



# ANNUAL TOWN MEETING



TOWN OF WARE, MASSACHUSETTS  
MAY 8, 2023  
6:30PM  
WARE JUNIOR-SENIOR HIGH SCHOOL  
AUDITORIUM



Ware, MA

*Somewhere Worth Seeing*

## Town Meeting Guidelines for Voters

The Town of Ware Home Rule Charter states that “A Moderator, elected as provided in section 7-7 of this Charter, shall preside at all sessions of Town Meeting”. Furthermore, the Town Charter states that “the conduct of the meeting shall be governed by **Town Meeting Time** and such other rules and procedures as, from time to time, may be adopted by Town Meeting vote”.

The quorum for Town Meeting in Ware is one hundred (100) voters. The Town Clerk will inform the Moderator once a quorum is present. The Meeting will be called to order by the Moderator, and after opening procedures have been completed, the warrant articles will be taken up in the order prescribed by the Warrant. Generally, only "Consent Agenda" items (description follows) or inter-dependent articles will be taken out of order.

You will receive a packet that contains the warrant, which is the agenda for the meeting, and is a list of articles to be considered along with supportive information and the vote/recommendation (or not) by the Finance Committee, Board of Selectmen and Town Manager.

The article itself is not the motion; however often it is much the same with the addition of language specific to amounts and/or funding means and sources, for example. However, the motion associated with an article must be within the scope of that article as presented in the Warrant. Motions are submitted, signed by two registered voters and thus representing the proposed motion and a second, to the Moderator ahead of the meeting and are presented by the Moderator. As the warrant is generated by the Board of Selectmen, the motions from the warrant are submitted by the Board and already signed with a second.

Any voter may make a motion related to the article being taken up, or an Amendment. Motions that expand upon the article or materially change it will be ruled out of order by the Moderator. Amendments must be submitted in writing and be seconded in order to be considered by the body. Once there is a motion and a second, the proponents and opponents of the article may make a presentation to Town Meeting.

In order to provide a balanced meeting, particularly on projects/proposals that are highly controversial, costly or otherwise high impact to the Town the Moderator will permit formal presentations, up to and including those using a projector. However, the Moderator expects to be notified of both pro and con presentations and to approve their content and duration in advance.

### Speaking at Town Meeting

After the presentations, Town voters may ask questions or argue in support or opposition to the motion.

- Any voter wishing to speak must raise his/her hand to be recognized to speak by the Moderator. No person shall speak until or unless recognized by the Moderator. Once recognized, speakers should state their names and addresses. Town employees need not provide their address, but they should let Town Meeting know whether or not they are a Ware voter.
- Speakers and presenters are encouraged to carefully think through what they wish to say, to limit themselves to the subject/motion under discussion, to be brief, to the point and to avoid repetition.
- Generally, a limit of 5 minutes per person *in total* on a motion is suggested by the Moderator. As the Moderator is charged with assuring the meeting attends to the business as presented in the warrant efficiently, he/she may also end discussion should speakers become repetitive .

As one James Doherty, Town Moderator of Andover, Massachusetts to his age of 91 once stated: *“Shorter is better. 3 minutes is enough for everyone. After 5 minutes people are falling asleep. After 7 minutes people will vote against you even if they originally agreed with you”.*

- A speaker cannot MOVE the question after he/she has completed giving remarks
- A speaker wishing to MOVE the question must first raise his/her hand to be recognized by the Moderator.
- Speakers must speak through one of the microphones provided. You may line up at the microphone to speak (however maintain a minimum 3 feet distance between each other)
- DO NOT TOUCH the microphones
- Debate is encouraged, but personal attacks are not allowed. All debate will be conducted in a respectful and courteous manner. Debate is presented as speaking your thoughts to the body through the Moderator and not between two (or more) individuals. All speakers must be recognized each and every time they speak and back and forth between speakers may not be encouraged or continued by the Moderator.
- Comments will be limited to the content of the motion, not the merits of those presenting their viewpoints.
- No comments of a personal nature are to be made
- MGL CH.39 s17 , **Town Meeting Time** and the Town of Ware Home Rule Charter all provide that the Moderator shall regulate the proceedings, decide all questions of order, make public declaration of all votes, and may exercise such additional powers and duties as may be given to Moderators under the constitution and state law of the Commonwealth.” The Moderator’s authority and duties are defined in Massachusetts General Laws (Part I, Title VII, Chapter 39, s15 and 17). Section 17 specifically states that:

*“no person shall address a town meeting without leave of the moderator, and all persons shall, at the request of the moderator, be silent. If a person, after warning from the moderator, persists in disorderly behavior, the moderator may order him to withdraw from the meeting, and, if he does not withdraw, may order a constable or any other person to remove him in some convenient place until the meeting is adjourned”.*

This is not debatable, subject to any opinion or interpretation. If the Moderator orders a person to be removed it is understood that such removal is for the remainder of the meeting session, unless otherwise stated by the Moderator.

A "Consent Agenda" is a series of articles that are voted in a single motion and vote. The Selectmen, with input from the Moderator, Town Counsel and the Finance Committee, identify articles that they feel will not generate controversy or debate. These often tend to be “housekeeping” types of articles. After the Consent Agenda motions are read, the Moderator will announce the article numbers that are included. If any voter wishes to discuss an article, he or she should shout “hold” or “question” as the article number is announced by the Moderator. This article will be removed from the Consent Agenda and moved and discussed in its normal position in the Warrant. Any voter may offer an amendment to an article. However, like the main motion, the amendment must not go beyond the scope of the article that was published in the Warrant. A voter may also offer an amendment to an amendment. An amendment requires a simple majority vote to pass, regardless of the quantum of vote required for the original motion. If the amendment passes, the original motion is replaced by the amended motion. The vote is then held on this amended motion, and the required quantum of vote returns to that of the original motion.

### **Voting Quantum**

Different types of motions require different quanta of votes to pass. Most motions require a simple majority. If the vote were tied, a motion would fail. A lesser number requires a two-thirds (2/3) vote, (borrowing and zoning articles are the most common in this group.) Finally, in rare occasions, the requirement may call for a four-fifths (4/5) or nine-tenths (9/10) majority vote to pass.

For votes that require a simple majority or two-thirds, the Moderator may declare the results based upon observation. If any seven (7) voters stand to challenge the Moderator's declaration of vote, a count will be made by the election tellers. For those articles that require four-fifths or nine-tenths majority, a count must be taken unless the vote is unanimous. As a registered voter, the Moderator is entitled to vote. However, the Moderator will only vote if a count has been made, and the Moderator's vote affects the result.

Electronic voting has virtually eliminated these manual counts and Moderator's declaration of counts since the electronic vote count is actual and exact and provides us the actual vs quantum. In order to assure a back up system should the EV system fail, we will still identify vote tellers/counters at the opening of the meeting should we have to revert to the aforementioned system.

### **Secret Ballot**

Per the Charter of the Town of Ware, a secret ballot may be requested for any article by a majority of the voters. A secret ballot may be requested by 10 or more voters for articles pertaining to raising and appropriating, borrowing or transfer of funds in amounts of \$75,000 or more.

Prior to electronic voting, voting via a secret ballot was a manual process of each registered voter writing down a yes or no vote on a card each received upon checking in for the town meeting and placing the card into a box. Then all votes were counted and verified. While this process by the Charter still is in place, remember that electronic voting is in itself a secret vote by each registered voter. Data from individual clickers is not gathered. Thus one may assume that secret ballots in the "old format" are no longer required (unless the body decides to revert to the manual system).

### **Adjournment**

Town Meeting shall not be adjourned until all warrant articles have been dealt with.

The following quote is attributed to Reginald Brown, Boxborough Town Moderator 1977 -2005:

**"We were all friends and neighbors before this meeting; after this meeting we will still be neighbors; hopefully, we will still be friends."**

Respectfully submitted by:

Kathleen Coulombe, Town Moderator, 2007-present



WARRANT FOR ANNUAL TOWN MEETING  
TOWN OF WARE  
COMMONWEALTH OF MASSACHUSETTS  
MAY 8, 2023

**FISCAL YEAR 2023**

**Article 1.** I move that the town appropriate Twenty-six thousand, one hundred fifty-two dollars and fifty cents (\$26,152.50) to pay the following unpaid bills from Fiscal Year 2022 and to meet said appropriation by transferring Twenty-one thousand, nine hundred seventy dollars and ninety-five cents (\$21,970.95) from available free cash and Four thousand one hundred eighty-one dollars and fifty-five cents (\$4,181.55) from Water Receipts Reserved.

