

Town of Sandwich
Special Town Meeting

WARRANT

Saturday, November 3, 2018
1:00 p.m. – Sandwich High School



BOARD OF SELECTMEN

David J. Sampson, Chair
Michael J. Miller, Vice-Chair
Robert J. George
Shane T. Hctor
Susan James

MODERATOR

Garry N. Blank

FINANCE COMMITTEE

Mark Snyder, Chair
Charles Holden, Vice-Chair
Matthew Anderson
Gwenn Dyson
Daniel E. Frye
Robert Guerin
James W. Pierce
Laura Wing

**November 3, 2018 – Special Town Meeting
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**TOWN OF SANDWICH
2018 SPECIAL TOWN MEETING
November 3, 2018**

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

Saturday, November 3, 2018, at 1:00 p.m.,

then and there to act on the following articles.

ARTICLE 1

To see if the Town will vote to accept General Laws Chapter 40, Section 39M, which establishes a special "Municipal Water Infrastructure Investment Fund" that may be appropriated and spent for maintenance, improvements and investments to municipal drinking, wastewater and stormwater infrastructure assets, and further to approve a property tax surcharge in the amount of two percent of the taxes assessed annually on real property, which will be dedicated to the fund, the surcharge to be imposed starting with taxes assessed for fiscal year 2021, beginning on July 1, 2020; or take any other action relative thereto.

Recommended by the Board of Selectmen & Finance Committee.

ARTICLE 2

To see if the Town will vote to amend its acceptance of General Laws Chapter 44B, Sections 3 to 7 (known as the Community Preservation Act) by decreasing the surcharge imposed on real property from three percent (3%) to two percent (2%) starting with taxes assessed for fiscal year 2021, beginning July 1, 2020; or take any other action relative thereto.

Recommended by the Board of Selectmen & Finance Committee.

ARTICLE 3

To see if the Town will vote to establish a revolving fund in accordance with the provisions of M.G.L. c.44, §53E1/2 for the Sand Hill School Community Center building use fees and charges and to amend the Sandwich Town Bylaws, Section 2.11, Departmental Revolving Funds by adding a new Revolving Fund listing, to read as follows:

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund
Sand Hill School Community Center	Public Facilities Director & Town Manager	Building use fees & charges	Sand Hill School Community Center Expenses

AND FURTHER,

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53E1/2 and Section 2.11 of the Sandwich Town Bylaws to authorize the spending limit for the Sand Hill School Community Center Revolving Fund at \$10,000; or take any other action relative thereto.

Recommended by the Board of Selectmen & Finance Committee.

ARTICLE 4

To see if the Town will vote to transfer and appropriate the sum of \$260,000.00, 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.

ARTICLE 5

To see if the Town will vote to amend the Town of Sandwich Bylaws by adding a new Section 1.60: Authority of Town Clerk to Assign Headings and Numbering, to read as follows:

The Town Clerk, or an agent designated by the Town Clerk, shall be authorized to assign appropriate numbers to sections, subsections, paragraphs, and subparagraphs of Town general bylaws and zoning bylaws, where none are approved by Town Meeting.

Where Town Meeting has approved numbering of sections, subsections, paragraphs, and subparagraphs of Town general bylaws and zoning bylaws, the Town Clerk or an agent designated by the Town Clerk, after consultation with the Town Manager, shall be authorized to make non-substantive editorial revisions to

the numbering to ensure consistent and appropriate sequencing, organization, and numbering of the bylaws.

or take any other action relative thereto.

Recommended by the Board of Selectmen.

ARTICLE 6

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by amending the last sentence of Section 1330, Special Permits, by deleting the word “less” shown in strikethrough and adding the word “more” shown in bold and underline so the last sentence will read as follows, or take any action relative thereto.

1330. Special Permits

... Construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not ~~less~~ **more** than twelve (12) months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

No Recommendation Required.

ARTICLE 7

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by amending Section 2110, Establishment of Districts, by adding new references to the Medical Marijuana Overlay District and Municipal Reuse Overlay District to the list of Districts to read as follows, and amending the first sentence of the first paragraph by deleting the word “and” shown in strikethrough and adding the words “May 4, 2015, and November 13, 2017” shown in bold and underline so the changes will read as follows, or take any action relative thereto.

