



Minutes of the Town of Wales

Annual Town Meeting

Wednesday, May 17, 2023

The Annual Town Meeting, held at the Wales Elementary School, was attended by 73 voters. A quorum of 4% or more people being present, the meeting was opened at 7:08 p.m. with a salute to the flag led by the Moderator, Mr. Michael Valanzola. A moment of silence was held for those who gave of themselves to promote life and liberty – our service members, public safety-first responders, and others. The Moderator thanked those who made the effort to attend the meeting. A motion was made and seconded to waive the reading of the warrant.

- ARTICLE 1** The Town voted to hear and act upon the reports and recommendations of Town Officers.
- ARTICLE 2** The Town voted to hear and act upon the reports and recommendations of Committees.
- ARTICLE 3** The Town voted to transfer from any available funds the sum of \$29.91 from the Town Offices Expense Account to the Board of Selectmen Unpaid Bills Account. The Moderator declared the vote unanimous.
- ARTICLE 4** The Town voted to transfer from any available funds the sum of \$863.20 from the Legal Services Account to the Legal Services Unpaid Bills Account. The Moderator declared the vote unanimous.
- ARTICLE 5** The Town voted to transfer from any available funds the sum of \$16.62 from the Fire Heating Account to the Fire Unpaid Bills Account. The Moderator declared the vote unanimous.
- ARTICLE 6** The Town voted to transfer from any available funds the sum of \$57.98 from the Highway Gas and Oil Account to the Highway Unpaid Bills Account. The Moderator declared the vote unanimous.
- ARTICLE 7** The Town voted to raise and appropriate the total sum of FIVE MILLION, FIVE HUNDRED AND EIGHTY-TWO THOUSAND, FIVE HUNDRED AND FORTY-TWO DOLLARS and ZERO CENTS (\$5,582,542.00) to defray expenses of the Town, on a departmental basis, for the fiscal year 2024 period; and further to fix the salary and compensation of the following elective officers of the Town of Wales, as provided by M.G.L. c. 41, § 108, as amended: Moderator, Selectmen, Assessors, Treasurer, Collector, Town Clerk, Planning Board and Board of Health for fiscal year 2024. Said sum to be raised as by property tax and other revenues for the sum of FIVE MILLION, FOUR HUNDRED AND TWENTY-SEVEN THOUSAND AND SEVEN DOLLARS and ZERO CENTS (\$5,427,007.00) and by transfer from Capital Stabilization Fund of ONE-HUNDRED FIFTY-FIVE THOUSAND, FIVE HUNDRED AND THIRTY-FIVE DOLLARS and ZERO CENTS (\$155,535.00). The Moderator declared the vote unanimous.
- ARTICLE 8** The Town voted to transfer the sum of \$4,000.00 from Certified Free Cash for an audit of the Town's finances, including any and all costs incidental and related thereto. The Moderator declared the vote unanimous.

- ARTICLE 9** The Town voted to transfer the sum of \$2,167.00 from Certified Free Cash for the Board of Assessors to undertake property revaluation, including any and all costs incidental and related thereto. The Moderator declared the vote unanimous.
- ARTICLE 10** The Town voted to transfer the sum of \$2,000.00 from Certified Free Cash for dam inspections, including any and all costs incidental and related thereto. The Moderator declared the vote unanimous.
- ARTICLE 11** The Town voted to transfer the sum of \$5,000.00 from Certified Free Cash to the Other Post-Employment Benefits Trust Fund. The Moderator declared the vote unanimous.
- ARTICLE 12** The Town voted to transfer the sum of \$500.00 from Certified Free Cash to the Wales Community Events Gift Account for the purpose of supporting Wales Olde Home Day, including any and all costs incidental and related thereto. The Moderator declared the vote unanimous.
- ARTICLE 13** The Town voted to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of revenue of the fiscal year beginning July 1, 2023, in accordance with the provisions of M.G.L. c. 44, § 4, and to renew any note or notes as may be given in accordance with the provisions of M.G.L. c. 44, § 17. The Moderator declared the vote unanimous.
- ARTICLE 14** The Town voted to authorize the Town Treasurer, with the approval of the Board of Selectmen, to enter into compensating balance agreements with bank offices having their principal offices in the Commonwealth during the fiscal year 2024, as permitted by M.G.L. c. 44, § 53F. The Moderator declared the vote unanimous.
- ARTICLE 15** The Town voted to accept any and all grant monies received during fiscal year 2024 for the Wales Public Library Grant Account, for the use of the Wales Public Library. The Moderator declared the vote unanimous.
- ARTICLE 16** The Town voted to reauthorize an Offset Receipt Account, said amount not to exceed ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) more or less, for the operation of the TRANSFER STATION provided, however, that pursuant to M.G.L. c. 44, § 53E, such costs shall be offset by the estimated receipts from the fees charged to users of the services provided by the transfer station. The Moderator declared the vote unanimous.
- ARTICLE 17** The Town voted to fix the maximum amount that may be spent during fiscal year 2024 beginning on July 1, 2023 for the revolving funds established in the General Bylaws, Chapter 3, Section 5 for certain departments, boards, committees, agencies or officers in accordance with M.G.L. c. 44, § 53E½, as follows:

Revolving Fund	Department, Board, Committee, Agency or Officer	Limit on Spending
Building Inspections	Building Commissioner	\$50,000.00
Plumbing, Heating and Gas Inspections	Plumbing/Heating/Gas Inspector	\$50,000.00
Cemetery Services	Cemetery Commission	\$3,000.00
Planning	Planning Board	\$3,000.00
Conservation	Conservation Commission	\$1,500.00
Zoning	Zoning Board	\$1,000.00
Animal Control	Animal Control Officer	\$2,000.00
Library	Library Trustees or Director	\$1,000.00
Board of Health	Board of Health	\$5,000.00
Electrical	Electrical Inspector	\$50,000.00
Police – Pistol Permits	Chief of Police	\$4,000.00

Council on Aging	Council on Aging	\$3,500.00
Highway – Driveway Permits	Road Commissioner	\$1,000.00

The Moderator declared the vote unanimous.

ARTICLE 18 The Town voted to appropriate the total sum of \$15,000.00 from the PEG Access and Cable Related Fund, said funds to be expended during the fiscal year commencing July 1, 2023 under the direction of the Cable Advisory Committee for necessary and expedient cable related purposes consistent with the license agreement, of which the sum of \$12,000.00 is the estimated license revenue to be received during FY2024 in accordance with the license agreement and the sum of \$3,000.00 shall be appropriated from the PEG Access and Cable Related Fund available balance. The Moderator declared the vote unanimous.

ARTICLE 19 The Town voted to transfer the sum of TWENTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$25,000.000) from Certified Free Cash to the General Stabilization Fund. The Moderator declared the vote unanimous.

ARTICLE 20 The Town voted to transfer the sum of SEVENTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$75,000.000) from Certified Free Cash to the Capital Stabilization Fund. The Moderator declared the vote unanimous.

ARTICLE 21 The Town voted to transfer the sum of \$61,500.00 from the General Stabilization Fund for the purpose of funding the first year of a multi-year Tax Map Maintenance Project, including any and all costs incidental and related thereto. The Moderator declared the vote unanimous.

ARTICLE 22 The Town voted to transfer the total sum of \$10,000.00 from the Capital Stabilization Fund for the purpose of funding the following capital purchases/projects, including all costs incidental and related thereto:

Department	Purchase/Project	Amount
Board of Selectmen	Information Technology	\$10,000.00

The Moderator declared the vote unanimous.

ARTICLE 23 The Town voted to borrow the sum of \$70,500.00 for the purchase and equipping of a vehicle for the Police Department and for the payment of all other costs incidental and related thereto; and that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum of money under M.G.L. c. 44 or any other enabling authority, and to issue bonds and notes therefore. The Moderator declared the vote unanimous.

ARTICLE 24 The Town voted to borrow the sum of \$75,000.00 for the purchase and equipping of a vehicle for the Highway Department and for the payment of all other costs incidental and related thereto; and that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum of money under M.G.L. c. 44 or any other enabling authority, and to issue bonds and notes therefore. The Moderator declared the vote unanimous.

A Motion was made to take Articles 25, 26 and 27 as a group, the motion was seconded and carried.

ARTICLE 25 The Town voted to amend the Zoning Bylaws by deleting Section 3.0 Flood Plain District in its entirety and replacing it with the following new Section 3.0 Flood Plain District. The Moderator declared the vote unanimous.

3.0 FLOOD PLAIN DISTRICT

3.0.1 Scope of Authority

The Flood Plain District, which is established by this bylaw, is an overlay district and shall be superimposed on the other districts. All regulations of the Wales Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Flood Plain imposes additional regulations, such regulations shall prevail.

3.0.2 District Delineation

Flood Plain District shall encompass all floodplain areas within the Town of Wales designated as Zone A or Zone AE on the Hampden County Flood Insurance Rate Map (FIRM).

3.0.3 Purposes

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury
- 2) Eliminate new hazards to emergency response officials
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- 5) Eliminate costs associated with the response and cleanup of flooding conditions
- 6) Reduce damage to public and private property resulting from flooding waters

3.0.4 Use of FEMA maps and supporting studies

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Wales designated as Zone A, AE, AH, AO, or A99 on the Hampden County Flood Insurance Rate Map (FIRM) dated June 7, 2023 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. These maps indicate the 1% chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Hampden County Flood Insurance Study (FIS) report dated June 7, 2023. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

3.0.5 Designation of Community Floodplain Administrator

The Town hereby designates the position Building Inspector to be the official floodplain administrator. The Building Inspector will be used as the point of contact with the NFIP and a resource for community projects proposed within the Floodplain.

