

**TOWN OF SANDWICH
2010 ANNUAL TOWN MEETING
MAY 3, 2010**

The Annual Town Meeting was called to order in the Sandwich High School auditorium by Moderator Jan Levin Teehan at 7:00 P.M. The clerks checked in a total of 459 voters. The total number of eligible voters was 15,313. The invocation was delivered by Deacon Dennis O'Connell from Corpus Christi Parish, and John Kennan, Chairman of the Board of Selectmen, led the Pledge of Allegiance. The Moderator swore in the following Sandwich residents as tellers: Pat Emery, Rebecca Hewett, Mary Ann King, Elizabeth Losordo, Gilbert Martin, Regina Peters, Katherine Heras, Nancy Siebert and Tobin Wirt. Rene Douglas served as the timekeeper.

Moderator Teehan asked for a moment of silence for several notable Sandwich residents that passed away since last Town Meeting; Benjamin D. Fleet, J. Louis Roberti, A. Lois Howland and Helen "Gigi" Mooney.

ARTICLE 1

To see if the Town will vote to hear the reports of all Town Officers and Committees and to act thereon and to hear the report of the Board of Selectmen on the Long Range Plan, or take any action relative thereto.

John Kennan, Chair of the Board of Selectmen read the report on the Long Range Plan on behalf of the Board.

The Board of Selectman (BOS) and Town Manager created The Long Range Plan (LRP) to provide a sense of stability and coherence that clarifies the town's goals and objectives while providing direction and guidance to the Town's leadership and employees in carrying out the town's mission. The mission statement derived from that purpose and endorsed by vote of both the Board of Selectmen and the School Committee is: "The government of the Town of Sandwich will provide the public with the highest, most efficient and effective level of service with the resources available in a manner that exemplifies honesty, integrity and a commitment to public service, while honoring our rich history, protecting our environment and responsibly planning for the future."

This latest version of the long-range strategic plan continues to meet the BOS intent that the LRP be a living document. The revised Plan emphasizes the need for paths forward such as annual reviews, updates, and implementation there by allowing the plan to be dynamic and not static so it is always responsive to the needs to the community.

In the "Core Services Matrix" the Plan addresses the critical needs of the community specifically, those that are legally required and those services that are necessary to the Town but are not legally required. Legally required services are accounting, assessing, permitting and tax collecting and public safety areas such as police and fire. Services

that are not legally required are town building and road maintenance, the transfer station, the town library, Council on Aging, medical services and planning and development.

But what is absolutely essential and critically addressed in the revised Plan is the focus on the financial analysis of Sandwich. The fundamental question that arises is what is the reason for the Plan or what is it in reaction to. Perspective: Annual New Growth in the past 15 years averaged \$584,109. Average new growth in 2009 amounted to \$545,668.

Expenses: There has been an increase in the General Government Operating Budget from \$6,833,129 to \$14,107,286 in the past 15 years. That translates to a 106.45% increase or another way to look at that is to say that there has been an average annual increase of 7.10%.

There have been increases in the School Department as well. In the past 15 years, their operating budget has increased from \$13,485,104 to \$30,413,314. That translates to a 125.53% increase or another way to look at that is to say that there has been an average annual increase of 8.37%.

When analyzing the trends for the Upper Cape Cod Regional Vocational Technical School operating budgets we found that there was an increase from \$280,655 to \$1,575,093 over the past 15 years. That translates to a 461.22% increase. This equates to an average annual operating budget increase of 30.75%.

Taken in their totality, the entire public education budget has increased \$18,222,648 over the last 15 years, or 132.38%.

Another critical area of concern addressed by the Plan is the matter of health insurance costs. The Town's operating funds cannot keep pace with escalating health insurance costs. In the last 15 years the cost of health insurance has risen as much as 19.45%. From 1995 to 2009 there was increase in the cost of health insurance from approximately \$2,000,000 to \$8,000,000.

The aforementioned are but a few examples of what the Plan has addressed as having an significant economic affect on the economic well being of the Town. In the final analysis the updated Plan emphasizes the relevance and importance of implementing and adhering to a sustainable financial plan that balances the interests of the tax payers, town employees, and the students preparing themselves for their future but at the same time addressing those needs within the legislative limits of proposition two and one-half.

The Plan stresses an undeniable need for a path forward. The Plan makes the sobering point that while we are aware of the increasing needs of our demands for town services, we must no longer rely exclusively on a single private taxpayer such as Mirant. The Plan addresses the need for the imperative to broaden our non-residential tax base. Presently, 86.82% of the town's taxes are being paid by resident homeowners and as such the Plan recognizes the importance of encouraging commercial and industrial growth.

What is of paramount concern in the Plan as it relates to encouraging economic growth in Sandwich is the emphasis on balancing the need for economic growth within the context of retaining our heritage and embracing our future.

In May 4, 2009 Annual Town Meeting unanimously approved such an initiative when it adopted our Local Comprehensive Plan (LCP). The LCP focus on Land Use and Growth Management, Economic Development, Historic Preservation and Community Character, and an Implementation Plan. The final, certified LCP is among the documents that appear in the Appendices to the LRP.

I am pleased to report that within the last two weeks the Sandwich Economic Initiative Corporation received its legal status. The SEIC has been identified and recognized as the essential tool in implementing the LCP.

I ask that all of you here this evening and those of you who are watching from home to take the time to read either all or some of what is addressed in our Town's Long Range Plan. The Plan emphasizes building a "corporate culture", our community character that will enable the Town to enter its future with a renewed commitment to quality of life and quality of public service.

VOTED: That the Town accept the Report of all Town Officers and Committees as printed in the 2009 Annual Town Reports and hear the report of the Board of Selectmen on the Long Range Plan. This was a voice vote and declared carried by the Moderator.

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 \$65,020,733.00, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2010 to June 30, 2011 as itemized below in the third column entitled FY'11 Recommendation, or take any action relative thereto.

Glenn Pare', Chairman of the Finance Committee, delivered the budget message.

The message from the Finance Committee will come as no surprise: our Town faces serious financial challenges and the budget picture for 2011 and the years ahead is not good.

Last fall, the Board of Selectmen made a difficult decision based on the Town's financial situation and determined that both the municipal and school budget would need to take cuts. The mandated minus one-percent budgets are a serious movement away from the small (three- or four-percent) increases of the past several years and present a serious challenge to the Town and schools to provide at least level service – in essence to do the same or more with significantly less financial resources.

The Finance Committee reviewed the various departmental budgets in detail, given time restraints and some lingering unknowns in state funding levels. After much deliberation and discussion, the Finance Committee recommends passage of the 2011 budgets. We make special note of the Town employees from department heads to all six municipal unions and to the non-union staff who are taking no salary increase for the second year in a row. This a remarkable sacrifice on the part of our Town employees, especially when the overall economy is still reeling from the on-going recession, depressed housing market, and continuing credit issues. We offer a most sincere "Thank You!" to all of our employees who are sharing the financial strain with the taxpayers. In recognition of this accomplishment, the Finance Committee agreed to support the Selectmen in recommending a general government budget which would not eliminate any municipal positions in FY'11, amounting to an overall increase of just under 1.0% compared to FY'10.

