time of said meeting and by publishing an attested copy thereof in the Ware River News, a newspaper published in said Town, and by publishing a copy of the warrant on the Town of Ware website at least seven (7) days before such meeting and make due return of this warrant with doings thereon, to the Town Clerk of Ware, on or before the time of said meeting.

Given under our hand at Ware this 20<sup>th</sup> day of April 2010.

SELECTMEN OF WARE:

\_\_\_\_\_  
Nancy J. Talbot- Chairman

\_\_\_\_\_  
Melissa D. Weise - Clerk

\_\_\_\_\_  
William R. Braman –Vice Chairman

\_\_\_\_\_  
John A. Desmond

\_\_\_\_\_  
Richard A. Norton, Sr.

HAMPSHIRE, ss.

By virtue of this Warrant I have posted three attested copies at the post office, and the Town Hall. I have also caused to be published in the Ware River News, one (1) attested copy and one attested copy on the Ware website.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010

\_\_\_\_\_  
Constable of Ware