3.0.6 Permits are required for all proposed development in the Floodplain Overlay District

A permit is required for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties. The Town's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district.

3.0.7 Assure that all necessary permits are obtained

The Town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits and must demonstrate that all necessary permits have been acquired.

3.0.8 Use Regulations

1) Compliance

All development, including structural and non-structural activities, whether permitted as a right or by special permit must be in compliance with the Massachusetts Wetlands Protection Regulations (currently 310 CMR 10.00), the Massachusetts Inland Wetlands Restrictions (currently 310 CMR 13.00) Chapter 131, Section 40 of the Massachusetts General Laws, with the requirements of the State Building Code (780 CMR) pertaining to construction in the floodplain, and with the Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, (currently 310 CMR 15, Title 5).

2) Permitted Uses

The following uses of low flood damage potential and if causing no obstruction of flood flows, shall be permitted provided they do not require structures, fill, or storage of materials or equipment:

- a. Agricultural uses such as farming, grazing, truck farming, and horticulture;
- b. Forestry and nursery uses;
- c. Outdoor recreational uses, including fishing, boating, play areas, etc;
- d. Conservation of water, plants, wildlife;
- e. Wildlife management areas, foot, bicycle and/or horse paths;
- f. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises;
- g. Buildings lawfully existing prior to the adoption of these provisions;
- h. Reconstruction or improvement, provided that any square foot increase does not exceed 25% of the overall square footage of the structure existing at the time of adoption of this Bylaw and in accordance with the MA state building code regulations for Substantial Improvement.

3) Prohibited Uses

- a. The following uses shall be prohibited within the Flood Plain District:
 1. Industrial uses;
 2. Junkyards, solid waste landfills, auto salvage and recycling facilities, and dumps;
 3. Business and industrial uses, not agricultural, involving manufacture, use, processing, storage or disposal of hazardous materials or wastes as a principal activity, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning and auto body repair;
 4. The outdoor storage of salt, other de-icing chemicals, pesticides or herbicides, flammable, explosive or toxic materials;
 5. Excavation or disposal of soil or mineral substances, except as necessary for construction of foundations, utilities or roads;
 6. All other uses not specifically permitted or allowed by special permit approval within the overlay zone are prohibited.
- b. Within the regulatory floodway within the Town of Wales, as designated on the Hampden County Flood Insurance Rate Map, all structures and dams shall be prohibited.

3.0.9 Floodway encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM, encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed

in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3.0.10 Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

3.0.11 AO and AH zones drainage requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

3.0.12 Flood Plain Performance Standards

The following performance standards shall apply to all uses allowed by right or by Special Permit in the Flood Plain District:

- 1) No encroachments (including fill, new construction, improvements to existing structures, or other development) shall be allowed unless it is demonstrated by the applicant that the proposed development, as a result of compensating actions, will not result in any increase in flood levels during the occurrence of a 100-year flood.
- 2) All utilities shall meet the following standards:
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - b. New on-site waste disposal systems shall be located to avoid impairment or contamination from them during the flooding and shall be located no less than 150 feet from the normal high-water mark. Replacement of existing on-site waste disposal systems shall be located as far away from the normal high-water mark as is feasible.
- 3) All uses not specifically permitted or allowed by Special Permit are prohibited.
- 4) Any lawful use, building, structure, premises, land or parts thereof existing at the effective date of this Bylaw or amendments thereof and not in conformance with the provisions of this Bylaw shall be considered a nonconforming use.

3.0.13 Subdivision proposals

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

- 1) Such proposals minimize flood damage.
- 2) Public utilities and facilities are located & constructed so as to minimize flood damage.
- 3) Adequate drainage is provided.

3.0.14 Base flood elevation data for subdivision proposals

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

3.0.15 Recreational vehicles

In A1-30, AH, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

3.0.16 Watercourse alterations or relocations in riverine areas

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- 1) Adjacent Communities, especially upstream and downstream
- 2) Bordering States, if affected
- 3) NFIP State Coordinator
 - Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th Floor, Boston, MA 02114
- 4) NFIP Program Specialist
 - Federal Emergency Management Agency, Region I
99 High Street, 6th Floor, Boston, MA 02110

3.0.17 Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- 1) NFIP State Coordinator
 - Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th Floor, Boston, MA 02114
- 2) NFIP Program Specialist
 - Federal Emergency Management Agency, Region I
99 High Street, 6th Floor, Boston, MA 02110

3.0.18 Variances to building code floodplain standards

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

3.0.19 Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if:

1) good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

3.0.20 Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

3.0.21 Disclaimer of liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

3.0.22 Severability section

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

ARTICLE 26 The Town voted to amend the Zoning Bylaws by adding the following definitions to the new Section 3.0 Flood Plain District. The Moderator declared the vote unanimous.

