

# TOWN OF SANDWICH

## 2007 ANNUAL TOWN MEETING

May 7, 2007

The Annual Town Meeting was called to order in the Sandwich High School auditorium by Moderator Jan Levin Teehan at 7:05 p.m. after ascertaining a quorum was present. The clerks checked in a total of 638 voters.

The Sandwich Schools Jazz Band under the direction of George Machon and Scott Thomas played selections from 6 to 7 p.m. The Moderator had sworn in the following volunteers to serve as counters and wherever else necessary: Pamela Terry, Assistant Moderator, Irene Coates, Karol Maybury, Max Mittendorff, and Sandwich High School students Michaela Burns, Alyssa Caggiano, Sarah Carrita, Matthew Cobb, Caroline Conena, Megan Diemer, Christopher Gallagher, Amy Hunter, Allie Lamb, Rebecca Lamb, Robert Maxim, Payson Titcomb, Victoria Simmons, Sarah Triplett, Katherine Wiklund, and Monique Williams.

Assistant Town Administrator Douglas Lapp served as timekeeper. Reverend John McGinn, pastor of St. Johns Episcopal Church, gave the invocation. The Moderator called for a moment of silence in memory of William G. Bryden, Joseph E. Killory, and Leo R. Manning, all of whom served the Town in various capacities for many years.

### 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 2006 Annual Town Reports.**

### ARTICLE 2

To see if the Town will vote to hear the report of the Finance Committee and to see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$59,276,797.00, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2007 to June 30, 2008 as itemized below in the third column entitled FY'08 Recommendation, or take any action relative thereto.

F. Randal Hunt, Chairman of the Board of Selectmen, made the following comments:

- 1) As always, the Board of Selectmen worked closely with the Town Administrator and his staff to develop the budget. The objectives we had for the Fiscal Year 2008 budget were as follows:
- 2) The elimination of the high cost, indemnity health care plan was at the top of the list and it has now been written out of every general government union contract and is no longer an option for retirees.
- 3) Our HR Director, Marie Buckner, along with the assistance of every department head, has been very successful developing risk management programs that have paid off in the way of reducing accidents, property losses, and insurance premiums.
- 4) The objective of doubling our promise to make the 2005 override last for three years is accomplished for the general government departments tonight by approving Article 5, which adds \$600,000 on the Town's rainy day fund, also known as the Stabilization Fund.
- 5) Several years ago, Town Meeting showed its concern for maintaining the Town's buildings and other facilities when it approved the Director of Facilities position. This year, we have the opportunity to boost our capital spending in order to tackle some more expensive projects, such as making repairs to the Oak Ridge and Forestdale roofs, replacing the Sandwich High School Auditorium curtains, and replacing the Wing School gymnasium floor and bleachers. Other significant capital items this year include the purchase of a new ambulance, the construction of a new retaining wall at the transfer station along with several trash compactors, and equipment requested by the School Safety Committee.
- 6) Town Meeting and the voters approved an override in 2001 to hire ten firefighters and a deputy fire chief. Due to cutbacks in state aid that year, we were unable to hire the deputy fire chief. This budget fulfills our obligation to the voters.
- 7) Finally, it is always an objective to adequately fund the general government and school department budgets. This year, we have been able to do that, covering the necessities and funding several accounts at more realistic levels than we have been able to do in the past several years.
- 8) From a numbers standpoint, here are the highlights:
- 9) The overall increase from fiscal year 2007 to fiscal year 2008 is 3.9%, well within the guidelines we have set for ourselves in the Town's Long Range Plan.
- 10) The usual \$400,000 in capital spending has been boosted this year to an even one million dollars, providing funding for several critical projects I covered a minute ago.
- 11) The "rainy day" fund will receive an additional \$600,000, which will provide some cushion against deficits projected in our Long Range Plan.
- 12) Not only did the efforts of the town's administrative staff slow down the increase in liability, property and casualty insurance, this year's budget actually trims \$70,000 from last year's appropriation.
- 13) Finally, the school department's requested budget was met and, based on the preliminary state budget, Sandwich should see an increase in Chapter 70 school aid of nearly a half million dollars this year. That will cover more than half of the \$800,000 that was cut from the school's needs budget.

In summary, I can say that the budget being recommended to Town Meeting this evening is fiscally responsible, enhances a few much-needed Town service areas, and addresses several critical capital projects. Thank you, Madam Moderator for allowing me the time to articulate the Board of Selectmen's position on this year's budget.

Finance Committee Budget Message:

Hank Sennott, Chairman of the Finance Committee, gave the following report to the 2007 Annual Town Meeting: The role of the Finance Committee tonight is a simple one: to report on the proposed town budget based on the Committee's thorough review and to recommend to Town Meeting a fiscally responsible spending plan that meets the needs of our community within our ability to pay.

To fulfill this important responsibility, the Finance Committee interviews every Town Department head...from Accountant to Treasurer...as well as meeting with the Board of Selectmen and the Superintendent of the Upper Cape Regional Technical School. Several of us also toured various Town Facilities including our three fire stations, Police Department, Sandwich Hollows Golf Course and the Ryder Conservation area.

In an effort to make the budget review process more open to residents, Finance Committee meetings were televised live for the first time on local cable access giving every interested citizen the opportunity to learn about the operations of Town Departments, their particular challenges and spending plans for the upcoming Fiscal Year. The Finance Committee also hosted an "Open Mic" night to give residents an opportunity to express their concerns directly to the Committee in an open, public session.

As a result of our review, the Finance Committee offers the following observations and comments: The budget we recommend for your approval is balanced and – for the first time in many years – funds the General Government and School Department budgets at levels initially requested by the Town Administrator and School Committee. While this is significant, several needed staff positions and enhanced operating budget accounts on the General Government side – many of which were reduced several years ago – could not be funded once again within the limits of Proposition 2.5. On the School side, five full-time and two part-time positions are being eliminated and fees are increasing for both transportation and athletics.

In keeping with the policy adopted by the Board of Selectmen, the budget does not assume any increase in state aid—Chapter 70, Lottery Aid, etc. When these amounts become available, the Board of Selectmen will call a Special Town Meeting in the Fall so that funds can be appropriated or adjustments made accordingly.

The Finance Committee is pleased to report that the budget finally funds the position of Deputy Fire Chief first approved by voters in a May 10, 2001 override vote. The Deputy Chief position was the only one of ten positions approved in the override that could not be funded due to unexpected budget shortfalls the following year.

This budget also addresses long-standing shortfalls in certain Town Departments such as vehicle repairs in the Fire Department, the hiring of a deputy Natural Resources Director, and training needs in several departments. It also has a Reserve Fund of \$400,000. This figure is the same as last year, but arguably is still inadequate in that it represents less than 1.0% of our total operating budgets.

The Capital Improvements Budget is also funded at a level that will allow us to address several lingering concerns both in the General Government and School areas. With additional one-time increases in Surplus Revenue, all agreed higher spending on much needed and long delayed capital items was appropriate, leading to a total recommended allotment of \$1.0 million for FY'08.

Efforts by the Board of Selectmen and Town Administrator to phase out the indemnity health insurance option are also bearing fruit. The Finance Committee congratulates them—and our General Government bargaining units—for their efforts. Inroads have also been made by the School Committee and Superintendent, with the largest School union contract still unresolved for the upcoming school year.

A subgroup of the Finance Committee continues to work with the Golf Advisory Committee to create a long term, strategic plan for Sandwich Hollows Golf Course.

We would be remiss if we did not comment on the condition of the Town facilities. They are crowded, outdated and most likely need to be replaced. Sections of the Police Station are literally separating from each other; valuable electronic equipment is stored in the basement because that is the only place where there's space; rest room facilities are accessed through the Chief's office. Our Fire Stations are overcrowded; valuable equipment is stored in outside storage bins; medical supplies are kept in cabinets that barely pass inspection.

The Finance Committee has put a review of all Town facilities on its agenda for future months and will review options not only for our Police and Fire facilities, but also our other Town Offices, which are scattered in five separate buildings, excluding the Sandwich Marina and Sandwich Hollows, resulting in inefficiencies in operation and equipment.

While this year's budget process was relatively easy when compared with other years, we need to remember that our spending plans continue to be influenced by outside forces. The increasing costs of health insurance, the vagaries of state aid and the Upper Cape Regional Technical School assessment are just three areas that remain of constant concern.

As a Finance Committee—and as a community—we also continue to wrestle with the question as to whether to defer and minimize overrides to limit impact on taxes or to raise whatever is needed to provide services that many residents consider necessary. We will no doubt be confronted with that dilemma over the next few years as we look at solutions to our Town facility crisis and providing the funds necessary to educate our children. It should be an interesting debate that we hope everyone will participate in.

FY '08 BUDGET TOTALS

No.	Department	FY'06 Appropriated	FY'07 Appropriated	FY'08 Recommended
114	Moderator	450	450	450
123	Selectmen/Administrator	290,033	293,380	315,317
	<b>Personnel Expenses</b>	<b>100,000</b>	<b>255,178</b>	<b>233,693</b>
131	Finance Committee	2,200	2,200	2,200
135	Accounting	138,791	142,056	146,918
141	Assessing	289,662	299,204	313,686
145	Treasurer	161,864	166,744	171,617
146	Tax Collector	196,994	205,539	207,151
147	Tax Title	30,000	15,000	15,000
151	Legal	175,000	200,000	200,000
152	Human Resources	97,457	101,000	107,419
152	Town Clerk	127,562	130,012	136,986
162	Elections & Registrations	38,900	53,400	51,400
171	Natural Resources	107,930	167,597	218,760
175	Planning & Development	122,475	136,919	141,003
190	Facilities Management	371,641	376,006	387,281
195	Town Reports	15,000	13,000	13,000
196	Bind Town Records	1,500	1,000	1,000
197	Data Processing	279,500	281,269	295,678
	<b>Total 100s</b>	<b>2,546,959</b>	<b>2,839,954</b>	<b>2,958,559</b>
210	Police Department	2,789,387	2,772,018	2,973,135
220	Fire Department	3,089,197	3,152,535	3,486,970
241	Inspections	190,992	196,696	208,807
244	Weights & Measures	1,200	1,200	1,200
291	Emergency Management	480	1,000	2,000
294	Forest Warden	1,200	1,200	1,500
297	Bourne Shellfish	4,000	4,000	4,000
299	Greenhead Fly	1,500	1,500	1,500
	<b>Total 200s</b>	<b>6,077,956</b>	<b>6,130,149</b>	<b>6,679,112</b>
300	School Department	26,070,445	27,113,263	28,549,981
	<b>Total 300s</b>	<b>26,070,445</b>	<b>27,113,263</b>	<b>28,549,981</b>
410	DPW – Engineering	120,771	121,297	125,235
420	DPW – Highways	1,093,554	1,157,677	1,203,710
421	Snow & Ice	250,004	250,005	200,006
424	Streetlights	23,500	23,500	30,000
435	DPW – Sanitation	748,716	780,069	780,069
	<b>Total 400s</b>	<b>2,236,545</b>	<b>2,332,548</b>	<b>2,389,020</b>
510	Health Department	144,749	146,986	152,803
522	Nursing Department	91,915	90,902	115,172
541	Council on Aging	116,617	122,671	131,515
543	Veterans Services	30,806	28,991	29,349
547	Disabilities Commission	500	500	500
	<b>Total 500s</b>	<b>384,587</b>	<b>390,050</b>	<b>429,339</b>
610	Library	730,602	759,826	800,219
629	Youth Task Force	500	500	500
630	Recreation Department	54,455	58,239	58,439
650	DPW – Parks	20,250	23,250	23,250
670	Archives	2,500	2,500	0
671	Hoxie House/Grist Mill	0	0	20,000
693	Memorial Day	1,200	1,200	1,200
694	Historic District	11,000	11,000	11,500
	<b>Total 600s</b>	<b>820,507</b>	<b>856,515</b>	<b>918,108</b>
	<b>OPERATING SUBTOTAL:</b>	<b>38,136,999</b>	<b>39,662,479</b>	<b>41,924,119</b>
135	Marina & SHGC Indirect Cost Transfers			22,200
630	Beach & Recreation Account Transfers			162,772
645	Community Preservation Act Debt			996,992
650	Cemetery Trust Fund Transfer			22,000
	<b>INTER-FUND TRANSFERS SUBTOTAL:</b>			<b>1,203,964</b>
132	Reserve Fund			400,000
540	Social Services Programs			30,000
710	Short Term Debt			75,000
750	Debt			6,219,802
910	Group Health Insurance			6,500,000