<u>Unpaid Bills</u>			
Fire	Lamoureux Ford	99.01	
Fire	OSI Batteries	72.68	
Highway	Peckham Industries	795.72	
Highway	CHA	1,500.00	
School	Learn Well	953.61	
Sewer	Waste Water Services	9,570.30	
Sewer	Amazon	275.97	
Sewer	Lagrant Electric	4,247.35	
Police	Balicki's Auto Boday	321.98	
Police	North Brookfield Police	212.00	
Streetlights	National Grid	29.94	
Police	East Brookfield Police	212.00	
Imm&Phy	Cooley Dickinson Practice Associates	70.00	
Telephone	Verizon	247.03	
Legal	KP Law	1,356.36	
SrCtr	Heat Pro	125.00	
SrCtr	Heat Pro	340.00	
Highway	Crossroads Health Group	90.00	
Imm&Phy	Cooley Dickinson Practice Associates	1,452.00	
<b>Total General Fund</b>		<b>21,970.95</b>	raise and appropriate
Water	EJ Prescott	3,490.10	
Water	Lowe's	412.73	
Water	Amazon	278.72	
<b>Total Water Enterprise</b>		<b>4,181.55</b>	water retained earnings
<b>Grand Total</b>		<b>26,152.50</b>	
<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u> YES	<u>0</u> NO
	<b>Finance Committee</b>	<u>3</u> YES	<u>0</u> NO
	<b>Town Manager</b>	<u>X</u> YES	<u>0</u> NO
			<u>1</u> Abstain
			<u>1</u> Abstain
			<u>0</u> Abstain

**Article 2.**

I move that the Town amend the following line item increases of the Fiscal Year 2023 Town Budget:

Account #	Account Name	Amount
123-5100	Town Manager Salary	1,100.00
123-5200	Town Manager Purchase of Services	2,000.00
135-5200	Town Accountant Purchase of Services	2,000.00
145-5100	Treasurer/Collector Salary	11,000.00
152-5100	Human Resource Salary	2,000.00
220-5200	Fire Purchase of Services	12,000.00
424-5200	Streetlights	7,500.00
422-5400	Municipal Fuel	22,000.00
693-5400	Parks - Supplies	5,000.00
694-5400	Celebrations – Veterans	1,000.00
710-5900	Debt Payment Principal	185,099.00
163-5200	Registrars Purchase of Service	1,200.00
6500-5150	Water Overtime	12,000.00
		263,899.00

And to fund these increases by Transfer as follows from:

Account #	Account Name	Amount
100-5600	Salary Reserve	(14,100.00)
100-5601	Reserve for Overtime	(25,000.00)
914-5100	Health Insurance	(20,000.00)
945-5700	Municipal Insurance	(6,500.00)
162-5400	Elections Supplies	(1,200.00)
	Water Retained Earnings	(12,000.00)
	Free Cash	(185,099.00)
		(263,899.00)

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u> YES	<u>0</u> NO	<u>0</u> Abstain
	<b>Finance Committee</b>	<u>4</u> YES	<u>0</u> NO	<u>0</u> Abstain
	<b>Town Manager</b>	<u>X</u> YES	<u>    </u> NO	<u>    </u> Abstain

**Explanation:** This article provides funding to budgets that are anticipated to have a shortfall for the current fiscal year.

**Article 3.**

I move that the Town transfer Six hundred thousand dollars and no cents (\$600,000.00) from free cash to fund the Other Post-Employment Benefits (OPEB) Liability Trust Fund.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u> YES	<u>0</u> NO	<u>0</u> Abstain
	<b>Finance Committee</b>	<u>3</u> YES	<u>0</u> NO	<u>1</u> Abstain
	<b>Town Manager</b>	<u>X</u> YES	<u>    </u> NO	<u>    </u> Abstain

**Article 4.** I move that the Town to transfer Two hundred fifty thousand dollars and no cents (\$250,000.00) from free cash to the Stabilization Fund.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Finance Committee</b>	<u>4</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Article 5.** I move that the Town transfer Three hundred fifty thousand dollars and no cents (\$350,000.00) from free cash to the Capital Stabilization Fund.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Finance Committee</b>	<u>4</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**FISCAL YEAR 2024**

**Consent Articles (6-13)**

Warrant articles on a Consent Agenda are exceptions to the general process of Town Meeting. The Selectboard, Moderator, and Finance Committee can identify, for Town Meeting consideration, those Articles that they believe should generate no controversy and can be properly voted upon without debate. These Articles are put on the Consent Agenda to allow motions under these articles to be acted upon as one unit and to be passed without debate. At the call of the Consent Agenda, the Moderator will read out the numbers of the articles, one by one. If one or more voters object to any particular article being included in the Consent Agenda, they say “HOLD” in a loud voice when the number is called. The Article will be removed automatically from the Consent Agenda and restored to its original place in the Warrant, to be debated and voted under the usual manner.

After the calling of the individual items in the Consent Agenda, the Moderator will ask for a motion that the voters pass all items remaining AS A UNIT on one vote. Use of the Consent Agenda process makes the Town Meeting more efficient by speeding up the handling of non-controversial items.

Please review the list of Articles and motions proposed for each Consent Item which follows:

**MOTION:** I move that Articles 6, 7, 8, 9, 10, 11, 12, and 13 be “Passed by Consent” in accordance with the Motions shown on the Consent Agenda distributed this evening.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Finance Committee</b>	<u>4</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

- Article 6.** I move that the Town to accept the reports of Town Boards, Committees and Departments as presented in the Annual Town Report.
- Article 7.** I move that the Town authorize the Treasurer/Tax Collector, with the approval of the Selectboard, to enter into compensating balance agreements during Fiscal Year 2024 as permitted by Massachusetts General Laws, Chapter 44, Section 53F.
- Article 8.** I move that the Town to accept and appropriate any Grant Funds awarded to the Town of Ware under Massachusetts Community Development Fund 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 any such grant agreements.
- Article 9.** I move that the Town accept all State and Federal Educational Grants in any amount as may be awarded for the direct educational expenditures for Fiscal Year 2024, to be expended by the Pathfinder Regional Vocational Technical High School District.
- Article 10.** I move that the Town accept all State and Federal Educational Grants in any amount as may be awarded for the direct educational expenditures for Fiscal Year 2024.
- Article 11.** I move that the Town authorize the Selectboard and Town Manager to apply for, accept and expend any grants or donations from State or Federal governments or private agencies, individuals, or institutions.
- Article 12.** I move that the Town appropriate Four hundred twenty-four thousand, fifty-five dollars and no cents (\$424,055.00) 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 meet said appropriation by authorizing the Treasurer to borrow the sum of Four hundred twenty-four thousand, fifty-five dollars and no cents (\$424,055.00) under provisions of the Massachusetts General Laws Chapter 44, §6 and/or any other relevant sections of the Massachusetts General Laws Chapter 44.

**Article 13.**

I move that the Town is to establish the spending limits for the Town’s revolving funds as established by the Town’s General Bylaw, as adopted by Article 24 on November 13, 2017, for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53 E ½ for the fiscal year beginning July 1, 2023 as follows.

Authorized Revolving Fund	Fiscal Year Expenditure Limit
Senior Center Rental	20,000.00
Ware Public School Athletic Advertising	100,000.00
Community Development Septic Repair	25,000.00
Community Development	120,000.00
Cemetery Maintenance and Burial	10,000.00
Bulky Waste	15,000.00

**Article 14.**

I move that the Town fix the salaries of the several Elected Officers of the Town for the Fiscal Year 2023 as follows:

Town Moderator	\$ 250.00
Chairman, Selectmen	\$2,705.04
Members, Selectmen	\$2,276.64 each member
Board of Assessors, Chair	\$3,876.00
Board of Assessors Member	\$3,162.00 each member
Planning Board Members	\$ 816.00 each member
Board of Health Members	\$ 654.50 each member

And, further that no Town Board or Commission shall be authorized to employ any of its members for an additional salary or compensation except for the Board of Registrars, Finance Committee, Planning Board, and Recreation Commission, and further provided that the Board of Health may appoint one or more of its members to witness percolation tests and deep hole tests and to perform other paid functions required by the Board of Health.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Finance Committee</b>	<u>4</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Article 15.**

I move that the following sums be appropriated for the Water Enterprise Fund for FY 2024.

