

Special Town Meeting Packet

November 14, 2022
Ware High School
Auditorium



WARRANT FOR SPECIAL TOWN MEETING
TOWN OF WARE
COMMONWEALTH OF MASSACHUSETTS

ARTICLE 1. I Move that the town appropriate \$22,230.19 to pay unpaid bills of the Fire Department, Sewer Department, Highway, School department and Police Department from fiscal year 2022 and to meet said appropriation by raising \$18,048.64 from taxation and \$4,181.55 from Water Retained Earnings.

Explanation Article 1 will provide funding for bills from the last fiscal year from the Fire, Sewer, Highway, School, Water and Police departments.

Recommended by: Board of Selectmen Yes 5 No
Finance Committee Yes 3 No
Town Manager Yes X No

ARTICLE 2: I move that the Town amend the following line items of the Fiscal Year 2023 Town Budget by adding the following additional amounts

Account #	Description	
141-5200	Assessors Purchase of Services	\$60,000.00
162-5100	Elections Salaries	\$8,000.00
162-5400	Elections Supplies	\$5,000.00
244-5200	Sealer of Weights and Services	\$4,800.00
175-5123	Planning Intern Salary	\$2,688.00
	Total	\$80,488.00

And to pay for such amendments by transferring \$60,000.00 from line item 141-5120 Assessors Salaries, transferring \$2,688.00 from line item 175-5700 Planning Dept Other Charges and raising \$17,800.00 from taxation.

Recommended by: Board of Selectmen Yes 5 No
Finance Committee Yes 3 No
Town Manager Yes X No

Article 3. I move pursuant to MGL Chapter 41, Section 110A, that the Office of the Town Clerk may remain closed on any or all Saturdays, and where the last day for performance of any act in any such office falls on a Saturday when said office is closed, the act may be performed on the next succeeding business day.

Recommended by: Board of Selectmen Yes 5 No
Finance Committee Yes No (Not financial)
Town Manager Yes X No

Explanation: Article 3 would have the Town adopt a State Law that allows the Town Clerk's office to be closed on Saturdays rather than remain open for voter registration. When the last day for registration falls on a Saturday, registration may be performed on the next business day.

Article 4. Motion to dismiss

Article 5. I move that the Town amend the Zoning Bylaw to alter the district boundary of the Residential Business (RB) Zoning District at 256 West Street (a property currently split into two separate zoning districts) as indicated on the map shown at the Planning Board Public Hearing on November 3, 2022 and included in the Town Meeting packet.

Recommended by: Board of Selectmen Yes 4 No 1
Finance Committee Yes 3 No
Town Manager Yes X No
Planning Board Yes 5 No

Explanation : Article 5 is a zoning bylaw amendment that would change a zoning district on a parcel on West Street. This change would allow the development of a larger business on the property. See Planning Board recommendation on following page.



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 118

rwatchilla@townofware.com

To: Town Meeting (STM November 14, 2022)

