

TOWN OF SANDWICH

2004 ANNUAL TOWN MEETING May 3, 2004

The Annual Town Meeting was called to order by Moderator Garry Blank at 7:07 p.m. after ascertaining a quorum was present. The clerks checked in a total of 379 voters.

Diane C. Hembling, accompanied by members of the Sandwich Brass, sang "The Star Spangled Banner." Participating band members were Zachary Dias, Brandon Odell, Zachary Scott, Venessa Gregory, Matthew Palazzolo, and Meghan Demer playing trumpets, Zachary Huff playing the trombone, and Peter O'Connell playing the drum. The Sandwich Brass was under the direction of George Machon of the Sandwich Music Department, also playing the trumpet.

William Diederling III, Selectman, paid tribute to Hank Sennott and Pamela E. Terry, who are not seeking re-election as members of the Board of Selectmen. The Moderator swore in the following persons as tellers: John S. Jillson, Dennis E. Newman, Ralph M. Titcomb and George D. Dickie. Craig Sanderson, Assistant Town Administrator, was designated as timekeeper. Mrs. Terry led the Pledge of Allegiance. She paid tribute to Gary Gray of the Department of Public Works and Craig Sanderson for their military service. They received a standing ovation. The Reverend Bruce R. Bardon, pastor of Covenant Baptist Church, gave the invocation.

ARTICLE 1

To see if the Town will vote to hear the reports of all Town Officers and Committees and to act thereon, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town accept the Report of all Town Officers and Committees as printed in the 2003 Annual Town Report.

ARTICLE 2

To see if the Town will vote to authorize the Board of Selectmen to apply for and expend any available grants during Fiscal Year 2005, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to apply for and expend any available grants during Fiscal Year 2005.

ARTICLE 3

To see if the Town will vote to fix the salaries of all Elected Officers for Fiscal Year 2005 in accordance with the following list, as provided in M.G.L. c. 41, §108, or take any action relative thereto.

Moderator	450.00
Selectmen (4)	1,500.00 each
Chairman – Selectmen	2,000.00
Assessors (2)	1,000.00 each
Chairman – Assessors	1,500.00
Tax Collector	49,847.00
Town Clerk	49,921.00

UNANIMOUSLY VOTED: That the Town fix the salaries of all elected officers for Fiscal Year 2005 according to the following:

Moderator	450.00
Selectmen (4)	1,500.00 each
Chairman – Selectmen	2,000.00
Assessors (2)	1,000.00 each
Chairman Assessors	1,500.00
Tax Collector	49,847.00
Town Clerk	49,921.00

ARTICLE 4

To see if the Town will hear the report of the Finance Committee and to see if the Town will vote to raise and appropriate the sum of \$32,331,448.00 or any other amount to defray Town expenses for the Fiscal Year July 1, 2004 to June 30, 2005 as itemized below in the column entitled FY'05 Total, or take any action relative thereto.

John R. Feeney, Chairman of the Finance Committee, gave the following report: The growing Federal deficit and the continuing poor national economy, with its overflow effect on the state economy, had a major impact on developing the FY '05 Town budget. One of the major sources of revenue to the Town each year, the State, has a billion dollar plus budget deficit. It is in such a poor financial position that the Finance Committee did not see any meaningful relief coming from the State in the form of increased aid to the Town. However, this last week, the Town received what we think may be some good news for the long-term: the Superior Court ruling requiring the State to more fairly fund educational aid to all the towns and cities in the State. Where this additional funding will come

from is still very much in question. However, the fact that Sandwich was one of the towns that sued the State should have a positive impact in the long term.

However, hope does not pay the bills. All indications are that State aid to the Town will be level-funded for FY '05, and this was the only prudent assumption for us to use as we developed and approved the FY '05 budget. This level funding forecast for next year is, however, on its own semi-good news, on two levels. First, the economy and State revenue may have bottomed out and the major cuts in funding to all the towns may have ended; and secondly, because for the current year (FY '04), Sandwich was one of only 12 towns to see an increase in State aid, and it looks as if next year (FY '05) State aid will be stabilized at that level, which is higher than had been projected at last year's Town Meeting.

To develop the FY '05 budget, the Finance Committee established assumptions and goals. Some of the key ones are:

- That there would be no reduction in State aid to general government
- The Town would receive level funding of State aid to Education (Chapter 70)
- We would realistically fund historically under-funded line items like Police and Fire overtime, which have been major drains on the Town's Reserve Funds for years
- We added an additional \$70,000 to building repairs
- We also put \$25,000 into the computer account to replace older and less efficient equipment
- We added \$25,000 for lost trust fund income to the library to help maintain its service level
- \$10,000 was also added to the elections and registration budget because of the national elections this year
- It was also a goal of the Finance Committee to continue its long-standing policy of attempting to avoid spending any one-time money (like reserves) to fund any on-going expenses.

Based on this framework, the Finance Committee recommends to the Board of Selectmen the approval of the FY '05 operating budget in the amount of \$32,331,448, which includes \$11,684,282 for the General Government Budget, a 7.49 per cent increase over the FY '04 budgeted level. While this percentage increase may seem high at first glance, it should be understood that it includes all the police and fire overtime, the additional building repair funds, the money for new computer systems, funds to help maintain the hours of operation at the library, the monies to pay for the national election in November and lastly the general government negotiated salary increases. There is an additional \$19,726,618 for the operating budget for the schools. This represents a 2 per cent increase over the FY '04 budgeted level. However, the schools are projecting that this will not be sufficient to provide level services and it is projected that five school department positions will need to be eliminated.

Another large percentage increase in the operating budget of 14.68 per cent was for the Upper Cape Cod Regional Vocational-Technical School. The reason for this increase is that, over the past few years, at the request of the member towns, the UCCRVTs has been spending down all of its reserve funds. For the FY '05 budget we are approving tonight, they have simply run out of reserve funds. This large percentage increase is needed just to maintain level services at UCCRVTs, not to add more programs and services. The Town's assessment is \$920,548; this amount represents the Town's total contribution (both capital and operating costs) to UCCRVTs. This amount is set by formula with the other member towns.

The expense side of the budget also includes an additional \$21,494,959 in items that are approved tonight in various articles by Town Meeting. Some of the major expense items are Health Insurance, Retirement Costs and Property and Liability Insurance Costs for **all** Town employees and buildings.

The question that everyone in Town needs to understand tonight and for future budget discussions is where are the big pressures coming from? There are five major factors that are driving the expense side of the budget. They are:

1. Health Insurance costs, which have increased 10 per cent this year, after a 12.28 per cent increase last year.
2. The required Retirement contribution for our employees has increased by 13.64 per cent this year, after a 13.93 per cent increase last year. This large percentage increase is driven by the poor performance of the stock and bond markets over the last several years. The better performance of the stock and bond markets in 2003 will show up in next year's Town required contribution which should be lower than we have seen over the last few years.
3. Property and Liability Insurance costs have increased by 15 per cent this year. This is, once again, after an increase of 11 per cent the prior year. **(It should be noted that 70 per cent of the total costs of the first three items come from the schools, and while these dollars do not go into the school's operating budget, they are clearly direct costs of running the schools and do count toward our net school spending.)**
4. Negotiated contractual obligations for the Town's work force.
5. Lastly, the UCCRVTs, that has all the above costs, which need to be fully funded directly in its operating budget each year.

On the revenue side of the budget, the Town has limited places it can go to find sources of revenue to meet the Town's expenses. The three major sources the Town has are, **first**, the 2½ per cent levy limit (this is the legal maximum per cent which the Town can raise taxes each year); **secondly**, to that

amount the Town can add any new growth to set the so-called total levy limit (the maximum amount the Town can tax its citizens); and the **last** major source of revenue is money the State sends to us in the form of School aid, highway aid, lottery aid, payment in lieu of taxes (PILOT) and direct aid to the Town. All these forms of State aid have varied greatly over the years.

Understanding the expense pressures and the limited sources of revenue needed to fund the services provided by the Town, one can see that the Town's financial model has major flaws. The best hope for getting out of our current situation is for the State to step up to the plate and give the Town its fair share of State funds (particularly Chapter 70, or school aid). The problem with this hope is that, in the short to medium term, the State is facing its own financial crisis. The only way for the State to come up with money for Sandwich in the short term would be for it to lower aid to other towns and cities, which is highly unlikely, or to raise State taxes.