Relative to the School Department budget, the School Committee and Superintendent achieved a difficult task in responding to the mandate by bringing forward a minus one-percent budget. Under the Superintendent, the Schools have identified several areas for cutting costs and making improvements in how services are provided. These are very positive steps forward and we generally applaud these efforts. But, there are some continuing issues of concern relative to cuts and reorganizations and the net results of those changes. The Finance Committee also has expressed concerns about certain line items and how the overall budget is put together and presented to us. We expect that with scrutiny and better communications with the School Committee and the Superintendent that we will have fuller confidence in the Schools budgets as we go forward.

In 2005, the voters of Sandwich authorized a \$3.1 million override to fund Town operating budgets. Selectmen and Town officials at the time promised voters that the override would provide enough financial support so that no such additional funding would be required for at least three years. Since then, through thoughtful multi-year financial projections and careful shepherding of the annual budgets by the Town Manager, the Board of Selectmen and the School Committee, Sandwich has been able to continue providing municipal services and education programming without going back to voters to seek an additional override. The three year promise has actually lasted for double that, but it comes as a result of serious cost avoidances and may not be able to be prolonged beyond 2011.

Sandwich residents should recognize that, while we have managed to avoid a wide range of expenses over the period since the 2005 override, we have not addressed some serious issues that require attention and funding. Deferring these issues further will increase their eventual costs. The need to address them presses more heavily upon us.

Together with our elected officials, all of us in Town will all have to come together with as much goodwill, thoughtful deliberation, and plain-old hard work as we can bring in order to prioritize these on-going needs and determine the best approaches to funding them (if we can fund them at all). The quality and levels of services we expect from our Town, the number and professional expertise of Town employees, the expenses and fees we may be willing to cover outside of property taxes will all be in question. Among the many issues we need to address:

1. We have deferred development, expansion, and a good deal of maintenance on Town buildings and infrastructure. The Capital Improvement Planning Committee (CIPC) recently identified \$26 million in capital project needs for many (but not all) Town buildings and schools. With many unknowns (including the situation at the Henry T. Wing School) and the ever-increasing costs of materials and labor, the estimated \$26 million figure could grow substantially.
2. We are being expertly served by both Police and Fire Departments, but both departments are significantly understaffed based on the size of our population and square miles of area they cover. These staffing levels have a direct impact on public safety, on our lives and well-being, as well as on our home-owners insurance. Further, the main headquarters for both Police and Fire are inadequate, outdated, and may not be in the proper location to adequately address our public safety needs.
3. While we are served by a skillful and committed Department of Public Works, they are not able to maintain the quality of Town roads and infrastructure due to the level of funding we now provide. Over the past four or five years, the quality of pavement on our roads (which some consider the Town's largest asset) has deteriorated appreciably. The costs involved in bringing roads back to an acceptable condition is significant, and will grow exponentially in the years ahead.
4. We continue to seek ways to improve our school system and offer our children the best education we can, even as the per-pupil costs for educating continue to increase, educational standards evolve and the technology behind teaching develops rapidly. While we have seen a continuing decrease in our school-aged population, our per-student costs will continue to increase and we cover these costs with staffing cut backs and reorganization. As we seek balance and prioritize funding needs in future, we will need to address funding stresses on the schools because the once "sacred" levels of state funding for education have been cut and may continue to be reduced in the future.

Even as the Finance Committee is recommending passage of the 2011 budgets, we do have some concerns. For example, it appears that Sandwich Hollows will not meet its budget projections for 2010 and yet comparable amounts are budgeted for 2011. More importantly, we recognize that the Town needs to address many of the issues outlined above and many others we face. We look to next year and the several years ahead with trepidation. Sandwich will undoubtedly face serious shortfalls and multi-million dollar deficits in 2012 and the years ahead. It seems very likely that the Town will need to reconsider all aspects of the services it provides and the costs for doing so, what we can afford and what we are willing to forego, and whether we as a Town will support an override next year or sometime in the years ahead.

Sandwich is a wonderful place to live. And, as the oldest town on the Cape, it is rich in history and culture, offering so much to its citizens and its visitors. As a community, we are all responsible for supporting the Town and acting as good stewards, just as our predecessors did before us. The Finance Committee, as concerned citizens volunteering our time and energy, believes that the good citizens of the Town will continue to act and provide for the Town in the best possible manner especially in the challenging times ahead.

FY'11 BUDGET TOTALS

No.	Department	FY'09 Appropriation	FY'10 Appropriation	FY'11 Recommendation
114	Moderator	450	1	1
123	Selectmen/Administrator	360,172	382,310	382,385
	Personnel Expenses	145,580	76,799	75,000
131	Finance Committee	2,200	2,200	2,700
135	Accounting	168,310	172,844	176,755
141	Assessing	323,884	338,531	338,359
145	Treasurer	171,762	164,030	168,066
146	Tax Collector	224,586	229,981	235,820
147	Tax Title	15,000	25,000	25,000
151	Legal	225,000	225,000	225,000
152	Human Resources	123,329	143,842	143,842
161	Town Clerk	150,801	153,934	156,050
162	Elections & Registrations	51,500	35,500	56,500
171	Natural Resources	225,126	233,008	233,711
175	Planning & Development	143,549	150,849	149,662
190	Facilities Management	394,463	410,784	449,604
195	Town Reports	13,000	11,000	11,000
196	Bind Town Records	1,000	1,000	1,000
197	Data Processing	315,020	331,156	331,456
	Total 100s	3,054,732	3,087,769	3,161,911
210	Police Department	3,005,303	3,058,024	3,045,197
220	Fire Department	3,560,155	3,631,921	3,657,892
241	Inspections	222,944	229,480	230,843
244	Weights & Measures	1,200	1,200	1,200
291	Emergency Management	5,250	5,250	5,250
294	Forest Warden	1,500	1,500	1,500
297	Bourne Shellfish	4,000	4,000	4,000
299	Greenhead Fly	1,500	1,500	1,500
	Total 200s	6,801,852	6,932,875	6,947,382
300	School Department	30,086,416	30,413,314	30,176,539
313	UCCRVTS	1,755,017	1,575,093	1,686,655
	Total 300s	31,841,433	31,988,407	31,863,194
410	DPW – Engineering	117,795	123,293	123,593
420	DPW – Highways	1,446,213	1,478,417	1,509,979
421	Snow & Ice	250,007	250,008	250,009
424	Streetlights	30,000	30,000	30,000
435	DPW – Sanitation	787,569	765,569	765,569
	Total 400s	2,631,584	2,647,287	2,679,150

No.	Department	FY'09 Appropriation	FY'10 Appropriation	FY'11 Recommendation
510	Health Department	161,236	166,464	167,464
522	Nursing Department	121,865	126,322	118,665
541	Council on Aging	140,043	145,369	147,520
543	Veterans Services	31,759	37,591	42,000
547	Disabilities Commission	500	0	0
	Total 500s	455,403	475,746	475,649
610	Library	849,225	866,210	866,210
629	Youth Task Force	500	0	0
630	Recreation Department	69,258	70,849	71,149
650	DPW – Parks	13,850	13,850	13,850
671	Hoxie House / Grist Mill	20,000	0	10,000
693	Memorial Day	1,200	1,200	1,200
694	Historic District	11,500	11,500	12,000
	Total 600s	965,533	963,609	974,409
OPERATING SUBTOTAL:		45,750,537	46,095,693	46,101,695
	Stabilization Fund Transfer			1,250,000
135	Marina & SHGC Indirect Costs Transfers			30,000
171	Waterways Fund Transfer			17,500
171	Beach and Recreation Account Transfer			54,650
220	Ambulance Fund Transfer			150,000
630	Beach and Recreation Account Transfer (incl. Sandy Neck)			139,600
645	Community Preservation Act Debt			1,356,736
650	Cemetery Trust Fund Transfer			22,000
671	Hoxie House / Grist Mill Income Transfer			38,000
INTER-FUND TRANSFERS SUBTOTAL:				3,058,486
132	Reserve Fund			400,000
540	Social Services Programs			21,200
710	Short Term Debt			75,000
750	Debt			3,204,102
910	Group Health Insurance			8,250,000
912	Medicare			466,124
940	Property & Liability Insurance			785,000
941	Unemployment Account			250,000
950	Retirement Assessment			2,409,126
OTHER ACCOUNTS SUBTOTAL:				15,860,552
FY'11 BUDGET TOTAL:				65,020,733