Salaries	\$358,055.00
Operating Expenses	\$482,450.00
Capital	\$100,000.00
Budgeted Surplus to Separate Reserve Fund	<u>\$ 13,395.00</u>
	<u>\$954,400.00</u>

And that Nine hundred fifty-four thousand, four hundred dollars and no cents (\$954,400.00) be raised from Department Receipts to meet said appropriation.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Finance Committee</b>	<u>3</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>1</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Article 16.**

I move that the following sums be appropriated for the Sewer Enterprise Fund for FY 2024

Salaries	\$275,636.00
Operating Expenses	<u>\$664,050.00</u>
Total	<u>\$939,686.00</u>

And that Nine hundred twenty-eight thousand, eight hundred fifty-nine dollars and no cents (\$928,859.00) be raised from Department Receipts, and Ten thousand, eight hundred twenty-seven dollars and no cents (\$10,827.00) be raised from taxation to meet said appropriation.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Finance Committee</b>	<u>4</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Article 17.**

I move that the Town raise and appropriate from taxation Thirty-four million, eight hundred fifty-three thousand, seven hundred eighty-two dollars and no cents (\$34,853,782.00) and Four hundred eleven thousand, nine hundred eighty-five dollars and no cents (\$411,985.00) from available free cash and One hundred thirty thousand dollars and no cents (\$130,000.00) from Ambulance Reserve and Two hundred thousand (\$200,000.00) from the release of overlays funds for a total appropriation of Thirty-five million, five hundred ninety-five thousand, seven hundred sixty-seven dollars and no cents (\$35,595,767.00) to defray the charges and expenses of the Town, including Debt and Interest for the Fiscal Year 2024.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Finance Committee</b>	<u>4</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>



# TOWN OF WARE

## Office of the Town Manager

126 Main Street  
Ware, MA 01082  
413-967-9648 x100

May 1, 2023

To : Town Meeting  
Selectboard  
Finance Committee

From : Stuart Beckley, Town Manager

Subject: Fiscal Year 2024 Budget Narrative

Please find attached the proposed FY2024 budget for the Town of Ware for consideration by Town Meeting. The budget represents the proposed funding suggested by respective department heads. Thoughtful and careful review by the departments and the financial team went into this proposal. Each proposed addition to personnel was deeply scrutinized. The larger than usual availability of free cash allow the Town to increase reserves and to fund several capital items within the budget.

The purpose of the budget is to fund services such as public safety, public works and education for the residents of Ware that contribute to a strong quality of life, that allow the Town to provide community activities and caring support of residents, that inspire growth, and that lead to a better future for residents and children in years ahead.

The proposed FY2024 budget is defined by key components that affect the Town's revenues and expenses. State general unrestricted aid is proposed to increase 1.6% (\$32,000) over last year's amount. State educational funding increased 10 %.

Of particular concern are the increases in fuel and energy costs. These respective budgets are increased in anticipation of continued high costs in FY2024. *This budget meets the financial policies of the Town.* Free cash was used within the budget to include smaller recurring capital items. An annual priority, free cash was not used to supplement the operations budget. This allows additional capital and reserves funding. This year's Capital planning will focus on need building/facility repairs and improvements. Due to the availability of free cash, more funds were placed in the Town's reserves including stabilization and OPEB and \$185,000 was used to pay of this year's short term debt.

## Revenues and Costs – Significant Changes

### Revenues

**State Aid** – Based on the Governor’s budget, Local aid and Chapter 70 Aid would increase \$2 million, almost all in Education Aid. The Net School Spending Requirement has increased a similar amount.. Governor Healy fully met the Student Spending Act funding. Other State Revenue and Costs generally offset each other.

**Local Receipts.** The proposed budget uses a slight decrease in anticipated funds. The history of revenue from the second Cannabis retail shop as well as the pending fees for Resource Waste tipping fees will not be fully realized until FY25. Cannabis taxes declined as market availability in the region grows. The impact fees for cannabis were removed as these could not be used in the operating budget. On the other side, motor vehicle excise revenue was increased to reflect the trend over the past several years.

**Free Cash.** Based on the Town’s Fiscal policies, 35% of available Free Cash is available for the FY 2024 budget and adjustments to the FY2023 budget. This equates to \$1,044,000. The proposed FY2024 budget uses \$366,000, primarily for small and/or recurring capital purchases in the budget. These capital items that are included in the budget are:

- Road repairs
- Wiring for the streetlights at the Millyard
- Police cruiser
- Fire Turnout gear
- Senior Center copier

Additionally \$130,000 of the Ambulance reserve were used for ambulance related costs including ambulance leases and a stretcher.

**New growth** due to construction in town is estimated conservatively until a true value is known late in the summer. \$150,000 was used in the budget.

**Enterprise Funds.** The Water Reserve has a healthy earnings balance, but the Sewer reserve continues to run in the red and the sewer enterprise may again require funding from the general fund to balance. If so, this would be the fourth year in a row. Continuing with the proposed rate increases should bring the fund into line.

**Debt.** The Debt principal and interest budgets will increase, because the Town will be borrowing for three previously approved pieces of equipment – fire truck, dump truck and loader. The impact is lessened as the debt was scheduled to decrease this year as previous borrowings were paid off.

## **Budget Key Points**

**Personnel.** The proposed budget slightly increases the number of personnel in needed areas. Additional positions proposed are:

- An additional Officer in the police department
- A facilities maintenance position under the Director in the DPW
- An additional laborer position under the Parks department that will perform landscape/property maintenance tasks in Parks and Cemeteries. This incorporates the seasonal cemetery worker into the Town budget. It had been previously funded by a cemetery trust fund.

The fire department will focus on filling existing vacancies and hold new positions until FY25 if needed.

Additionally, the Town noted the importance of employee retention and attraction for a stable workforce in the present and future. This is true in all departments and in most towns across the Commonwealth. It is very difficult to fill most positions, which puts Ware in the position of competing with its neighbors as well as the private sector. Therefore, The Town met with all unions and the non-union staff to identify a step that could be taken this year, outside of the contract cycle, to help employees want to work here. This process is still underway. Funds have been set aside in line 100 for this purpose. It is not inexpensive, but it is necessary to maintain employees. A challenge will arise in future fiscal years to keep funding these improvements and incorporate them into the scheduled contract increases.

**Insurance/Retirement.** Employee benefit costs are a large part (20.4%) of the Town's budget. After a couple years of high insurance rate proposals, this year's proposed premium increase will be 2.5%. The Town continues to work with bargaining units and the Insurance Advisory Committee to hold the Town's insurance costs down, including looking at shared contribution rates and expansion of a wellness program. The town's first year utilizing a higher deductible plan was successful in saving funds for the town and employees. Like the Town's efforts with Post Employment Benefits costs, the Hampshire County Retirement System is working to fully fund the pension system by 2037. The 7% increase in Ware's contribution reflects this.

**School spending.** The School Department's Need Based budget is an important tool to understanding the needs to providing education in Ware. The School Committee budget request reflects a needs based budget.

The amount funded above the Net School Minimum Spending continues to shrink as the State invests more in meeting its Student funding obligations. The total available for spending has risen significantly.

An increase in student transportation costs greatly impacts the Town's budget.

The Pathfinder Vocational Technical High School continues to budget with its community members in mind. The FY24 Pathfinder budget is reduced by approximately \$60,000 from FY233 for Ware.

### **Budget Specifics –**

1. Elected and appointed board salaries are funded. Per Board policy, these are increased 2%.
2. Operating hours are maintained for all town employees. Funding is included in the budget for staff salary increases per settled union contracts.
3. As carryovers from FY23, the proposed budget includes funds for additional labor in the Parks Department, a promotion for a fourth sergeant in the Police Department, an activities director (part-time) in the senior center and intern assistance for the Planning and IT departments.
4. The cemetery part-time seasonal laborer is combined with an additional parks position.
5. Custodial hours are maintained. The budget includes the addition of a position to oversee facilities maintenance. This position will guide custodial work, but will also do repairs and make recommendations to long-term building improvements.
6. The salary increases in the Planning and Community Development department are due to administrative concerns raised by the State Community Development office. This budget fully funds the salaries in the department.
7. The Finance Committee Reserve Fund is \$80,000. The Finance Committee conservatively manages these reserves. With tighter expense budgets, demand for reserves will increase. Funding for personnel and overtime is set as a reserve as well if needed.
8. The legal services budget should be stable this coming year.
9. The IT budget reflects needed hardware and software improvements to assist with connectivity and system protection.
10. Fuel cost and energy budgets are adjusted upward based on the significant increases this year. Rising costs for electricity are anticipated in the budget. The Town is locked in at a rate per kilowatt, that while not great, will prevent dramatic increase in costs.
11. The Quabbin Health District continues to receive grant funding that will cover the costs of the public health nurse as well as additional inspection time. The funds included for the second year in the health and building budgets may be used for addressing problem properties – cleaning trash, securing. The Town participates in the Quabbin Health District for Health Agent and Inspector services.
12. Additional funding is provided to the Young Men’s Library Association for two reasons. With the Town’s population rising above the 10,000 mark, the State requires additional hours of Library availability. Additionally, the proposed funded amount will bring the Town into spending compliance with the state Library Association. The Town and Young Men’s Library Association will not have to seek a waiver from the State for library services.

13. Funding for regional animal control is provided with those services currently offered through the Town of Palmer. The regional animal shelter funded by Town Meeting has been opened in Monson.
14. \$150,000 is proposed in the DPW budget for additional Road Repairs. This will be enhanced by Town Meeting appropriation of 50% of available Cannabis local sales taxes.
15. Not knowing the future of weather and climate, the snow and ice budget is increased slightly.
16. The proposed School department budget currently proposes \$14,700,000, a 6.8% increase over FY2023., most of which is required to meet the Net School Spending requirement. This falls short of the full Needs based budget proposed by the School Committee at \$14,938,000.
17. Small capital items are included for: building maintenance and repairs, as well as vehicles for police.
18. The Assessors' office will be staffed through contracted service as the Town has been unable to fill the Principal Assessor position.
19. Local receipts are conservatively strong
20. New growth is estimated at \$150,000 based on increases in building.