Over the last several years, the Town's revenue has grown annually at around 3 per cent, while annual expenses have grown more than 6 per cent. Clearly, there is a problem. Next year, the Finance Committee feels that the Town will face a very difficult question, which is, do we raise taxes (by a proposition 2½ override, if so how much) or do we cut services? Which services, to what level, and when? The Finance Committee feels that, for FY '06, there is financially no way that the Town will be able to maintain the level of services we enjoy today without new major revenue sources. It is the hope of the Finance Committee that we will start to address this problem as soon as Town Meeting and this week's elections are over, in order to develop the best solution possible to provide essential services to the public, while at the same time being sensitive to the needs of the taxpayers.

Mr. Feeney closed by paying tribute to Catherine L. Reno and Donald R. Leighton, who are stepping down after long-time service on the Finance Committee.

FY '05 BUDGET TOTALS

No.	Department	APPROPRIATED FY'03 Total	APPROPRIATED FY'04 Total	RECOMMENDED FY'05 Total
114	Moderator	450	450	450
123	Selectmen/Administrator	257,822	257,840	263,807
	Personnel Expenses	46,978	42,999	100,000
131	Finance Committee	2,200	2,200	2,200
135	Accounting	165,962	130,509	127,273
141	Assessing	276,057	269,163	274,315
145	Treasurer	145,147	148,141	153,246
146	Tax Collector	174,130	178,477	187,884
147	Tax Title	30,000	30,000	30,000
151	Legal	175,000	175,000	175,000
152	Human Resources	92,213	88,379	88,579
152	Town Clerk	110,157	113,658	120,389
162	Elections & Registrations	62,294	48,300	58,300
171	Natural Resources	100,548	101,006	103,488
175	Planning & Development	116,287	114,740	117,420
188	Recreation Center	5,500	3,500	3,500
189	JSD Building	17,550	12,400	12,400
190	Facilities Management	26,250	189,409	259,965
193	Town Hall	15,540	9,540	9,540
194	Town Hall Annex	15,540	10,040	10,040
195	Town Reports	15,000	15,000	15,000
196	Bind Town Records	1,500	1,500	1,500
197	Data Processing	229,077	228,653	254,500
	Total 100s	2,081,202	2,170,904	2,368,796
210	Police Department	2,450,036	2,455,768	2,720,942
220	Fire Department	2,698,801	2,768,572	2,997,984
241	Inspections	193,018	181,430	184,479
244	Weights & Measures	2,545	2,000	2,000
291	Emergency Management	480	480	480
294	Forest Warden	1,200	1,200	1,200
297	Bourne Shellfish	4,000	4,000	4,000
299	Greenhead Fly	1,500	1,500	1,500
	Total 200s	5,351,580	5,414,950	5,912,585
300	School Department	19,001,496	19,001,496	19,726,618
313	UCCRTS	785,077	801,483	920,548
	Total 300s	19,786,573	19,802,979	20,647,166
410	DPW – Engineering	147,109	116,293	116,468
420	DPW – Highways	738,882	1,096,598	1,134,947
421	Snow & Ice	250,001	250,002	250,003
424	Streetlights	32,500	26,000	26,000

435	DPW – Sanitation	895,211	721,288	721,288
	Total 400s	2,063,703	2,210,181	2,248,706
510	Health Department	138,150	136,959	139,334
522	Nursing Department	91,289	82,179	88,719
523	Social Worker	30,244	0	0
541	Council on Aging	101,084	104,105	112,355
543	Veterans Services	30,480	30,806	30,806
544	Human Services Building	15,640	11,040	11,040
547	Disabilities Commission	1,500	500	500
	Total 500s	408,387	365,589	382,754
610	Library	620,399	620,399	682,104
629	Youth Task Force	2,000	500	500
630	Recreation Department	67,614	53,314	53,712
650	DPW – Parks	243,812	20,425	20,425
670	Archives	9,100	2,500	2,500
671	Hoxie House/Grist Mill	12,115	0	0
693	Memorial Day	1,200	1,200	1,200
694	Historic District	9,500	10,650	11,000
	Total 600s	965,740	708,988	771,441
	TOTAL TOWN BUDGET	30,657,185	30,673,591	32,331,448

VOTED: That the Town hear the report of the Finance Committee and raise and appropriate the sum of \$32,331,448.00 to defray Town expenses for the Fiscal Year July 1, 2004 to June 30, 2005 as itemized in the warrant in the column entitled FY' 05. This was a counted vote and declared carried by the Moderator 219 Yes, 79 No.

At 7:50 p.m. the meeting was temporarily recessed and the Special Town Meeting was convened by the Moderator.

SPECIAL TOWN MEETING, MAY 3, 2004

ARTICLE 1

To see if the Town will vote to transfer and appropriate \$436,483.00, or any other amount, received or to be received, under the Chapter 70 Education Reform Act Program, said funds to be expended under the direction of the School Committee, for School Department purposes during FY '04, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$436,483.00 received under the Chapter 70 Education Reform Act Program to be expended under the direction of the School Committee for School Department purposes during Fiscal Year 2004.

ARTICLE 2

To see if the Town will vote to transfer and appropriate \$75,000.00, or any other amount, from the Stabilization Fund, to be spent under the direction of the Board of Selectmen, for the Old Harbor Inlet Stabilization and Beach Management Plan projects, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$75,000.00 from the Stabilization Fund to be expended under the direction of the Board of Selectmen for the Old Harbor Inlet Stabilization and Beach Management Plan projects.

ARTICLE 3

To see if the Town will vote to transfer and appropriate from available funds a sum of money to be added to the FY '04 Reserve Account, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$150,000.00 from Surplus Revenue for the Fiscal Year 2004 Reserve Account.

The Moderator then adjourned the Special Town Meeting and reconvened the Annual Town Meeting.

ARTICLE 5

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the payment of Principal and Interest on Loans, or take any action relative thereto. Steven C. Grundman moved "to amend the main motion on Article 5 to increase by \$75,000 to a total of \$275,000, the amount to be transferred and appropriated from the golf course Enterprise Fund for the payment of principal and interest on loans for the fiscal year 2005." This was a voice vote and declared not carried by the Moderator.

UNANIMOUSLY VOTED: That the Town raise and appropriate \$3,387,457.00, transfer

and appropriate \$2,200,043.00 from Surplus Revenue, and transfer and appropriate \$200,000.00 from the golf course income account for the payment of principal and interest on loans for Fiscal Year 2005.

ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the payment of Principal and Interest on Loans from the Cape Cod Land Bank account as authorized by Chapter 293 of the Acts of 1998, as amended, and to raise and appropriate or transfer from available funds the sum of \$20,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of paying any incidental expenses related to the Cape Cod Land Bank account, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$1,098,925.00 for the payment of principal and interest on loans from the Cape Cod Land Bank account as authorized by Chapter 293 of the Acts of 1998 and to transfer and appropriate \$20,000.00 from the Land Bank Account, to be expended under the direction of the Board of Selectmen, for paying any incidental expenses related to the Cape Cod Land Bank Account for Fiscal Year 2005.

ARTICLE 7

To see if the Town will vote to appropriate the sum of money, received or to be received, from the Chapter 90 State Aid to Highways Program for highway construction and/or maintenance on any State approved road during FY'05, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town appropriate money received, or to be received, from the Chapter 90 State Aid to Highways Program for highway construction and/or maintenance on any State approved road during Fiscal Year 2005.

ARTICLE 8

To see if the Town will vote to transfer and appropriate \$5,453,106.00, or any other amount received or to be received, under the Chapter 70 Education Reform Act Program, said funds to be expended under the direction of the School Committee, for School Department purposes during FY'05, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate up to \$5,453,106.00 received, or to be received, under the Chapter 70 Education Reform Act Program, said funds to be expended under the direction of the School Committee for School Department purposes during Fiscal Year 2005.

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$7,870,802.00, or any other amount, to pay employee benefit and other estimated assessments as listed below, or take any action relative thereto.

Group Health Insurance	5,280,000.00
County Retirement Assessment	1,584,014.00
Property & Liability Insurance	628,188.00
Medicare/FICA	328,600.00
Unemployment Account	50,000.00

UNANIMOUSLY VOTED: That the Town raise and appropriate \$7,570,802.00, transfer and appropriate \$250,000.00 from the ambulance receipts reserved for appropriation account, and transfer and appropriate \$50,000.00 from the overlay surplus to pay the estimated assessments printed in the Warrant under Article 9.