912	Medicare			391,367
940	Property & Liability Insurance			650,000
941	Unemployment Account			50,000
950	Retirement Assessment			1,834,545
	<b>OTHER ACCOUNTS SUBTOTAL:</b>			<b>16,148,714</b>
	<b>FY'07 BUDGET TOTAL:</b>			<b>58,279,805</b>

**UNANIMOUSLY VOTED:** That the Town hear the report of the Finance Committee and raise and appropriate \$55,538,134.00; transfer and appropriate \$537,707.00 from Surplus Revenue; transfer and appropriate \$750,000.00 from the ambulance receipts reserved for appropriation account; transfer and appropriate \$250,000.00 from overlay releases; transfer and appropriate \$996,992.00 from Community Preservation Act funds; transfer and appropriate \$7,200.00 from Sandwich Marina funds; transfer and appropriate \$162,772.00 from the beach parking receipts reserved for appropriation account; transfer and appropriate \$22,000.00 from cemetery trust funds; and transfer and appropriate \$15,000.00 from the Sandwich Hollows Golf Club enterprise fund to defray Town expenses for the Fiscal Year 2008 as itemized in the third column entitled FY'08 Recommendation, as printed in the Warrant under Article 2, and set the compensation of elected officials as follows:

Moderator	450.
Chairman, Board of Selectmen	2,000.
Selectmen – 4 each	1,500.
Chairman, Board of Assessors	1,500.
Assessors – 2 each	1,000.
Town Clerk	63,000.

### ARTICLE 3

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$1,624,674.00, or any other amount, to meet its obligation for the Upper Cape Cod Regional Technical School's Fiscal Year July 1, 2007 to June 30, 2008 assessment, or take any action relative thereto.

F. Randal Hunt, Chairman of the Board of Selectmen, made the following comments: Please note that when I refer to the school committee in my comments relative to this article, I am speaking of the Upper Cape Tech School Committee, on which Sandwich has two representatives.

In preparing the fiscal 2008 budget, we planned for an increase in the Upper Cape Tech School's assessment, taking that line item to \$1.4 million. In spite of several attempts during March by the Town Administrator to get preliminary budget figures from Upper Cape Tech, we received news of a 29 per cent increase in Sandwich's assessment after we had submitted our budget recommendations to the Finance Committee.

A significant part of the increase was related to Sandwich's enrollment at Upper Cape Tech, which went up relative to the other towns who send their kids to the school. Those towns, by the way, are Falmouth, Bourne, Wareham and Marion. But, even after factoring out this apportionment, the Upper Cape Tech's budget proposal for fiscal year 2008 is a 12 per cent increase over the current year. Far beyond what we can budget for our own school system.

According to the superintendent of Upper Cape Tech, in his presentation to us several weeks ago, the school had been funding its operations at what is called Foundation Level for several years. In planning for fiscal year 2008, the Upper Cape Tech School Committee approved an increase beyond Foundation Level to the tune of about \$350,000. Most of this increase, however, wasn't because of increased costs, but rather because the superintendent and school committee chose to fund several positions in the budget that had been previously funded by government grants.

Those government grants are not going away. The school committee has said that they will put the money, instead, into their rainy day fund. I like rainy day funds, but the Board of Selectmen had two major objections to this approach:

- 1) No warning about this change in budgeting technique was given to any of the participating towns. Surprises of this magnitude have no place in our budgeting process.
- 2) In order to pay for the unexpected increase in the Upper Cape Tech assessment, we had to reduce funding of our own school system--in effect, transferring funds directly from the Sandwich school department operating budget to the Upper Cape Tech's rainy day fund.

We are not, in any way, trying to take funds away from our students who attend Upper Cape Tech. The government grants will still be there and no services will disappear if we force the Upper Cape Tech school committee to take a second look at their budget.

Other towns agree with us. Wareham's finance committee recommended against approving the Upper Cape Tech assessment. They are voting on this article tonight at their own town meeting. The Bourne selectmen voted against recommending the increased assessment and I understand that Marion is considering the same action.

If two towns do not approve the Upper Cape Tech assessment, then their school committee will have to revisit their budget recommendation. This is worth taking a stand on and the Board of Selectmen recommends that you vote "No" on this article.

Penelope J. Blackwell, a Sandwich member of the Upper Cape Cod Regional Technical School, gave the following report after thanking the Boards and the Town for their prior support:

In Massachusetts, the definition of an adequate spending level for a school district is called its “foundation budget.” Every school district must spend at least this amount to educate its students. The formula used to determine the “foundation budget” was developed in FY94. Numerous state and federal mandates and curriculum changes, as well as more extensive MCAS testing, have been introduced since that time.

It is important to note that recent changes to the foundation budget have simply reconstituted costs into a new set of categories for understandable reporting. The DOE acknowledges that the rates have only been changed such that there is no significant change to the final foundation budgets amount. The new foundation budget formula might be more understandable, but it is still not adequate. The legislature needs to consider that fact that the foundation budget is set artificially low.

On October 1<sup>st</sup> of each year we report the total number of students in our school. That information, along with all the information from the towns on property assessments and median income levels, municipal revenue growth factor, become part of the formula. In addition our total number of ELL, low-income students, and special education students (30 per cent) are also part of the formula.

The state sets the Preliminary Minimum Contribution for each town and posts it on the website. We then add transportation costs and capital assessment. We also reduce the amount of the assessment by deducting the Chapter 70 aid and any other revenue available (interest).

The final assessment for the town of Sandwich is \$1,606,650. serving 133 students. The town’s minimum contribution has increased 20.6% as mandated by the Commonwealth. Sandwich has increased its enrollment at UCT by 13.68% over the previous year.

The per-pupil cost to the Town of Sandwich is approximately \$12,080 per student. The cost to the other towns is: Falmouth \$14,107; Wareham \$9,055; Bourne \$11,593; and Marion \$13,981. These figures are based on the state funding formula and each town’s perceived “ability to pay.”

Within our operating budget is the entire school district benefits (health insurance) and building insurance. Health insurance for current staff and retirees has gone from \$1,364,440 to \$1,526,244. As part of the Cape Cod Municipal Health group, this increase was not as bad as expected. Our building insurance has increased from \$105,500 to \$121,500 this year. We also must do our own snow removal and have budgeted only \$10,500.

A Decennial Evaluation given on April 12, 2007 given by Charles Salerno listed areas of commendation including: The openness of the administration to the students, students feel very comfortable approaching administrators with problems or concerns; the respect for staff shown by the students; the hard work done by students; the tremendous rapport with the community; excellent graduation statistics; the completion of both 1-year and 3-year follow-up surveys, and the exceptional student body.

He also listed areas of recommendation, including school is too crowded, not unsafe yet, but industrial concerns are imminent in the future—need to think about expansion; school lags behind in the average per pupil expenditure for vocational schools by about \$2,000; common planning time should be implemented; and should consider offering more electives.

Stephen Chalke, also a representative to the Upper Cape Cod Regional Technical School Committee, spoke on the issue. He said the theme that he had been hearing from the number of boards in Sandwich is communication, communication, communication—NO surprises.

First, the way I view Sandwich is this town has TWO high schools (1) Sandwich High, a comprehensive High School and (2) Upper Cape Cod Regional Technical School. For those 133 students from Sandwich who are very much interested in learning a trade and also has the option of pursuing a two- or four-year college degree. Isn’t it great to have two very good options for our kids in Sandwich?

Second, one of my goals since I have been on the Board is to improve the communications with regards to the UCT with the great people of Sandwich. Randy Hunt was so kind to produce a 10- & 30-minute video of the various shops and information about the UCT and was aired on Channel 13 and is used for recruiting for the 6 to 8<sup>th</sup> graders. Frank Pannorfi gave me the idea what about the UCT attending one of the Selectmen’s Corner and Doug Dexter made it happen, and hopefully this will be an annual event. I also have been asking about the UCT to present periodically to the Board of Selectmen and they gave me the impression that during the budget season would be fine. Isn’t it amazing how things have changed with regards to wanting to meet with UCT more frequently—music to my ears. I can’t tell you how many times I wanted this to happen.

Third – Fiscally responsible to the taxpayers of Sandwich. Let me take you on a journey through time. You have been hearing a number of sound bites of information from the newspapers, various boards in town, other member towns, and most of this information isn’t giving you the full picture and in some cases they have put their own spin on the information.

Fact One – The UCT has been at Net Foundation Budget for the past five years, which is the minimum that the state will allow a school system to operate. Just think if the Sandwich school was told by the selectmen to be at Net School spending, I am sure there would be a line down to Quaker Meetinghouse Road and I would be leading the pack.

Fact Two – The surprise factor -- WE NEED TO GET OVER THIS. I was just as surprised when House one was released by the Governor around February 28 on what the preliminary Minimum Contribution Assessment is for Sandwich. The UCT School Committee met on March 8 with a public hearing and the committee voted unanimously that night after cutting the budget further by 163K. Once the vote was taken we called the selectmen that night and it was after they had adjourned. I am truly sorry that the information wasn’t given earlier because of the delay in the state assessment formula.

Fact Three – What are the key components that make up the 26.6 per cent or \$338,131 Sandwich share of the assessment. Why is it we do not seem to hear about what is behind the percentage number? Any good accountant would drill down and take a look at why is the percentage so high a very legitimate question? Did you know that the minimum contribution state law increased by \$221,845 or 19.3 per cent? Did you know that back in 2003 this town voted for the UCT to replace their HVAC system of 1.9 million. The bond is now due and is in this year's capital budget of \$46,035 running total of \$267,880 or 21.1 per cent? Did you know that Sandwich's share of over foundation budget first time in 5 years is \$70,251 or 5.5 per cent? Oh, by the way, we have not changed our fundamental principles of budgeting at the UCT as some may have you believe. We had 14 positions outside the budget due to grants a few years ago. We have been moving them into the operational budget over the years and we feel very strongly that 7 of those previously-funded by grants will not exist in fiscal year 08. So, this is why they were moved into the budget this year.

In conclusion, please vote in favor of Article 3.