From: Planning Board

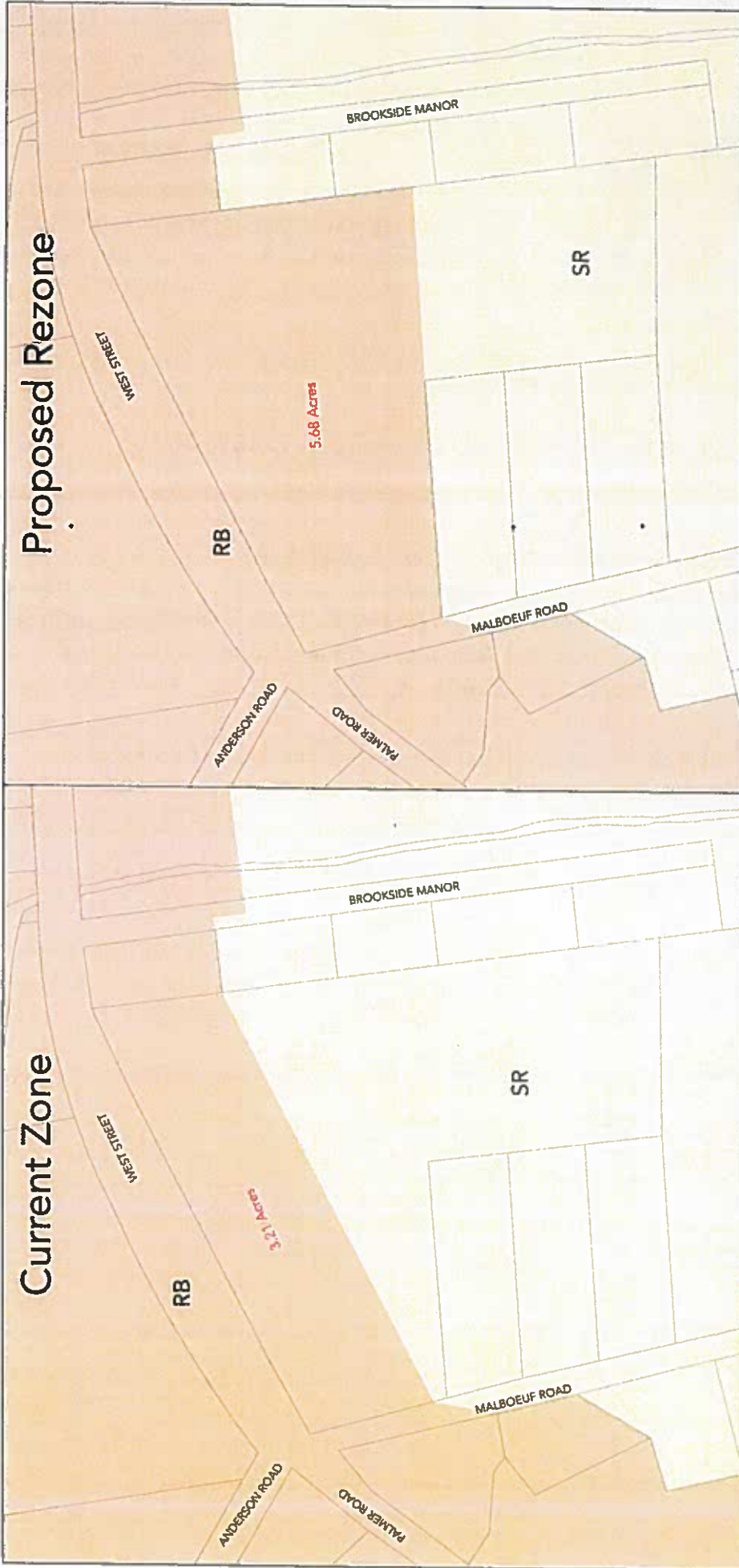
Robert Watchilla, *Director of Planning & Community Development*

Date: November 3, 2022

Article V (Residential Business [RB] District Boundary Alteration):

The Ware Planning Board voted on Thursday, November 3, 2022, to recommend the proposed Article V (Residential Business [RB] District Boundary Alteration) at the Special Town Meeting occurring on November 14, 2022.

The following is a proposed alteration to the Residential Business (RB) District Boundary (see attached map):

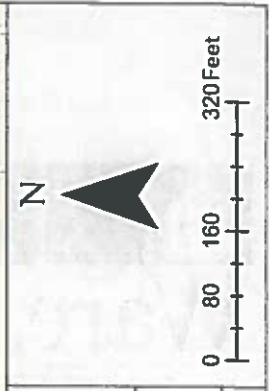


RB Zoning Boundary Change Map

Proposed Zoning District Alteration of the Residential Business (RB) District

Coordinates: 72°15'56"W 42°14'52"N Location: 256 West Street, Ware, MA

2022



Article 6

I move that the Town amend the Zoning Bylaw to include language in the Zoning Bylaw prohibiting the use of Contaminated Sediments and Soil as Fill Material (otherwise known as Urban Fill), and amending sections 2.2 (Definitions), 4.7 (Prohibited Uses), and 4.9.2 (Aquifer Protection) of the Zoning Bylaws as presented at the Planning Board public hearing on November 3, 2022 and included in the Town Meeting packet.

Recommended by:	Board of Selectmen	Yes <u>5</u>	No <u> </u>
	Finance Committee	Yes <u> </u>	No <u>Not financial</u>
	Town Manager	Yes <u>X</u>	No <u> </u>
	Planning Board	Yes <u>5</u>	No <u> </u>

Explanation Article 6 is a zoning amendment to regulate the use and disposal of contaminated soils (urban fill), created from construction and cleanup sites, including areas where it will be prohibited. See attached language and Planning Board recommendation on following page.