VOTED: That the Town hear the report of the Finance Committee and raise and appropriate \$58,835,268; transfer and appropriate \$976,979 from Free Cash; transfer and appropriate \$1,250,000 from the Stabilization Fund; transfer and appropriate \$900,000 from the ambulance receipts reserved for appropriation account; transfer and appropriate \$150,000 from overlay surplus; transfer and appropriate \$1,356,736 from the Community Preservation Fund Fiscal Year 2011 estimated annual revenues; transfer and appropriate \$15,000 from Sandwich Marina funds; transfer and appropriate \$15,000 from the Sandwich Hollow Golf Club enterprise fund; transfer and appropriate \$194,250 from the beach parking receipts reserved for appropriation account; transfer and appropriate \$38,000 from the Hoxie House / Grist Mill receipts reserved for appropriation account; transfer and appropriate \$17,500 from the Waterways Fund; transfer and appropriate \$22,000 from cemetery trust funds; to defray Town expenses for the Fiscal Year 2011 as itemized in the third column entitled FY'11 Recommendation, as printed in the Warrant under Article 2, and set the compensation of elected officials as follows:

Moderator	1
Chairman Board of Selectmen	2
Selectmen – 4 each	1
Chairman Board of Assessors	2
Assessors – 2 each	1
Town Clerk	65,520

This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 3

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 \$320,000.00, 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:

Fire Department – (4) Ambulance Defibrillators	120,000.00
Town Clerk – Voting Machines Replacement	50,000.00
Engineering – Vehicle Replacement	34,000.00
School Department – Pick-up Truck & Plow Replacement	45,000.00
School & Accounting Departments – Compatible Software	60,000.00
Facilities / Human Services Building – Chair Replacement	7,000.00
Building Repairs / Capital Purchases Account	4,000.00

or take any action relative thereto.

S. Michael Baker, Chair of the Capital Improvement Planning Committee read the committees report.

Before you is the FY11 Capital Budget. As I said last year, if you support it you shouldn't leave here thinking you've addressed the Town's capital needs.

This request is for \$320,000 to properly fund the capital budget for FY 11. For the next 4 fiscal years it would require an outlay of at least \$600,000 per year – money we do not have.

We now have an estimate of the cost of deferred maintenance. The deterioration of our facilities, caused by postponing routine maintenance due to lack of funds, is estimated to cost in excess of \$25 million to correct if all of the itemized issues were addressed. We hope to present an article at a STM in the Fall that will begin the process of correcting some of these deficiencies.

We have also begun to plan for the construction of new capital facilities, following recommendations contained in the LCP. All of this will take time and generate much discussion. In the meantime, we ask your support for this article.

UNANIMOUSLY VOTED: That the Town hear the report of the Capital Improvement Planning Committee and raise and appropriate \$200,000, and transfer and appropriate \$120,000 from the ambulance receipts reserved for appropriation account, 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 3 of the warrant, with any unexpended balance for each item identified to be placed in the Building Repairs / Capital Purchases account to be expended under the direction of the Board of Selectmen.. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 4

To see if the Town vote to raise and appropriate or transfer from available funds the sum of \$100,000.00, or any other amount, said funds to be expended under the direction of the Board of Selectmen, for the purpose of completing a building facility assessment and analysis of the Henry T. Wing School with architectural and other professional consultant services, or take any action relative thereto.

VOTED: That the Town raise and appropriate \$100,000, to be expended under the direction of the Board of Selectmen, for completing a building facility assessment and analysis of the Henry T. Wing School with architectural and other professional consultant services as printed in the

Warrant under Article 4. This was a voice vote and declared carried by the Moderator.

ARTICLE 5

To see if the Town vote to raise and appropriate or transfer from available funds the sum of \$34,480.00, or any other amount, said funds to be expended under the direction of the Board of Selectmen, for the purpose of completing maintenance and improvements of exterior athletic fields and facilities at Sandwich High School, or take any action relative thereto.

VOTED: That the Town raise and appropriate \$34,480, to be expended under the direction of the Board of Selectmen, for completing maintenance and improvements of exterior athletic fields and facilities at Sandwich High School. This was a voice vote and declared carried by the Moderator.

ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, said funds to be expended under the direction of the Board of Selectmen, for the purpose of reducing a projected FY'10 deficit in the Snow and Ice Account, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town raise and appropriate \$185,872.72 from available for funding the Fiscal Year 2010 Snow and Ice deficit. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 7

To see if the Town will vote to transfer from the FY'10 Group Health Insurance Account, and appropriate a sum of money, to be expended under the direction of the Board of Selectmen, for the purpose of reducing a projected FY'10 deficit in the Unemployment Account, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$200,000 from Fiscal Year 2010 unexpended balances in the Group Health Insurance account for funding the Fiscal Year 2010 Unemployment account deficit. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 8

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'11 operating budget for Sandwich Hollows Golf Club, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$1,050,734 from Golf Course Receipts, to be expended under the direction of the Board of Selectmen, for establishing the Fiscal Year 2011 Enterprise Fund operating budget for Sandwich Hollows Golf Club. This was a voice vote and declared carried by the Moderator.

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$17,051.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'11 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 \$17,051 from the Sandwich Promotions Fund, to be expended under the direction of the Board of Selectmen, for funding the Fiscal Year 2011 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 10

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'11, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town appropriate \$618,577 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 2011. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 11

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, 2010, or take any action relative thereto.

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, 2010. This was a voice vote and declared carried by the Moderator.

ARTICLE 12

To see if the Town will vote to accept the provisions of the last paragraph of M.G.L. c.59, §5, clause 22E, which allows the Town to reduce from five consecutive years to one year the residency requirement making certain veterans and their surviving spouses or parents, as applicable, eligible for property tax exemptions under M.G.L. c.59, §5, clauses 22, 22A, 22B, 22C, 22D and 22E, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town accept the provisions of the last paragraph of M.G.L. c.59, §5, clause 22E, which allows the Town to reduce from five consecutive years to one year the residency requirement making certain veterans and their surviving spouses or parents eligible for property tax exemption as printed in the Warrant under Article 12. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 13

To see if the Town will vote to accept the last clause of M.G.L. c.40, §3 which authorizes the School Department to carry over between fiscal years the balance of any revenues collected for school building rentals, to be expended under the direction of the School Committee for school building maintenance and upkeep purposes, or take any action relative thereto.

VOTED: That the Town accept the last clause of M.G.L. c.40, §3 which authorizes the School Department to carry over between fiscal years the balance of any revenues collected for school building rentals, to be expended under the direction of the School Committee for school building maintenance and upkeep purposes. This was a voice vote and declared carried by the Moderator.

