Town of Sandwich
Special Town Meeting

WARRANT

Monday, November 16, 2015
7:00 p.m. – Sandwich High School

BOARD OF SELECTMEN
Frank Pannorfi, Chair
Susan James, Vice-Chair
Peter Beauchemin
R. Patrick Ellis
Ralph A. Vitacco

MODERATOR
Garry N. Blank

FINANCE COMMITTEE
Linell M. Grundman, Chair
Robert Guerin, Vice-Chair
Michael Dwyer
Thomas R. Hickey
James Lehane
Gene Parini
Richard Reilly
Mark Snyder
Matthew Terry
November 16, 2015 – Special Town Meeting
Index of Warrant Articles

1. Additional Appropriation for Town Neck Beach Reconstruction Project (p. 3)
2. School Department Additional FY’16 Ch. 70 Appropriation (p. 3)
3. Fire Department Ambulance Appropriation from Ambulance Fund (p. 4)
4. Golf Department Capital Appropriation from Enterprise Fund (p. 4)
5. Zoning By-laws: Various Sections – Ground Mounted Solar Overlay District in BL-1 (p. 4)
6. Petition Article: Enforcement of Alleged Violation of Old King’s Highway Regional Historic District Act (p. 6)

Reference Material & Volunteer Application Form:

1. A Glossary of Commonly Used Terms (p. 8)
2. Table of Basic Points of Motion (p. 11)
3. Town of Sandwich Talent Bank Application (p. 12)

NOTE: Petition articles have been printed as submitted and may contain typographic and other errors.
TOWN OF SANDWICH  
2015 SPECIAL TOWN MEETING  
November 16, 2015  

Warrant  

Barnstable, ss.  

To the Constables of the Town of Sandwich, in the County of Barnstable,  

GREETINGS:  

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sandwich qualified to vote in elections and Town affairs to meet at the Sandwich High School, 365 Quaker Meetinghouse Road, in said Sandwich on  

Monday, November 16, 2015, at 7:00 p.m.,  

then and there to act on the following articles.  

ARTICLE 1  
To see if the Town will vote to raise and appropriate, transfer from available funds including without limitation a transfer from the Community Preservation Fund – Open Space and Recreation Program, or borrow under General Laws Chapter 44 or 44B, or any other enabling authority, a sum of money to be expended under the direction of the Board of Selectmen, for the purpose of designing and constructing a beach renourishment, restoration and resiliency project on Town Neck Beach east of Wood Avenue Extension, including professional services, and any other costs incidental and related thereto; and further to amend the vote taken under Article 1 of the August 31, 2015 Special Town Meeting by deleting the following: “provided further that such borrowing authorization shall be reduced by any federal or state grants that may be received by the Town for the project”; or take any other action relative thereto.  

Recommended by the Board of Selectmen.  

ARTICLE 2  
To see if the Town will vote to amend the vote taken under Article 2 of the May 4, 2015 Annual Town Meeting for the FY’16 School Department budget, account number 300, by raising and appropriating the additional sum of $74,425.00, or any other amount, for such purposes, or take any action relative thereto.  

Recommended by the Board of Selectmen and Finance Committee.
ARTICLE 3
To see if the Town will vote to transfer and appropriate the sum of $250,000.00, or any other amount, from the Ambulance Fund, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing an ambulance and related supplies and equipment for the Fire Department, or take any action relative thereto.

Recommended by the Board of Selectmen, Finance Committee, and Capital Improvement Planning Committee.

ARTICLE 4
To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53F½ to raise and appropriate or transfer from available funds a sum of $70,000.00, or any other amount, from the Golf Enterprise Fund to be expended under the direction of the Board of Selectmen, for the purpose of completing extraordinary repairs and improvements to the Sandwich Hollows Golf Club clubhouse and golf course and for replacing maintenance and capital equipment for Sandwich Hollows Golf Club operations, or take any action relative thereto.

Recommended by the Board of Selectmen, Finance Committee, and Capital Improvement Planning Committee.

ARTICLE 5
To see if the Town will vote to amend the Sandwich Protective Zoning By-laws to create a Ground Mounted Solar Overlay District, by amending Article II, Use and Intensity Regulations, Section 2100, Establishment of Districts by adding a new subsection p. to Section 2110 and the additional language to the end of Section 2110, as follows:


Ground Mounted Solar Overlay District, as described in Section 4180 is herein established as an overlay district, shall be considered to be superimposed over any other district established by this by-law. Land in the Ground Mounted Solar Overlay District shall be subject to the requirements of Section 4180.