**VOTED: That the Town raise and appropriate \$1,606,650.00 to defray Upper Cape Cod Regional Technical School expenses for the Fiscal Year 2008. This was a voice vote and declared NOT CARRIED by the Moderator. A counted vote was requested, 144 Yes, 387 No, and was declared NOT CARRIED by the Moderator.**

**ARTICLE 4**

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 \$1,000,000.00, 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 Repairs/Capital Purchases account to be expended under the direction of the Board of Selectmen:

Animal Control Officer Vehicle	45,000.00
Police Department Handguns & Holsters	20,000.00
Fire Engine Lease Payment	72,500.00
Fire EMS Officer Vehicle	35,000.00
Fire Ambulance Replacement	150,000.00
Inspections Office Pickup	30,000.00
DPW Transfer Station Retaining Wall & Compactors	250,000.00
Jan Sebastian Drive Copier	15,000.00
Funding of Massachusetts Estuaries Program	60,000.00
School Department Safety Equipment & Improvements	50,000.00
School Special Education Vehicle	20,000.00
Sandwich High School Auditorium Curtains	12,500.00
Oak Ridge & Forestdale School Roof Repairs	40,000.00
Henry T. Wing School Gym Floor & Bleachers	154,500.00
Henry T. Wing School Triangular Windows/Roof	30,000.00
Conservation Lands Improvements	6,000.00
Department of Natural Resources Outboard Engine	9,500.00

or take any action relative thereto.

**VOTED: That the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$1,000,000.00 from Surplus Revenue, 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 as listed in Article 4 of the warrant, with any unexpended balance for each item identified below to be placed in the Building Repairs/Capital Purchases account to be expended under the direction of the Board of Selectmen.**

<b>Animal Control Officer Vehicle</b>	<b>45,000.00</b>
<b>Police Department Handguns &amp; Holsters</b>	<b>20,000.00</b>
<b>Fire Engine Lease Payment</b>	<b>72,500.00</b>
<b>Fire EMS Officer Vehicle</b>	<b>35,000.00</b>
<b>Fire Ambulance Replacement</b>	<b>150,000.00</b>
<b>Inspections Office Pickup</b>	<b>30,000.00</b>
<b>DPW Transfer Station Retaining Wall &amp; Compactors</b>	<b>250,000.00</b>
<b>Jan Sebastian Drive Copier</b>	<b>15,000.00</b>
<b>Funding of Massachusetts Estuaries Program</b>	<b>60,000.00</b>
<b>School Department Safety Equipment &amp; Improvements</b>	<b>50,000.00</b>
<b>School Special Education Vehicle</b>	<b>20,000.00</b>
<b>Sandwich High School Auditorium Curtains</b>	<b>12,500.00</b>
<b>Oak Ridge &amp; Forestdale School Roof Repairs</b>	<b>40,000.00</b>
<b>Henry T. Wing School Gym Floor &amp; Bleachers</b>	<b>154,500.00</b>
<b>Henry T. Wing School Triangular Windows/Roof</b>	<b>30,000.00</b>
<b>Conservation Lands Improvements</b>	<b>6,000.00</b>
<b>Department of Natural Resources Outboard Engine</b>	<b>9,500.00</b>

**This was a voice vote and declared carried by the Moderator.**

**ARTICLE 5**

To see if the Town will vote in accordance with M.G.L. c.40, §5B to raise and appropriate or transfer from available funds the sum of \$600,000.00, or any other amount, to the Stabilization fund, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$600,000.00 from Surplus Revenue to be placed in the Stabilization Fund in accordance with M.G.L. c.40, §5B.**

**At 8:07 p.m. there was a unanimous vote to adjourn the Annual Town Meeting and convene the Special Town Meeting.**

**SPECIAL TOWN MEETING, MAY 7, 2007**

**ARTICLE 1**

To see if the Town will vote to transfer and appropriate the sum of \$80,000.00, 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 beach facility improvements in accordance with the following list, with any unexpended balance for each item identified below able to be expended for additional beach facility improvements under the direction of the Board of Selectmen, or take any action relative thereto.

Town Neck Beach Facilities – Feasibility Study	25,000.00
Town Neck Beach Fencing & Plantings	9,000.00
Ryder Property Beach Improvements & Expenses	33,000.00
Oak Crest Cove Portable Restroom Improvements	13,000.00

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$80,000.00 from the beach parking receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, for the capital improvement and repair projects listed in the Warrant under Article 1, with any unexpended balance for each item identified below able to be expended for additional beach facility improvements under the direction of the Board of Selectmen.**

<b>Town Neck Beach Facilities – Feasibility Study</b>	<b>25,000.00</b>
<b>Town Neck Beach Fencing &amp; Plantings</b>	<b>9,000.00</b>
<b>Ryder Property Beach Improvements &amp; Expenses</b>	<b>33,000.00</b>
<b>Oak Crest Cove Portable Restroom Improvements</b>	<b>13,000.00</b>

**ARTICLE 2**

To see if the Town will vote to rescind the authorization to borrow \$900,000.00 pursuant to G.L. c.44B, §11 as granted by the 2006 Annual Town Meeting under Article 16 which authorized the Board of Selectmen to acquire a parcel of land identified as Assessors Map 25, Lot 13 consisting of approximately 28.00 acres off Popple Bottom road, said premises believed to be owned by William F. Makepeace in care of John O. Drew, which the Town was able to purchase without borrowing, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town rescind the authorization to borrow \$900,000.00 pursuant to G.L. c.44B, §11 as granted by the 2006 Annual Town Meeting under Article 16 which authorized the Board of Selectmen to acquire a parcel of land identified as Assessors Map 25, Lot 13 consisting of approximately 28.00 acres off Popple Bottom road.**

**ARTICLE 3**

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$47,502.00, or any other amount, to meet its obligation for the Upper Cape Cod regional Technical School's Fiscal Year July 1, 2006 to June 30, 2007 assessment, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town raise and appropriate \$47,502.00 to defray Upper Cape Cod Regional Technical School expenses for the Fiscal Year 2007.**

**At 8:15 p.m. it was unanimously voted to adjourn the Special Town Meeting and reconvene the Annual Town Meeting.**

**ARTICLE 6**

To see if the Town will vote to transfer and appropriate the FY'07 income from the Hoxie House and Grist Mill for the FY'08 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 the Town transfer and appropriate \$36,471.00 from the Fiscal Year 2007 income from the Hoxie House and Grist Mill for the Fiscal Year 2008 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 7**

To see if the town will vote in accordance with the provisions of M.G.L. c.44, §53F½ to raise and appropriate or transfer from available funds a sum of money, to be expended under the direction of the Board of Selectmen, for the purpose of establishing the FY'08 operating budget for Sandwich Hollows Golf Club, or take any action relative thereto.

**VOTED: That the Town transfer and appropriate \$955,812.00 to be expended under the direction of the Board of Selectmen for establishing the Fiscal Year 2008 operating**

**budget for Sandwich Hollows Golf Club. This was a voice vote and declared carried by the Moderator.**

#### **ARTICLE 8**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$22,874.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'08 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 \$22,874.00 from the Sandwich Promotions Fund, to be expended under the direction of the Board of Selectmen, for funding the Fiscal Year 2008 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997.**

#### **ARTICLE 9**

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'08, 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 2008.**

#### **ARTICLE 10**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation budget and to appropriate from the Community Preservation Fund Fiscal Year 2008 estimated annual revenues the sum of \$75,000.00, or any other sum, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2008; and further to reserve for future appropriation a sum of money from the Community Preservation Fund estimated annual revenues for open space, historic resources, and community housing purposes, as well as a sum of money to be placed in the 2008 Budgeted Reserve for general Community Preservation Act purposes; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as recommended by the Community Preservation Committee; or take any other action in relation thereto.

Stephen P. Hayes, Chairman of the Community Preservation Committee, gave the following report: The Sandwich Community Preservation Committee completed its first full year of operations in 2006. The Community Preservation Committee is charged with making recommendations to Town Meeting for funding of projects from the trust fund created by the Community Preservation Act. Community Preservation Act funding includes the 3 per cent property tax surcharge formerly used for the Land Bank as well as matching funds provided by the Commonwealth of Massachusetts. Community Preservation Act receipts for Fiscal Year 2007 were approximately \$2,300,000.00. The Community Preservation Committee is also charged with preparing and updating a Community Preservation Plan, which is to set forth the needs, possibilities and resources of the Town of Sandwich regarding community preservation.

Community Preservation Act funds may be appropriated for projects related to: (1) preservation of open space; (2) historic preservation; (3) creation or preservation of community housing (housing for persons with income at or below the area median income), and (4) recreation.

Projects recommended by the Committee and approved by Town Meeting in 2006 included: \$60,000. for restoration of the exterior of the Hoxie House; \$110,000. to Housing Assistance Corporation for retention of restricted affordable housing; \$150,000 to the Sandwich Housing Authority for acquisition of rental housing, \$40,000. to the Sandwich Housing Authority for a feasibility study for the expansion of the George Fernandes Way development; \$900,000. for acquisition of a 28-acre parcel of open space adjacent to the Maple Swamp conservation area; and \$400,000. to provide the Town's required contribution to the \$800,000/ Upper Shawme Pond Dam reconstruction project. The Upper Shawme Dam project was facilitated by the research of committee member John Cullity, who was able to demonstrate the historic significance of the Upper Shawme Pond landscape and to show the importance of reconstructing the dam to preserve this historic landscape for the Town.

Projects recommended by the Committee in 2006 for approval at the 2007 Annual Town Meeting include \$220,000. for installation of new playground structures at the Forestdale and Oak Ridge Schools and \$130,000. for improvements to the Sandwich Adventure Playground off Quaker Meetinghouse Road to help make the playground a community park serving all ages.

In 2006 the Committee also began the process of adopting a Community Preservation Plan for the town. The Community Preservation Plan will set forth the needs and priorities of the town with respect to open space, historic preservation, community housing and recreation. The Community Preservation Plan will be reviewed annually, and will serve as a guide for review of funding requests under the Community Preservation Act.

The Committee was fortunate to have had Bob Hoxie serve as its first Chairman. Bob brought a wealth of experience from his service on the Conservation Committee and the Land Bank Committee, and enabled the Committee to get off to a strong start. In 2007, the Committee is looking forward to completing the initial Community Preservation Plan for the Town and to making recommendations to Town Meeting for funding of additional community preservation projects.