ARTICLE 14

To see if the Town will vote in accordance with M.G.L. c.44, §53E1/2 to establish a revolving fund in which to place revenues collected from the use of the meeting hall at Sandwich Town Hall, to be expended under the direction of the Board of Selectmen for Sandwich Town Hall building maintenance and utility expense purposes, and to establish a limit on the total amount that may be expended from the fund in FY 2011, or take any action relative thereto.

VOTED: That the Town establish a revolving fund in accordance with M.G.L. c.44, §53E1/2 in which to place revenues collected from the use of the meeting hall at Sandwich Town Hall, to be expended under the direction of the Board of Selectmen for Sandwich Town Hall building maintenance and utility expense purposes, and to establish a limit of \$10,000 on the total amount that may be expended from the fund in FY 2011. This was a voice vote and declared carried by the Moderator.

ARTICLE 15

To see if the Town will vote in accordance with M.G.L. c.44, §53E1/2 to establish a revolving fund in which to place revenues collected from the sale of shellfish licenses, to be expended under the direction of the Board of Selectmen for shellfish propagation and maintenance purposes, and to establish a limit on the total amount that may be expended from the fund in FY 2011, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town establish a revolving fund in accordance with M.G.L. c.44, §53E1/2 in which to place revenues collected from the sale of shellfish licenses, to be expended under the direction of the Board of Selectmen for shellfish propagation and maintenance purposes, and to establish a limit of \$5,000 on the total amount that may be expended from the fund in FY 2011. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 16

To see if the Town will vote to transfer and appropriate the sum of \$20,000.00, or any other amount, from the Sandwich boardwalk plank sale account to the boardwalk repair and maintenance account, 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 \$20,000 from the Sandwich boardwalk plank sale account to the boardwalk repair and maintenance account, to be expended under the direction of the Board of Selectmen. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 17

To see if the Town will vote to accept the provisions of M.G.L. c.32B, §20 to establish an Other Post Employment Benefits Liability Trust Fund, and to raise and appropriate or transfer from available funds the sum of \$1.00, or any other amount, for said purpose, or take any action relative thereto.

VOTED: That the Town accept the provisions of M.G.L. c.32B, §20 to establish an Other Post Employment Benefits Liability Trust Fund and raise and appropriate \$1 to the Fund as printed in the Warrant under Article 17. This was a voice vote and declared carried by the Moderator.

ARTICLE 18

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2011 Community Preservation budget and to appropriate from the Community Preservation Fund Fiscal Year 2011 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 2011; 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 2011 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.

Timothy Cooney, Chair of the Community Preservation Committee, delivered their report.

The Community Preservation Act (CPA) is a state law designed to help communities plan ahead for sustainable growth

The CPA allows towns to create a community-wide preservation Fund from a 3% surcharge on town wide real estate transactions that also qualify for state matching funds. The fund by law must be used to preserve historic buildings landscapes and recreational projects, create and maintain affordable housing and acquire and protect open space.

State legislator's are currently in the process of debating the expansion of the legislation through bill SB 90 – (*An Act to Sustain Community Preservation*) the bill will clarify allowable uses of CPA funds (notably allowing CPA funding for existing outdoor recreational facilities) and make it easier for cities and less affluent communities to join.

Since adopting the CPA the Sandwich Town Meeting has approved the following projects recommended by the Community Preservation Committee.

- The restoration of the Hoxie House
- The restoration of the Steeple of the First Church of Christ
- The restoration of the Upper Shawme Dam and Herring Run.
- The restoration and expansion of the walking trails at Ryder Woods Conservation Lands
- The Restoration of Town Hall
- The Sea Shell Village Affordable Housing Development
- The Restoration of Town Cemetery and preservation of the Town Archives Master Plan Documents and Photographs
- The replacement of playgrounds at all three elementary schools
- The Adventure Playground on Quaker Meetinghouse Road.
- The George Fernandes Way affordable housing expansion project
- The Deacon Eldred House restoration project.
- A Partnership with the Sandwich Sports Complex Committee to establish the Gerald F. Deconto Veterans Memorial Stadium
- And Several Open Space purchases

The articles before Town meeting tonight will add to this list to create a diverse range of community preservation projects.

The CPC is now in the process of creating a detailed list of each of these projects on the Town web site and it should be available to the public soon.

As a matter of policy the CPC will work in concert with the goals of the Local Comprehensive Plan and we look forward to serving the needs of the community for years to come.

VOTED: That the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2011 Community Preservation budget and transfer and appropriate \$75,000 from the Community Preservation Fund Fiscal Year 2011 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 2011; and further reserve for future appropriation from the Fiscal Year 2011 Community Preservation Fund estimated annual revenues the following sums: \$174,014 for open space; \$174,014 for community housing purposes; and \$115,706 to be placed in the 2011 Budgeted Reserve for general Community Preservation Act purposes. This was a voice vote and declared carried by the Moderator.

ARTICLE 19

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$93,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and protecting historic Town of Sandwich records, documents, photographs, and other archival materials; that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose; or take any other action relative thereto.

VOTED: That the Town transfer and appropriate \$93,000 from the Community Preservation Fund Fiscal Year 2011 estimated annual fund revenues 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, restoring, and protecting historic Town of Sandwich records, documents, photographs, and other archival materials. This was a voice vote and declared carried by the Moderator.

ARTICLE 20

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$55,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and rehabilitating the Forestdale – Greenville Schoolhouse; that

to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose; or take any other action relative thereto.

VOTED: That the Town transfer and appropriate \$55,000 from the Community Preservation Fund Fiscal Year 2011 estimated annual fund revenues 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, restoring, and rehabilitating the Forestdale – Greenville Schoolhouse. This was a voice vote and declared carried by the Moderator.

ARTICLE 21

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$12,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and rehabilitating the Upper Shawme Pond Dam by installing a footbridge, fencing, and other associated improvements; that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose; or take any other action relative thereto.

VOTED: That the Town transfer and appropriate \$12,000 from the Community Preservation Fund Fiscal Year 2011 estimated annual fund revenues 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, restoring, and rehabilitating the Upper Shawme Pond Dam by installing a footbridge, fencing, and other associated improvements. This was a voice vote and declared carried by the Moderator.

ARTICLE 22

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$250,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and rehabilitating the Sandwich Public Library; that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose; or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$250,000 from the Community Preservation Fund, with \$66,305 coming from the Community Preservation Fund Historic Resources Reserve and \$183,695 coming from the Community Preservation Fund general undesignated fund balance, for historic resources purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and rehabilitating the Sandwich Public Library. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 23

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$100,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and rehabilitating Sandwich Town Hall; that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose; or take any other action relative thereto.

VOTED: That the Town transfer and appropriate \$100,000 from the Community Preservation Fund, with \$14,014 coming from the Community Preservation Fund Fiscal Year 2011 estimated annual fund revenues and \$85,986 coming from the Community Preservation Fund Historic Resources Reserve, for historic resources purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and rehabilitating Sandwich Town Hall. This was a voice vote and declared carried by the Moderator.