***Thank you to Ware Departments and the Finance Committee in preparing and discussing budgets.***

<b>TOWN OF WARE FY23 ENTERPRISE FUND BUDGETS</b>									
	FY19 ACTUAL	FY20 ACTUAL	FY21 ACTUAL	FY22 ACTUAL	FY23 BUDGET	FY24 REQUEST			TOWN MGR FY24 RECOMMEND
<b>ARTICLE #15</b>									
<b>WATER ENTERPRISE</b>									
Salaries	234,347.67	286,036.02	290,801.61	294,474.18	328,220.00	358,055.00			-
Operating Expenses	396,305.49	411,062.40	421,085.43	422,537.96	426,300.00	472,450.00			-
Capital Outlay	37,995.09	58,110.00	62,000.00	45,000.00	78,500.00	100,000.00			-
Extraordinary/Unforeseen	-	-	-	-	10,000.00	10,000.00			-
Budget Surplus	214,722.56	131,957.45	293,343.31	266,172.81	37,834.00	13,895.00			-
<b>TOTAL</b>	<b>883,370.81</b>	<b>887,165.87</b>	<b>1,067,230.35</b>	<b>1,028,184.95</b>	<b>880,854.00</b>	<b>954,400.00</b>			<b>-100.0%</b>
	<b>13.8%</b>	<b>0.4%</b>	<b>20.3%</b>	<b>-3.7%</b>	<b>-14.3%</b>	<b>8.3%</b>			
<b>ARTICLE # 16</b>									
<b>SEWER ENTERPRISE</b>									
Salaries	263,503.13	269,733.09	246,023.35	226,820.61	273,850.00	275,636.00			-
Operating Expenses	467,816.18	471,881.15	497,411.74	564,938.47	564,750.00	654,050.00			-
Capital Outlay	-	-	-	-	105,000.00	-			less 50000
Extraordinary/Unforeseen	-	-	-	-	10,000.00	10,000.00			-
Budget Surplus	34,104.81	(105,095.68)	-	-	-	-			-
<b>TOTAL</b>	<b>765,424.12</b>	<b>636,518.56</b>	<b>743,435.09</b>	<b>791,759.08</b>	<b>953,600.00</b>	<b>939,686.00</b>			<b>-1.5%</b>
	<b>10.3%</b>	<b>-16.8%</b>	<b>16.8%</b>	<b>6.5%</b>	<b>20.4%</b>	<b>-1.5%</b>			<b>-100.0%</b>
Total Enterprise Funds	1,648,794.93	1,523,684.43	1,810,665.44	1,819,944.03	1,834,454.00	1,894,086.00			-

		FY23	FY24	
<b>ESTIMATED RECEIPTS</b>				
<b>A. ESTIMATED RECEIPTS - STATE</b>				
1. Cherry Sheet Estimated - Chapter 70		12,335,233.00	13,527,262.00	
Cherry Sheet Estimated - Genl Govt Aid		1,999,926.00	2,039,925.00	"1.6%
Cherry Sheet Estimated GGA additional Formula				
Cherry Sheet Estimated - All Other		545,506.00	580,515.00	
2. Mass. School Bldg. Auth. Reimb.				
<b>B. ESTIMATED RECEIPTS - LOCAL</b>				
1. Local Receipts		2,842,762.95	2,788,330.00	
2. Enterprise Funds		2,993,470.00	2,392,500.00	
<b>C. REVENUE FOR PARTICULAR PURPOSE</b>				
1. Other Available Funds				
<b>D. OTHER REVENUE SOURCES</b>				
1. Free Cash		2,239,929.26	411,985.00	
2. Ambulance Receipts Reserved			130,000.00	
3. Stabilization Fund				
4. Capital Stabilization Fund				
5. Overlay release of funds			200,000.00	
<b>E. REAL &amp; PERSONAL TAX LEVY</b>				
	*			
Tax Levy		16,698,526.00	17,339,384.15	
Underride			(400,000.00)	
+ 2.5%		417,463.15	423,484.60	
New Growth		223,395.00	150,000.00	
Debt Exclusion		23,650.00	23,200.00	
to balance		(444,042.61)	-	
Total Real & Personal Tax Levy		16,918,991.54	17,536,068.75	
<b>TOTAL ESTIMATED RECEIPTS</b>		<b>\$ 39,875,818.75</b>	<b>\$ 39,606,585.75</b>	
<b>ESTIMATED APPROPRIATIONS</b>				
<b>A. APPROPRIATIONS</b>				
	Budget	16,460,856.00	17,725,370.00	35,595,767.00
	School	13,675,000.00	14,625,000.00	
	Transportation	1,869,090.00	2,102,935.00	
	Pathfinder	1,128,099.00	1,067,462.00	
	Medicaid	75,000.00	75,000.00	
	Enterprise Funds	2,609,454.00	1,894,096.00	
	Compensated Absences	35,000.00	30,000.00	
	STM Appropriations	22,729.26	-	
	Addtnl Appropriations/Adjs	1,095,000.00	-	
	Transfers OPEB/Stab	900,000.00	-	
	Total Appropriations	<b>\$ 37,870,228.26</b>	<b>\$ 37,519,863.00</b>	
<b>B. OTHER AMOUNTS TO BE RAISED</b>				
1. Tax title purposes		20,000.00	20,000.00	
2. Debt & Interest not included		-	-	
3. Final court judgments		-	-	
4. Total overlay deficits prior years		-	-	
5. Total Cherry Sheet offsets CS1-ER		251,856.00	274,781.00	
6. Revenue deficits		29,446.60	-	
7. Offset receipts deficits		-	-	
8. Authorized (Quabbin Health District)		170,249.99	174,509.85	
9. Snow & Ice deficit		-	-	
Transportation Deficit		-	-	
10. Other		1,792.90	1,792.90	
<b>TOTAL B</b>		<b>\$ 473,345.49</b>	<b>\$ 471,083.75</b>	
<b>C. STATE &amp; COUNTY CHERRY SHEET CHARGES</b>		<b>1,332,245.00</b>	<b>1,415,639.00</b>	
<b>D. ALLOWANCE FOR ABATEMENTS &amp; EXEMPT.</b>		<b>200,000.00</b>	<b>200,000.00</b>	
<b>TOTAL AMOUNT TO BE RAISED</b>		<b>\$ 39,875,818.75</b>	<b>\$ 39,606,585.75</b>	
<b>TOTAL RECEIPTS LESS TOTAL EXPENDITURES</b>				
		<b>\$ -</b>	<b>\$ 0.00</b>	
FY24 BudgetMaster				
				5/2/2023

<b>TOWN OF WARE FY24 BUDGET</b>						
	FY21 ACTUAL	FY22 ACTUAL	FY23 BUDGET	FY24 REQUEST		TOWN MANAGER FY24 RECOMMENDED
<b>GENERAL GOVERNMENT</b>						
<b>100 RESERVE FOR SALARY INCREASES</b>						
5600 Reserve	-	-	30,000.00	30,000.00		180,000.00
5610 Reserve for Overtime	-	-	40,000.00	40,000.00		20,000.00
<b>114 MODERATOR</b>						
5100 Salary	-	-	250.00	250.00		250.00
5200-5700 Operating Expenses	-	-	-	-		-
<b>TOTAL</b>	-	-	<b>250.00</b>	<b>250.00</b>		<b>250.00</b>
<b>122 SELECTMEN</b>						
5100 Chairman Salary	2,652.00	2,210.00	2,652.00	2,705.04		2,705.04
5110 Member's Salary	8,928.00	8,438.20	8,928.00	9,106.56		9,106.56
5200-5700 Operating Expenses	4,831.84	4,520.75	5,700.00	5,700.00		120,700.00
<b>TOTAL</b>	<b>16,411.84</b>	<b>15,168.95</b>	<b>17,280.00</b>	<b>17,511.60</b>		<b>132,511.60</b>
<b>123 TOWN MANAGER</b>						
5100-5110 Salaries	146,050.90	146,583.83	147,500.00	158,960.00		159,762.00
5200-5700 Operating Expenses	9,675.00	9,123.34	9,300.00	9,300.00		9,300.00
<b>TOTAL</b>	<b>155,725.90</b>	<b>155,707.17</b>	<b>156,800.00</b>	<b>168,260.00</b>		<b>169,062.00</b>
<b>131 FINANCE COMMITTEE</b>						
5200-5700 Expenditures	180.00	180.00	455.00	455.00		455.00
5701 Reserve Fund	17,178.91	15,500.00	80,000.00	100,000.00		80,000.00
<b>TOTAL</b>	<b>17,358.91</b>	<b>15,680.00</b>	<b>80,455.00</b>	<b>100,455.00</b>		<b>80,455.00</b>
<b>135 TOWN ACCOUNTANT</b>						
5100 Salary	127,287.15	138,656.77	147,610.00	149,978.00		149,978.00
5200-5700 Operating Expenses	51,770.99	51,396.74	53,350.00	53,325.00		53,325.00
<b>TOTAL</b>	<b>179,058.14</b>	<b>190,053.51</b>	<b>200,960.00</b>	<b>203,303.00</b>		<b>203,303.00</b>
<b>141 BOARD OF ASSESSORS</b>						
5100 Board Member's Salary	10,000.00	10,000.00	12,000.00	12,000.00		12,240.00
5110-5120 Salaries	125,134.92	34,223.58	42,823.00	76,330.00		38,800.00
5200-5700 Operating Expenses	18,790.70	64,491.85	122,600.00	125,600.00		148,600.00
5800 Capital Expenditures	-	-	-	-		-
<b>TOTAL</b>	<b>153,925.62</b>	<b>108,715.43</b>	<b>177,423.00</b>	<b>213,930.00</b>		<b>199,640.00</b>

