

ATTACHMENT 1

**SPECIAL AND ANNUAL TOWN
MEETING**

TOWN OF WARE

MONDAY, MAY 9, 2022

**6:30PM SPECIAL TOWN MEETING
7:00PM ANNUAL TOWN MEETING**

**@ WARE JUNIOR SENIOR HIGH
SCHOOL**



WARRANT FOR ANNUAL TOWN MEETING
TOWN OF WARE
COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE, ss

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

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn all of the inhabitants of the Town of Ware, Precincts A, B and C qualified to vote on Town affairs to meet at the Ware High School Auditorium, 237 West Street Ware, Massachusetts on Monday May 9, 2022, at six thirty o'clock in the evening (6:30 PM), then and there to act on the following articles:

Fiscal Year 2022

ARTICLE 1. To see if the town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money to pay unpaid bills from prior fiscal years, or take any other action relative thereto.

- \$4,929 Free Cash

Recommended by:	Board of Selectmen (5)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Finance Committee (4)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Town Manager	<input type="checkbox"/> Yes	<input type="checkbox"/> No

ARTICLE 2: To see if the Town will vote to amend or adjust any of the line items of the Fiscal Year 2022 Town Budget, including debt and interest, and to determine what sums of money the Town will appropriate for any such adjustments or amendments and to determine the manner of meeting said appropriation, whether by transfer from available funds, transfer from other items or appropriations, borrowing, or any other means or combination thereof, or take any other action relative thereto.

- Snow & Ice, Cameras from available funds
- Snow and Ice- \$22,500
- Camera's - \$30,830

Recommended by:	Board of Selectmen (5)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Finance Committee (4)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Town Manager	<input type="checkbox"/> Yes	<input type="checkbox"/> No

ARTICLE 3. To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money to be expended for the purchase of a Portable restroom, including all costs incidental and related thereto, or take any other action relative thereto.

- \$32,000 Free Cash

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

ARTICLE 4. To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds to fund the Other Post-Employment Benefits (OPEB) Liability Trust Fund; or take another action relative thereto.

- \$500,000 Free Cash

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

ARTICLE 5. To see if the Town will vote raise and appropriate, borrow and/or transfer from available funds a sum of money for the Stabilization Fund, or take any other action relative thereto.

- \$200,000 Free Cash

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

ARTICLE 6. To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money for the Capital Stabilization Fund, or take any other action relative thereto.

- \$200,000 Free Cash

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

Fiscal Year 2023

Consent Articles (7-14)

Article 7. To see if the Town will vote to accept the reports of Town Boards, Committees and Departments as presented in the Annual Town Report, or take any other action relative thereto.

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) 4 **Yes** **No**
Town Manager **Yes** **No**

Article 8. To see if the Town will vote to authorize the Treasurer/Tax Collector with the approval of the Board of Selectmen to enter into compensating balance agreements during Fiscal Year 2023 as permitted by Massachusetts General Laws, Chapter 44, §53F, or take any other action relative thereto.

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) 4 **Yes** **No**
Town Manager **Yes** **No**

Article 9. To see if the Town will vote 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 the Grant Agreement or take any action relative thereto.

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) 4 **Yes** **No**
Town Manager **Yes** **No**

Article 10. To see if the Town will vote to accept all State and Federal Educational Grants in any amount as may be awarded for the direct educational expenditures for Fiscal Year 2023 to be expended by the Pathfinder Regional Vocational Technical High School District or take any other action relative thereto.

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) 4 **Yes** **No**
Town Manager **Yes** **No**

Article 11. To see if the Town will vote to accept all State and Federal Educational Grants in any amount as may be awarded for the direct educational expenditures for Fiscal Year 2023 to be expended by the Ware Public Schools or take any other action relative thereto.

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

Article 12. To see if the Town will authorize the Board of Selectmen and Town Manager to apply for, accept and expend any grants or donations from State or Federal governments or private agencies, individuals or institutions, or take any other action relative thereto.

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

Article 13. To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money to be expended for road repairs, including all costs incidental and related thereto, in anticipation of reimbursement by the Commonwealth of Massachusetts Highway Department under the Chapter 90 State Highway Aid Program or take any other action relative thereto.
\$421,861

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

Article 14. To see if the Town will vote to establish spending limits for the Town's revolving funds as established by the Town's General Bylaws, Revolving Funds, for certain Town departments under Massachusetts General Laws, Chapter 44, §53 E ½ for the fiscal year beginning July 1, 2022 or take any other action relative thereto.