ARTICLE 10

To see if the Town will vote to transfer and appropriate the sum of \$22,000.00, or any other amount, from the Cemetery Trust Fund Account to the FY '05 Department of Public Works Parks, Buildings and Grounds Division operating budget, to be expended under the direction of the Board of Selectmen, for the purpose of maintaining the Town's cemeteries and grounds, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$22,000.00 from the Cemetery Trust Fund account to the Fiscal Year 2005 Parks, Buildings and Grounds Division of the Department of Public Works, to be expended under the direction of the Board of Selectmen for maintaining the Town's cemeteries and grounds.

ARTICLE 11

To see if the Town will vote to transfer and appropriate money received or to be received from the State Aid to Libraries Account to the FY '05 Library operating budget, to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$18,910.00 from the

money received or to be received, from the State Aid to Libraries Account to the Fiscal Year 2005 Library operating budget, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 12

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$250,000.00, or any other amount, to establish the Reserve Account for FY'05, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$250,000.00 from the overlay surplus to establish a Reserve Account for Fiscal Year 2005.

ARTICLE 13

To see if the Town will vote to hear the report of the Capital Improvement Planning Committee, and further, to see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$400,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing and repairing equipment, vehicles, and buildings, and providing related services in accordance with the following list, with any unexpended balance for each item identified below to be placed in the Building/Capital Purchases account to be expended under the direction of the Board of Selectmen, or take any action relative thereto:

Police Station Improvements	17,500.00
Fire Vehicle Replacement	34,319.00
Fire Jaws of Life Replacement	38,500.00
DPW Truck Replacement	45,000.00
DPW Transfer Trailer Replacement	48,000.00
DPW Recycling Containers	22,000.00
Health Dept. Vehicle Replacement	20,000.00
DPW Aerial Lift (Lease Purchase)	40,000.00
DPW Truck Replacement	40,000.00
School Truck Replacement	32,000.00
School Phone System Replacement	28,000.00
Natural Resources Signage	4,000.00
Natural Resources Gate Replacements	3,500.00
Natural Resources Boat Trailer	2,000.00
Natural Resources Rotary Broom	4,000.00
Police All Terrain Vehicle	6,000.00
DPW Sweeper & Auger Attachments	5,775.00
DPW Mower Replacement	7,500.00
Building/Capital Purchases	1,906.00

Susan James, Chairperson of the Capital Improvement Planning Committee, gave the following report: The Committee has met several times over the past year to plan for both routine capital improvements and to plan for and monitor extraordinary maintenance and repair projects funded by the debt exclusion approved several years ago.

The capital budget we are recommending tonight, as listed in the warrant, is the result of a collaborative planning effort between Town department heads, administrators, and members of the CPIP. In this climate of fiscal restraint, we are pleased to be able to continue a program that speaks to many, although admittedly not all, of the Town department needs. Department heads have been particularly cooperative during this process, and the new Director of Facilities Management has brought a fresh perspective as capital priorities have been established. The commitment to regular maintenance and repair of Town buildings and equipment will hopefully prevent the deterioration that was unavoidable during the last fiscal crisis.

In addition to the routine maintenance and replacement program, the CPIP has remained involved with the Municipal Building Repair plan funded by the debt exclusion. You will remember that the amount the Town authorized for expenditure was \$1.25 million. Since the authorization was approved, the Department of Public Works and Engineering Departments have admirably managed and executed the proposed projects. I am pleased to report that a large majority of the projects listed on the Building Repair plan have been substantially completed. This includes replacement of the HVAC system at the police station, plumbing and electric repairs, window replacements, and external building repairs at many Town buildings. The CPIP recently approved a plan to restore the windows at the 1927 Henry T. Wing School, and this work is due to begin at the end of this school year. So far, the total amount for these expenditures is slightly less than the total amount budgeted. The Committee will be beginning to plan for the completion of projects that had a lower priority on the initial plan.

The CPIP continues to plan capital expenditures in light of long-term goals. The Wing School septic system, for example, is being upgraded using money from the capital stabilization fund. The Committee has been open to creative proposals from Department heads and administrators for accomplishing goals in unique ways, keeping in mind the effect of expenditures on the tax rate. An example of this is a recent proposal from the Department of Public Works that addressed vehicle replacement and more efficient execution of snow removal. Although the Committee has discussed, and would like to resolve, large, one time repairs such as the high school track, planning for these needs to be based on accurate expectations as to cost and the understanding that funding cannot

occur within the regular capital budget. The Committee continues to welcome input from other Town Committees in its execution of its responsibilities.

UNANIMOUSLY VOTED: That the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$400,000.00 from the ambulance receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, for purchasing and repairing equipment, vehicles and buildings, and providing related services in accordance with the list printed in the Warrant under Article 13.

A motion was made and seconded to take Article 44 out of order. This was a voice vote and declared **not carried** by the Moderator.

ARTICLE 14

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$21,200.00, or any other amount, to be expended under the direction of the Board of Selectmen, to fund various Social Service Programs for services to be performed for and on behalf of Sandwich residents as listed below, or take any action relative thereto.

Big Brothers/Big Sisters	500.00
Independence House	6,600.00
Legal Services of Cape Cod	2,000.00
Nauset Workshop	500.00
Elder Services	1,000.00
Gosnold/Children's Services	6,000.00
Special Olympics	400.00
Cape Cod Child Development	1,250.00
Upper Cape AIDS Council	500.00
Sight Loss Services	600.00
Falmouth Free Clinic	1,850.00

UNANIMOUSLY VOTED: That the Town raise and appropriate \$21,000.00 to fund various Social Service programs for services to be performed for and on behalf of Sandwich residents during Fiscal Year 2005 as printed in the Warrant under Article 14, to be expended under the direction of the Board of Selectmen.

ARTICLE 15

To see if the Town will vote to transfer and appropriate the FH'04 income from the Hoxie House and Grist Mill for the FY'05 operation and maintenance of the Hoxie House and Grist Mill, including salaries and expenses, to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

UNANIMOUSLY VOTED: That \$31,882.00 from the FY 2004 income from the Hoxie House and Grist Mill for the Fiscal Year 2005 operation and maintenance of the Hoxie House and Grist Mill, including salaries and expenses, to be expended under the direction of the Board of Selectmen.

ARTICLE 16

To see if the Town will vote to transfer and appropriate the sum of \$116,042.00, or any other amount, to be expended under the direction of the Board of Selectmen, from the Beach and Recreation Account for the purpose of providing FY'05 Recreation Department, Natural Resources Department, and Facilities Management Department services, and for beach privileges at Sandy Neck Beach in accordance with the following list, or take any action relative thereto.

Recreation Department	61,300.00
Natural Resources Department	21,500.00
Facilities Management Department	17,000.00
Sandy Neck Beach Privileges	16,242.00

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$116,042.00 from the beach parking receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, for the following:

Recreation Department	61,300.00
Natural Resources Department	21,500.00
Facilities Management Department	17,000.00
Sandy Neck Beach Privileges	16,242.00

ARTICLE 17

To see if the Town will vote to transfer and appropriate the sum of \$70,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, from the Beach and Recreation Account for the purpose of providing improvements to the Ryder Conservation Property, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$70,000.00 from the beach parking

receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, to provide improvements to the Ryder Conservation Property. This was a voice vote and declared carried by the Moderator.

ARTICLE 18

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, on such terms and conditions as the Board of Selectmen may determine, all or a portion of the land and improvements thereon identified as Assessors Map 70, Lot 129 consisting of approximately 0.08 acres off North Shore Boulevard, said premises believed to be owned by Charlotte M. Lebherz, for general municipal purposes; and to transfer and appropriate the sum of \$21,200.00, or any other amount, for said acquisition from the Beach and Recreation Account; or take any action relative thereto.

VOTED: That the Town authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, on such terms and conditions as the Board of Selectmen may determine, all or a portion of the land and improvements thereon identified as Assessors Map 70, Lot 129 consisting of approximately 0.08 acres off North Shore Boulevard, said premises believed to be owned by Charlotte M. Lebherz, for general municipal purposes, and transfer and appropriate \$21,20.00 from the beach parking receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, for said purpose. This was a counted vote of 232 Yes and 83 No and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 19

To see if the Town will vote to transfer the sum of \$150,000.00, or any other amount, from the Beach and Recreation Account to the Stabilization Fund to be available for future appropriation, or take any action relative thereto.

VOTED: That the Town transfer \$150,000.00 from the beach parking receipts reserved for appropriation account to the Stabilization Fund. This was a voice vote and declared NOT CARRIED by the Moderator.