2110. For the purpose of the by-law, the Town is divided into the following Districts:

g) Medical Marijuana Overlay District

r) Municipal Reuse Overlay District

The boundaries of these districts are defined and bounded on the map entitled "Zoning Map, Sandwich, Massachusetts," dated and revised April 24, 1978, as amended May 1 and 2, 1978 (Articles 12, 13, and 14), May 4, 1981 (Article 31), May 19, 1986 (Article 9), revised November, 14, 1988 (Article 33), revised May 24, 1989 (Article 26), revised May 1, 2000, (Article 31), revised March 19, 2001(Article 2) and as amended and revised through May 7, 2001and as further amended and revised

through May 6, 2002 (Article 31) and as further amended on March 21, May 2, 2005, October 2009 and, May 2013, **May 4, 2015 and November 13, 2017** on file with the Town Clerk. The map and all explanatory matters thereon are hereby made part of this by-law. Overlay districts shall be superimposed on other districts established in this by-law.

Medical Marijuana Overlay District, as described in Section 8000, is herein established as an overlay district and shall be superimposed on other districts as established in this by-law.

Municipal Reuse Overlay District, as described in Section 8100, is herein established as an overlay district and shall be superimposed on other districts as established in this by-law.

No Recommendation Required.

ARTICLE 8

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by amending Section 4910, Purpose, Development Scheduling, by deleting the reference to “Master Plan Update of 1987” in the second sentence and changing the reference to “2009 Local Comprehensive Plan”, or take any action relative thereto.

No Recommendation Required.

ARTICLE 9

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, or otherwise, on such terms and conditions as the Board of Selectmen deems in the best interests of the Town, for open space and water protection purposes pursuant to the Community Preservation Act, all or a portion of the fee simple interest or lesser interest in a certain parcel of land off Chase Road shown on Assessor’s Map 25 as Parcel 077, 12 Chase Road, consisting of approximately 2.90 acres, and further that said land shall be under the care, custody and control of the Conservation Commission, and as funding therefor to transfer and appropriate from the Community Preservation Fund the sum of \$145,000.00, or any other amount; and further to authorize the Board of Selectmen to grant a conservation restriction on said property, pursuant to G.L. c. 44B, sec. 12 and G.L. c. 184, secs. 31-33, and to execute any and all instruments as may be necessary on behalf of the Town to effect said purchase, or take any other action relative thereto.

Recommended by the Board of Selectmen and Community Preservation Committee. Not Recommended by the Finance Committee.

ARTICLE 10

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$17,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving and protecting holdings of the Sandwich Town Archives; that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose; or take any other action relative thereto.

Recommended by the Board of Selectmen, Finance Committee, and Community Preservation Committee.

ARTICLE 11

To see if the Town will vote in accordance with the regulations issued by the Department of Revenue in the Informational Guideline Release No. 98-403 to extend by one fiscal year for Fiscal Year 2019 the terms and conditions of the tax valuation agreement between the Town of Sandwich and NRG Canal, LLC dated April 3, 2014 and entitled "Tax Valuation Agreement", which was previously approved at the May 5, 2014 Annual Town Meeting under Article 12, a copy of which is on file with the Town Clerk's Office, said extension to include a Fiscal Year 2019 valuation amount of \$100,000,000.00 which is equal to the Fiscal Year 2018 valuation amount, or take any action relative thereto.


Recommended by the Board of Selectmen and Finance Committee.

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 4th Day of October, 2018.




David J. Sampson, Chairman



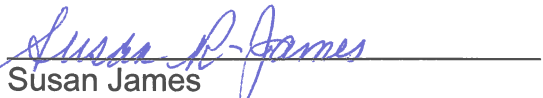
Michael J. Miller, Vice-Chairman



Robert J. George



Shane T. Hctor



Susan James

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

10-19-2018
Date



Constable

REFERENCE MATERIAL:

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

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

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

Source: Town Meeting Time, 3rd Edition