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

Article 15. To see if the Town will vote to fix the salaries of the several Elected Officers of the Town for the Fiscal Year 2023 and to determine whether any Town Board, Commission or Committee shall be authorized to employ any of its members for additional salary or compensation, or take any other action relative thereto.

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) 3 **Yes** **No**
Town Manager **Yes** **No**

Devin abstained because he holds a position that may be impacted.

Article 16. To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money to operate the Water Enterprise during Fiscal Year 2023 or take any other action relative thereto.

- Budget total 1,040,554

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) 4 **Yes** **No**
Town Manager **Yes** **No**

Article 17. To see if the Town will vote raise and appropriate, borrow and/or transfer from available funds a sum of money to operate the Sewer Enterprise during Fiscal Year 2023 or take any other action relative thereto.

- Budget total 793,280, and revenue from taxes 160,320

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) 4 **Yes** **No**
Town Manager **Yes** **No**

Article 18. To see if the Town will vote to determine what sums of money the Town will raise and appropriate including appropriations from Available Funds of whatever type, to defray the charges and expenses of the Town including Debt and Interest for Fiscal Year 2023 or take any other action relative thereto.

- Total Budget 33,170,045 - 4-Yes
- Motion by Lynn to Reduce EMS budget for 2 new positions in the amount of \$70,000, second by Devin
Yes- Lynn, Devin
No- Ken, Terry
- Motion by Lynn to increase Building Inspector budget by \$15,000 to fund part-time, 19 hour building inspector position. Second by Devin.

Yes- Lynn, Devin, Ken, Terry

Article 19. To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money to fund the Employee Compensated Absences Reserve Fund; or take any other action relative thereto.

- \$35,000 from Free Cash

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

Article 20. To see if the Town will vote to amend the Town’s General Bylaws by : (1) adopting the Vacant/Blighted Property bylaw as on filed with the Town Clerk and (2) rescinding the Unkempt Property bylaw adopted by Town Meeting on May 12, 2014, or take any other action relative thereto

Recommended by: **Board of Selectmen (5)** **Yes** **No** No Vote
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

Article 21. To see if the Town will vote to amend the Town’s Zoning Bylaw by amending or adding to Section §1 (General Provisions), §2 (Definitions), §4.2 (Use Table), §4.3 (Operational Standards), §7.5 (Enforcement), Section 4.8.5, The Earth Removal Bylaw , and the Marijuana Bylaw (§4.8.8). as presented at a Public Hearing on April 7, 2022 as on file with the Town Clerk and available on the Town’s website; or to take any action related thereto.

Recommended by: **Board of Selectmen (5)** **Yes** **No** No Vote
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**
Planning Board **Yes** **No**

Article 22.

To see if the Town will vote to amend the Town’s Zoning Bylaws to add a new Section 4.8.3.H: Temporary Moratorium on the Siting of Large-Scale Solar Battery Storage Facilities, as follows, or take any action relative thereto:

H.1. PURPOSE

The Town of Ware recently has been the target of interest for the construction of large-scale solar battery storage facilities. The regulation of large-scale solar battery storage facilities raises complex legal, planning, and public safety issues, and the Town needs time to study and consider their regulation and address these issues.

The Town intends to adopt a temporary zoning moratorium on the use of land and structures in the Town for large-scale solar energy facilities so as to allow the Town to address the effects of such structures and uses in the Town, and to enact bylaws in a manner consistent with sound land use planning goals and objectives. During the moratorium, the Town will undertake a planning process to evaluate the impacts of large-scale solar battery storage facilities on the health, safety and welfare of Town residents and to consider appropriate amendments to its Zoning Bylaw to address said impacts, in accordance with state and federal law.

H.2. DEFINITION

A “large-scale solar battery storage facility” shall mean a facility, including all structures and components used in connection therewith, used to store energy produced by a solar system or systems having a total rated nameplate capacity of greater than 100kW, whether such facility may be accessory to other use, including a solar system, or is a separate land use

H.3. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for large-scale solar battery storage facilities in Town. The moratorium shall be in effect through June 30, 2023 or the date on which the Town adopts amendments to the Zoning Bylaw regulating large-scale solar battery storage facilities, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address what revisions to the Zoning Bylaw relative to large-scale solar battery storage facilities are needed or desirable to allow for and regulate such use consistent with protecting the Town's natural resources and furthering its planning goals.