ARTICLE 20

To see if the Town will vote in accordance with the provisions of the M.G.L. c.44, § 53F1/2 to raise and appropriate or transfer from available funds a sum of money, to be expended under the direction of the Board of Selectmen, for the purpose of establishing the FY'05 operating budget for Sandwich Hollows Golf Club, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$1,089,721.00 to be expended under the direction of the Board of Selectmen for establishing the FY 2005 operating budget for Sandwich Hollows Golf Club.

ARTICLE 21

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$43,707.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'05 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$43,707.00 from the Sandwich Promotions Fund, to be expended under the direction of the Board of Selectmen, for funding the FY 2005 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997.

ARTICLE 22

To see if the Town will vote to accept the layouts of the streets listed below, in accordance with Chapter 80 of the General Laws relating to street betterments, as laid out and recommended by the Board of Selectmen, in accordance with the plans thereof, and as approved by the Town Engineer; and further, to see if the Town will vote to authorize and instruct the Board of Selectmen to take by eminent domain on behalf of the Town such land as may be necessary therefore, and to raise and appropriate or transfer from available funds a sum of money for said purpose; and further, to see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow not more than \$70,000.00, or any other amount, with said amount to be repaid through the betterment process as authorized by all of the abutters of the road; or take any action relative thereto.

VanBuskirk Way
Nobby Way
Fox Bottom Circle

VOTED: That the Town accept the layouts of VanBuskirk Way, Nobby Way, and Fox Bottom Circle as public ways and to authorize the Board of Selectmen to acquire the necessary interest in said ways by gift, purchase or eminent domain and to raise and appropriate \$3.00 for this purpose. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 23

To see if the Town will vote to hear the report of the Peters Pond Property Committee regarding the proposed future uses and management and operations plan for the former Agilent Technologies property located off Quaker Meetinghouse Road, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town hear the report of the Peters Pond Property Committee. (The report follows Article 24.)

ARTICLE 24

To see if the Town will vote in accordance with M.G.L. c.44, § 53E1/2 to establish a revolving fund for the operation of the Peters Pond Property in which to place revenues collected from the operation of the property, to be expended under the direction of the Board of Selectmen to maintain and improve the property, and further, to establish a limit on expenditures of \$20,000.00, or any other amount, from said account for FY '05, or take any action relative thereto.

Mr. David B. Mason of the Peters Pond Property Committee gave the following report: Tonight I just want to remind you that the Town purchased the property, the Peters Pond property, 83 acres off Cotuit Road and Quaker Meetinghouse at the November Special Town Meeting in 2002.

The Peters Pond Property Committee was established by the Sandwich Selectmen and is comprised of Samuel M. Starr, Joanne Mazar, H. Grattan Gill, Karl W. Von Hone, Mark Galkowski, Dennis E. Newman, and myself. And, I'd like to thank those folks for participating.

The Committee was charged with the development of a short-term plan to open the property to the public for the summer of 2003 season. We had a successful summer season for utilization of the beach and the boat ramp facilities. We have had a lot of compliments relative to that.

The Committee was also charged with the development of a long-range plan to determine the uses, maintenance and security of the 83-acre town-owned property. This is a direct quote out of the charge given to us by the Selectmen. As part of the charge, we were required to conduct public forums where it was the intent of the Committee to receive input from proposed users of the property.

As you can see, the majority of the attendees spoke to past uses, providing open land in consideration of future municipal facilities at the corner of Cotuit Road and Quaker Meetinghouse Road. There were also concerns voiced about the Town's ability to financially support the operation and maintenance of the property, and this became one of the key goals of the Committee.

Hence, the development of what we have referred to as Oak Crest Cove on Peters Pond. The facility needed an operational plan. The goals of the plan were to provide continued access to the Sandwich residents for the beach facilities and identify uses that maximize revenue generation by utilizing existing infrastructure and minimizing town capital expenditures.

The Committee broke the property into four sections, the first one being identified as future municipal uses, which is approximately a 22-acre wooded area at Cotuit Road and Quaker Meetinghouse Road. And, that will be left to the discretion of the Selectmen and the Town to determine how they would like to utilize that property in the future.

The next area is the Town/group activity area, which is, as you will note if you drive by, the current field that exists there. That section is looked at as potentially being used for fairs, craft shows, rallies and rendezvous events.

The third area is the conference leisure area what currently is the lodge, the four-bedroom house and the year-round cottages. Right now, we have contracted with Rayburn Associates, who is a conference-consulting firm. The point of that was, one, the development of an RFP to put out to potential operators and the development of a pro forma to identify what we could expect for revenue generation from this use.

The fourth area is the RV park. And currently we are under contract with a consult firm, Gorin Associates, who the Town had utilized originally when looking at the total package to bring before you in 2002. Gorin Associates is in the process of developing a feasibility study for converting this to RV sites, (where it is currently cottages, it was a camping area), and utilizing the existing structures in there as a cottage community that could be rented out seasonally.

And, the feedback we have received for that RV park is very positive. And, we are in the process of waiting for that information to be returned. We have developed an expense/revenue analysis. That expense/revenue analysis is just based purely in term of income, what is currently being supplied from the Town funding for the Beach and Recreation Accounts.

We have put in a base minimum contribution from the Conference Center use. Now, that base minimum contribution was determined through the pro forma as what we could expect for revenue generation. That does not include the percent of profit that would be contractually negotiated with the operator. Also, not included in there is the RV income. The reason I am pointing this out, is to show that the facility could operate, recognizing the expenses that exist, and taking care of those expenses, resulting in an income that we expect in FY' 05 based on that operation.

As has been pointed out to you by the Finance Committee, we had no intention of attempting to address the debt service, because we recognize that we would not be able to do that. So, based on the plan that is put before you, it is the intentions of the public and what they had desired for utilizing the existing infrastructure to provide a fantastic piece of property and use to the taxpayers of Sandwich.

VOTED: That the Town establish a revolving fund for the operation of the Peters Pond Property in accordance with M.G.L. c.44, §53E1/2 and establish a limit on expenditures of \$20,000.00 from said account for Fiscal Year 2005, to be expended under the direction of the Board of Selectmen. This was a voice vote and declared carried by the Moderator.

ARTICLE 25

To see if the Town will vote to amend the General Bylaw, Chapter 2, by adding a new Section 2.02 to read as follows:

The Board of Selectmen is hereby authorized to enter into contracts for such period of time as the Selectmen may determine, which may be longer than three years.

or take any action relative thereto.

Charles W. Kleekamp moved to amend the article by adding the words "but not more than ten years." The motion to amend was seconded and carried by a voice vote of 136 Yes and 79 No.

VOTED: That the Town amend the Town General Bylaws, Chapter 2 by inserting a new Section 2.02 to read as follows:

The Board of Selectmen is hereby authorized to enter into contracts for such period of time as the Selectmen may determine, which may be longer than three years, but not more than ten years.

This was a voice vote and declared carried by the Moderator. (Since there was already a 2.02, it was entered as 2.03.)

ARTICLE 26

To see if the Town will vote to authorize the Board of selectmen to enter into lease or operating and management contracts with respect to any or all of the former Agilent Technologies property identified as Assessors Map 17, Lot 196 for such period of time as the Selectmen may determine, which may be longer than three years, or take any action relative thereto. A motion was made and seconded to **indefinitely postpone**. This was a voice vote and declared carried by the Moderator.

ARTICLE 27

To see if the Town will vote to authorize the Board of Selectmen to enter into contracts for lease purchasing Town vehicles and equipment for such period of time as the Selectmen may determine, which may be longer than three years, or take any action relative thereto. . A motion was made and seconded to **indefinitely postpone**. This was a voice vote and declared carried by the Moderator

ARTICLE 28

To see if the Town will vote to authorize the Board of Selectmen and School Committee to enter into contracts for the installation of wireless telecommunication facilities on any municipal or school building or property for such period of time as the Selectmen and School Committee may determine, which may be longer than three years, or take any action thereto.

Mr. Frank Pannorfi moved that the Town authorize the Board of Selectmen and the School Committee to enter into contracts for the installation of wireless telecommunication facilities on any municipal or school building or property for such period of time as the Selectmen and the School Committee may determine, which may be no longer than twenty (20) years.

VOTED: That the Town authorize the Board of Selectmen and School Committee to enter into contracts for the installation of wireless telecommunication facilities on any municipal or school building or property for such period of time as the Selectmen and School Committee may determine, which may be no longer than twenty (20) years. This was a voice vote and declared carried by the Moderator.