AND FURTHER,
To see if the Town will vote to amend the Sandwich Protective Zoning By-laws Section 2210, Use Regulation Schedule, by adding Note 25 highlighted in bold, as follows:

Industrial/Utility Uses, Solar Photovoltaic Installation, Large-Scale Ground-Mounted (22)

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
<th>VIL</th>
<th>BL-1</th>
<th>B-2</th>
<th>FLEX</th>
<th>IND</th>
<th>MAR</th>
<th>RD</th>
<th>S</th>
<th>GD</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>S</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>S</td>
<td>(2,3)</td>
<td>N</td>
<td>S</td>
</tr>
</tbody>
</table>

(25)


AND FURTHER,

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws Section 4180, Large Scale Ground Mounted Solar Photovoltaic Installations, by adding the language highlighted below in bold, as follows:

4180 LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

The Planning Board shall be the Special Permit Granting Authority for applications pertaining to sites outside the Industrial Limited District and the Ground Mounted Solar Overlay District.

The Ground Mounted Solar Overlay District is herein established as an overlay district and shall be superimposed over any other district established by this by-law. A plan entitled “Solar Overlay District” dated July 1, 2015 is on file in the Planning and Development Office delineating this district and is hereby made a part of this By-Law.

AND FURTHER,

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws Section 4182, Procedure, by adding the language below in bold, as follows:

4182 Procedure

Large scale ground-mounted solar photovoltaic installations located within the Industrial Limited District and the Ground Mounted Solar Overlay District are allowed by right subject to compliance with sections 4180 through 4196 and other applicable sections of this bylaw.

or take any action relative thereto.

Recommended by the Board of Selectmen.
ARTICLE 6
To see if the Town will vote to proclaim as follows:

At its meeting on April 23, 2014, the Sandwich Historic District Committee (the “Committee”) considered an application (“Application”) for a certificate of appropriateness (“COA”) for an aerial adventure park (the “Project”) at 0 Shawme Road and 0 Pocasset Road. Abutters to 0 Shawme Road were not notified of that meeting, nor were they previously notified of the Application. At that meeting the Committee voted to approve a “motion to accept the plans as presented” and issued a corresponding COA that Project proponents claim authorize the Project. Many or all of the aforementioned abutters had no knowledge of the COA until after the relevant appeal period had passed.

For these and other reasons, the construction and operation of the Project constitutes a violation of Chapter 470 of the Acts of 1973, as amended (the Old King’s Highway Regional Historic District Act, or the “Act”). Under Section 12 of the Act, the Inspector of Buildings has the duty to enforce violations of the law. However, to date Inspector of Buildings Paul D. Spiro has refused to take enforcement action.

We hereby proclaim that the Project violates the Act, and that enforcement action should be taken with respect to such violation(s). (Submitted by Petition)

No Recommendation Required.
And you are hereby directed to serve this Warrant by posting attested copies thereof, one at the Town Hall, and one at each of the Post Offices in Sandwich, the last posting to be at least fourteen days prior to the time of holding said meeting,
given under our hands this 29th Day of October, 2015.

Frank Pannorfi, Chairman

Susan James, Vice-Chairman

Peter Beauchemin

R. Patrick Ellis

Ralph A. Vitacco

SELECTMEN OF SANDWICH

I hereby certify that I have posted attested copies of this warrant at Sandwich Town Hall, Town Hall Annex, Sandwich Post Office, East Sandwich Post Office and Forestdale Post Office, all located within the Town of Sandwich, on

10/30/2015

Date

Constable
A GLOSSARY OF COMMONLY USED TERMS

Appropriation – An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited to a specific amount and identifies the timeframe when it will be expended.

Assessed Valuation – A valuation set upon real estate or other property by a government as a basis for levying taxes. Equalized assessed valuation refers to a municipality’s assessed valuation, as determined by local assessors, adjusted by the State Department of Revenue to reflect a full and fair market value (“Equalized Valuation”).

Betterment – An addition made to, or change made in, a fixed asset which is expected to prolong its life or to increase its efficiency. The term is also applied to sidewalks, water lines, and highways and the corresponding tax assessment abutters may authorize for repairs to their properties.