**UNANIMOUSLY VOTED: That the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation budget and transfer and appropriate \$75,000.00 from the Community Preservation Fund Fiscal Year**

**2008 estimated annual revenues, to be expended under the direction of the Board of Selectmen, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2008; and further reserve for future appropriation from the Fiscal Year 2008 Community Preservation Fund estimated annual revenues the following sums: \$15,978.00 for open space; \$239,451.00 for historic resources; \$239,451.00 for community housing purposes; and \$602,827.00 to be placed in the 2008 Budgeted Reserve for general Community Preservation Act purposes.**

**ARTICLE 11**

To see if the town will vote to transfer from the Community Preservation Fund for open space and recreation purposes under the Community Preservation Act the sum of \$455,613.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving and completing repairs and improvements to the public school and municipal playgrounds listed below, or take any other action relative thereto:

Oak Ridge School Playground	110,000.00
Forestdale School Playground	110,000.00
Henry T. Wing School Playground	105,613.00
Sandwich Adventure Playground	130,000.00

**VOTED: That the Town transfer and appropriate \$232,140.00 from the Community Preservation Fund open space reserve and \$223,473.00 from the Community Preservation Fund Fiscal Year 2008 estimated annual fund revenues for open space and recreation purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of preserving and completing repairs and improvements to the public school and municipal playgrounds listed in the Warrant under Article 11. This was a voice vote and declared carried by the Moderator.**

**ARTICLE 12**

To see if the town will vote to transfer from the Community Preservation Fund for open space and recreation purposes under the Community Preservation Act the sum of \$500,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving and completing repairs and improvements to the Sandwich High School Track; and further, to authorize the Board of Selectmen to enter into a grant agreement with said Sandwich Sports Complex Committee, Inc., on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended; or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$500,000.00 from the Community Preservation Fund general undesignated fund balance for open space and recreation purposes under the Community Preservation Act to be expended under the direction of the Board of Selectmen, for the purpose of preserving and completing repairs and improvements to the Sandwich High School Track, and authorize the Board of Selectmen to enter into a grant agreement with the Sandwich Sports Complex Committee, Inc., on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended.**

**ARTICLE 13**

To see if the town will vote to transfer from the Community Preservation Fund for historic purposes under the Community Preservation Act the sum of \$72,620.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of performing and completing a needs assessment survey and preservation plan and for preserving historic manuscripts and photos for the Sandwich Town Archives in accordance with the following list, or take any other action relative thereto.

Town Archives Needs Assessment & Preservation Plan	6,000.00
Town Archives Preservation of Manuscripts & Photos	66,620.00

Kaethe O. Maguire, Co-chair of the Sandwich Historical Commission gave the following report: The \$66,620.00 figure represents costs associated with archival preservation of documents for ten different sites in Town, including municipal sites such as the Sandwich Public Library and the Sandwich Town Archives. However, all museums and major churches are included in this project as well. These historically significant documents need not only to be preserved using archival materials, but also need to be organized and made available to the public thru the creation of finding aids. It is intended that these archival documents will be digitized and made available over the Internet for a reasonable fee. It is intended that any money gained through fees will benefit the particular site holding the original archival document.

Work on this project began a few years ago through a Documentary Heritage Grant that is no longer available through the Massachusetts Historical Commission or the Records Advisory Board.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$72,620.00 from the Community Preservation Fund historic resources reserve for historic resource purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of performing and completing a needs assessment survey and preservation plan and for preserving historic manuscripts and photos for the Sandwich Town and other civic archives as listed in the Warrant under Article 13.**

**ARTICLE 14**

To see if the town will vote to transfer from the Community Preservation Fund for historic resources purposes under the Community Preservation Act the sum of \$200,000.00, or any other amount, to be

expended under the direction of the Board of Selectmen, for the purpose of preserving and rehabilitating the First Church of Christ; and further, to authorize the Board of Selectmen to enter into a grant agreement with said First Church of Christ, on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended; or take any other action relative thereto.

**VOTED: That the Town transfer and appropriate \$200,000.00 from the Community Preservation Fund historic resources reserve for historic resource purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of preserving and rehabilitating the First Church of Christ, and authorize the Board of Selectmen to enter into a grant agreement with said First Church of Christ, on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended including a requirement that the Church provide the Town with a historic preservation restriction and authorize the Board of Selectmen to accept such restriction. This was a voice vote and declared carried by the Moderator.**

#### **ARTICLE 15**

To see if the town will vote to transfer from the Community Preservation Fund for open space and recreation purposes under the Community Preservation Act the sum of \$48,600.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, rehabilitating and completing public walking trail improvements at the Ryder conservation Property and for completing professional surveying at the Ryder and Cook Farm Conservation Properties, or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$48,600.00 from the Community Preservation Fund general undesignated fund balance for open space and recreation purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, rehabilitating and completing public walking trail improvements at the Ryder Conservation Property and for completing professional surveying at the Ryder and Cook Farm Conservation Properties.**

#### **ARTICLE 16**

To see if the town will vote to transfer from the Community Preservation Fund for community housing purposes under the Community Preservation Act the sum of \$125,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of supporting a rental assistance affordable housing acquisition program through the Sandwich Housing Authority; and further, to authorize the Board of Selectmen to enter into a grant agreement with said Housing Authority, on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended, or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$125,000.00 from the Community Preservation Fund community housing reserve for community housing purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of supporting a rental assistance affordable housing program through the Sandwich Housing Authority, and authorize the Board of Selectmen to enter into a grant agreement with said Housing Authority, on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended.**

#### **ARTICLE 17**

To see if the town will vote to transfer from the Community Preservation Fund for historic resources purposes under the Community Preservation Act the sum of \$60,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of performing and completing a preservation master plan for the Sandwich Old Town Cemetery, or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$60,000.00 from the Community Preservation Fund historic resources reserve for historic resource purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of performing and completing a preservation master plan for the Sandwich Old Town Cemetery.**

#### **ARTICLE 18**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, substantially in the form as set forth below, relating to the Town entering into an agreement for certain properties in the Town of Sandwich to be supplied with water by the Mashpee Water District; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT AUTHORIZING THE MASHPEE WATER DISTRICT TO ENTER INTO A CERTAIN AGREEMENT WITH THE TOWN OF SANDWICH.

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

**SECTION 1.** Notwithstanding section 4A of chapter 40 of the General Laws or any other general or special law to the contrary, the Mashpee Water District may enter into an agreement with the town of Sandwich, Massachusetts, as follows:

Annual Town Meeting, May 7, 2007

Sandwich for a term in excess of 25 years, to allow certain residential properties in the town of Sandwich to connect to and use the water system of the Mashpee Water District pursuant to any intermunicipal agreement between the Mashpee Water District and the Town of Sandwich. The Mashpee Water District may impose a lien upon property in the town of Sandwich which connects to the water system of the District pursuant to such an agreement, which lien shall secure unpaid fees and charges relative to connection to or use of the water system of the District. If a charge or fee secured by such lien remains unpaid when the town of Sandwich assessors are preparing a real estate tax list and warrant, upon request by the Mashpee Water District, the charge or fee shall be added to the tax on such property pursuant to section 58 of chapter 40 of the General Laws. Upon receipt of tax payments which include a charge or fee imposed pursuant to the agreement authorized by this act, the town of Sandwich shall forthwith transfer such charge or fee payment, together with all accrued interest and other charges, to the Mashpee Water District. In the event that the Town of Sandwich forecloses the right of redemption on any tax lien which includes any charge or fee due to the Mashpee Water District, such fees or charges due the Mashpee Water District shall survive the foreclosure of the right of redemption of such tax lien, and shall be due and payable, together with all accrued interest, upon conveyance thereafter by the Town of Sandwich to any person or governmental entity not a part of the Town of Sandwich.

**SECTION 2.** This act shall take effect upon its passage.

or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to petition the General Court for special legislation relating to the Town entering into an agreement for certain properties in the Town of Sandwich to be supplied with water by the Mashpee Water District as printed in the Warrant under Article 18, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.**

#### **ARTICLE 19**

To see if the Town will vote to petition the General Court for special legislation permitting the Town to establish a receipts reserved for appropriation account for any revenue generated from the lease of property at Sandwich High School to cellular phone and other communication providers, said account to be used for the maintenance and improvement of exterior athletic fields and facilities at Sandwich High School, or take any action relative thereto.

**VOTED: That the Town authorize the Board of Selectmen to petition the General Court for special legislation permitting the Town to establish a receipts reserved for appropriation account for any revenue generated from the lease of property at Sandwich High School to cellular phone and other communication providers, said account to be used for the maintenance and improvement of exterior athletic fields and facilities at Sandwich High School. This was a voice vote and declared carried by the Moderator.**

#### **ARTICLE 20**

To see if the Town will vote to release and abandon its rights in the easement recorded with the Barnstable County Registry of Deeds in Book 1312, Page 330 granted by the owners of 143 Main Street, Sandwich, located adjacent to the Town Hall Annex, identified as Assessors Map 73, Lot 17; and further to authorize the Board of Selectmen to accept a driveway and parking easement from Donald L. and Margaret Segur, the present owners of 143 Main Street, Sandwich for the benefit of the Town Hall Annex parcel in accordance with a plan on file in the Office of the Town Clerk, and to further authorize the Board of Selectmen to execute any and all instruments and to take such other action necessary to effectuate this vote; or to take any further action relative thereto.

**UNANIMOUSLY VOTED: That the Town release and abandon its rights in the easement recorded with the Barnstable County Registry of Deeds in Book 1312, Page 330 granted by the owners of 143 Main Street, Sandwich, located adjacent to the Town Hall Annex, identified as Assessors Map 73, Lot 17 and authorize the Board of Selectmen to accept a driveway and parking easement from Donald L. and Margaret Segur, the present owners of 143 Main Street, Sandwich for the benefit of the Town Hall Annex parcel, as printed in the Warrant under Article 20.**

#### **ARTICLE 21**

To see if the Town will vote to authorize the Board of Selectmen to enter into a boundary line agreement with Ronald E. Larkin and Linda A. Larkin, the owners of the parcel of land located at 62 Popple Bottom Road, for the purpose of re-aligning the boundary of said property and town-owned property identified as Assessors Map 25, Lot 12, in accordance with a plan on file in the Office of the Town Clerk; and to further authorize the Board of Selectmen to execute any and all instruments and to take such other action as may be required to effectuate the boundary line realignment; or to take any other action relative thereto.

**UNANIMOUSLY PASSED: That the Town authorize the Board of Selectmen to enter into a boundary line agreement with Ronald E. Larkin and Linda A. Larkin, the owners of the parcel of land located at 62 Popple Bottom Road, for the purpose of re-aligning the boundary of said property and town-owned property identified as Assessors Map 25, Lot 12, as printed in the Warrant under Article 21.**

#### **ARTICLE 22**

To see if the Town will vote to transfer the care, custody, control, and management of land shown on Assessors Map 28, Lots 101 and 102 and consisting of approximately 22.55 acres from the Board of

Selectmen for public housing purposes to the Board of Selectmen for general municipal purposes, or take any action relative thereto.

**VOTED: That the Town transfer the care, custody, control, and management of land shown on Assessors Map 28, Lots 101 and 102 and consisting of approximately 22.55 acres from the Board of Selectmen for public housing purposes to the Board of Selectmen for general municipal purposes. 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 reduce the rate of interest that accrues on property taxes deferred by eligible seniors under M.G.L. c.59, §5, Clause 41A, the so-called Property Tax Deferral for Seniors program, from 8.0% to 5.0%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2007, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under M.G.L. c.59, §5, Clause 41A, the so-called Property Tax Deferral for Seniors program, from 8.0% to 5.0%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2007.**

#### **ARTICLE 24**

To see if the Town will vote to amend the Town Bylaws by adding a new Section 6.70, Preservation of Historically Significant Buildings and Structures, as written below, or take any action relative thereto.