ARTICLE 29

To see if the Town will vote to authorize the Board of Selectmen to enter into an intermunicipal agreement, in accordance with M.G.L. c. 40, §4A, for the provision of consulting and support services for the Town's computerized personal property assessment system, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to enter into an intermunicipal agreement, in accordance with M.G.L. c. 40, §4A, for the provision of consulting and support services for the Town's computerized personal property assessment system.

ARTICLE 30

To see if the Town will vote to authorize the Board of Selectmen to grant to the Tedeschi Corporation a perpetual easement for access over land owned by the Town and located at Quaker Meetinghouse Road and shown on Assessors Map 17, Lots 134, 137, 138, and 222, on such terms and conditions and for such consideration as the Selectmen may determine, which may be nominal consideration, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to grant to the Tedeschi Corporation a perpetual easement for access over land owned by the Town and located at Quaker Meetinghouse Road and shown on Assessors Map 17, Lots 134, 137, 138, and 222, on such terms and conditions and for such consideration as the Selectmen may determine.

ARTICLE 31

To see if the Town will vote to authorize the Board of Selectmen to convey up to all of the Town property, exclusive of the Town land area that includes the Sandwich Pop Warner football field, located on all or portions of parcels identified as Assessor Map 17, Lots 134, 137, and 138 consisting of approximately 55.95 acres off Quaker Meetinghouse Road which were previously authorized for the purpose of conveyance at the November 18, 2002 Special Town Meeting; said property to be conveyed on such terms and conditions as the Selectmen deem to be in the best interests of the Town with any and all proceeds from such conveyance to be placed in the Stabilization Fund in accordance with M.G.L. c. 40, §5B; or take any action relative thereto.

A motion was made to amend the article by changing "field" to "facility" and add the words "and skateboard park" after the word "facility". The amendment was declared carried by a voice vote.

VOTED: That the Town authorize the Board of Selectmen to convey up to all of the Town property, exclusive of the Town land area that includes the Sandwich Pop Warner football facility and skateboard park, located on all or portions of parcels identified as Assessor Map 17, Lots 134, 137, and 138 consisting of approximately 55.95 acres off Quaker Meetinghouse Road which were previously authorized for the purpose for conveyance at the November 18, 2002 Special Town Meeting; said property to be conveyed on such terms and conditions as the Selectmen deem to be in the best interests of the Town with any and all proceeds from such conveyance to be placed in the Stabilization Fund in accordance with M.G.L. c.40, §5B. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

Since it was 11:05 p.m., the Moderator asked those present, in accordance with Section 1.15 of the Town Bylaws, if they wished to continue the meeting. It was a counted hand vote and carried by 132 Yes to 61 No.

The quorum was then questioned. Since a count of voters totaled 177, the Town Meeting was continued to 7 p.m. on Tuesday, May 4, 2004 at the same location.

The second night of the Annual Town Meeting was convened at 7:35 p.m. on Tuesday, May 4, 2004, a quorum of 200 having been met since a total of 253 voters were checked in by the clerks.

The Moderator swore in the tellers for the second evening, as follows: John S. Jillson, Wilton P. Marshall III, Elizabeth Desaulniers, Paul W. Schrader and Raymond Gehling. He also swore in Craig Sanderson as timekeeper.

ARTICLE 32

To see if the Town will vote to amend the Sandwich Protective Zoning Bylaws, Section 2600, Intensity of Use Schedule by deleting in its entirety the last sentence of Note c which reads:

"Corner and through lots shall maintain front yard requirements for both frontages."

or take any other action relative thereto.

A motion to indefinitely postpone failed to carry.

VOTED: That the Town amend the Sandwich Protective Zoning Bylaws, Section 2600, Intensity of Use Schedule by deleting in its entirety the last sentence of Note c which reads: "Corner and through lots shall maintain front yard requirements for both frontages." This was a counted vote of 132 Yes and 40 No and was declared carried by the required two-thirds majority by the Moderator.

ARTICLE 33

To see if the Town will vote to amend the Sandwich Protective Zoning Bylaws by deleting the existing definition of "Lot Coverage" and replacing it with the following new definition of "Lot Coverage":

LOT COVERAGE—Percentage of lot area that is covered by structures, paving, driveways, walkways and parking area.

And further,

To see if the Town will vote to amend the Sandwich Protective Zoning Bylaws by adding the following to the Definitions section:

COMMERCIAL MARINE FISHING EQUIPMENT STORAGE—Storage of a boat, boat trailer and/or equipment necessary to a commercial marine fishing business. If stored outdoors, such items shall not be stored less than 25 feet from any front lot line and not less than 10 feet from any side or rear lot line. No stored boat shall be used for dwelling or sleeping purposes.

COMMON DRIVEWAY—An alternative means of access for no more than three single-family dwellings on no more than two separate lots as may be allowed by Special Permit Section 4140 of the Bylaw. Common driveways are not streets and do not provide lot frontage.

OFFICE—Office and meeting space for conducting professional services, clerical or administrative work for occupations including but not limited to business, healthcare, not for profit organizations, and trades or for conducting a home occupation.

or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning Bylaws, Definitions, as printed in the Warrant under Article 33. This was a voice vote and declared unanimous by the Moderator.

ARTICLE 34

To see if the Town will vote to amend the Sandwich Protective Zoning Bylaws by adding the following new Section 4140, Common Driveways to Article IV, Special Regulations, or take any other action relative thereto:

Section 4140. Common Driveways

Common driveways to serve up to three single family dwellings on two separate lots are allowed by Special Permit as an accessory use, in order to address existing, significant and recognized public safety concerns. The Planning Board shall be the Special Permit Granting Authority (SPGA).

4141. Procedures. Common driveways may be allowed only in accordance with the standards and criteria set out in Section 4142 below. Special Permit applications under this section shall be accompanied by a completed application form and a plan and profile of the proposed driveway prepared and stamped by a Registered Professional Engineer and Professional Land Surveyor.

4142. Design Standards. At a minimum common driveways shall be constructed to the standard set forth in Section 5S of the Sandwich Planning Board Subdivision Rules & Regulations in effect at the time the Special Permit application is submitted unless otherwise recommended by the Town Engineer. Common driveways shall not exceed 500 feet in length from the lot line where the driveway intersects with the street, to and including the end of the driveway on the last lot it serves.

4143. Special Permit Criteria. The Planning Board shall review all projects for conformance with the following criteria:

- a. The proposed common driveway conforms to the design standards of Section 4142 of this Bylaw and will safely and adequately serve the lots for which it is intended.
- b. The proposed common driveway is designed in its proportions, orientation, materials, landscaping, and other features as to provide a desirable character complementary to and integral with existing natural features while ensuring the least impact on the land over which it is to be constructed.
- c. The Board finds that the driveway would not have a detrimental effect on the safety of the neighborhood.
- d. A deed rider has been submitted in a form acceptable to the Planning Board providing for the continued use and requiring perpetual maintenance of the common driveway by the owners of the lots to be served by the common driveway.
- e. Documents have been submitted in a form acceptable to the Planning Board creating a homeowners association with responsibility for the repair and maintenance of the common driveway by the owners of the lots on which the common driveway is to be located.
- f. The Special Permit applicant has demonstrated to the satisfaction of the Planning Board that the lots that are proposed to be served by the common

driveway can also be served by individual driveways through the frontage of each lot.

4144. Conditions. In granting the Special Permit under this Section, the Planning Board may impose conditions, safeguards and limitations which it deems necessary to effectuate the intent of this Section. The Planning Board shall require as a condition of a common driveway Special Permit that the deed rider and homeowners association documents be recorded in the Barnstable County Registry of Deeds prior to construction of the common driveway.

And further,

Article II, Section 2320 shall be amended to add the accessory use Common Driveway as a use by Special Permit in all zoning districts.

or take any other action relative thereto.