<b>TOWN OF WARE FY24 BUDGET</b>							
	FY21 ACTUAL	FY22 ACTUAL	FY23 BUDGET	FY24 REQUEST		TOWN MANAGER	
						FY24 RECOMMENDED	
<b>145 TREASURER/COLLECTOR</b>							
5100-5120 Salaries	199,097.52	196,403.35	206,408.00	233,730.00		233,730.00	
5200-5700 Operating Expenses	37,175.37	36,061.92	37,193.00	32,000.00		32,000.00	
<b>TOTAL</b>	<b>236,272.89</b>	<b>232,465.27</b>	<b>243,601.00</b>	<b>265,730.00</b>		<b>265,730.00</b>	
<b>151 LAW</b>							
5200 Purchase of Services	128,945.09	47,162.05	100,000.00	110,000.00		90,000.00	
<b>152 HUMAN RESOURCES</b>							
5100 Salary	17,465.00	48,080.00	66,760.00	71,400.00		71,400.00	
5200-5700 Operating Expenses	939.48	4,301.21	22,250.00	23,250.00		9,250.00	
	18,404.48	52,381.21	89,010.00	94,650.00		80,650.00	
<b>155 INFORMATION TECHNOLOGY</b>							
5100 Salary	66,370.72	74,926.52	88,500.00	89,732.00		89,732.00	
5200-5700 Operating Expenses	84,926.81	133,412.32	137,403.00	152,800.00		153,410.00	
5800 Capital Expenditures	17,533.19	11,811.80	20,000.00	67,227.00		61,067.00	
<b>TOTAL</b>	<b>168,830.72</b>	<b>220,150.64</b>	<b>245,903.00</b>	<b>309,759.00</b>		<b>304,209.00</b>	
<b>158 TELEPHONE CHARGES</b>							
5200 Purchase of Services	18,312.52	17,257.25	24,000.00	25,000.00		25,000.00	
<b>422 MUNICIPAL FUEL</b>							
5401 Supplies	76,523.78	128,764.19	130,000.00	145,000.00		150,000.00	
<b>161 TOWN CLERK</b>							
5100-5110 Salaries	106,224.67	113,608.75	115,530.00	118,955.00		118,955.00	
5200-5700 Operating Expenses	5,289.89	4,624.34	5,400.00	7,900.00		7,800.00	
<b>TOTAL</b>	<b>111,514.56</b>	<b>118,233.09</b>	<b>120,930.00</b>	<b>126,855.00</b>		<b>126,755.00</b>	
<b>162 ELECTIONS &amp; TOWN MEETING</b>							
5100 Salaries	14,221.03	2,739.50	17,000.00	9,500.00		9,500.00	
5200-5700 Operating Expenses	11,971.98	4,938.09	16,700.00	10,400.00		10,400.00	
5800 Capital Expenditures	-	20,600.00	-	-		-	
<b>TOTAL</b>	<b>26,193.01</b>	<b>28,277.59</b>	<b>33,700.00</b>	<b>19,900.00</b>		<b>19,900.00</b>	
<b>163 BOARD OF REGISTRARS</b>							
5100 Salaries	3,000.00	3,000.00	3,400.00	3,400.00		3,400.00	
5200-5700 Operating Expenses	5,207.16	6,790.59	6,600.00	5,700.00		5,700.00	
<b>TOTAL</b>	<b>8,207.16</b>	<b>9,790.59</b>	<b>10,000.00</b>	<b>9,100.00</b>		<b>9,100.00</b>	





<b>TOWN OF WARE FY24 BUDGET</b>						
	FY21 ACTUAL	FY22 ACTUAL	FY23 BUDGET	FY24 REQUEST		TOWN MANAGER FY24 RECOMMENDED
DEPARTMENT OF PUBLIC WORKS						
<b>421 DEPARTMENT OF PUBLIC WORKS</b>						
5100-5120 Salaries	516,775.67	552,426.19	591,381.00	610,980.00		666,980.00
5180-5700 Operating Expenses	216,489.06	218,146.21	228,100.00	226,700.00		253,300.00
5800 Capital Expenditures	65,000.00	96,000.00	143,000.00	200,000.00		150,000.00
<b>TOTAL</b>	<b>798,264.73</b>	<b>866,572.40</b>	<b>962,481.00</b>	<b>1,037,680.00</b>		<b>1,070,280.00</b>
<b>423 SNOW REMOVAL</b>						
5100 Salaries	59,045.33	52,487.82	75,000.00	80,000.00		75,000.00
5400 Supplies	111,775.63	189,630.27	170,000.00	200,000.00		175,000.00
<b>TOTAL</b>	<b>170,820.96</b>	<b>242,118.09</b>	<b>245,000.00</b>	<b>280,000.00</b>		<b>250,000.00</b>
<b>424 STREETLIGHTS</b>						
5200 Purchase of Services	26,072.26	44,393.93	42,000.00	50,000.00		62,000.00
<b>425 TREE WARDEN</b>						
5100 Salary	5,000.00	5,000.00	6,000.00	6,000.00		-
5200-5700 Operating Expenses	167.99	330.13	12,600.00	15,600.00		-
<b>TOTAL</b>	<b>5,167.99</b>	<b>5,330.13</b>	<b>18,600.00</b>	<b>21,600.00</b>		-
<b>426 CEMETERY</b>						
5200-5400 Operating Expenses	-	1,800.00	2,300.00	1,000.00		-
5800 Capital Expenditures	-	24,000.00	-	-		-
<b>TOTAL</b>	<b>-</b>	<b>25,800.00</b>	<b>2,300.00</b>	<b>1,000.00</b>		-
<b>TOTAL DEPT. OF PUBLIC WORKS</b>	<b>1,000,325.94</b>	<b>1,184,214.55</b>	<b>1,270,381.00</b>	<b>1,390,280.00</b>		<b>1,382,280.00</b>
HEALTH & SANITATION						
<b>510 BOARD OF HEALTH</b>						
5100 Board Members Salaries	1,309.00	1,936.25	1,964.00	1,964.00		1,964.00
5121-5123 Salaries	9,855.98	9,555.99	10,056.00	4,700.00		4,700.00
5200-5700 Operating Expenses	21,443.23	11,659.88	31,650.00	32,750.00		32,750.00
<b>TOTAL</b>	<b>32,608.21</b>	<b>23,152.12</b>	<b>43,670.00</b>	<b>39,414.00</b>		<b>39,414.00</b>
<b>TOTAL HEALTH &amp; SANITATION</b>	<b>32,608.21</b>	<b>23,152.12</b>	<b>43,670.00</b>	<b>39,414.00</b>		<b>39,414.00</b>