### **PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS AND STRUCTURES**

#### Section 1: INTENT AND PURPOSE

This By-law is enacted for the purpose of preserving and protecting significant buildings or structures within the Town of Sandwich that constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the Town and to limit the detrimental effect of demolition on the character of the Town. By preserving and protecting significant buildings and structures, this By-law promotes the public welfare by making the town of Sandwich a more attractive and desirable place to live and work. Furthermore, this By-law is intended to encourage owners of such buildings and other structures to seek out persons or groups of people who might be willing to purchase, preserve, rehabilitate, restore, or move, such buildings or other structures rather than demolish them; or, when not possible, to allow the Sandwich Historical Commission to create a record, including a photo/video history of such buildings or other structures. To encourage public participation, this By-law provides for notification of abutting property owners and the general public of impending demolition of significant buildings or structures. To achieve the purpose of this By-law, the Sandwich Historical Commission is authorized to review applications as defined under M.G.L. 40C and is authorized to advise the Inspector of Buildings with respect to the issuance of demolition permits as provided by this By-law. A Demolition Review By-law is among the stated objections of The Preservation Plan as presented to the Sandwich Board of Selectmen on February 6, 2003.

#### Section 2: DEFINITIONS

**APPLICANT** – The record owner(s) of the property, upon which the Building or Structure proposed for Demolition is situated, or the duly authorized agent or representative of the record owner(s). If the Applicant is an agent or representative, the signed written authorization of the record owner(s) must be included on, or accompany, the Application.

**APPLICATION** – An application for the Demolition of any Building or Structure as defined in this By-law.

**BUILDING** – Any combination of materials having a roof and a foundation, and forming a shelter for persons, animals, or property.

**COMMISSION** – The Sandwich Historical Commission.

**DEMOLITION** – Any act of pulling down, destroying, removing, dismantling or razing a Building or Structure or commencing the work of total or substantial demolition which results in a change in the footprint or exterior portion of a Building or Structure governed by this By-law. In addition to a partial or substantial demolition, any one of the following actions may require a Demolition review, including but not limited to:

- Removal of a roof (for example, raising the overall height of a roof, rebuilding the roof to a different pitch, or adding another story to a Building)
- Removal of one side of a building
- Removal of more than 25% of a Structure

**DEMOLITION PERMIT** – The permit issued by the Inspector of Buildings for Demolition, as defined above, of a Building or Structure.

**HISTORICALLY SIGNIFICANT BUILDING OR STRUCTURE** – Any Building or Structure within the Town which was in whole or part constructed 50 or more years prior to the date of the Application and which has been determined by the Commission or its designee to be historically significant based on any of the following criteria:

- The Building or Structure is listed on the Historic Asset List as compiled by the Town Archivist and the Sandwich Historical Commission (at the request of the property owner any structure inadvertently omitted from the Historic Asset List will be considered for inclusion on the list);  
or

- The Building or Structure is listed on, or is within an area listed on, the National Register of Historic Places; or
- The Building or Structure has been found eligible for the National Register of Historic Places; or
- The Building or Structure is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or
- The Building or Structure is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

**HISTORIC ASSET LIST** - An inventory, prepared and maintained by the Town Archivist in conjunction with the Sandwich Historical Commission, of Historically Significant Buildings and Structures known to be at least 50 or more years old. Said inventory may be obtained from the Inspector of Buildings, and will also be made available through the Sandwich Public Library. If a Building or Structure is 50 or more years old and has not been previously identified and not listed on the Historic Asset List, then the Building or Structure will be referred to the Commission for evaluation as appears in the Procedure section of this By-law.

**INSPECTOR OF BUILDINGS** – The person occupying the office of The Inspector of Buildings within the Town of Sandwich Building Department or otherwise the person authorized to issue Demolition Permits.

**PREFERABLY PRESERVED** – Any Historically Significant Building or Structure as defined by this By-law which the Commission determines is in the public interest to be preserved if possible rather than demolished. This By-law authorizes up to an 18-month period of delay from the date that the Building or Structure is determined by the Commission to be Preferably Preserved and Historically Significant.

**STRUCTURE** – Any combination of materials, other than a Building, sign or billboard, including, but not limited to, stone walls, gates, cow gates, stone mile markers, wells, windmills, cemeteries, hitching posts, and archaeological sites including foundations or the remnants of foundations.

### Section 3: PROCEDURE

- A. No Demolition Permit for a Building or Structure, which was constructed in whole or part 50 or more years prior to the date of the Application, will be issued other than in conformity with the provisions of this By-law, as well as in conformity with the provisions of other laws and By-laws applicable to the demolition of Buildings or Structures and the issuance of permits generally. If a Building is of unknown age, it will be assumed that the Building is at least 50 or more years old for the purposes of this By-law.
- B. If the Building or Structure is located within the Old King's Highway Regional Historic District, it is subject to the provisions of the Old King's Highway Regional Historic District Act Chapter 470 of the Acts of Massachusetts 1973 as amended.
- C. Within 7 business days of receipt of a complete Application for Demolition of any Building or Structure, or portion thereof, which is 50 or more years old, the Inspector of Buildings will forward a copy of said Application to the Commission, and shall notify the Applicant of this action, in writing. No Demolition Permit will be issued at this time.
- D. Within 15 business days of its receipt of a copy an Application forwarded by the Inspector of Buildings, the Commission will make an Initial Determination as to the significance of the subject Building or Structure, based upon the definition in this By-law of "Historically Significant Building or Structure." The Commission shall mail written notification to the Applicant of the meeting at which it intends to make its Initial Determination at least 7 days in advance of said meeting.
- E. The Commission will notify the Inspector of Buildings and the Applicant, in writing, within 7 business days after the meeting at which the Commission makes its Initial Determination. If the Initial Determination is in the negative, or if the Commission fails to notify the Inspector of Buildings of its Initial Determination within 7 business days, the Inspector of Buildings may issue the Demolition Permit, subject to applicable requirements of the State Building Code and all other applicable laws, by-laws, and regulations.
- F. If the Commission's Initial Determination is positive and the Commission so notifies the Inspector of Buildings within the time period prescribed in Subsection E above, the Demolition Permit may not be issued, and the Commission shall proceed under Subsection G to notice and conduct a public hearing to determine whether the Historically Significant Building or Structure is Preferably Preserved.
- G. The Commission shall, within 30 days of its Initial Determination that a Building or Structure is Historically Significant, conduct a public hearing to determine whether the Historically Significant Building or Structure is Preferably Preserved. The Commission shall publish notice of the public hearing in a newspaper of general circulation in the Town of Sandwich, and shall post the notice at the Sandwich Town Hall, at least 7 days immediately preceding the public hearing. Said notice shall specify the time, place, and purpose of the hearing, and the street address of the subject Building or Structure. A copy of the public hearing notice shall be mailed to the Applicant and to the record owner if other than the Applicant.
- H. If, after the close of the public hearing, the Commission determines that the proposed Demolition of the Historically Significant Building or Structure would not result in a detrimental loss to the historic or architectural heritage or resources of the Town, the Commission shall notify the Applicant and the Inspector of Buildings, in writing, within 15 business days of the close of the

public hearing. Upon receipt of such notification from the Commission, or upon the expiration of 15 business days from the date of the close of the public hearing without receipt of any notification from the Commission, the Inspector of Buildings may issue the Demolition Permit for the Building or Structure, subject to applicable requirements of the State Building Code and all other applicable laws, by-laws, and regulations.

- I. If, after the close of the public hearing, the Commission determines that, because the proposed Demolition of the Building or Structure would result in a detrimental loss to the historic or architectural heritage or resources of the Town, the Building or Structure is Preferably Preserved, the Commission shall forward its determination, in writing, to the Inspector of Buildings, to the Applicant, and to the record owner if not the Applicant, within 15 business days from the date of the close of the public hearing. Thereafter, no Demolition Permit may be issued for the Preferably Preserved Building or Structure within the 18-month period following the date of the Commission's determination, unless the Commission earlier notifies the Inspector of Buildings, in writing, that:
  1. The Commission is satisfied that the Applicant or owner has made continuing, bona fide, and reasonable efforts to pursue viable alternatives to Demolition, including efforts to find a person or entity willing to purchase the Building or Structure and undertake rehabilitation, adaptive reuse, preservation, restoration, or moving of the Building or structure; and
  2. The Commission is satisfied that there is no reasonable likelihood that another person or entity would be willing to purchase the Building or Structure and rehabilitate, re-use, preserve, restore, or move the Building or Structure, despite efforts by the Applicant and others to find such a person or entity.

#### Section 4: RESPONSIBILITIES OF APPLICANT/PROPERTY OWNER

- A. It shall be the responsibility of the Property Owner or Applicant for the Demolition Permit to assist in the facilitation of the procedures necessary to carry out this By-law by providing information; for allowing access to the property; for securing the premises; for participating in the investigation of the preservation options; and for actively cooperating in seeking alternatives with the Commission and any interested parties.
- B. Upon determination by the Commission that a Building or Structure is a Preferably Preserved Building or Structure, the owner shall be responsible for properly securing the Building, if vacant, to the satisfaction of the Inspector of Buildings. Should the owner fail to secure the Building to the satisfaction of the Inspector of Buildings, the subsequent destruction of such Building through any cause, which destruction could have been prevented by the required security measures, shall be considered a Demolition in violation of this By-law.

#### SECTION 5: ADMINISTRATION

- A. The Commission may adopt such rules and regulations as are necessary to administer the terms of this By-law.
- B. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this By-law.

#### SECTION 6: EMERGENCY DEMOLITION

Notwithstanding anything to the contrary in the preceding sections, if after an inspection, the Inspector of Buildings finds that a Building or Structure subject to this By-law poses an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the Building or Structure, then the Inspector of Buildings may issue an emergency Demolition Permit to the owner of the Building or Structure. The Inspector of Buildings will then prepare a report to be forwarded to the Commission explaining the condition of the Building or Structure and the basis for his or her decision.

#### SECTION 7: ENFORCEMENT AND REMEDIES

Any owner of a Building or Structure subject to this By-law that demolishes the Building or Structure without first obtaining a Demolition Permit in accordance with the provisions of this By-law will be subject to a fine of not more than three hundred dollars (\$300.00). Each day the violation exists will constitute a separate offense until a faithful restoration of the demolished Building or Structure is completed or unless otherwise agreed to by the Commission. If a Building or Structure subject to this By-law is demolished without first obtaining a Demolition Permit, no Building permit will be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless otherwise agreed to by the Commission.

#### SECTION 8: HISTORIC DISTRICT ACT

Following a determination that the Building or Structure is Historically Significant and Preferably Preserved, the Commission may recommend to Town meeting that the Building be protected through the provisions of Massachusetts General Law, Chapter 40C, and the Historic Districts Act. Nothing in this By-law will be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C, or the Old King's Highway Regional Historic District Act established by Chapter 470 of the Acts of 1973 as amended.

#### SECTION 9: SEVERABILITY

If in case any section, paragraph or part of this By-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part will continue in full force and effect.

Kaethe O. Maguire, Co-chair of the Sandwich Historical Commission gave the following report: Preservation of Historically Significant Buildings and Structures. This article is presented by the Sandwich Historical Commission. We are the preservation and advisory body in town. We are not to be confused with the Old King's Highway Regional Historic District Committee which is a regulatory body overseeing the Old King's Highway Regional Historic District. This district covers the north side of town, extending from the midline of the Midcape Highway to the low water mark of the Bay.