Article 7. Motion to dismiss.

Article 7 which would have considered a Scenic Road Bylaw will be dismissed until the Spring Town Meeting.



TOWN OF WARE

Planning & Community Development
126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 118 rwatchilla@townofware.com

To: Town Meeting (STM November 14, 2022)

From: Planning Board

Robert Watchilla, *Director of Planning & Community Development*

Date: November 3, 2022

Article VI (The Prohibition on the Use of Contaminated Sediments and Soils as Fill Material [Urban Fill]):

The Ware Planning Board voted on Thursday, November 3, 2022, to recommend the proposed Article VI (The Prohibition on the Use of Contaminated Sediments and Soils as Fill Material [Urban Fill]) at the Special Town Meeting occurring on November 14, 2022.

The following are proposed changes to Zoning Bylaws:

- **§2.2: Definitions**
 - Addition of "Contaminated Sediments":
 - *Contaminated Sediments – Sediments containing oil and/or hazardous material associated with a release for which notification is required by 310 CMR 40.0300 and 40.1600.*
 - Addition of "Contaminated Soils":
 - *Contaminated Soils - Soil containing oil and/or hazardous material at concentrations equal to or greater than a release notification threshold established by 310 CMR 40.0300 and 40.1600.*
 - Addition of "Fill Material":
 - *Soil, sediments, rock and/or stone obtained off-site that is used to fill holes or depressions, create mounds, or otherwise artificially change the grade or elevation of real property.*
 - Addition of "Historic Fill":
 - *Historic Fill - Fill Material that based on the weight of evidence and consistent with the Conceptual Site Model (see 310 CMR 40.0006):*

- (a) was emplaced before January 1, 1983;
 - (b) may contain, but is not primarily composed of, construction and demolition debris, reworked soils, dredge spoils, coal ash, wood ash or other solid waste material;
 - (c) was contaminated with metals, hydrocarbons, and/or polycyclic aromatic hydrocarbons prior to emplacement, at concentrations consistent with the pervasive use and release of such materials prior to 1983;
 - (d) does not contain oil or hazardous materials originating from operations or activities at the location of emplacement;
 - (e) is not and does not contain a generated hazardous waste, other than Oil or Waste Oil;
 - (f) does not contain chemical production waste, manufacturing waste, or waste from processing of metal or mineral ores, residues, slag or tailings; and
 - (g) does not contain waste material disposed in a municipal solid waste dump, burning dump, landfill, waste lagoon or other waste disposal location.
- **§4.7: Prohibited Uses**
 - Addition of §4.7.F:
 - *"The use of Contaminated Sediments and Contaminated Soils as Fill Material (see §2.2) to fill holes or depressions, create mounds, or otherwise artificially change the grade or elevation of real property."*
 - **§4.9.2: Aquifer Protection**
 - Addition of §4.9.2.C.2.b:
 - Prohibited Uses:
 - disposal of leachable wastes with the exception of subsurface waste disposal systems approved through Title V;
 - *The use of Contaminated Sediments and Contaminated Soils as Fill Material (see §2.2) to fill holes or depressions, create mounds, or otherwise artificially change the grade or elevation of real property.*

Article 8

To see if the Town will vote to change the position of Tree Warden to an appointed position, pursuant to MGL Chapter 41, Section 106, and further, to authorize the Selectboard to provide for the appointment of such office for a term not to exceed three years, unless otherwise provided by law, or take any other action related thereto.

Recommended by: Board of Selectmen Yes 4 No 1 abstain
Finance Committee Yes No Not financial
Town Manager Yes X No

Explanation for Articles 9, 10 and 11 are related to providing matching funds for grants. Article 9 is related to a grant for improvements to Memorial Field including a restored basketball court, site improvements and field irrigation. The grant is for \$86,000 and will be matched by a request for \$34000.

Article 10 would support a grant for studying water supply lines to homes for lead content. The grant funds would support study and a plan to address any lines with lead. The Total request is \$200,000 which will be reduced by the grant funds.

Article 11 supports a grant to review the assets and facilities at the Wastewater Treatment Plant. The total project is \$175,000 with the Town cash share being \$35,000.