Recommended by:	Board of Selectmen (5)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	No Vote
	Finance Committee (4)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Town Manager	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Article 23

(by petition) To see if the Town will vote to amend Article 5 of the Town of Ware, Massachusetts Home Rule Charter as follows:

5-10 Housing Authority. The Ware Housing Authority will consider of five (5) members, and they shall serve for five (5) year staggered terms. Four (4) members shall be appointed by the Town Manager subject to the approval of the Board of Selectman. One (1) member shall be appointed by the Commonwealth of Massachusetts. The Ware Housing Authority shall have all the powers that are conferred upon a housing authority by state law, and such additional duties and powers as may be provided by Charter, by-law, or otherwise, and not inconsistent with said grant of powers conferred by state law.

And to amend Article 7 of the Town of Ware, Massachusetts Home Rule Charter as follows. 7-6 Housing Authority. Repealed.

Recommended by:	Board of Selectmen (5)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	No Vote
	Finance Committee (4)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Town Manager	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Article 24.

To see if the Town will vote to raise and appropriate, borrow, and/or transfer a sum of money for the Town’s share of the purchase and equipping of a Regional Animal Control Shelter, including all costs incidental and related thereto, or take any other action relative thereto.

- \$100,000 from Free Cash

Recommended by:	Board of Selectmen (5)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Finance Committee (4)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Town Manager	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Article 25

To see if the Town will vote to accept the fourth paragraph of G.L. c. 40, Sec. 5B and, consistent with the authority set forth therein, to establish a special purpose stabilization fund to be known as the Road Repair Stabilization Fund, the purpose of which is to appropriate funds to offset the yearly tax levy and further, to dedicate 50% of the of the adult use marijuana local excise tax imposed by the Town pursuant to G.L. c.64N, §3 and/or or payments from marijuana host community agreements to the Road Repair Stabilization Fund, for a minimum of three years, effective for fiscal year 2023 beginning on July 1, 2022 or take any other action relative thereto.

Recommended by:	Board of Selectmen (5)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Finance Committee (4)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Town Manager **Yes** **No**

Article 26 To see if the Town will vote to establish the position of Tree Warden in accordance with MGL Chapter 41, Section 106 to be appointed by the Select Board, or take any other action related thereto.

Recommended by: **Board of Selectmen (5)** **Yes** **No** No Vote
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

Article 27 To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money to purchase and equip an ambulance for the Fire Department, or take any other action relative thereto

- \$390,000 from Free Cash

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**
Capital Planning **Yes** **No**

Article 28 To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money to be purchase a snowblower for the Department of Public Works, or take any other action relative thereto.

- \$180,000 from Free Cash

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**
Capital Planning **Yes** **No**

Article 29 To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money to be purchase and outfit a tractor for the Parks Department including all costs related and incidental thereto, or combination thereof, or take any other action relative thereto.

- \$75,000 from Free Cash

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

Capital Planning **Yes** **No**

Article 30

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money for design, purchase and install a playground in Grenville Park including all costs related and incidental thereto for the Parks Department, or take any other action relative thereto.

- \$250,000 from Free Cash

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**
Capital Planning **Yes** **No**

Article 31

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money to design and purchase and install an updated Supervisory Computer And Data Acquisition (SCADA) system for the Water Department including all costs incidental and related thereto, or take any other action relative thereto.

- \$515,000 from Water Retained Earnings

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

Article 32

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money to purchase and install fire hydrants including all costs incidental and related thereto, or take any other action relative thereto.

- \$100,000 from Water Retained Earnings

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**
Capital Planning **Yes** **No**

Article 33

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money to update the operations and maintenance manual for the Water Pollution Control Plant including all costs incidental and related thereto, or take any other action relative thereto.

- DISMISS

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

Article 34.

To see if the town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money to fund the operations of the local and regional transportation service, the Quaboag Connector, or take any other action relative thereto.

- \$15,000 Free Cash No Vote- included in General Fund Budget

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **Yes** **No**
Town Manager **Yes** **No**

Article 35.

To see if the town will vote to appropriate and/or transfer a sum of money from funds raised from the Cannabis Impact fees to address impacts related to the impacts of marijuana use and establishments, or take any other action relative thereto.

- \$100,000 Free Cash

Recommended by: **Board of Selectmen (5)** **Yes** **No**
Finance Committee (4) **3 Yes** **1 No** **No- Terry**
Town Manager **Yes** **No**

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

Given under our hand at Ware this 5th day of April, 2022.

SELECTMEN OF WARE

Keith Kruckas

Thomas Barnes

John Morrin

Caitlin McCarthy

Nancy Talbot

HAMPSHIRE ss.

By virtue of this Warrant I have posted two attested copies; one at the Post Office, and one at the Town Hall. I have also caused to be posted one attested copy on the Ware website.

Signed this _____ Day of April 2022.

Constable of Ware