The preservation bylaw we bring to you this evening is concerned only with South Sandwich and Forestdale since those areas have no preservation protection at present. This bylaw cannot prevent demolition, it can only delay demolition in an effort to relocate, restore, resell, or restore for reuse an historically significant structure that is found to be preferably preserved through a series of procedures, including a public hearing. If all attempts to save an historically significant structure fail by the time the delay period has ended, this bylaw allows the Sandwich Historical Commission to record the structure for our heritage through the use of photography and written description.

**PURPOSE** – To preserve historically significant structures.

**MEANS TO PRESERVATION** – To seek out persons or groups willing to negotiate an alternative to demolition of an historically significant structure.

**OTHER CAPE COD TOWNS** – Similar bylaws have been passed by all Cape towns with the exception of Mashpee and Brewster.

**RECORDING HISTORY** – As a last resort of all attempts to save a structure from demolition fail, this bylaw allows the Sandwich Historical Commission (SHC) to create a record of the structure.

**HISTORICALLY SIGNIFICANT STRUCTURES INCLUDE ONE OR MORE OF THE FOLLOWING CRITERIA** – (1) Structure is 50 or more years of age. (2) Structure appears on the Town's Historic Asset List compiled by our Town Archivist. (3) Structure is eligible for, or listed on, the National Register of Historic Places. (4) Structure is associated with historic persons or events and/or the history of Sandwich or Massachusetts. (5) Structure is architecturally important.

**PREFERABLY PRESERVED STRUCTURE** – Historically significant structure determined by public meeting before the SHC to be preserved if possible for the public good.

**BYLAW PROVIDES** – Up to an 18-month delay to find alternatives to demolition.

**STRUCTURE DEFINED** – To include but not limited to, a building, signs, stone walls, gates, cow gates, stone mile markers, wells, windmills, cemeteries, hitching posts, archaeological sites, and including foundations.

**OLD KINGS HIGHWAY REGIONAL HISTORIC DISTRICT** – Structures are subject to the provisions of the Old Kings Highway Act of 1973 if located within the Historic District.

**AREAS PRIMARILY AFFECTED** – Forestdale and South Sandwich, areas not protected by the Old Kings Highway Act.

PowerPoint slide show included: This is a map of all towns in our area that have passed some form of this bylaw. You will note that on Cape only Brewster, aside from Sandwich and Mashpee have not passed some form of this bylaw. Most of Brewster is located within the Old King's Highway Regional Historic District, thus is protected.

Second slide- This is the 1750 Benjamin Percival Home. It is well preserved and owned by an out of state couple. It is located between Little Hog Pond and Hog Pond. We are fortunate that Benjamin Percival chose to relocate this structure in 1782 to Sandwich from Ashumet when he inherited it from his grandfather.

This is the small Percival Family Burial Ground located on Farmersville Road across from the intersection of Boardley Road. Burial grounds are considered structures under this bylaw.

Third Slide-This was the 1812 Crawford Hoxie Home. This slide was taken in 1987 by historian Rosanna Cullity. You will note the sophisticated Federal period of architecture, especially delineated by the doorway. It was highly unusual to have such a fine form of architecture in a very rural area in 1812. This home was originally built by the Lawrence Family for whom Lawrence Pond is named. Although it was in poor condition when it was illegally demolished in December of 2005, it was ripe for restoration since it suffered from a form of benign neglect whereby most of the interior of the home had not been modernized with new systems.

After Mr. Hoxie's death, the house and surrounding 7 acres of land were sold out of the family for \$600,000. Almost immediately it was demolished without any permits. That occurred in December of 2005. This bylaw seeks to delay such unwarranted demolitions of historically significant structures to enable the owner and the Commission to find a possible alternative. If no viable solution can be found, at the very least the Sandwich Historical Commission will be able to record the structure for the Town Archives.

The last slide shows you what remains of the 1812 Lawrence home. It is a cellar hole.

**VOTED: That the Town amend the Town Bylaws by adding a new Section 6.70, Preservation of Historically Significant Buildings and Structures, as printed in the Warrant under Article 25. This was a voice vote and declared NOT CARRIED by the Moderator.**

## ARTICLE 25

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws in order to shift responsibility of authoritative oversight of Section 5000 to the Board of Health, specifically regarding the technical review of proposed uses while continuing to prohibit specific uses as required by the State Department of Environmental Protection and the Board of Health as long as the proposal meets minimum Town and State regulations, in Article V, Section 5000 Water Protection Districts, by deleting the section in its entirety and inserting in its place the Sections:

## ARTICLE V WATER PROTECTION DISTRICTS

**5000. PURPOSE.** The purpose of these regulations is, in the interest of public health, safety and general welfare, to preserve the quality and quantity of the Town's groundwater resources in order to insure a safe and healthy public water supply.

**5010. CREATION.** Water Resource Overlay Districts are hereby created covering the areas described on the *Map entitled "Title 5 Setback Areas, Sandwich, Data Sources, MA DEP Approved Zone II: MA DEP DWP, Interim Wellhead Protection Areas (IWPA): MA DEP, Surface Water Supply Protection Areas (Zone A): MA DEP, Public Water Supplies (PWS): MA DEP DWP,"* dated July 20, 2006 as produced by the MassGIS for the Massachusetts Department of Environmental Protection as amended. Said map is on file with the Planning Board and the Board of Health and is hereby made a part of this By-Law. These Water Resource Districts shall be considered to be superimposed over any other districts established in this By-Law. Where applicable, the requirements of this overlay district shall be construed to supersede any less stringent requirements of the underlying districts. (Amended STM 4/1/96 and ATM 99)

**5020. DEFINITIONS.** (Amended ATM 92) For the purpose of this bylaw, the following will define terms used within:

**CULTIVATED LAWNS** – shall mean a vegetation cover of sod forming grass species, which is regularly fertilized, irrigated, and maintained at a height of four inches (4) or less, on an appropriate loam base.

**DISPOSAL** – shall mean the deposit, injection, dumping, spilling, leaking, incineration or placing of any material into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

**GROUND WATER** – shall mean all the water found beneath the surface of the ground.

**HAZARDOUS MATERIALS** – shall mean any product or waste or combination of substances which, because of quantity, concentration, or physical or chemical, or infectious, or radioactive characteristics may reasonably pose, in the determination of the enforcing authority, a substantial present or potential hazard to human health, safety or welfare, or the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed; any substance which may create a special hazard in the event of spill, leak, fire, or exposure; and all substances deemed to be hazardous waste as defined in MGL Chapter 21C Section 2 and the Hazardous Waste Regulations promulgated thereunder by Massachusetts Department of Environment Protection (DEP) at 310C CMR 30.010 in amounts in excess of that normally used in household maintenance; or other materials which are listed as toxic, hazardous or a priority pollutant by the United States Environment Protection Agency.

**HISTORICAL HIGH GROUND WATER LEVEL** – shall mean the highest ground water elevation that is likely to occur at a given location, based on calculations according to the High Ground water methodology specified in the U.S.G.S. Water Resource Investigations 83-4112 by Frimpter et.al. and any subsequent revisions.

**IMPERVIOUS SURFACE** – shall mean any material on the ground that does not allow surface water to penetrate into the soil.

**LOAM** –shall mean fertile, friable, natural topsoil of the locality, without admixture of subsoil, refuse or other foreign materials, and as further defined by the Barnstable County Extension Service.

**PROCESS WASTEWATER** – shall mean wastewaters disposed of on site other than sanitary wastewater.

**RECHARGE AREA** – shall mean the area encompassing land and water surface through which precipitation enters the groundwater body, and from which groundwater flows naturally or is drawn by pumping into a water well.

**SURFACE WATER LEVEL** – shall be determined as provided for under Section 3610 of this Zoning Bylaw.

**5030. USE REGULATIONS.** (Amended ATM 92 and ATM 99)

**PROHIBITED USES.** Within the Water Resource District, the following uses are prohibited:

- A. Sanitary landfills and open dumps;
- B. Landfilling or land disposal of septage or sewage sludge;
- C. Automobile graveyards or junk yards;
- D. Petroleum Bulk Stations and Terminals, including, but not limited to, those listed

- under Standard Industrial Classification (SIC) 5171 (Not including liquefied petroleum gas) and SIC 5983;
- E. Dry cleaning establishments;
- F. Metal plating operations/businesses unless with a 100% recycle process subject to the issuance of a Certificate of Water Quality Compliance by the Board of Health;
- G. Boat and motor vehicle service and repair;
- H. Car washes – unless with 100% recycle process requiring the issuance of a Certificate of Water Quality Compliance by the Board of Health and the approval by the State Department of Environmental Protection;
- I. Any activity or occupations that generate, treat, store or dispose of hazardous waste, which is subject to MGL Chapter 21C and 310 CMR 30.00, including without limitation, solid waste, hazardous waste, leachable waste, chemical waste, radioactive waste, and waste oil, except that waste oil retention facilities required by MGL Chapter 21, Section 41a and meeting the standards set forth in 310 CMR 22.22(2)(a) 4. Storage of household quantities may be allowed upon the issuance of a Certificate of Water Quality Compliance by the Board of Health;
- J. Industrial or commercial uses which dispose of process liquids on site;
- K. Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow and ice on roads, or the stockpiling and disposal of snow and ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for removal from highways and streets located outside the Water Resource District;
- L. Storage of pesticides, as defined in MGL Chapter 132B, Section 2, unless such storage is within a building or structure with an impermeable cover and liner that, pursuant to the issuance of a Certificate of Water Quality Compliance, the Board of Health has determined is designed so as to prevent an accidental release onto or below the land surface;
- M. Storage of commercial fertilizers and soil conditioners, as defined in MGL Chapter 128, Section 64, except in a structure with an impermeable cover and liner which, pursuant to the issuance of a Certificate of Water Quality Compliance, the Board of Health has determined is designed so as to prevent an accidental release onto or below the land surface;
- N. Any wastewater treatment plants except those that discharge outside the Water Resource District. A hydrogeologic evaluation shall be required if wastewater flows exceed 2,000 g.p.d.;
- O. Animal feedlots; (not applicable to parcels of land over five acres in size);
- P. Stockpiling of animal manures, except in a structure with an impermeable cover and liner and subject to a Certificate of Water Quality Compliance issued by the Board of Health;
- Q. Storage of septage or sewage sludge except in a structure with an impermeable cover and liner in compliance with MGL 310 CMR 32.30 and 310 CMR 32.31 and subject to a Certificate of Water Quality Compliance by the Board of Health if such proposal is compliant with 310 CMR 32.30 and 310 CMR 32.3 so as to prevent an accidental release into or on land surface;
- R. Any other use, which involves as a principal activity the manufacture, transportation, or on site disposal of toxic or hazardous materials;
- S. Land uses that result in rendering impervious any lot or parcel by more than 15% or 2,500 square feet, whichever is greater, unless a system for artificial recharge of precipitation is provided that the Board of Health has determined will not result in the degradation of groundwater quality.