ARTICLE 24

To see if the Town will vote to transfer the care, custody, management and control of Parcel B or a portion thereof shown on a plan of land entitled "Town of Sandwich Acquisition of Verbon Trust Property, dated March 1, 1999, by Outback Engineering, Inc., 321 West Grove Street, Middleborough, Mass., as on file with the Town Clerk, and recorded with Barnstable County Registry of Deeds in Plan Book 551, Page 32," from the Board of Selectmen for active recreation purposes, namely golf course, and water supply and water protection purposes, to the Board of Selectmen for the purposes of water supply and water protection, and active recreation, including but not limited to active recreational fields and facilities and golf course purposes, and for purposes of leasing or licensing said recreational fields or facilities for recreation purposes, thereby expanding active recreation uses permitted on said Parcel B; and to authorize the Board of Selectmen to enter into said lease or leases upon such terms and conditions as the Board of Selectmen deem appropriate;

and, further, to authorize the Board of Selectmen to petition the Massachusetts General Court, pursuant to Article 97 of the Amendments of the Massachusetts Constitution for approval of such change in use and leasing of said Parcel B or a portion thereof, or take any action relative thereto.

VOTED: That that the Town transfer the care, custody, management and control of Parcel B or a portion thereof shown on a plan of land entitled "Town of Sandwich Acquisition of Verbon Trust Property, dated March 1, 1999, by Outback Engineering, Inc., 321 West Grove Street, Middleborough, Mass., as on file with the Town Clerk, and recorded with Barnstable County Registry of Deeds in Plan Book 551, Page 32," from the Board of Selectmen for active recreation purposes, namely golf course, and water supply and

water protection purposes, to the Board of Selectmen for the purposes of water supply and water protection, and active recreation, including but not limited to active recreational fields and facilities and golf course purposes, and for purposes of leasing or licensing said recreational fields or facilities for recreation purposes, thereby expanding active recreation uses permitted on said Parcel B, and for alternative energy purposes; and authorize the Board of Selectmen to enter into said lease or leases upon such terms and conditions as the Board of Selectmen deem appropriate; and, further, authorize the Board of Selectmen to petition the Massachusetts General Court, pursuant to Article 97 of the Amendments of the Massachusetts Constitution for approval of such change in use and leasing of said Parcel B or a portion thereof all as described herein and, as printed in the Warrant under Article 24. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 25

To see if the Town will authorize the Board of Selectmen to enter into a lease of a portion of the land shown as Parcel B on a plan of land entitled "Town of Sandwich Acquisition of Verbon Trust Property," dated March 1, 1999, by Outback Engineering, Inc., 321 West Grove Street, Middleborough, Mass., as on file with the Town Clerk, and as on file with the Town Clerk and recorded with Barnstable County Registry of Deeds in Plan Book 551, Page 32 for an active recreational facility on such terms and conditions as the Board deems appropriate; said lease may be a ground lease or may provide for the financing, design and construction of an active recreational facility by a party or parties, or may provide for a combination thereof, for a term of up to or more than twenty (20) years, and shall be awarded pursuant to section 16 of chapter 30B of the General Laws, but shall not be subject to the competitive bid requirements set forth in sections 38A ½ to 38O, inclusive, of chapter 7 section 39M of chapter 30 or sections 44A to 44M, inclusive, of chapter 149 of the General Laws;

and further to authorize the Board of Selectmen to petition the Massachusetts General Court, pursuant to Article 97 of the Amendments of the Massachusetts Constitution for approval of such lease of a portion of said Parcel B for an active recreational facility, or take any action relative thereto.

VOTED: That the Town authorize the Board of Selectmen to enter into a lease of a portion of the land shown as Parcel B on a plan of land entitled "Town of Sandwich Acquisition of Verbon Trust Property," dated March 1, 1999, by Outback Engineering, Inc., 321 West Grove Street, Middleborough, Mass., as on file with the Town Clerk, and recorded with Barnstable County Registry of Deeds in Plan Book 551, Page 32 for an active recreational facility on such terms and conditions as the Board deems appropriate; said lease may be a ground lease or may provide for the financing, design and construction of an active recreational facility by a party or parties, or may provide for a combination thereof, for a term of up to or more than twenty (20) years, and shall be awarded pursuant to section 16 of chapter 30B of

the General Laws, but the construction of the active recreational facility shall not be subject to the competitive bid requirements set forth in sections 38A ½ to 38O, inclusive, of chapter 7 section 39M of chapter 30 or sections 44A to 44M, inclusive, of chapter 149 of the General Laws; and further authorize the Board of Selectmen to petition the Massachusetts General Court, pursuant to Article 97 of the Amendments of the Massachusetts Constitution for approval of such lease of a portion of said Parcel B for an active recreational facility and for exemption of the project from public bidding requirements, all as described herein and, as printed in the Warrant under Article 25. This was a voice vote and declared carried by the Moderator.

ARTICLE 26

To see if the Town will authorize the Board of Selectmen to amend the Declaration of Restrictions dated July 27, 1999 recorded with the Barnstable County Registry of Deeds in Book 12507, Page 319 imposed on property shown as Parcel A on a plan of land entitled "Town of Sandwich Acquisition of Verbon Trust Property," dated March 1, 1999, by Outback Engineering, Inc., 321 West Grove Street, Middleborough, Mass., as on file with the Town Clerk, and recorded with said Deeds in Plan Book 551, Page 32 by further restricting the use of the portion of said Parcel A located on the northerly side of the Mid-Cape Highway containing 37 acres as shown on said Plan for "passive" recreation use; and further to authorize the Board of Selectmen to grant a permanent conservation restriction pursuant to M.G.L. c.184, §§31-33 to a suitable, qualified organization or governmental body on the above-described portion of Parcel A; and further to authorize the Board of Selectmen to petition the Massachusetts General Court, pursuant to Article 97 of the Amendments of the Massachusetts Constitution to grant a permanent conservation restriction pursuant to M.G.L. c.184, §§31-33 to a suitable, qualified organization or governmental body on the above-described portion of Parcel A, or take any action relative thereto.

VOTED: That the Town transfer from the Board of Selectmen for the purposes for which it is currently held, to the Board of Selectmen for those purposes and for the purposes of further restricting said land, and to authorize the Board of Selectmen to amend the Declaration of Restrictions dated July 27, 1999 recorded with the Barnstable County Registry of Deeds in Book 12507, Page 319 imposed on property shown as Parcel A on a plan of land entitled "Town of Sandwich Acquisition of Verbon Trust Property," dated March 1, 1999, by Outback Engineering, Inc., 321 West Grove Street, Middleborough, Mass., as on file with the Town Clerk, and recorded with said Deeds in Plan Book 551, Page 32 by further restricting the use of the portion of said Parcel A located on the northerly side of the Mid-Cape Highway containing 37 acres as shown on said Plan for "passive" recreation use; and further authorize the Board of Selectmen to grant a permanent conservation restriction pursuant to M.G.L. c.184, §§31-33 to a suitable, qualified organization or governmental body on the above-described portion of Parcel A; and further authorize the Board of

Selectmen to petition the Massachusetts General Court, pursuant to Article 97 of the Amendments of the Massachusetts Constitution for approval of such change in use and the grant of a permanent conservation restriction on the above-described portion of Parcel A, all as set forth herein and, as printed in the Warrant under Article 26. This was a counted vote, 94 Yea, 231 Nay, and declared not carried by the required two-thirds majority.

ARTICLE 27

To see if the Town will vote to transfer from the Board of Selectmen for general municipal purposes to the Board of Selectmen for purposes of conveyance, and authorize the Board of Selectmen to convey, all or a portion of the Town property known as the Clark-Haddad Building located at 16 Dewey Avenue, and shown as Assessor Map 74, Lot 50 consisting of approximately 0.61 acres; said property to be conveyed on such terms and conditions as the Selectmen deem to be in the best interests of the Town; or take any action relative thereto.