Bond – A written promise to pay a specified sum of money, called the face value (par value) or principal amount, at a specified date or dates in the future, called the maturity date(s) together with periodic interest at a specified rate. The difference between a note and a bond is that the latter runs for longer period of time and requires greater legal formality.

Bond Anticipation Note (BAN) – Short-term note of a government sold in anticipation of bond issuance. BANs are full faith and credit obligations.

Bond Ratings – Designations used by bond rating services to give relative indications of credit quality.

Budget – A plan of financial operations embodying an estimate of proposed expenditures for a given period and the proposed means of financing them.

Budget Message – Statement summarizing the plans and policies contained in the budget report, including an explanation of the principal budget items and recommendations regarding financial policy for the upcoming year.

Capital Budget – A plan for expenditure of public funds for capital purposes.

Capital Expenditure – Nonrecurring payments for capital improvements including construction, acquisition, site development and overhead costs. The fees for architects, engineers, lawyers, and other professional services plus the cost of financing may be included.
Cherry Sheet – An annual statement received by the Town from the Department of Revenue detailing estimated receipts for the next fiscal year from various state aid accounts, the lottery, and estimated charges payable in setting the tax rate. Supplemental Cherry Sheets may be issued during the year and there is no guarantee that the estimated receipts and charges shown thereon will not vary from actual receipts and charges. The name was derived from the pink color of the document.

Debt Service – The cost (usually stated in annual terms) of the principal retirement and interest of any particular bond issue.

Enterprise Fund – Those funds which are established for specific uses under M.G.L. c.44, §53F1/2 that require an annual appropriation to operate (i.e. Sandwich Hollows Golf Club).

Excess Levy Capacity – The difference between a community’s maximum tax levy limit as established by Proposition 2.5 and its actual tax levy in the most recent year for which the community has set a tax rate. It is the additional tax levy that a community can raise at Town Meeting without going to the voters for an override or debt exclusion.

Exclusions (Debt Exclusion or Capital Expenditure Exclusion) – Proposition 2.5 allows communities to raise funds for certain purposes above the amount of their levy limits or levy ceilings. Subject to voter approval, a community can assess taxes in excess of its levy limit for the payment of certain capital projects and for the payment of specified debt service costs. Such an exclusion increases the amount of property tax revenue a community may raise for a limited or temporary period of time in order to fund the specific project. Unlike overrides, exclusions do not increase the community’s levy limit and do not become part of the base for calculating future years’ levy limits.

Fiscal Year – The state and municipalities operate on a fiscal year which begins on July 1 and ends on June 30. For example, the FY’04 fiscal year is from July 1, 2003 to June 30, 2004.

Free Cash (Surplus Revenue) – Free cash represents the portion of surplus revenue which the municipality is able to appropriate. It is money that the community raised to spend for a particular item but was left over because the full appropriation was not expended. From this surplus the municipality’s liabilities are subtracted (i.e. any unpaid back taxes). The remainder, if any, is certified annually by the Department of Revenue as the community’s free cash. Amounts from certified free cash may be appropriated at Town Meeting by the community for expenditures or to offset property taxes.

General Fund – The fund into which the general (non-earmarked) revenues of the municipality are deposited and from which money is appropriated to pay the general expenses of the municipality.

Growth Revenue (New Growth) – The amount of property tax revenue that a community can add to its allowable tax levy from taxes from new construction,
alterations, subdivisions, or changes of use. It is computed by applying the prior year’s tax rate to the increase in valuation.

**Note** – A short-term loan, typically of a year or less in maturity.

**Overlay** – The amount raised by the assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements and state allowed exemptions.

**Overrides** – Proposition 2.5 allows a community to assess taxes in excess of the automatic annual 2.5% increase and any increase due to new growth by passing an override. A community can take this action as long as it is below its levy ceiling (2.5% of full and fair cash value of community). When an override is passed, the levy limit for the year is calculated by including the amount of the override. Unlike exclusions, the override results in a permanent increase in the levy limit of a community, which becomes part of the levy limit base and increases along with the base at the rate of 2.5% each year.

**Proposition 2.5** – M.G.L. c.59, §21C was enacted in 1980 and limits the amount of revenue a city or town may raise from local property taxes each year. This amount is the community’s annual levy limit. The law allows the levy limit to increase each year by 2.5% plus any new growth revenue derived from taxes from new construction and alterations. This amount may not exceed the community’s levy ceiling. Proposition 2.5 also established two types of voter approved increases in local taxing authority – overrides and exclusions.