<b>TOWN OF WARE FY24 BUDGET</b>							
	FY21 ACTUAL	FY22 ACTUAL	FY23 BUDGET	FY24 REQUEST			TOWN MANAGER FY24 RECOMMENDED
DEBT & INTEREST							
<b>710 RETIREMENT OF DEBT</b>							
5900 Principal	726,344.00	602,385.00	526,000.00	441,000.00			578,000.00
<b>720 LEASE LONG TERM DEBT</b>							
5900 Leases	-	-	-	-			-
<b>751 LONG TERM DEBT</b>							
5900 Interest	106,177.51	119,963.95	145,000.00	134,000.00			134,000.00
<b>752 SHORT TERM DEBT</b>							
5900 Interest	18,311.10	4,070.66	80,000.00	80,000.00			80,000.00
<b>TOTAL DEBT &amp; INTEREST</b>	<b>850,832.61</b>	<b>726,419.61</b>	<b>751,000.00</b>	<b>655,000.00</b>			<b>792,000.00</b>
EMPLOYEE BENEFITS							
<b>911 HAMPSHIRE COUNTY RETIREMENT</b>							
5100 Assessment	2,239,747.00	2,233,775.11	2,581,471.00	2,807,609.00			2,761,548.00
<b>913 UNEMPLOYMENT INSURANCE FUND</b>							
5100 Benefit	40,388.74	1,341.23	75,000.00	75,000.00			75,000.00
<b>914 HEALTH &amp; MEDICAL INSURANCE</b>							
5100 Benefit	3,366,799.34	3,506,715.83	4,000,000.00	4,160,000.00			4,120,800.00
<b>916 MEDICARE</b>							
5100 Benefit	225,983.49	234,930.62	250,000.00	265,000.00			265,000.00
<b>917 EMPLOYEE SICK LEAVE BUY BACK</b>							
5100 Benefit	1,000.00	900.00	3,000.00	3,000.00			3,000.00
<b>918 IMMUNIZATIONS &amp; PHYSICALS</b>							
5100 Benefit	6,963.80	5,712.10	7,000.00	7,000.00			10,000.00
<b>TOTAL EMPLOYEE BENEFITS</b>	<b>5,880,882.37</b>	<b>5,983,374.89</b>	<b>6,916,471.00</b>	<b>7,317,609.00</b>			<b>7,235,348.00</b>
INSURANCE							
<b>945 MUNICIPAL INSURANCE</b>							
5700 Other Charges	362,467.27	417,121.61	435,000.00	460,000.00			440,000.00
<b>TOTAL INSURANCE</b>	<b>362,467.27</b>	<b>417,121.61</b>	<b>435,000.00</b>	<b>460,000.00</b>			<b>440,000.00</b>
<b>GRAND TOTAL TOWN</b>	<b>13,911,297.47</b>	<b>14,470,621.23</b>	<b>16,478,656.00</b>	<b>17,550,931.60</b>			<b>17,725,369.60</b>
	3.1%	4.0%	13.9%	6.5%			7.6%

<b>TOWN OF WARE FY24 BUDGET</b>						
	FY21 ACTUAL	FY22 ACTUAL	FY23 BUDGET	FY24 REQUEST		TOWN MANAGER FY24 RECOMMENDED
SCHOOL						
<b>SCHOOLS</b>						
5100 Net School Spending - WPS (School Committee)	12,761,826.04	13,200,000.00	13,675,000.00	14,863,290.00		14,625,000.00
Medicaid Share	75,000.00	75,000.00	75,000.00	75,000.00		75,000.00
5100 Transportation - WPS	1,376,510.92	1,800,000.00	1,869,090.00	2,174,448.00		2,102,935.00
5600 Pathfinder Regional Schools	1,261,669.00	1,118,955.00	1,128,099.00	1,200,000.00		1,067,462.00
<b>TOTAL SCHOOL</b>	<b>15,475,005.96</b> 1.1%	<b>16,193,955.00</b> 4.6%	<b>16,747,189.00</b> 3.4%	<b>18,312,738.00</b> 9.3%		<b>17,870,397.00</b> 6.7%
<b>GRAND TOTAL TOWN &amp; SCHOOL</b>	<b>29,386,303.43</b> 2.1%	<b>30,664,576.23</b> 4.3%	<b>33,225,845.00</b> 8.4%	<b>35,863,669.60</b> 7.9%		<b>35,595,766.60</b> 7.1%

**Article 18.** I move that the Town appropriate Thirty thousand dollars and no cents (\$30,000.00) to fund the Employee Compensated Absences Reserve Fund.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Finance Committee</b>	<u>4</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Explanation:** This reserve fund is for use to fund employees' benefit payouts upon retirement.

**Article 19.** I move that the Town amend the Town's General Bylaws by adopting the Right to Farm Bylaw, as on file with the Town Clerk, and included in the Town Meeting packet.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Article 20.** I move that the Town amend the Town's Zoning Bylaws to add a new Section: Battery Storage Facilities, as on file with the Town Clerk, and included in the Town Meeting packet.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>



**RIGHT TO FARM BYLAW**

Adopted: TBD

## **1.0 Legislative Purpose and Intent**

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section IA. We the citizens of Ware restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture- based economic opportunities, and protects farmlands within the Town of Ware by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

## **2.0 Definitions**

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- growing and harvesting of hemp;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

### **3.0 Right To Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of Ware. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or the Town of Ware Zoning Bylaws.

### **4.0 Resolution of Disputes**

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select

Board may forward a copy of the grievance to the Agricultural Commission, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

If there is no populated Agricultural Commission to review and facilitate the resolution of grievances, the Selectboard shall be the authority to review and facilitate resolutions to disputes under Section 4.0 of this Bylaw.

#### **5.0 Severability Clause**

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Ware hereby declares the provisions of this By-law to be severable.

# **ARTICLE 20**

Recommended by Planning Board 4-0-0

## **Battery Energy Storage Systems**

## Proposed Additions to Section 2.2 (Definitions)

**ANSI:** American National Standards Institute.

**BATTERY(IES):** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this bylaw, batteries utilized in consumer products are excluded from these requirements.

**BATTERY ENERGY STORAGE MANAGEMENT SYSTEM:** An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**BATTERY ENERGY STORAGE SYSTEM (BESS):** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A Battery Energy Storage System is classified a Tier 1, Tier 2, Tier 3, or Tier 4 BESS as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity equal to 250KWh or less and, whose purpose is to store energy from residential solar energy systems if in a room or enclosed structure, consisting of only a single energy storage system technology.
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity equal to 250KWh or less and, whose purpose is to store energy from commercial solar energy systems if in a room or enclosed structure, consisting of only a single energy storage system technology.
- C. Tier 3 Battery Energy Storage Systems are defined as those that are interconnected to high voltage transmission lines and have an aggregate energy capacity greater 250 KWh but less than or equal to 10 MWh.
- D. Tier 4 Battery Energy Storage Systems are defined as those that are interconnected to high voltage transmission lines and have an aggregate energy capacity greater than 10 MWh. The facility must comply with the State's most current electrical code (527 CMR. 12.00) and the State's most current Fire Code (527 CMR 1.00).

**CELL:** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

**COMMISSIONING:** A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

**DEDICATED-USE BUILDING:** A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

- 1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- 2) No other occupancy types are permitted in the building.
- 3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
  - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
  - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

## Proposed addition to Special Use Regulations (Section 4.8)

### 4.8.9 Battery Energy Storage Systems (BESS)

#### A. Purpose

The purpose of this bylaw is to provide for the construction and operation of Battery Energy Storage Systems (BESS) and to provide standards for the placement, design, construction, monitoring, modification and removal of energy storage systems that address public safety, protection of the Town and private drinking water supply, minimize impacts on scenic, natural and historic resources of the Town of Ware, and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of Battery Energy Storage Systems.

#### B. Definitions – Refer to definitions in Section 2.2.

#### C. Applicability

##### 1. Building-integrated Battery Energy Storage Systems

- a) Battery Energy Storage Systems that are building-integrated, whether a residential or commercial building, energy storage systems shall not be erected, constructed, installed, or modified as provided in this section without first obtaining a building permit from the Building Inspector.
- b) Building-integrated energy storage systems may be coupled with rooftop solar or behind the meter applications for peak shaving.
- c) Building-integrated battery energy storage systems may be located in any zoning district of the Town of Ware.

##### 2. Co-located Battery Energy Storage Systems

- a) Battery Energy Storage Facilities are encouraged to co-locate with solar photovoltaic installations, energy, power generation stations, and electrical substations.
- b) Battery Energy Storage Systems associated with on-site solar power generation shall be permitted in the same districts as Large-Scale Solar Arrays by Special Permit and Site Plan Review.

- c) If co-located with a solar photovoltaic installation, the BESS shall not exceed the necessary capacity and size generated by the output of the co-located solar photovoltaic installation.
- 3. Battery Energy Storage systems not associated with on-site solar generation shall only be permitted in the Commercial Industrial (CI), Millyard (MY) and Industrial (I) Districts, and shall require a Special Permit and Site Plan Review from the Planning Board. Battery Energy Storage Systems not associated with on-site solar generation are prohibited in the Aquifer Protection Overlay District.
  - i. The nameplate capacity of an Energy Storage system shall not exceed the total kw of renewable energy being produced on the 3-phase distribution line that the energy storage system will be interconnected to.
  - ii. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this bylaw.

#### D. General Requirements

- 1. In accordance with Section C above, all ~~Tier 2 and 3~~ battery energy storage systems shall require a special permit and site plan approval by the Planning Board prior to construction, installation, or modification as provided in this bylaw.
- 2. The construction, operation, and decommissioning of all battery storage energy storage systems shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable environmental, safety, construction, fire, and electrical requirements.
- 3. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.