VOTED: That the Town transfer from the Board of Selectmen for general municipal purposes to the Board of Selectmen for purposes of conveyance, and authorize the Board of Selectmen to convey, all or a portion of the Town property known as the Clark-Haddad Building located at 16 Dewey Avenue, and shown as Assessor Map 74, Lot 50 consisting of approximately 0.61 acres; said property to be conveyed on such terms and conditions as the Selectmen deem to be in the best interests of the Town. This was a counted vote, 90 Yea, 206 Nay, and declared not carried by the required two-thirds majority.

ARTICLE 28

To see if the Town will vote to accept the provisions of M.G.L. c.147, §10F to grant the Town the authority to appoint parking control officers, or take any action relative thereto.

VOTED: That the Town accept the provisions of M.G.L. c.147, §10F to grant the Town the authority to appoint parking control officers. This was a voice vote and declared carried by the Moderator.

ARTICLE 29

To see if the Town will vote to amend the Town Bylaws by deleting the text and title of Section 6.10, Junk Dealer/Collector, and inserting the following, or take any action relative thereto.

Secondhand Dealers and Secondhand Collectors

1. Definitions

ACCEPTABLE IDENTIFICATION means either:

A. A current driver's license that includes the date of birth, photograph, and physical description of the person offering the identification; or

B. Two other pieces of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth, photograph and physical description of the person offering the identification.

POLICE CHIEF means the Chief of Police of the Town of Sandwich or her or his designee.

REGULATED PROPERTY means the following used property:

A. Precious metals, including but not limited to, any metal valued for its character, rarity, beauty or quality, including gold, silver, copper, platinum or other metals, whether as a separate item or in combination with other items.

B. Precious gems, including but not limited to, any gem valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or other precious or semi-precious gems or stones, whether as a separate item or in combination with other items or as a piece of jewelry.

C. Watches and jewelry containing precious metals or precious gems, including but not limited to, rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wrist watches, or stop watches.

D. Sterling silver flatware, including but not limited to, knives, forks, spoons, candlesticks, coffee and tea sets, or ornamental objects.

E. Any electronic audio, video or photographic and optical equipment along with computer or computer equipment or recordings in any form.

F. Any power tools or equipment.

G. Musical instruments.

H. Sporting equipment.

I. Automobiles, boats, planes, motorcycles in whole or taken in parts, or any other type machinery.

J. Collectibles; including objects of art, coins, currency and antique objects, but not including those items identified in Section 8(H).

SECONDHAND COLLECTOR shall have the same meaning as the term "junk collector" M.G.L. c.140, §56.

SECONDHAND DEALER shall have the same meaning as the term “junk dealer” and keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles in M.G.L. c.140, §54.

LICENSING AUTHORITY means the Town of Sandwich Board of Selectmen or its designee.

2. Issuance, Renewal and Revocation of Licenses Required.

A. Secondhand collectors and secondhand dealers must obtain a license to conduct said activities within the Town of Sandwich. The Licensing Authority shall indicate on any such license the term that such license is valid, not to exceed one calendar year. The Licensing Authority may issue a limited license for a period of one or more days and shall state the starting and expiration dates on such license, and any limited license shall be subject to the requirements of this bylaw. The Licensing Authority may establish a fee for any license issued pursuant to this bylaw. Any annual license issued under this section shall expire on December 31.

B. The Licensing Authority of the Town of Sandwich shall, upon receipt of an application for a secondhand collectors or secondhand dealers license, conduct a public hearing as to whether to issue such license. After due notice and a hearing, the Licensing Authority may deny an original or renewal application for a Secondhand Dealer or Secondhand Collector License or revoke an issued license if it has probable cause to believe any of the following conditions exist after a public hearing:

1) The applicant, or any person who in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business, has owned or operated a secondhand dealer or secondhand collector business regulated under this regulation or any substantially similar license and, within the five years prior to the application date:

(a) Has had a secondhand dealer or secondhand collector license revoked for a reason that would be grounds for a denial or revocation pursuant this chapter; or

(b) The secondhand dealer or secondhand collector business has been found by a Massachusetts court or the Licensing Authority to constitute a public nuisance.

(2) The licensee applicant, or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business, has been convicted of a felony or any crime involving a false statement within 15 years prior to the application date.

(3) The applicant has:

(a) Knowingly made a false statement in the application;

(b) Knowingly omitted information requested to be disclosed in the application; or

(c) Completed the application with reckless disregard for the truth or accuracy of the statements made therein.

(4) A lawful inspection of the secondhand dealer or secondhand collector business premises by the Police Chief or his designee has been unjustifiably refused by a person who, in part or whole, manages or operates the business.

(5) The secondhand dealer or secondhand collector business, the applicant or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business has more than five violations of these regulations, any state or federal law, or any combination thereof within a two-year period, including the two years prior to the application date.

(6) The secondhand dealer or secondhand collector business, the applicant or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business has been convicted of any law of the Commonwealth of Massachusetts that is contrary to the type of secondhand business to be conducted, such as, but not limited to, receiving stolen property, any form of breaking and entering, larceny from a person or any other form of larceny, or any form of aggravated assault, as verified by a CORI check by the Police Chief or his designee.

(7) Such other grounds as the Authority determines to be in the public interest or in violation of the conditions of the license or any law or regulation of the Commonwealth or the Town of Sandwich.

3. Inspection of Property and Records.

A. Whenever necessary to make an inspection to enforce the provisions of this ordinance, or when the Police Chief or his designee has reasonable grounds to believe more likely than not that a specific item or regulated property held by a Secondhand Dealer or Secondhand Collector is associated with criminal conduct, the Police Chief or his designee may enter the premises of the Secondhand Dealer or Secondhand Collector at any reasonable time, provided that the premises are occupied at the time of entry and the Police Chief or his designee presents proper official identification at or near the time of entry. If entry is refused, the police Chief or his designee shall have recourse to every remedy provided by law to secure entry, including an administrative search warrant or a criminal search warrant.

B. Authority to inspect Secondhand Dealer or Secondhand Collector premises under this bylaw is in addition to and not in limitation of the authority the Town or the Police Chief or any police officer would otherwise have to enter the business premises.

C. Once allowed to enter the premises of the Secondhand Dealer or Secondhand Collector, the Police Chief or his designee may inspect property kept there. The Police Chief or his designee may also inspect the business records associated with regulated property and perform any duty imposed upon the Town or the Police Chief by this bylaw.

4. Record Keeping

A. The Police Chief or his designee shall design a purchase report form and make copies available to all Secondhand Dealer or Secondhand collectors. Secondhand Sealers or Secondhand Collectors shall utilize these forms, or any other substantially similar form approved by the Police Chief, to record purchases of regulated property. The form may request any information reasonably calculated to help the Police Chief identify the purchaser, the seller or the property associated with the purchase of regulated property.

B. Whenever a Secondhand Dealer or Secondhand Collector purchases regulated property for business purposes, the Secondhand Dealer or Secondhand Collector shall obtain acceptable identification from the seller along with the seller's current residence address. The Secondhand Dealer or Secondhand Collector shall fill out a purchase report form in all relevant aspects at the time of the purchase. A purchase report form as required to be filled out by this section shall be filled out in legible English. The seller shall sign his or her name on the filled-out form.