Development. Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

Historic Structure. Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an approved state program as determined by the Secretary of the Interior or
 - 2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

New Construction. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

Recreational Vehicle. A vehicle which is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;

- c) Designed to be self-propelled or permanently towable by a light duty truck; and
- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

Regulatory Floodway. See Floodway

Special Flood Hazard Area. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, or AH. [Base Code, Chapter 2, Section 202]

Start of Construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

Substantial Repair of a Foundation. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

Violation. The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ARTICLE 27 The Town voted to amend Section IX Definitions of the Zoning Bylaws by inserting the text indicated (**bolded and underlined**) below. The Moderator declared the vote unanimous.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation- **more than a designated height.** [Base Code, Chapter 2, Section 202]

Structure. A combination of materials assembled at a fixed location to give support or shelter, such as' a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, mast for radio antenna, or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof." **For floodplain management purposes, structure shall mean a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]**

Variance. Such departure from the terms of this Bylaw relating to structures, front yard, side yards, frontage requirements and/or lot size as the board of appeals, upon appeal in specific cases, is empowered to authorize under the terms of Section VIII. A variance is granted because strict enforcement of the zoning by-law as it applies to a specific lot would

cause an undue hardship and present site-specific practical difficulties that are not relevant to other lots in the district. Use variances are not permitted. **For Floodplain Management purposes a variance means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]**
Sponsored by the Planning Board

ARTICLE 28 The Town voted to authorize the Board of Selectmen to petition the General Court for enactment of special legislation, as set forth below, to change the position of Road Commissioner from an elected position to a DPW Director position appointed by the Board of Selectmen; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition. The Moderator declared the vote unanimous.

AN ACT AUTHORIZING THE TOWN OF WALES TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS

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

SECTION 1 Notwithstanding any general or special law, rule or regulation to the contrary, there shall be a department of public works in the Town of Wales. The board of selectmen shall appoint a department of public works director, to serve at its discretion, and may remove the director after opportunity for a hearing. The director shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town road commissioners. Additionally, the department shall exercise the powers and duties of public works operations of the town not assigned to other departments of the town. The board of selectmen may establish an employment contract, subject to annual appropriation, with the director for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 2 The department of public works established by section 1 of this act may, by bylaw, be granted additional operational powers and duties; provided, however, that all policy making functions assigned to a particular officer or board by statute shall remain the responsibility of such officer or board. Such operational powers and duties could include, but not be limited to: park and recreation construction and maintenance; tree and moth; building and grounds maintenance at municipal buildings, excluding the school department; other related construction and operations assigned from time to time by bylaw as the town meeting considers necessary or desirable.

SECTION 3 Upon the effective date of this act, the elected office of road commissioner shall be abolished and the term of the incumbent of such office terminated. Notwithstanding the foregoing, the elected incumbent holding the office of road commissioner on the effective date of this act shall serve as the first appointed road commissioner and perform the duties of such office until the expiration of the term for which the town road commissioner was elected or sooner vacates the office and until a director is appointed by the board of selectmen in accordance with section 1 of this act.

SECTION 4 No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected office of road commissioner or the creation of the appointed office of department of public works director who shall be the lawful successor of the office so abolished. All records, property and equipment of the offices of the elected road commissioner shall, by operation of law, be assigned to the office of the appointed department of public works director as of the effective date of this act.

SECTION 5 This act shall take effect upon its passage.

ARTICLE 29 (150) voters came to the WALES SENIOR CENTER, 85 Main Street, Wales, MA on **Wednesday, the 24th day of May, 2023 from 12:00 pm until 8:00 pm**, and cast their vote on a ballot for the election of the following officers:

John A. Grasso to Board of Select member for a three-year term (2026)
Leis Phinney to Board of Assessor member for a three-year term (2026)
Jason Oney to Planning Board member for a three-year term (2026)
Danelle LaFlower to Planning Board member for a two-year term (2025)
Daniel J. Haley Board of Health member for a three-year term (2026)
Ashley Gallant to School Committee member for a three-year term (2026)
Kevin Jegelewicz to Constable for a three-year term (2026)
Wilfred J. Anair Jr. to Cemetery Commissioner for a three-year term (2026)
Lisa M. Sheridan to Library Trustee for a three-year term (2026)

The meeting adjourned at 8:07 PM.

I certify that these are the actions taken by the voters at the Annual Town Meeting held on May 17, 2023 at Wales Elementary School.

Respectfully submitted,
Sarah Ryan
Town Clerk