Article 9

I move that the Town (a) appropriate \$120,000.00 from free cash for the purpose of planning, designing, improving, renovating and/or equipping, including, but not limited to, irrigation, a reconstructed basketball court with lights and furniture, at the park known as Memorial Field, at 31 Monroe Street, containing a total of four acres of land, more or less, and identified on Assessors Map 57 as Lot 62 , including, without limitation all costs incidental or related thereto; (b) transfer the care, custody and control of the Memorial Park to the Ware Parks Commission for, and to dedicate said Park to park and active recreation purposes under the provisions of G.L. Chapter 45, Section 3; and (c) authorize the Board of Selectmen and/or its designee to apply for and accept on behalf of the Town funds granted under the PARC Grant Program and/or any other funds, gifts, grants, under

any federal and/or other state program in any way connected with the scope of this article, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing project.

Recommended by: Board of Selectmen Yes 5 No
Finance Committee Yes 3 No
Town Manager Yes X No

Article 10

I move that the Town appropriate the sum of \$200,000 from Water Enterprise Reserves for the purpose of funding a lead service line inventory and development of a replacement plan, including all costs incidental or related thereto, and further, to authorize the Selectboard and Town officers to take all related actions necessary or appropriate to carry out the purpose of this article, including the execution of contracts in excess of three years to undertake or assist with the inventory and plan, and the submission, on behalf of the Town, of any and all applications deemed necessary for grants and/or reimbursements from any state or federal programs and to receive and accept such grants or reimbursements for this purpose.

Recommended by: Board of Selectmen Yes 5 No
Finance Committee Yes 3 No
Town Manager Yes X No

Article 11

I move that the Town appropriate the sum of \$175,000 from free cash for the Ware Wastewater Asset Management Project which was submitted to be on the Massachusetts 2023 Drinking Water State Revolving Fund Asset Management Planning Project List. If awarded the grant by MassDEP, the total project cost of \$175,000 is comprised of a \$105,000 grant (60% of the total project cost) which the Town will be reimbursed for in two payments of approximately \$52,500 each at approximately the 50% and 100% project completion stage by MassDEP and the Massachusetts

Clean Water Trust. The balance of the project will be comprised of in-kind services provided by Town valued at \$35,000 and a cash contribution valued at \$35,000; and to authorize the Selectboard and Town officers to take all related actions necessary or appropriate to carry out the purpose of this article, including the execution of contracts in excess of three years to undertake or assist with said assessment, and the submission, on behalf of the Town, of any and all applications deemed necessary for grants and/or reimbursements from any state or federal programs and to receive and accept such grants or reimbursements for this purpose.

• Recommended by: Board of Selectmen Yes 5 No
Finance Committee Yes 3 No
Town Manager Yes X No

Article 12 Motion to Dismiss

Article 13 I move that the Town establish the Opioid Settlement Stabilization Account in accordance with M.G.L. Chapter 40, Section 5B, said Stabilization Fund is being established for the purpose of future expenditures related to opioid recovery, and that funds received from the Opioid Settlement be deposited in this Stabilization Account effective for Fiscal Year 2023 beginning on July 1, 2022.

Recommended by: Board of Selectmen Yes 5 No
Finance Committee Yes 3 No
Town Manager Yes X No

Explanation : Article 13 will establish the Opioid Settlement Stabilization Account for funds received from the national Opioid Settlement . Ware will receive over \$400,000 over the next 20 years. The funds are to be used to address the impacts of opioids.

Article 14

I move that the Town appropriate \$370,000.00 to purchase a 10-wheel dump truck for the Department of Public Works, and to meet said appropriation by transferring \$370,000.00 from Free Cash.

\$370,000 from Free Cash.

Recommended by: Board of Selectmen Yes 5 No
Finance Committee Yes 3 No
Town Manager Yes X No
Capital Planning Yes 5 No

Explanation : Highway 10 Wheel Dump Truck #H-3 has been previously listed on the Long-Term Capital Plan for a capital funding request for replacement to be submitted in the spring of 2023, for FY 2024 funding. H-3 is a 2009 Freightliner Model L9500 with 90,000+ Miles and 8,500+ hours. The truck chassis and the all-season dump body have severely deteriorated, rusting through in some sections, additionally the mechanicals practically the engine have become problematic as well. The engine easily overheats despite of the extensive cooling system repairs and component replacements that have been done. We believe as originally programed it should be replaced before the winter of 2023/24, unfortunately the lead time for an equivalent replacement 10 Wheel Dump Truck with Plow is currently approximately twelve (12) months at an estimated cost of \$370,000.