C. A digital photograph will be taken of each item purchased as defined under regulated property Section 1(E). The photograph may be stored electronically, but are subject to the same recordkeeping requirements as listed in Section 4A. Copies of the photographs will be made available to the Chief of Police in a timely manner, and are subject to the same rights of inspection as listed in Section 3.

D. The licensee shall cause to be delivered to the Sandwich Police Department on a weekly basis, a copy of all transactions recorded in the ledger on the form provided. If, during the preceding week such Secondhand Dealer or Secondhand Collector has taken no articles, in, he/she shall make out and deliver to the Police Department a report of such fact.

5. Posting of Licenses and Notices

A. All licenses shall be conspicuously posted in an accessible place on the licensed premises, available at all times to the proper authorities.

B. A secondhand dealer shall post the following notice no smaller than eight and one-half inches by 11 inches with lettering no smaller than one-fourth of an inch in height outside each point of entry intended for patron use and at or near each place where a secondhand dealer purchases used property in the in the regular course of business.

NOTICE:

“The sale or attempted sale of property to a secondhand dealer without consent of the property’s owner is punishable by a civil penalty not to exceed \$300 per item. Don’t sell property without consent of the property’s owner. You will be held strictly liable for violation of this law.”

If a significant number of the patrons of the regular secondhand dealer use a language other than English as a primary language, the notice shall be worded in both English and the primary language or languages of the patrons.

6. Purchases by a Secondhand Dealer or Secondhand Collector

A. A Secondhand Dealer or Secondhand Collector shall not make any cash purchase in an amount that exceed \$50.00 (fifty dollars and zero cents.)

B. A Secondhand Dealer must not carry on the business of buying or selling secondhand property except at the premises designated in the dealership license.

C. A Secondhand Dealer must not purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.

D. A Secondhand Dealer or Secondhand Collector may not purchase any item from any person under the age of 18 (eighteen).

7. Unauthorized Sale of Property.

A. No Secondhand Dealer or Secondhand Collector may purchase or sell any property of any type without the consent of the owner.

B. No purchase will be made from anyone under the age of 18.

8. Holding Periods.

A. A copy of every purchase report form filled out as required by this ordinance shall be kept on the premises of the Secondhand Dealer or Secondhand Collector business during normal business hours for at least three (3) years from the date of purchase. The report form shall be subject to inspection by the Police Chief or his designee.

B. All regulated property in the categories of precious metals or precious gems, defined in Section 1, purchased by a Secondhand Dealer or Secondhand Collector and required to be recorded on a purchase report form shall be held by said Secondhand Dealer or Secondhand collector for at least 21 days from the date of purchase.

C. All other regulated property purchased by a Secondhand Dealer or Secondhand Collector and required to be recorded on a purchase report form shall be held by said

Secondhand Dealer or Secondhand Collector for at least 15 days from the date of purchase.

D The Secondhand Dealer or Secondhand Collector shall maintain the property in substantially the same form as when purchased and shall not alter exchange or commingle the property. During the holding period the regulated property shall be kept on the business premises during normal business hours and shall be subject to inspection by the Police Chief, or his designee.

E The Police Chief or his designee may give written notice to a Secondhand Dealer or Secondhand Collector holding regulated property that the Police Chief or his designee has reasonable grounds to believe more likely than not a specific item of regulated property is associated with criminal conduct. The Secondhand Dealer or Secondhand Collector holding the regulated property shall then continue to hold the property specified in the notice in the same manner and space as required under subsection (B) of this section until released by the Police Chief.

F. The holding period for any item of regulated property shall not exceed 180 days from the date of purchase.

G. A Secondhand Dealer or Secondhand Collector may from time to time request in writing that the Police Chief shorten the length of the holding period. If the Police Chief or his designee determines relief from the holding period is appropriate due to unreasonable hardship, the Police Chief or his designee shall provide the Secondhand Dealer or Secondhand Collector who requested relief with written authorization to sell, transfer or otherwise dispose of the regulated property. The request shall identify the property and state the basis or bases of the unreasonable hardship or hardships. The authorization shall be effective only upon delivery of the written authorization to the Secondhand Dealer.

H. Secondhand Dealers, retailing or wholesaling used property limited to the following, are exempt from section B above:

(1) Used clothing, furniture, costume jewelry, knickknacks, footwear, and house ware items, such as dishes, pots, pans, cooking utensils, and cutlery; or

(2) Used clothing, furniture, costume jewelry, footwear and house ware items such as dishes, pots, pans, cooking utensils and cutlery, obtained only from or through a "registered charity" or by donations; or

(3) Used books, papers, or magazines.

9. Testing of weighing and measuring devices.

MI weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the Town of Sandwich Sealer Weights and Measures Division, or its designee, prior to being placed in service.

10. Violations and Penalties.

A. Violation of any provision of this bylaw may be prosecuted, as a criminal matter or as an administrative procedure or by the method provided in §21D of Chapter 40 of the General Laws. Each violation shall be considered separately.

B. Whoever violates the provisions of this bylaw shall be fined not more than \$300. The Licensing Authority may, after hearing, suspend, revoke or modify any license issued by them whenever they have reasonable cause to believe the licensee has violated the terms, conditions or regulations pertaining to such license. Any violation of this bylaw enforced by the methods provided in §21D of Chapter 40 of the General Laws shall be subject to a fine of \$250.

11. Severability.

Each provision of this chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.

It was moved and seconded that the Town indefinitely postpone Article 29.

VOTED: That the Town indefinitely postpone Article 29 as printed in the Warrant to a time uncertain. This was a voice vote on and declared carried by the Moderator.

ARTICLE 30

To see if the Town will vote to amend Section 3.75 of the Town Bylaws, Animal Control, by deleting the current text and inserting the following in its place, or take any action relative thereto.

Part 6 Restraint of Dogs

It shall be unlawful for any owner or keeper (hereinafter, "owner") of a dog to allow such dog to be outside the property of the owner or keeper unless such dog is securely restrained with a collar and leash or such dog is under the immediate and effective voice control and under the direct control and supervision of the owner, except as set forth below. To be under effective voice control for purposes of this bylaw, the dog must be within the keeper's sight and the keeper must be carrying a leash.

An unleashed dog may be on the property of another person with the knowledge and permission of such person. The presence of an unleashed dog upon property other than that of its owner or keeper shall be prima facie evidence that the required permission was not obtained.

This section of the Bylaws shall not apply to a service dog. For purposes of this bylaw, a service dog is a dog specially trained to perform tasks for the benefit of an individual with a disability, including but not limited to guiding individuals with impaired vision, alerting persons with impaired hearing, or providing other similar assistance to individuals. This section of the Bylaws shall not apply to a public safety dog in the performance of their official duties.

This section of the Bylaws shall not apply to a dog under the strict voice control and direct supervision of an owner while such dog is being used or trained for hunting.

VOTED: That the Town amend the Town Bylaws by deleting the text of Section 3.75, Part 6, Animal Control, Restraint of Dogs, and inserting a new Part 6, as printed in the Warrant under Article 30. This was a voice vote and declared carried by the Moderator.

Jane Logan made a motion for reconsideration on Article 30.

VOTED: That the Article not be reconsidered. This was a voice vote and declared carried by the Moderator.