#### E. Application Materials

- 1) In addition to requirements of Section 7.2 Special Permits and Section 7.4 Site Plan Review the application for a Special Permit under this Section 4.8.9 shall include the following:
  - a) A site plan prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts, that shows the following:
  - b) An existing condition plan with property lines and physical features, including topography and roads, characteristics of vegetation (trees- mature, old growth, shrubs, open field, etc.), wetlands, streams, ledge, for the project site;

- 1) Proposed changes to the landscape of the site, including grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures, driveways, snow storage, and storm water management systems; including total acreage of disturbed area, total vegetation cleared, not including mowed fields;
  - 2) Trees with a DBH of 20" or greater within project parcel(s) shall be identified to determine tree loss, along with inventorying of diseased or hazard trees slated to be removed due to proposed development;
  - 3) Property lines and physical dimensions of the subject property with contour intervals of no more than 10 feet;
  - 4) Property lines of adjacent parcels within 300 feet.
  - 5) Location, dimensions, and types of existing major structures on the property;
  - 6) Location of the proposed battery energy storage structures, foundations, and associated equipment;
  - 7) The right-of-way of any public road that is contiguous with the property;
  - 8) Any overhead or underground utilities;
  - 9) At least one color photograph of the existing site, measuring eight (8) inches by ten (10) inches;
  - 10) Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP;
  - 11) Locations of floodplains or inundation areas for moderate or high hazard dams;
  - 12) Locations of local or National Historic Districts; and
  - 13) Stormwater management and erosion and sediment control.
- b) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed, including manufacturer and model. A final equipment specification sheet shall be submitted prior to the issuance of building permit;
- c) One- or three-line electrical diagram showing associated components, and electrical interconnection methods, with all NEC compliant disconnects and overcurrent devices;

- d) Contact information and signature of the project proponent, as well as all co-proponents, if any, and all property owners;
- e) Contact information and signature of agents representing the project proponent, if any;
- f) Contact information for the person(s) responsible for public inquiries throughout the life of the system;
- g) An operations and maintenance plan for Battery Energy Storage System. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information;
- h) Energy Storage System technical specifications, including manufacturer and model;
- i) Electrical schematic;
- j) Documentation that shows the owner of the Energy Storage System has site control, which shall include easements and access roads;
- k) Documentation that shows the owner of the Energy Storage System has notified the electric utility of this installation.
- l) Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
  - 1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
  - 2) Procedures for inspection and testing of associated alarms, interlocks, and controls.
    - i. This includes hazmat appliances for conducting atmospheric monitoring with a scientific officer to support.
  - 3) Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

- 4) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- 5) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- 6) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- 7) Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
- 8) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
  - i. Trainings must be provided and organized by the applicant.
- m) Proof of liability insurance: The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and property caused by the failure of the system.
- n) A noise study, prepared by a qualified individual with experience in environmental acoustics, to assess the impact of all noise sources generated from the project to abutting properties, and determine the appropriate layout, design, and control measures. The report should include details of assessment methods, summarize the results, and recommend the required outdoor as well as any indoor control measures.

#### F. Design and Site Standards

1. In addition to the standards for Special Permit and Site Plan Review in the Zoning Bylaw, the applicant shall adhere to the following standards and provide such information on the site plan:
  - a) Utility Lines. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility.
  - b) Signage. The signage shall include the type of technology associated with the systems, any special hazards associated, the type of suppression system installed, and 24-hour emergency contact information. All information shall be clearly

displayed on a light reflective surface. Clearly visible warning signs concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

- c) Lighting. Lighting of the systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
- d) Setbacks. Battery Energy Storage Systems not co-located with solar photovoltaic installations shall adhere to a fifty (50) foot setback from the front, side, and rear property lines and shall adhere to a one hundred fifty (150) foot setback from any residential buildings. BESS's shall also adhere to a one hundred (100) foot setback from water wells (both private and public) located either on-site or on abutting properties.
- e) Fire protection. Battery Energy Storage Systems not co-located with solar photovoltaic installations shall be located on properties serviced by the public water system or by a water supply acceptable to the Planning Board and Ware Fire Department.
- f) Vegetation and Tree-Cutting. Areas within ten (10) feet on each side of a system shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees or shrubbery and cultivated ground covers such as green grass, ivy, succulents, or similar plants shall be exempt provided that they do not form a means of readily transmitting fire. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the system and that which is otherwise prescribed by applicable bylaws and regulations.
- g) Noise. The 1-hour average noise generated from the systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the property line.

#### G. Safety

1. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
  - a) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
  - b) UL 1642 (Standard for Lithium Batteries),
  - c) UL 1741 or UL 62109 (Inverters and Power Converters),

- d) Certified under the applicable electrical, building, and fire prevention codes as required.
- e) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

#### H. Special Permit Criteria

1. The Planning Board may approve an application if the Board finds that the system complies with the Site Plan Review and Approval criteria and with the conditions for granting Special Permits. Battery energy storage systems shall also satisfy the following additional criteria:
  - a) Environmental features of the site are protected, and surface runoff will not cause damage to surrounding properties or increase soil erosion and sedimentation of nearby streams and ponds.
  - b) The Planning Board may also impose conditions as it finds reasonably appropriate to safeguard the town or neighborhood including, but not limited to, screening, lighting, noise, fences, modification of the exterior appearance of electrical cabinets, battery storage systems, or other structures, limitation upon system size, and means of vehicular access or traffic features.
  - c) No occupancy permit shall be granted by the Building Commissioner, nor shall the site be energized or interconnected to the utility until the Planning Board has received, reviewed, and approved an as-built plan that demonstrates that the work proposed on the approved site plan, including all stormwater management components and associated off-site improvements, have been completed in accordance with the approved plan and certified same to the Building Commissioner.
  - d) The Planning Board may, in its discretion, approve an as-built plan upon provision of a type of surety as determined by the SPGA, to secure incomplete work where such work is not immediately necessary for lawful operation of the system without negative effect on public health and safety and surrounding properties.
  - e) The applicant shall make every effort to coordinate necessary surveying and finalization of the as-built plans and submission of required construction control documents prior to the conclusion of construction. Notwithstanding the above, a temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work imposed by the Board.

I. Decommissioning

1. As part of the applicant's submission to the Board, the applicant shall submit a decommissioning plan, to be implemented upon abandonment or in conjunction with removal from property. The plan shall include:
  - a) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the property.
  - b) Disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.
  - c) The anticipated life of the battery energy storage systems.
  - d) The estimated decommissioning costs and how said estimate was determined.
  - e) The method of ensuring that funds will be available for decommissioning and restoration.
  - f) The method by which the decommissioning cost will be kept current.
  - g) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.
  - h) A listing of any contingencies for removing an intact operational battery energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
2. Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the Town, in an approved form for the removal of the battery energy storage system, in an amount to be determined by the SPGA for the period of the life of the facility. All costs of the financial security shall be borne by the applicant. The amount shall include a mechanism for calculating increased removal costs due to inflation.
3. An inspection of the completed decommissioned area shall be reviewed by a consultant hired by the Planning Board before approving the decommissioning work in accordance with the Decommissioning Plan. The owner and/or operator shall pay for the cost of this review with such payment being provided by the owner and/or operator prior to the consultant undertaking said review, in accordance with MGL Chapter 44, Section 53G.

J. Abandonment

The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than twelve (12) months. The system shall be presumed abandoned if the owner and/or operator fails to respond affirmatively within thirty (30) days to a written inquiry from the Building Inspector as to the continued validity and operation of the system. If the owner or operator fails to comply with decommissioning upon any abandonment, the Town, may, at its discretion, and utilize the 88 for the removal of a system and restore the site in accordance with the decommissioning plan.

K. Severability

If any provision of this By-Law is found to be invalid by a court of competent jurisdiction, the remainder of this By-Law shall not be affected but remain in full force. The invalidity of any provision of this By-Law shall not affect the validity of the remainder of the Ware Zoning By-Law.

Add to Section 4.9.2 Aquifer Protection Overlay District

2. Prohibited Uses:

- a) disposal of leachable wastes with the exception of subsurface waste disposal systems approved through Title V;
- b) Battery Energy Storage Systems per section 4.8.9