VOTED: That the Town amend the Sandwich Protective Zoning Bylaws, Article IV, Special Regulations, Sections 4140-4144 as printed in the Warrant under Article 34. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 35

To see if the Town will vote to amend the Sandwich Protective Zoning Bylaws by deleting existing Section 4453 in its entirety and replacing it with the following new Section 4453:

4453. Standards

a.) Number Of Dwelling Units. The number of units allowed in an Affordable Housing Conditional Density Development shall be as follows:

Homeownership

<u>Number of Dwelling Units</u>	<u>Percent Affordable</u>	<u>Maximum Number of Units Allowed</u>
4 Units per acre	100% Affordable Units	40
2 Units per acre	50% Affordable Units	20

Rental

1 Bedroom Units or Units Deed Restricted to Age 55 and older*:

<u>Number of Dwelling Units</u>	<u>Percent Affordable</u>	<u>Maximum Number of Units Allowed</u>
10 Units per acre	100 % Affordable Units	40
6 Units per acre	50 % Affordable Units	20

2 Bedroom Units:

<u>Number of Dwelling Units</u>	<u>Percent Affordable</u>	<u>Maximum Number of Units Allowed</u>
4 Units per acre	50 % Affordable Units	20

*Occupancy of such units shall be limited to persons fifty-five of age or older and their dependents, as may be permitted under applicable state and/or federal regulations.

Flexible Dimensional Regulations. Lot area, frontage, yard and coverage regulations shall be the following, in lieu of the requirements in Section 2600:

Minimum Lot Area:	5,000 SF	
Maximum Lot Area:	40,000 SF	
Minimum Lot Frontage:	50 ft*	
Maximum Lot Frontage:	75 ft*	
Minimum Front Yard:	15 ft	
Minimum Side and Rear Yard:	12 ft	
Maximum Lot Coverage:	5,000 SF to 10,000 SF	45%
	10,001 SF to 20,000 SF	35%
	20,001 SF to 30,000 SF	30%
	30,001 SF to 40,000 SF	25%

*But not less than 150 feet if on an arterial street.

or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning Bylaws, Section 4453, Affordable Housing/Conditional Density Program Standards as printed in the Warrant Under Article 35.

ARTICLE 36

To see if the Town will vote to amend the Sandwich Protective Zoning Bylaws by deleting Section 4443 in its entirety and replacing it with the following:

4443. Flexible Dimensions for Cluster Lots.

a.) Lot area, frontage, yard and coverage regulations shall be the following, in lieu of the requirements in Section 2600:

Minimum Lot Area:	5,000 SF	
Maximum Lot Area:	40,000 SF	
Minimum Lot Frontage:	50 ft*	
Maximum Lot Frontage:	75 ft*	
Minimum Front Yard:	15 ft	
Minimum Side and Rear Yard:	12 ft**	
Maximum Lot Coverage:	5,000 SF to 10,000 SF	45%
	10,001 SF to 20,000 SF	35%
	20,001 SF to 30,000 SF	30%
	30,001 SF to 40,000 SF	25%

*But not less than 150 feet if on an arterial street.

Except not less than the requirements of Section 2600 for yards in the development abutting property not located within the Cluster Development. **Accessory buildings shall not be located within six feet of any property line including property lines shared in common with open space parcels, but shall not be less than the requirements of Section 2600 for yards abutting property not located within the Cluster Development.

And further,

Delete Section 4444 (f) in its entirety and replacing it with the following:

4444. Village Cluster Regulations

f.) In lieu of the otherwise applicable requirements for the Cluster Development, lot area, frontage, yard and lot coverage regulations for a Village Cluster shall be the following:

Minimum Lot Area*	5,000 SF	
Maximum Lot Area*	½ the applicable lot area	
Minimum Lot Frontage:	30 ft*	
Maximum Lot Frontage:	50 ft	
Minimum Front Yard:	15 ft	
Minimum Side and Rear Yard**	12 ft	
Maximum Lot Coverage:	5,000 SF to 10,000 SF	45%
	10,001 SF to 20,000 SF	35%
	20,001 SF to 30,000 SF	30%
	30,001 SF to 40,000 SF	25%

*No part of the lot area employed for zoning compliance shall be further from the street line than a distance equal to five (5) times the lot frontage.

Except not less than the requirements of Section 2600 for yards in the development abutting property not located within the Cluster Development. **Accessory buildings shall not be located within six feet of any property line including property lines shared in common with open space parcels, but shall not be less than the requirements of Section 2600 for yards abutting property not located within the Cluster Development.

And further,

Delete Section 4445 in its entirety.

or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning Bylaws, Section 4443, Flexible Dimensions for Cluster Lots as printed in the Warrant under Article 36.

ARTICLE 37

To see is the Town will vote to amend the Sandwich Protective Zoning Bylaws by adding the following to Article II, Section 2300, Use Regulation Schedule under Section 2310, Principal Uses, Commercial:

**2310. PRINCIPAL USES
COMMERCIAL USE**

	ZONING DISTRICT						
	R-1 R-2	BL-1 BL-2	IND	MAR	RD	S	GD
Commercial Marine Fishing Equipment Storage	N	N	Y	Y	N	N	N

And further,

To see if the Town will vote to amend the Sandwich Protective Zoning Bylaws by adding the following to Article II, Section 2300, Use Regulation Schedule under Section 2320, Accessory Uses:

2320. ACCESSORY USES

	ZONING DISTRICT						
	<u>R-1</u>	<u>BL-1</u>					
	<u>R-2</u>	<u>BL-2</u>	<u>IND</u>	<u>MAR</u>	<u>RD</u>	<u>S</u>	<u>GD</u>
Commercial Marine Fishing	Y	BL-1 Y	Y	Y	Y	Y	Y
Equipment Storage. (13)		BL-2 N					

And further,

By adding the following note 13 under Section 2300:

13. In the R-1, R-2, Ridge, Shore and BL-1 such storage shall be limited to one boat and one boat trailer per principal use.

or take any other action relative thereto.

Paul W. Schrader moved that the article be amended as follows: **Section 2320. ACCESSORY USES**, Zoning District, Commercial Marine Fishing, strike the letter “Y” under R-1 and R-2 and insert the letter “N” and further to strike R-1 and R-2 from note 13 under Section 2300. This amendment failed to carry on a voice vote. Shawn P. Murray moved to table the article. The motion to table failed to carry on a voice vote.

VOTED: That the Town vote to amend the Sandwich Protective Zoning Bylaws, Section 2300, Use regulation Schedule, Section 2310, Principal Uses, Commercial as printed in the Warrant under Article 37. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 38

To see if the Town will vote to amend the General ByLaw, Chapter 2, Section 2.80, Town Bylaws: Enforcement, by adding the phrase “Tree Warden” to the list of enforcing persons found in the second sentence, or take any action relative thereto.

VOTED: That the Town amend the Town General Bylaws, Chapter 2, Section 2.80, Town Bylaws: Enforcement, by adding the phrase “Tree Warden” to the list of enforcing persons found in the second sentence. This was a counted voice vote and declared carried by 173 Yes and 28 No.

ARTICLE 39

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, on such terms and conditions as the Board of Selectmen may determine, all or a portion of the land and improvements thereon identified as Assessors Map 14, Lots 321-1 and 322 consisting of approximately 4.71 acres off Farmersville Road, said premises believed to be owned by Erik J. and Mark A. VanBuskirk; and all or a portion of the land and improvements thereon identified as Assessors Map 14, Lot 321 consisting of approximately 2.21 acres off Farmersville Road, said premises believed to be owned by R. W. Anderson & Sons, Inc.; and all or a portion of the land and improvements thereon identified as Assessors Map 14, Lot 320 consisting of approximately 2.00 acres to be subdivided from the entire lot consisting of approximately 10.00 acres off Farmersville Road, said premises believed to be owned by Erik J. VanBuskirk and Sonja T. Daday; for the purposes set out in Section 3 of Chapter 293 of the Acts of 1998; and to appropriate the sum of \$850,000.00, or any other amount, for said acquisition; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$850,000.00 by issuance of general obligation bonds or notes under Section 7 of Chapter 293 of the Acts of 1998 in anticipation of revenues to be received under Section 6 of said Chapter 293, or any other enabling authority; or take any action relative thereto.