ARTICLE 31

Proposed Change to the Sandwich Noise Bylaw Section 3.55

It shall be unlawful for any person or persons present or having charge of any building, premises, motor vehicle, boat or conveyance or any part thereof in the Town of Sandwich, other than that section of any establishment licensed under Chapter 138 of the General Laws, to cause or suffer to allow any unnecessary, loud, excessive or unusual noises in the operation of any mechanical or electronic sound-making device or instrument, or reproducing device or instrument, or ornament, portable or affixed, regardless of it's nature, source or manner of production or propulsion, but not limited to electricity, wind, solar, water or manual power, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noises or loud or boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise, where such noise is plainly audible at the abutting property line from the building, premises, motor vehicle, boat or conveyance in or from which it originates, and at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling, hotel, hospital, or other type of residence and shall constitute prima facie evidence of a violation of this Bylaw.

It shall be unlawful for any person or persons being in control of a motor vehicle to cause an unnecessary, loud, excessive, or unusual noise in the operation of such vehicle. It shall be unlawful for any person or persons present or having charge of any

building, premises, motor vehicle, boat or conveyance or any part thereof, to construct or reconstruct any building, premises, motor vehicle, boat or conveyance or any part thereof, and cause or emit any sound or noise evident to an abutting property between the hours of 8:00 P.M. and 7:00 A.M. Any person violating this bylaw shall be punished by a fine of not more than three hundred (\$300.00) dollars for each offense.

(Submitted by Petition)

Mr. George H. Zantuhos made a motion to see if the Town would amend the Town Bylaws by deleting the text of Section 3.55, Noise Bylaw, and inserting a new Section 3.55, as printed in the Warrant under Article 31.

Mr. Ted Custodio, a non-voter, was granted the right to speak by Town Meeting.

Motion made to move the question. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

VOTED: That the Town adopt the proposed changes, submitted by petition, to the Town of Sandwich Noise Bylaw, Section 3.55 and which details are printed in the Warrant under Article 31. This was a voice vote and declared not carried by the Moderator.

Before voting on Article 32, Moderator Teehan made several remarks and thanked outgoing Selectmen F. Randal Hunt for his many years of services and on behalf of Town Meeting wished him continued success in the future.

ARTICLE 32

To Elect the following Officers:

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

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

The polls for the election will be open at 7:00 a.m. and close at 8:00 p.m. on said
THURSDAY, THE SIXTH DAY OF MAY, 2010.

**Voted: To adjourn to the Town Elections on May 6, 2010. This was a voice
vote and declared carried by the Moderator.**

The meeting was adjourned at 10:50 P.M.

I hereby certify that this is a true record of the Annual Town Meeting held on May 3,
2010.

Taylor D. White
Town Clerk

**TOWN OF SANDWICH
2010 Special Town Meeting
October 25, 2010**

The Special Town Meeting was called to order in the Sandwich High School auditorium by Moderator Jan Levin Teehan at 7:00 P.M. The clerks checked in a total of 295 voters. The total number of eligible voters was 15,342. The invocation was delivered by Dr. Jacqueline Field, Former Chairperson of the Barnstable County Human Rights Commission, and Dana Barrette, Chairman of the Board of Selectmen, led the Pledge of Allegiance. The Moderator swore in the following Sandwich residents as tellers: Elizabeth Losordo, Gilbert Martin, Regina Peters, Nancy Comer, Elaine Davis, Suzanne Miller, Priscilla Raftery, Gary Gronlund, Veronica Pierce, Nancy Siebert and Michael Teehan. Rene Douglas served as the timekeeper.

ARTICLE 1

To see if the Town will vote to reduce the amount raised and appropriated under Article 2 of the May 3, 2010 Annual Town Meeting for the FY'11 School Department budget by the sum of \$393,508.00, or any other amount, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town decrease the FY'11 School Department budget appropriation as voted at the May 3, 2010 Annual Town Meeting under Article 2 by \$393,508. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 2

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to Town buildings, including design, site improvements, equipment, furnishings and costs incidental thereto, and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for such purpose pursuant to M.G.L. c.44, §7(3A), or any other general or special law, and further to authorize the Board of Selectmen to enter into any and all contracts necessary to carry out such project; provided that said appropriation shall be contingent upon the passage of a so-called Proposition Two and One-half debt exclusion referendum in accordance with M.G.L. c.59, §21 C(k) on November 2, 2010, or take any action relative thereto.

Cindy Russell made a motion to postpone Article 2 until the May 5, 2011 Annual Town Meeting. The motion was seconded.

David Darling made a motion to table Ms. Russell's motion. The motion was seconded. It was a voice vote and declared not carried by the moderator.

Bob King made a motion to move the question. It was seconded and declared passed by the required 2/3rd majority by the moderator.

The motion to postpone Article 2 until the May 5, 2011 Annual Town Meeting was declared failed by the moderator on a voice vote.

Martin Mantenfel made a motion to move Article 2. It was seconded and declared passed by the required 2/3rd majority by the moderator.

VOTED: That that the sum of \$2,735,000.00 is hereby appropriated to pay costs of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to Town buildings, including design, site improvements, equipment, furnishings and costs incidental thereto, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §7(3A) or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor; and further, that the Board of Selectmen is authorized to enter into any and all contracts necessary to carry out such projects; provided, however, that no amounts shall be borrowed or expended hereunder unless and until the Town shall have approved a so-called Proposition Two and One-half debt exclusion referendum with respect to this borrowing in accordance with M.G.L. c.59, §21 C(k) on November 2, 2010, or take any action relative thereto;

And further,

That the Town appropriate the sum of \$1,315,000.00 to pay costs of constructing improvements and remodeling, reconstructing and making extraordinary repairs to the Oak Ridge School roofs and windows, 260 Quaker Meetinghouse Road, including design and costs incidental thereto, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program; said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Treasurer, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the School Building Committee incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) Forty-Four and Sixty-Nine Hundredths percent (44.69%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA, or take any action relative thereto;

And further,

That the Town appropriate the sum of \$1,315,000.00 to pay costs of constructing improvements and remodeling, reconstructing and making extraordinary repairs to

the Forestdale School roofs and windows, 151 Route 130, including design and costs incidental thereto, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program; said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Treasurer, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the School Building Committee incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) Forty-Four and Sixty-Nine hundredths percent (44.69 %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA, or take any action relative thereto. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 3

To see if the Town will vote to transfer the parcels identified below from the Board of Selectmen for the purposes for which the land is now held to the Board of Selectmen for the same purposes and also for the purpose of leasing, and authorize the Board of Selectmen to lease for the purpose of providing an information center and economic development office and related facilities that certain Town property located at 500 Route 130, shown as Assessors Map No. 38, Lot 235, and at 500F Route 130, shown as Assessors Map No. 38, Lot 272, for terms which may be up to or in excess of thirty years, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer the parcels identified below from the Board of Selectmen for the purposes for which the land is now held to the Board of Selectmen for the same purposes and also for the purpose of leasing, and authorize the Board of Selectmen to lease for the purpose of providing an information center and economic development office and related facilities that certain Town property located at 500 Route 130, shown as Assessors Map No. 38, Lot 235, and at 500F Route 130, shown as Assessors Map No. 38, Lot 272, for terms which may be up to or in excess of thirty years. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

The meeting was adjourned at 9:02 P.M.

I hereby certify that this is a true record of the Special Town Meeting held on October 25, 2010.

Taylor D. White
Town Clerk