**5040. PERFORMANCE STANDARDS FOR ALLOWED USES.** (Amended ATM 92) To preserve the natural land surface providing high quality recharge to the groundwater, to control sewage and septage flow and fertilizer application to amounts which will be diluted adequately by natural recharge, to prevent the formation of plumes of contamination in the groundwater system, and to prevent the discharge of leakage of toxic or hazardous substances into the groundwater, all allowed uses shall meet the following performance standards:

- A. The concentration of nitrate resulting from wastewater disposal and from fertilizer application, when diluted by rainwater recharge on the lot shall not exceed five (5) parts per million (p.p.m.)
  - 1. Existing buildings are exempt and must adhere to a standard of seven (7) parts per million (p.p.m.).
- B. For all uses combined, wastewater flow disposed on site shall not exceed 20,000 gallons per day. All cultivated lawns shall have a loam base of six inches (6”).
- C. All toxic or hazardous materials shall be stored in product tight containers protected from corrosion, accidental damage or vandalism and shall be used and handled in such a way as to prevent spillage into the ground or surface waters. Spill containment will be provided for all storage. A product inventory and manifest system shall be maintained and reconciled with purchase, use, sales and disposal records at sufficient intervals to detect product loss. The storage of toxic and hazardous materials shall be subject to compliance with 310 CMR 22.21(2)(b)(5) and a Certificate of Water Quality Compliance issued by the Board of Health.
- D. No toxic or hazardous materials shall be present in wastes disposed on site. Wastes composed in part or entirely of toxic or hazardous materials shall be retained in product tight containers for removal and disposal by a licensed scavenger service or as directed by the Board of Health.
- E. With the exception of five (5) parts per million (p.p.m.) nitrate limit as stated in Section 5040 (a), contaminant levels in groundwater resulting from disposal of process wastes from operations other than personal hygiene and food for residents, patrons and employees, or from wastewater treatment and disposal systems greater than 10,000 gallons per day, capacity shall not exceed those levels specified in Tables C and E of the “Drinking Water Regulations of Massachusetts” (DEQE, June 15, 1977), after allowing for dilution by natural recharge on the premises.

- F. All runoff from impervious surfaces shall be recharged on the site by diversion to areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are infeasible, and shall be preceded by oil, grease and sediment traps to facilitate removal of contaminated solids. In the vicinity of chemical or fuel delivery points, provision shall be made for spill control.
- G. Except for excavations for the construction of building foundations, for the installation of utility works or for the laying out of roads, the removal of soil, loam, sand, gravel or any other mineral substance will be limited to a depth of ten (10) feet above the historical high ground and surface water level. The amount of land area exposed at any one time shall be limited to five (5) acre area being reclaimed to a natural vegetative state prior to issuance of the special permit for the use of the next five (5) acres. Upon the completion of operations, the remainder of the parcel of land shall be reclaimed to a natural vegetative state within one (1) year.
- H. The application of fertilizers for non-domestic or non-agricultural activities shall be limited to areas having at least six inches (6") of loam or naturally occurring top soil and made strictly in accordance with a management and site plan, delineating at a minimum in the manner in which the application is to be performed in order to minimize adverse impacts on surface and groundwater due to nutrient transport and deposition and sedimentation.
- I. Where the premises are partially outside a Water Resource District, potential pollution sources such as on-site waste disposal systems shall, to the degree feasible, be located outside the District.

**5052. CERTIFICATE OF WATER QUALITY COMPLIANCE.**

A certificate of Water Quality Compliance shall be obtained from the Board of Health by the owner or applicant for uses that involve, the storage and or use of hazardous materials, the storage of pesticides and fertilizers, car washes, metal plating operations and the storage of septage or sewage sludge. No Building Permit or Certificate of Use and Occupancy, shall be issued by the Building Inspector, unless a Certificate of Water Quality Compliance, if required, has been obtained.

or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article V, Section 5000, Water Protection Districts, as printed in the Warrant under Article 25.**

**ARTICLE 26**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2300 Use Regulation Schedule, Section 2310 Principal Uses, Use Regulation Schedule note 5, by deleting "20%" and inserting in its place "40%" so that note 5 will read:

- 5. No more than 40% of the floor space to be used for retailing. Products to be retailed must be directly related to the primary industrial activity.

or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article II, Section 2300 Use Regulation Schedule, Section 2310 Principal Uses, Use Regulation Schedule note 5, as printed in the Warrant under Article 26.**

**ARTICLE 27**

To see if the Town will vote to amend the Sandwich Protective Zoning By-law in order to require the lottery for affordable units to be conducted prior to the issuance of occupancy permits instead of prior to the issuance of building permits, by amending Article IV Special Regulations, Section 4450 Affordable Housing Conditional Density Development, Section 4453 Standards, subsection (c) to read as follows:

- c.) Lottery. The lottery for any affordable units permitted under this section shall be conducted before the issuance of any certificate of occupancy for the affordable units. The Planning Board shall designate a lottery agent as a condition of the special permit.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article IV Special Regulations, Section 4450- Affordable Housing Conditional Density Development, Section 4453 Standards, subsection (c), as printed in the Warrant under Article 27.**

**ARTICLE 28**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws to give the Planning Board discretion to seek advisement on Cluster Developments, in Section 4441 Number Of Dwelling Units, by deleting subsection a.) and inserting in its place the following subsections and keeping the current subsection b.) but re-labeling it c.):

- a.) Equal the number of units that could be constructed with a conventional grid subdivision that complies with the zoning in the district and the Subdivision Rules and Regulations of the Planning Board, and any other applicable laws or regulations of the Town. A preliminary layout (Demonstration Plan) of a conventional grid subdivision meeting the above requirements shall be submitted to demonstrate the allowable number of units.
- b.) The Planning Board may refer a Demonstration Plan to any other Town agency/board/department for comments and recommendations if it so desires before closing the

public hearing on the Cluster Development application. Any such agency/board/department to which Demonstration Plans are referred to for comments must make its comments and send copies thereof to the Planning Board and the applicant within thirty-five (35) days of receipt of the referral request by said agency/board/department or there shall be deemed no opposition or desire to comment.

or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Section 4441 Number of Dwelling Units, as printed in the Warrant under Article 28.**

**ARTICLE 29**

To see if the town will vote to amend the Sandwich Protective Zoning By-laws, Article II Use and Intensity Regulations, Section 2600 Intensity Of Use Schedule, by adding a reference to Intensity of Use Schedule Note "c" in the parentheses following the entry "Minimum side rear yard in feet" so that the entry reads as follows:

Minimum side rear yard in feet (c, d, e, l)

or take any action relative thereto.

**VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article II Use and Intensity Regulations, Section 2600 Intensity of Use Schedule, as printed in the Warrant under Article 29. This was a voice vote and declared carried by the Moderator.**

**ARTICLE 30**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, to update and revise several citations of the Massachusetts State Building Code in the by-law, in Article I, Section 1220, Article IV, Sections 4330 and 4810, by inserting the following:

**Section 1220.** No building permits shall be approved except in compliance with this by-law. Sufficient information shall be submitted to demonstrate compliance, including a plot plan showing, in addition to those items required under Section 110.10 or the Massachusetts State Building Code applicable sections in effect at the time of application;

**Section 4330.** Compliance With State, Federal And Local Regulations... 780 CMR 3107.0 of the Massachusetts State Building Code or applicable sections of the Massachusetts State Building Code in effect at the time of the application which addresses flood plain and coastal high hazard areas;

**Section 4810.** Each swimming pool, whether public or private as defined in Section 421.0 of the Massachusetts State Building Code or the Massachusetts State Building Code applicable sections in effect at the time of application...

or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by updating and revising several citations of the Massachusetts State Building Code in the By-laws, in Article I, Section 1220, and Article IV, Sections 4330 and 4810, as printed in the Warrant under Article 30.**

**ARTICLE 31**

To see if the Town will vote to amend the Sandwich Protective zoning By-laws, Article IV, Section 4450 Affordable Housing Conditional Density Development, in Sections 4453 Standards in subsection a.) under Rental, Number of Dwelling Units, 6 Units per acre, Percent Affordable, delete 50% and insert 25% so that it reads as follows:

**Section 4453. Standards**

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

<b>Homeownership</b>		
<b>Number of Dwelling Units</b>	<b>Percent Affordable</b>	<b>Maximum number of Units allowed</b>
4 Units per acre	100% Affordable Units	<b>40</b>
2 Units per acre	50% Affordable Units	<b>20</b>
<b>Rental</b>		
<b>1 Bedroom Unit or Unit Deed Restricted to Age 55 and older*</b>		
<b>Number of Dwelling Units</b>	<b>Percent Affordable</b>	<b>Maximum number of Units allowed</b>
10 Units per acre	100% Affordable Units	<b>40</b>
6 Units per acre	25% Affordable Units	<b>20</b>
<b>2 Bedroom Units</b>		
<b>Number of Dwelling Units</b>	<b>Percent Affordable</b>	<b>Maximum number of Units allowed</b>
4 Units per acre	50% Affordable Units	<b>20</b>

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

And to further amend Section 4450,

In order to increase the percentage of eligible household income for rental units and set Rents for said units by substituting "80%" for "70%" in both the first and second sentences of Sections 4455 (a) 2. so that the section reads as follows:

**4450. Long Term Affordability.**

**a.) Affordable Housing Restriction**

**2. Rental Units.** The Restriction shall provide that units made available for rental shall be rented to a person or family whose income is **80%** or less of the Area Median Income (AMI) of Barnstable-Yarmouth Metropolitan Statistical Area (MSA). The rent, including heat but not other utilities, shall not exceed the rent established by the Department of Housing and Urban Development (HUD) for a household whose income is **80%** or less of the median...

or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article IV, Section 4450 Affordable Housing Conditional Density Development, in sections 4453 Standards and 4455 Long Term Affordability, as printed in the Warrant under Article 31.**

**ARTICLE 32**

To see if the Town will vote to amend General Bylaw Chapter 1, §1.15 by changing the number required for a quorum from two hundred (200) registered voters to zero (0) registered voters.  
(Submitted By Petition)

**VOTED: That the Town amend the Town Bylaws Chapter 1, Section 1.15 by changing the number of registered voters required for a Town Meeting quorum from two hundred (200) registered voters to zero (0). This was a hand counted vote, 190 Yes and 137 No, and declared carried by the Moderator.**

**At 10:40 p.m. in accordance with the Town Bylaw, a vote to continue the meeting after 11 p.m. was taken. This was a voice vote and declared carried by the Moderator.**

**ARTICLE 33**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act, as set forth below, amending the Town Charter to change the composition of the Board of Selectmen and qualifications of its members; provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, which amendments shall be within the scope of the specific public objectives of the petition.

An Act Relative to the Charter of the Town of Sandwich

Section 1. The charter of the town of Sandwich, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out, in Article IV, Section 4.1, the following: five (5), and inserting: seven (7).

Section 2. Article IV, Section 4.2 of said charter is hereby further amended by striking out: five (5), and inserting: seven (7).

Section 3. Article IV, Section 4.2 of said charter is hereby further amended by striking out: the town at-large, and inserting: one electoral precinct in which he resides by all registered voters of the town.

Section 4. Article IV, Section 4.2 of said charter is hereby further amended by striking out: three (3) year terms and inserting two (2) year term.

Section 5. Article IV, Section 4.2.1 of said charter is hereby further amended by adding the following: "A selectman shall at the time of election be a voter of the district from which elected, but, if any selectman shall during the first 16 months of the term of office remove to another district in the town, that office shall be considered vacant and the balance of the term shall be filled in the manner provided in section 4.2.4. If the removal occurs after the first 16 months of the term of office, the selectman may continue to serve for the balance of the term for which elected. If a selectman removes from the town during the term for which elected, the office shall be considered vacant and filled in the manner provided in section 4.2.4.