# PROPOSED USE TABLE CHANGES

Ware Zoning Bylaw  
Use Table

## § 4.2 Use Table

	Residential				Mixed <sup>1</sup>				Commercial/Industrial		
	RQ	RR	SR	BLR	DTR	RB	DTC	MY	HC	CI	I
<b>A Residential Uses</b>											
1 Single Family	SP	Y	Y	Y	Y	Y	Y	Y	Y	N	N
2 Two-Family	N	SP	Y	N	Y	SP	Y	Y	SP	N	N
3 Multi-Family	N	N	SP	N	Y	N	Y	Y	Y	N	N
4 Mobile Home Parl	N	SP	N	N	N	N	N	N	N	N	N
5 Flexible Resid. Open Space Development (see § 4.8.1)	N	Y	Y	N	Y	Y	N	N	N	N	N
<b>B Public &amp; Civic Uses<sup>2</sup></b>	RQ	RR	SR	BLR	DTR	RB	DTC	MY	HC	CI	I
1 Private Nonprofit Library or Museum	N	SP	SP	SP	SP	Y	Y	Y	Y	Y	N
2 Government Facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3 Community Center	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
4 Recreation, publicly owned landscaped	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5 Family Daycare Home	N	Y	Y	Y	Y	Y	SP	N	N	N	N
6 Large Family Daycare Home	N	SP	SP	SP	SP	SP	SP	Y	Y	N	N
7 Adult Daycare Center	N	SP	SP	N	SP	SP	SP	Y	Y	N	N
8 Nursing or Convalescent Home	N	SP	SP	N	SP	N	SP	SP	SP	N	N
9 Hospital	N	SP	SP	N	SP	SP	N	SP	SP	N	N
10 Cemetery	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
11 Utility, Minor	N	SP	SP	N	SP	SP	SP	SP	SP	SP	Y
12 Utility, Major	SP	SP	N	N	N	SP	N	N	Y	Y	Y
13 Large Ground Mounted Solar Facility (see § 4.8.)	SP	SP	N	N	N	N	N	N	N	N	N
14 Wind Energy Facility (see § 4.8.)	SP	SP	N	N	N	SP	N	N	SP	N	N
15 Wireless Communication Facilities (see § 4.8.2)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
<b>16 Tier 3 and Tier 4 Battery Energy Storage System (stand alone)</b>	N	N	N	N	N	N	N	SP	N	SP	SP
<b>17 Battery Energy Storage System associated with large solar facility</b>	SP	SP	N	N	N	SP	N	N	SP	SP	SP
<b>18 Tier 1 Residential Battery Energy Storage System</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>19 Tier 2 Battery Energy Storage System</b>	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

**Article 21.** (by petition) I move that the Town establish a Redevelopment Authority pursuant to MGL Chapter 121B.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>0</u>	<b>YES</b>	<u>5</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>    </u>	<b>YES</b>	<u>X</u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Explanation:** Most of the Redevelopment Authorities operating in Massachusetts were originally created to take advantage of the federal Urban Renewal Program, serving as vehicles for carrying out the federal mandate to eliminate blight from inner cities. Although the federal program no longer exists, Redevelopment Authorities continue to play a role in the Commonwealth’s revitalization under c.121B. M.G.L. c. 121B allows municipalities, through their Redevelopment Authorities acting as urban renewal agencies, to eliminate and redevelop substandard, decadent, and blighted open areas for residential, commercial, industrial, business, governmental, recreational, educational, hospital or other uses.

With the goals of revitalizing such land uses and encouraging new growth, Redevelopment Authorities have the power for the purposes in c.121B to:

- Prepare and implement Urban Renewal Plans;
- Carry out planning studies;
- Establish rehabilitation and design standards;
- Acquire real estate, including acquisition by eminent domain;
- Demolish and/or rehabilitate structures;
- Undertake site preparation and environmental remediation;
- Assemble and dispose of land for private development;
- Relocate displaced businesses and residents;
- Issue bonds and borrow money;
- Receive grants and loans.

**Article 22.** (by petition) I move that the Town prohibit the sale of miniature alcohol bottles, also known as “nips”.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>1</u>	<b>YES</b>	<u>4</u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>    </u>	<b>YES</b>	<u>X</u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Explanation:** The sale of miniature alcohol bottles ("nips") negatively impacts the Town in 3 ways:

- 1) Contributes to public drinking
- 2) Increases littering
- 3) Jeopardizes alcohol licenses as patrons are bringing foreign bottles into business establishments.

**Article 23.**

(by petition) I move that the Town authorizes the Selectboard to petition the Legislature for a Special Act of Legislation exemption Eric Robert Esteves, who has already taken the Civil Service Exam, from the maximum age requirement for applying for Civil Service appointment as a Police Officer for the Town of Ware. The Legislation seeks to allow the appointment of Eric Robert Esteves as a Ware Police Officer despite the fact that he surpasses the 32-year age limit on July 22, 2022. This vote specifically authorizes the Selectboard to petition the Legislature for a Special act of Legislation as follows:

Whereas the deferred operation of this act would tend to defeat its purpose which is set forth will exempt Eric Robert Esteves from the maximum age requirement for applying for Civil Service appointment as a Police Officer in the Town of Ware, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

SECTION 1. Notwithstanding Chapter 31 of the General Laws or any other general or special law or rule of regulation to the contrary regulation the maximum age of the an applicant for appointment as a Police Officer, Eric Robert Esteves of the Town of Ware, shall be eligible to have his name certified for original appointment to the position of Police Officer in the Town of Ware notwithstanding his having reached the age of 32 before taking any Civil Service Examination in connection with that appointment Eric Robert Esteves shall be eligible for appointment to the position of police Officer in the Town of Ware provided he meets all other requirements for certification appointment to this position.

SECTION 2. This act shall take effect upon its passage. And further that the Town of Ware authorize the Legislature to reasonable vary the form and substance of this requested Legislation within the scope of the general public objectives of this petition.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>4</u> YES	<u>0</u> NO	<u>1</u> Abstain
	<b>Town Manager</b>	<u>X</u> YES	<u>    </u> NO	<u>    </u> Abstain

**Article 24.**

I move that the Town accept the enactment of special legislation entitled “An Act Authorizing the Selectboard of the Town of Ware to Serve As Fire Commissioner And Appointing Authority for Fire Officers and Fire Fighters” as set forth below:

An Act Authorizing the Selectboard of the Town of Ware to Serve As Fire Commissioner And Appointing Authority for Fire Officers and Fire Fighters

SECTION 1. Notwithstanding the provisions of G.L. c. 48 sec 42 the Selectboard of the Town of Ware shall serve as Fire Commissioners in the Town of Ware for the appointment of all fire officers and

firefighters. Following the effective date of this Act, the Selectboard acting as Fire Commissioners shall have sole authority to hire and promote all firefighters and fire officers in the Town of Ware, and they may remove the same during the term of the appointment for cause and after a hearing. The Fire Chief shall retain all other powers, duties and responsibilities as set forth in G.L. c. 48, sec 42.

SECTION 2. This act shall take effect upon its passage.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Explanation:** In 2020, Town Meeting approved this article and forwarded to the legislature. The Legislature in approving the special act, stated that it must again be approved by Town Meeting.

**Article 25.** (by petition) I move that the Town to not accept Chapter 247 of the Acts of 2022 which sets for: Section 1. Notwithstanding Section 43 of Chapter 48 of the General Laws, the Selectboard of the Town of Ware shall serve as the Fire Commissioners, in the Town of Ware for appointment of all fire officers and firefighters. Section 2: Upon acceptance of this act by the Town of Ware, the Selectboard of the Town of Ware, acting as Fire Commissioners, shall have sole authority to hire and promote all firefighters in the Town of Ware. The Fire Chief of the Town of Ware shall retain all other powers, duties, and responsibilities under Section 42 of Chapter 48 of the General Laws.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>0</u>	<b>YES</b>	<u>5</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>    </u>	<b>YES</b>	<u>X</u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Article 26.** (by petition) I move that the Town to rescind its vote on June 22, 2020 authorizing the Board of Selectmen to petition the Legislature for a Special Act of Legislation to establish that “Notwithstanding Section 43 of Chapter 48 of the General Laws, the Selectboard of the Town of Ware shall serve as the Fire Commissioners, in the Town of Ware for appointment of all fire officers and firefighters. Section 2: Upon acceptance of this act by the Town of Ware, the Selectboard of the Town of Ware, acting as Fire Commissioners, shall have sole authority to hire and promote all firefighters in the Town of Ware. The Fire Chief of the Town of Ware shall retain all other powers, duties, and responsibilities under section 42 of Chapter 48 of the General Laws” provided that the Legislature may reasonably vary the form and substance of the requested Legislation within the scope of the general public objectives of this petition.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>0</u>	<b>YES</b>	<u>5</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>    </u>	<b>YES</b>	<u>X</u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Article 27.** I move that the Town transfer Twelve thousand dollars and no cents (\$12,000.00) from available free cash to conduct environmental testing on Monroe Street, including all costs incidental and related thereto.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Finance Committee</b>	<u>3</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>1</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Explanation:** These funds will be used to complete the initial environmental testing for the former American Gas site. The Town has applied for a grant for Phase 2 and cleanup. Once completed, this site will provide additional parking and access for Memorial Field.

**Article 28.** I move that Article 28 be dismissed.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Finance Committee</b>	<u>4</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>1</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Article 29.** I move that the Town transfer from free cash Seventy-five thousand dollars and no cents (\$75,000.00) for matching funds for a Massachusetts Preservation Projects Fund Grant for structural improvements to Town Hall, including all costs incidental and related thereto.

<b>Recommended by:</b>	<b>Selectboard</b>	<u>5</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Finance Committee</b>	<u>4</u>	<b>YES</b>	<u>0</u>	<b>NO</b>	<u>0</u>	<b>Abstain</b>
	<b>Town Manager</b>	<u>X</u>	<b>YES</b>	<u>    </u>	<b>NO</b>	<u>    </u>	<b>Abstain</b>

**Explanation:** These funds will be used to match Seventy-five thousand dollars and no cents (\$75,000.00) of state grant funding if approved to continue re-pointing work on Town Hall.

**End of Articles**