**Reserve Fund** – A fund established by Town Meeting which is under the control of the Finance Committee and from which transfers may be made for extraordinary and unforeseen expenditures. The appropriation cannot be greater than 5% of the tax levy for the prior fiscal year.

**Revolving Funds** – Those funds which may be used without appropriation and which are established for particular uses under M.G.L. such as continuing education programs, school lunch programs, self-supporting recreation and park services, conservation services, etc. (i.e. Sandwich Marina, Sandwich Community School).

**Stabilization Fund** – A special reserve account which is invested until used. Towns may appropriate into this fund in any year an amount no more than 10% of the prior year’s tax levy. The outstanding balance in the account cannot exceed 10% of the Town’s equalized valuation. Generally, it takes a 2/3 vote of Town Meeting to appropriate money from the Stabilization Fund.

**Surplus Revenue** – See “Free Cash”.
# TABLE OF BASIC POINTS OF MOTIONS

<table>
<thead>
<tr>
<th>Rank</th>
<th>Type of Motion</th>
<th>2nd Req’d</th>
<th>May Debate</th>
<th>May Amend</th>
<th>Vote Req’d</th>
<th>May Recons</th>
<th>May Interrupt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>MAIN MOTIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>Main Motion</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Varies</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Same</td>
<td>Reconsider or Rescind</td>
<td>Yes</td>
<td>Same</td>
<td>No</td>
<td>Majority</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>None</td>
<td>Take from the Table</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>None</td>
<td>Advance an Article</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td><strong>PRIVILEGED MOTIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Dissolve or Adjourn</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Adjourn to Fixed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Time/Recess</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>3</td>
<td>Point of No Quorum</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>4</td>
<td>Fix the Time to Adjourn</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>5</td>
<td>Question of Privilege</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td><strong>SUBSIDIARY MOTIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Lay on the Table</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>7</td>
<td>The Previous Question</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>8</td>
<td>Limit or Extend Debate</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>9</td>
<td>Postpone to Time Certain</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>10</td>
<td>Commit or Refer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>11</td>
<td>Amend (or Substitute)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>12</td>
<td>Indefinitely Postpone</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td><strong>INCIDENTAL MOTIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Same</td>
<td>Point of Order</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Same</td>
<td>Appeal</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Same</td>
<td>Division of a Question</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Same</td>
<td>Separate Consideration</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Same</td>
<td>Fix the Method of Voting</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Same</td>
<td>Nominations to Committee</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Plurality</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Same</td>
<td>Withdraw or Modify Motion</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Same</td>
<td>Suspension of Rules</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3*</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

* Unanimous if rule protects minorities; out of order if rule protects absentees

*Source*: Town Meeting Time, 3rd Edition
TOWN OF SANDWICH TALENT BANK

Serve Your Community

Town Government needs citizens who are willing to give time in the service of their community. The Talent Bank was adopted by the Board of Selectmen as a means of compiling names of citizens who are willing voluntarily serve on boards, committees, and as resource people. Names in this file are available for use by the public as well as the Selectmen and all Town offices.

Talent Bank files are being updated to include categories consistent with the changing needs of the Town of Sandwich. Please complete the questions listed below, indicate your areas of interest, and either drop the form off at Town Hall or send it to:

Town of Sandwich Talent Bank
Sandwich Town Hall
130 Main Street
Sandwich, MA 02563

Name: ______________________________ Tel. No.: _______________________

Mailing Address: ______________________________________________________

E-Mail Address: _______________________________________________________

Occupation / Background / Experience: _________________________________

__________________________________________

LIST ORDER OF PREFERENCE:

____ Board of Health*   ____ Energy Committee   ____ Recreation Committee
____ Cape Cod Commission  ____ Finance Committee**  ____ Sandwich Cultural Council
____ Capital Planning Comm.**  ____ Golf Advisory Comm.  ____ Sandwich Econ. Initiative Corp.
____ Conservation Comm.  ____ Historic District Comm.*  ____ Sandwich Historical Commission
____ Council on Aging  ____ Library Trustees*  ____ Sandwich Housing Authority*
____ Disabilities Commission  ____ Personnel Board  ____ Visitor Services Board
____ Emergency Management  ____ Planning Board*  ____ Zoning Board of Appeals

Other: __________________ Other: __________________ Other: __________________

* = Elected  ** = Appointed by Moderator