Section 6. Article IV, Section 4.2.1 of said charter is hereby further amended by striking out: within the town, and inserting: within the precinct from which elected.

Section 7. Article IV, Section 4.2.6 (b) of said charter is hereby further amended by striking out: three, and inserting 4.

Section 8. Article IV, Section 4.2.7 © of said charter is hereby further amended by striking out : three and inserting 4.

Section 9. Article IV, Section 4.2.7 (d) of said charter is hereby further amended by striking out : three and inserting 4.

Section 10. Article IV, of said charter is hereby further amended by adding the following section 4.8: The territory of the town shall be divided into seven (7) districts so established as to consist of nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets and ways or by well defined limits. Each such district shall be composed of voting precincts established in accordance with general laws. The town of Sandwich shall from time to time, but at least once in each ten years review districts to ensure their uniformity in number of inhabitants.

Section 11. This act shall take effect upon passage, or take any action relative thereto.  
(Submitted By Petition)

**VOTED: To authorize the Board of Selectmen to petition the General Court to approve special legislation amending the Town Charter to change the composition of the Board of Selectmen and qualifications of its members, as printed in the Warrant under Article 33. This was a voice vote and declared NOT CARRIED by the Moderator.**

#### **ARTICLE 34**

To see if the town will vote to borrow, raise, appropriate, and transfer from available funds up to the sum of \$2,750,000.00 for the purpose of constructing an athletic facility at Sandwich High School to be known as the "Captain Gerald F. DeConto Veterans Memorial Stadium." The proposed construction and improvements are shown on a site plan titled "Athletic Master Plan" dated 21 July 2005 prepared by JJA Sports, and Carolyn Cooney & Associates, a copy of which is filed with the Town Clerk.

Approval of a motion made pursuant to this article would oblige the Board of Selectmen to finance the appropriation on such terms and conditions as the Board may determine, including, at its discretion, by presenting to voters a Proposition 2 ½ Debt Exclusion in accordance with Massachusetts General Laws Chapter 59, Section 21C.

#### **And further,**

To see if the Town will vote to authorize the Board of Selectmen to establish a nine person commission for the oversight of construction and property improvements at Sandwich High School for the construction of the Captain Gerald F. DeConto Veterans Memorial Stadium. The Commission shall consist of:

- The Sandwich High School Athletic Director,
- A representative from the Community School as chosen by Director, Community School,
- A representative from the School Committee as chosen by the School Committee,
- A representative from the Recreation Committee as chosen by the Recreation Committee,
- A representative from the Sandwich Boosters Club as chosen by the Sandwich Boosters Club,
- A representative from the Sandwich Sports Complex Committee, Inc. as chosen by the Sandwich Sports Complex Committee, Inc.,
- A representative from a Sandwich youth sports organization as chosen by the Board of Selectmen,
- Two at-large members as appointed by the Board of Selectmen.

The commission will be charged with the duty to construct an athletic facility professional of clerk-of-the-works to oversee the construction and property improvements and to assist the commission in the contracting of a general construction contractor to build the facility.

Upon review of the various appointees' qualifications, the Board of Selectmen shall appoint the chairperson of the commission. The commission shall report to the Board of Selectmen on a semi-annual basis until the project is completed.

**VOTED: To authorize the Board of Selectmen to borrow up to the sum of \$2,750,000.00 for the purpose of constructing an athletic facility at Sandwich High School to be known as the "Captain Gerald F. DeConto Veterans Memorial Stadium." This was a hand counted vote, 118 YES and 164 NO and declared NOT CARRIED by the Moderator.**

**The meeting was adjourned at 11:50 p.m.**

#### **ARTICLE 35**

To elect the following Officers:

Two Selectmen for a term of three years;  
One Assessor for a term of three years;  
One Town Clerk for a term of three years;  
One Constable for a term of three years;  
Two School Committee members for a term of three years;  
One Board of Health member for a term of three years;  
Three Trustees of the Sandwich Public Library for a term of three years;  
One Trustee of the Weston Memorial Fund for a term of three years;  
Two Planning Board members for a term of three years;  
One Planning Board member for an unexpired term of two years;  
One Planning Board member for an unexpired term of one year;

And all other candidates that may appear on the official ballot,

And to vote YES or NO on the following question:

**NON-BINDING BALLOT QUESTION #1**

Shall the Town change the date of the Annual Town Meeting from the first Monday in May to the first Saturday in May at 1:00 p.m.?

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

The polls for the election will be open at 7:00 a.m. and close at 8:00 p.m. on said THURSDAY, THE TENTH DAY OF MAY, 2007.

	P1	P2	P3	P4	P5	P6	P7	Total
<u>BOARD OF SELECTMEN, THREE YEARS, VOTE FOR TWO</u>								
Randy Hunt	282	270	228	139	154	163	149	1385
Steven J. Chapman	68	64	79	35	67	65	70	448
V. Gautam	13	6	7	0	2	6	10	44
Linell M. Grundman	238	206	216	115	127	151	162	1215
John G. Kennan, Jr.	285	201	206	102	108	142	119	1163
All Others	0	2	1	0	2	1	2	8
Blanks	136	131	111	69	74	80	108	709
Total	1022	880	848	460	534	608	620	4972

<u>BOARD OF ASSESSORS, THREE YEARS, VOTE FOR ONE</u>								
Lawrence B. Harrington	367	315	310	159	189	225	215	1780
All Others	1	2	0	0	3	2	1	9
Blanks	143	123	114	71	75	77	94	697
Total	511	440	424	230	267	304	310	2486

<u>TOWN CLERK, THREE YEARS, VOTE FOR ONE</u>								
Barbara J. Walling	406	351	339	173	204	246	241	1960
All Others	1	0	2	0	4	2	0	9
Blanks	104	89	83	57	59	56	69	517
Total	511	440	424	230	267	304	310	2486

<u>CONSTABLE, THREE YEARS, VOTE FOR ONE</u>								
Joseph M. Cotter	376	310	312	154	184	225	215	1776
All Others	2	0	1	1	3	2	1	10
Blanks	133	130	111	75	80	77	94	700
Total	511	440	424	230	267	304	310	2486

<u>SCHOOL COMMITTEE, THREE YEARS, VOTE FOR TWO</u>								
Sandra Aleta Barton	285	205	248	106	125	155	148	1272
Robert F. Simmons, Jr.	285	216	271	145	152	176	213	1458
Jose F. Correira III	99	119	67	51	71	80	69	556
Michele E. Merolla	189	181	144	94	114	112	99	933
All Others	1	0	1	0	0	6	4	12
Blanks	163	159	117	64	72	79	87	741
Total	1022	880	848	460	534	608	620	4972

<u>BOARD OF HEALTH, THREE YEARS, VOTE FOR ONE</u>								
Sandra Lee Tompkins	382	315	305	158	189	226	222	1797
All Others	2	0	2	0	0	1	1	6
Blanks	127	125	117	72	78	77	87	683
Total	511	440	424	230	267	304	310	2486

<u>TRUSTEE, SANDWICH PUBLIC LIBRARY, THREE YEARS, VOTE FOR THREE</u>								
Alice F. Baker	349	290	313	144	186	214	206	1702
Janet E. Czarnetzki	365	296	312	141	189	212	198	1713
Carolyn A. Weimar	348	301	310	142	187	218	197	1703
All Others	0	1	1	0	0	1	1	4
Blanks	471	432	336	263	239	267	328	2336
Total	1533	1320	1272	690	801	912	930	7458

<u>TRUSTEE, WESTON MEMORIAL FUND, THREE YEARS, VOTE FOR ONE</u>								
Charles E. Scribner	368	303	311	153	187	221	207	1750
All Others	0	0	1	0	0	0	0	1
Blanks	143	137	112	77	80	83	103	735
Total	511	440	424	230	267	304	310	2486

PLANNING BOARD, THREE YEARS, VOTE FOR TWO

Joseph A. Vaudo	268	239	234	91	122	157	135	1246
Richard A. Claytor, Jr.	271	240	209	87	134	136	134	1211
Sean H. Moloney	179	152	146	109	128	133	149	996
All Others	0	0	0	0	0	1	1	2
Blanks	304	249	259	173	150	181	201	1517
Total	1022	880	848	460	534	608	620	4972

PLANNING BOARD, TWO-YEAR UNEXPIRED TERM, VOTE FOR ONE

Daniel Edward Marsters	190	167	147	85	79	103	114	885
Ralph Anthony Vitacco	148	126	139	66	122	127	137	865
All Others	1	0	0	1	1	0	1	4
Blanks	172	147	138	78	65	74	58	732
Total	511	440	424	230	267	304	310	2486

PLANNING BOARD, ONE-YEAR UNEXPIRED TERM, VOTE FOR ONE

Amy L. Lipkind	338	274	280	149	184	212	199	1636
All Others	2	2	0	1	0	1	1	7
Blanks	171	164	144	80	83	91	110	843
Total	511	440	424	230	267	304	310	2486

NON-BINDING BALLOT QUESTION #1

Shall the Town change the date of the Annual Town Meeting from the first Monday in May to the first Saturday in May at 1:00 p.m.?

Yes	167	120	124	66	88	111	109	785
No	291	276	267	141	160	169	167	1471
Blanks	53	44	33	23	19	24	34	230
Total	511	440	424	230	267	304	310	2486

**The Polls were opened at 7:00 a.m. and closed at 8:00 p.m. The total vote cast was 2,486, which is 16 per cent of the voters. The total number of voters at the close of registration prior to the election was 14,754. 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 cast was 120, which included P1 – 35, P2 – 30, P3 – 18, P4 – 11, P5 – 9, P6 – 8, P7 – 9.**

I certify that this is a true record of the Annual Town Meeting held on May 7, 2007 and the Annual Town Election held on May 10, 2007.

Barbara J. Walling  
Town Clerk

**TOWN OF SANDWICH  
2007 SPECIAL TOWN MEETING**

**June 25, 2007**

The Annual Town Meeting was called to order in the Sandwich High School auditorium by Moderator Jan Levin Teehan at 7:01 p.m. The Moderator announced that the Attorney General had approved the zero quorum article and she was able to start the meeting promptly.

The clerks checked in a total of 109 voters. The total number of eligible voters was 14,806. The Reverend Rodney E. Thibault of Corpus Christi Church gave the invocation, and Thomas F. Keyes, Chairman of the Board of Selectmen, led the Pledge of Allegiance. The Moderator had sworn in the following Sandwich High School students as counters: Michaela Burns, Sarah Carrita, Matthew Cobb, Valerie Earle, Michaela Hennessy, Victoria Simmons, Payson Titcomb, Sarah Triplett, and Katherine Wiklund.

**ARTICLE 1**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,606,650.00, or any other amount, to meet its obligation for the Upper Cape Cod Regional Technical School's Fiscal Year July 1, 2007 to June 30, 2008 assessment, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town raise and appropriate \$1,606,650.00 to defray Upper Cape Cod Regional Technical School expenses for Fiscal Year 2008.**

**ARTICLE 2**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$464,420.00, or any other amount, to supplement the budget of the School department for the Fiscal Year July 1, 2007 to June 30, 2008 as voted at the 2007 Annual town Meeting, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town raise and appropriate an additional \$464,420.00 to supplement the budget of the School Department for Fiscal Year 2008.**

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Barbara J. Walling  
Town Clerk