VOTED: That the Town authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, on such terms and conditions as the Board of Selectmen may determine, all or a portion of the land and improvements thereon identified as Assessors Map 14, Lots 321-1 and 322 consisting of approximately 4.71 acres off Farmersville Road, said premises believed to be owned by Erik J. and Mark A. VanBuskirk; and all or a portion of the land and improvements thereon identified as Assessors Map 14, Lot 321 consisting of approximately 2.21 acres off Farmersville Road, said premises believed to be owned by R. W. Anderson & Sons, Inc.; and all or a portion of the land and improvements thereon identified as Assessors Map 14, Lot 320 consisting of approximately 2.00 acres to be subdivided from the entire lot consisting of approximately 10.00 acres off Farmersville Road, said premises believed to be owned by Erik J. VanBuskirk and Sonja T. Daday; for the purposes set out in Section 3 of Chapter 293 of the Acts of 1998; and to appropriate the sum of \$850,000.00, for said acquisition; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow

\$850,000.00 by issuance of general obligation bonds or notes under Section 7 of Chapter 293 of the Acts of 1998 in anticipation of revenues to be received under Section 6 of said Chapter 293, or any other enabling authority. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 40

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, on such terms and conditions as the Board of Selectmen deem appropriate, all or a portion of the land improvements thereon identified as Assessors Map 75, Lot 13 consisting of approximately 8.80 acres off Great Island Road, said premises believed to be owned by Jonathan and Nancy Fitch, for purposes set out in Section 3 of Chapter 293 of the Acts of 1998; and to appropriate the sum of \$90,000.00, or any other amount, for said acquisition; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$90,000.00 by issuance of general obligation bonds or notes under Section 7 of Chapter 293 of the Acts of 1998 in anticipation of revenues to be received under Section 6 of said Chapter 293, or any other enabling authority; or take any action relative thereto.

Edward F. McKenna of 9 Dale Terrace Extension moved to amend the article to change the amount of \$90,000.00 to \$40,000. The amendment failed on a voice vote.

VOTED: That the Town authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, on such terms and conditions as the Board of Selectmen deem appropriate, all or a portion of the land and improvements thereon identified as Assessors Map 75, Lot 13 consisting of approximately 8.80 acres off Great Island Road, said premises believed to be owned by Jonathan and Nancy Fitch, for the purposes set out in Section 3 of Chapter 293 of the Acts of 1998; and to appropriate the sum of \$90,000.00 for said acquisition; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$90,000.00 by issuance of general obligation bonds or notes under Section 7 of Chapter 293 of the Acts of 1998 in anticipation of revenues to be received under Section 6 of said Chapter 293, or any other enabling authority. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 41

To see if the Town will vote in accordance with the provisions of M.G.L. c. 44, §53F1/2 to raise and appropriate or transfer from available funds a sum of money to be expended under the direction of the Board of Selectmen, for the purpose of establishing the FY'05 operating budget for Sandwich Hollows Golf Club, provided that no sum shall be appropriated in excess of an amount that would result in a contribution toward debt payment from the Enterprise Fund of less than \$280,000.00,

And further,

To see if the town will vote to raise and appropriate, transfer from available funds, or reappropriate from debt service funds a sum of \$80,000.00, to be expended under the direction of the School Committee, for School Department purposes during FY'05 that the Town recommends serve to finance the acquisition of Textbooks at all four schools (i.e., account number 2400), or take any action relative thereto.

Source of Funds: Reduce General Fund Share of Debt Service on SHGC						
Total FY'03 SHGC Debt Payment	SHGC Contribution in FY'03	Total FY'04 SHGC Debt Payment	SHGC Contribution in FY'04	Total FY'05 SHGC Debt Payment	Budgeted SHGC Contribution	Proposed Increase to Contribution
\$454,228	[\$250,000]	\$451,356	\$275,000	\$449,369	[\$200,000]	\$80,000

Recommended Use of Funds: Increase School Department (e.g., "Account 2400, Textbooks")						
Actual FY'03	Budgeted FY'04	Draft FY'05 Budget	Proposed FY'05 Increase	Effect on Stabilization/Reserves	Effect on Tax Rate	Effect on Debt
\$508	\$20,000	[\$0]	\$80,000	\$0	\$0	\$0

It is the intent of this Article to allow for a motion that presents a choice between a) increasing the amount by which the Town's General Fund subsidizes the debt service associated with the Sandwich Hollows Golf Course, and b) increasing the funding for acquisition of Textbooks in the Schools. It is a further intent of this article to frame this choice in such a way that the outcome does not raise taxes, incur debt, or reduce the Reserve Account or Stabilization Funds. (Submitted by Petition)

There was no motion to bring this article before the voters.

ARTICLE 42

To see if the Town will vote to transfer and appropriate a sum not to exceed \$275,000.00 from the Beach and Recreation Account, to be expended under the direction of the School Committee, for School Department purposes during FY'04 that the Town recommends serve to finance extracurricular programs, like Athletics, at all four schools, or take any action relative thereto.

Source of Funds: Transfer from "Beach and Recreation Account"						
Actual FY'03	Appropriated FY'04	Estimate of Balance on 5/1/2004	Proposed FY'05 Transfer Out	Effect on Stabilization/Reserves	Effect on Tax Rate	Effect on Debt
[\$98,653]	\$109,145	[\$385,000]	to \$275,000	\$0	\$0	\$0

Recommended Use of Funds: Increase School Department (e.g., "Account 3510, Athletics")						
Actual FY'03	Budgeted FY'04	Est. of FY'04 Participation Fees	Draft FY'05 Budget	Est. of FY'05 Participation Fees	Proposed FY'05 Transfer In	
[\$324,905]	\$200,471	[\$130,000]	[]	[]	to \$275,000	

It is the intent of this Article to allow for a motion that presents a choice between a) the Town continuing its practice of maintaining a large, recurring fund balance in the Beach and Recreation Account, and b) the elimination of, or imposition of reductions and participation fees on, extracurricular School activities, like Athletics. It is a further intent of this article to frame this choice in such a way that the outcome does not raise taxes, incur debt, or reduce the Reserve Account or Stabilization Funds. (Submitted by Petition)

Jennifer E. Valentine of 10 Chapaquoit Way moved to transfer and appropriate \$200,000 from the beach parking receipts reserved for appropriation account to be expended under the direction of the School Committee for School Department purposes that the town recommends, to serve to finance extracurricular programs like athletics at all four schools. The motion was seconded from the floor. After a lot of discussion, it was voted to move the question. This motion carried.

VOTED: The main motion under Article 42 was voted by voice vote and declared NOT CARRIED by the Moderator.

ARTICLE 43

To see if the Town will vote to raise, through the collection of Local Receipts, and appropriate the sum of \$600,000.00, to be expended under the direction of the School Committee, for School Department purposes during FY'05 that the Town recommends serve to address deficiencies that a) are identified in the Accreditation Report of the New England Association of Schools and Colleges, b) are revealed by a comparison of the School Department's budget accounts to the Foundation Budget benchmark values for those accounts as calculated by the Massachusetts Department of Education, and c) are called out for attention by the School Councils and Parent Teacher Associations, or take any action relative thereto.

Source of Funds: Increase the Amount of 'Local Receipts' Budgeted for Use in FY'05						
Actual FY'00 Local Receipts	Actual FY'01 Local Receipts	Actual FY'02 Local Receipts	Actual FY'03 Local Receipts	Est. of FY'04 Actual Receipts	Budgeted FY'05 Use	Proposed Increase to FY'05 Use
\$4,698,442	\$4,627,504	\$4,650,395	\$4,822,961	[\$5,200,000]	[\$4,200,000]	\$600,000

Recommended Use of Funds: Increase Appropriation to School Department						
Actual FY'03	Appropriated FY'04	Draft FY'05 Appropriation	Proposed Increase	Effect on Stabilization/Reserves	Effect on Tax Rate	Effect on Debt
\$19,001,496	\$19,339,822	\$19,726,618	\$600,000	\$0	\$0	\$0

It is the intent of this Article to allow for a motion that presents a choice between a) the Town continuing its practice of underestimating the availability of Local Receipts for appropriation in the same year during which these fees and excise taxes are collected, and b) the correction of specific deficiencies in the staffing, operation, and financing of the School Department that have been identified to the Town by outside organizations responsible for education policy and oversight (Department of Education), accreditation of the High School (NEASC), and facilitation of community involvement and improvement plans. It is a further intent of this article to frame this choice in such a way that the outcome does not raise taxes, incur debt, or reduce the Reserve Account or Stabilization Funds. (Submitted by Petition)

Ellen E. Scott of 47 Easterly Drive moved to raise and appropriate or transfer from available funds the sum of \$300,000.00 to be expended under the direction of the School Committee for School Department purposes that the Town recommends serve to address deficiencies that are a) identified in the accreditation report of the New England Association of Schools and Colleges; b) revealed by a comparison of the School Department's budget accounts to the Foundation Budget benchmark values for those accounts as calculated by the Massachusetts Department of Education; and c) called out for attention by the School Councils and Parent Teacher Associations.

Mr. John Georgio, Legal Counsel, stated that "or transfer from available funds" was out of order. Ms. Scott removed that wording from her motion.

VOTED: The main motion under Article 43 was voted by voice vote and declared NOT CARRIED by the Moderator.

ARTICLE 44

To see if the Town will vote to rescind approvals previously granted to transfer and appropriate a total of \$246,192 from the Stabilization Fund for purposes known as "Municipal Building committee" (\$109,092), "Marina Expansion" (\$95,000), and Wastewater Facilities Plan (\$42,100), and reappropriate those funds for the purpose of making immediate and permanent repairs to the track at the High School.

Source of Funds: Rescind Approval for Obsolete Projects Already in the Stabilization Fund						
Unencumbered Stabilization Fund Balance	Encumbered Stabilization Fund Balance	Draft FY'05 Encumbrances	Draft FY'05 Appropriations to Stabilization	Effect on Stabilization/Reserves	Effect on Tax Rate	Effect on Debt
\$708,748	\$253,305	[\$0]	[\$0]	-\$246,192	\$0	\$0

Use of Funds: Add to Building/Capital Purchases Account for the Purpose of Track Renovation						
Appropriated FY'03	Appropriated FY'04	Draft FY'05 Appropriation	Proposed Increase	FY'05 Capital Improvement Plan	Effect on CIP	Projected FY'05 CIP Shortfall
[\$567,579]	\$400,000	[\$400,000]	\$246,192	[\$2,390,766]	-\$246,192	[\$1,744,584]

It is the intent of this Article to allow for a motion that presents a choice between a) the Town continuing its practice of carrying large balances in its Stabilization Fund that are encumbered for purposes that are today obsolete, and b) funding the second largest item in the Town's FY'04—By'08 Capital Improvement Plan and single largest priority of the School Department's building/capital needs, thereby correcting a deficiency specifically called out for attention by the Accreditation Report of the NEASC. It is a further intent of this article to frame this choice in such a way that the outcome does not raise taxes, incur debt, reduce the Reserve Account, or reduce the unencumbered monies in the Stabilization Funds. (Submitted by Petition)

Stephen R. Balkam of 2 Mary Leal Lane moved that the town transfer the unexpended balance of \$109,092 from Article 19 of the Special Town Meeting of September 1987, the Municipal Building Committee, plus the unexpended balance of \$95,000 from Article 42 of the Annual Town Meeting of May 1983, Marina Expansion, and the unexpended balance of \$42,100 of a project known to the Selectmen as a Waste Water Facilities Engineering Plan, to make immediate and permanent repairs to the track at the high school. The motion was seconded from the floor. It was moved and voted to move the question.

VOTED: The main motion under Article 44 was voted by voice vote and declared NOT CARRIED by the Moderator.

The Town Meeting was disbanded at 10:18 p.m. until the Election to be held on Thursday, May 6, 2004 from 7 a.m. to 8 p.m.

The results of the election are as follows:

BOARD OF SELECTMEN, For Three Years
Vote for not more than two

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Douglas S. Dexter	287	279	213	153	158	140	127	1357
Bob Guerin	221	223	250	149	150	159	140	1292
Randy Hunt	360	323	267	188	187	225	164	1714
William F. Moore, Jr.	93	106	95	60	80	83	90	607
Daniel J. Welch	44	54	24	24	19	34	39	238
All others	4	7	1	0	0	4	2	18
Blanks	161	148	126	78	98	91	110	812
Total	1170	1140	976	652	692	736	672	6038

BOARD OF ASSESSORS, For Three Years
Vote for not more than one

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Lawrence B. Harrington	434	388	367	243	272	285	254	2243
All Others	6	1	2	2	0	1	4	16
Blanks	145	181	119	81	74	82	78	760
Total	585	570	488	326	346	368	336	3019

TOWN CLERK, For Three Years
Vote for not more than one

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Barbara J. Walling	467	441	392	260	283	296	276	2415
All Others	1	2	3	0	3	3	2	14

Blanks	117	127	93	66	60	69	58	590
Total	585	570	488	326	346	368	336	3019

TAX COLLECTOR, For Three Years
Vote for not more than one

	P1	P2	P3	P4	P5	P6	P7	TOTALS
E. Susan Flynn	374	390	368	221	255	240	233	2081
Pamela Elvander Taylor	163	148	81	76	71	103	80	722
All Others	2	0	0	0	0	0	1	3
Blanks	46	32	39	29	20	25	22	213
Total	585	570	488	326	346	368	336	3019

CONSTABLE, For Three Years
Vote for not more than one

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Joseph M. Cotter	422	399	362	239	262	273	251	2208
All Others	5	5	2	0	1	3	4	20
Blanks	158	166	124	87	83	92	81	791
Total	585	570	488	326	346	368	336	3019

SCHOOL COMMITTEE, For Three Years
Vote for not more than two

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Sandra Aleta Barton	190	190	148	96	103	109	89	925
Angela A. Feltman	201	164	145	93	87	103	85	878
James Michael Foley	227	254	180	110	121	152	122	1166
Thomas R. Hickey	147	156	146	89	121	112	130	901
Brian S. Joseph	41	57	55	35	40	38	29	295
Jeanne Gray Prendergast	136	109	125	113	106	101	111	801
Antoinette Saunders	22	23	10	30	19	22	20	146
All Others	5	0	0	1	0	0	0	6
Blanks	201	187	167	85	95	99	86	920
Total	1170	1140	976	652	692	736	672	6038

BOARD OF HEALTH, For Three Years
Vote for not more than one

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Sandra Lee Tompkins	424	379	357	236	260	283	257	2196
All Others	3	1	2	1	1	0	3	11
Blanks	158	190	129	89	85	85	76	812
Total	585	570	488	326	346	368	336	3019

TRUSTEE, SANDWICH PUBLIC LIBRARY, For Three Years
Vote for not more than three

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Alice F. Baker	394	348	343	231	254	261	242	2073
Janet E. Czarnetzki	405	367	341	223	242	261	225	2064
Carolyn A. Weimar	399	357	341	229	246	268	233	2073
All Others	5	1	0	0	0	1	1	8
Blanks	552	637	439	295	296	313	307	2839
Total	1755	1710	1464	978	1038	1104	1008	9057

TRUSTEE, WESTON MEMORIAL FUND, For Three Years
Vote for not more than 1

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Charles E. Scribner	426	383	357	238	251	278	247	2180
All Others	4	2	0	0	1	0	1	8
Blanks	155	185	131	88	94	90	88	831
Total	585	570	488	326	346	368	336	3019

PLANNING BOARD, For Three Years
Vote for not more than 2

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Sarah M. Regan	407	358	354	234	255	262	236	2106
Joseph A. Vaudo	389	351	323	206	221	241	217	1948
All Others	3	4	4	0	2	0	1	14
Blanks	371	427	295	212	214	233	218	1970
Total	1170	1140	976	652	692	736	672	6038

PLANNING BOARD, For Two Years, Unexpired term
Vote for not more than 1

	P1	P2	P3	P4	P5	P6	P7	TOTALS
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Jeffrey G. Mandeville	396	353	345	232	253	271	239	2089
All Others	3	1	1	0	0	0	1	6
Blanks	186	216	142	94	93	97	96	924
Total	585	570	488	326	346	368	336	3019

PLANNING BOARD, For One Year, Unexpired term
Vote for not more than one

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Taylor D. White	414	370	349	234	254	275	240	2136
All Others	3	1	1	0	1	2	3	11
Blanks	168	199	138	92	91	91	93	872
Total	585	570	488	326	346	368	336	3019

UPPER CAPE COD REGIONAL TECHNICAL VOCATIONAL SCHOOL, For Three Years
Vote for not more than one

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Steven L. Chalke	276	254	207	138	177	199	167	1418
Robert S. Jones	236	235	216	131	124	118	125	1185
All Others	3	1	0	0	1	2	2	9
Blanks	70	80	65	57	44	49	42	407
Total	585	570	488	326	346	368	336	3019

The Polls were closed at 8:00 p.m. The total vote cast was 3,019. The total number of voters at the close of registration prior to the election was 13,540. The voting lists of Ballot Clerks and Checkers were checked and found in order and agreed with Ballot Box totals.

The number of absentee ballots was 175, which included P1 – 36, P2 – 42, P3 – 35, P4 – 7, P5 – 15, P6 – 20, P7 – 10.

I certify that this is a true record of the Annual Town Meeting and Election held on May 3 and May 6, 2004.

Barbara J. Walling
Town Clerk