

**TOWN OF SANDWICH  
2012 ANNUAL TOWN MEETING  
MAY 7, 2012**

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 417 voters. The total number of eligible voters was 15,093. The invocation was delivered by Dr. Jacqueline Fields and Frank Pannorfi, Chairman of the Board of Selectmen, led the Pledge of Allegiance. High School Junior, Samantha Petracca, sang the Star Spangled Banner. The Moderator swore in the following Sandwich residents as tellers: Nancy Comer, Douglas Dexter, Rosemary Rhoades, Jim Fair, Mary Ann King, Barbara Shaner, Donna Leiss, Veronica Mooney, Rebecca Hewitt, John Leiss and James Foley. Rene Douglas served as the timekeeper.

**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.

**Frank Pannorfi, Chair of the Board of Selectmen read the report on the Long Range Plan on behalf of the Board.**

In April, 2005, the Long Range Plan was introduced to the community as a means of formally identifying core services, goals, current and projected financials, along with other important activities for the Town. Since then, the "Plan" (a living document) has undergone updates, minor changes and most recently (2011) the structure was substantially changed from prior editions. These changes included a revised projection of needs, issues and projects, as well as a specific action plan for moving forward in both the near and long term. A copy of the latest version of the Long Range Plan is attached to the 2012 ATM Warrant.

This past year has been one of the more active periods for the Board of Selectmen and Town Administration. Many complicated topics were addressed and some continue, given the nature of the project. In the past year the Town executed a contract with a nationally recognized engineering firm, to assist in developing a Comprehensive Water Resource Management Plan (CWRMP). The project is estimated to take approximately 3 years to complete and is funded by a state grant through settlement funds from the Textron Corporation, associated with contamination at the MMR.

The Town retained the same firm to provide additional consulting services for an "interim waste water plan" in order for us to make shorter term waste water decisions, for 2 strategic commercial sections of town; South Sandwich Village Center and Sandwich Industrial Park, to help facilitate immediate economic growth in these two areas.

In 2011, the Selectmen signed a Memorandum of Understanding with the Sandwich Economic Initiative Corporation (SEIC) regarding the town owned commercial property located in the South Sandwich Village Center. This was followed by a subsequent Town Meeting vote, to appropriate a one-time grant for future SEIC economic development efforts. The Board of Selectmen then executed a grant agreement with the SEIC for the use of these funds. Additionally, Town Meeting approved the request of the Board of Selectmen to negotiate a road easement through the Town's South Sandwich Village Center property. The preparation of a Request For Proposal, for this easement, in accordance with Mass General Law, is underway and will be released by the Town in the very near future.

At the November, 2011 Special Town Meeting, zoning By-Law amendments were adopted to facilitate mixed use cluster development, amend parking requirements and enable the Town to enter into Development Agreements with the Cape Cod Commission and future developers in the South Sandwich Village Center. These amendments are still awaiting final approval from the State.

One of the most significant policy changes to occur in 2011 was the BOS decision to implement a "Pay As You Throw" (PAYT) system at the Transfer Station. The primary objectives were to implement a

system that is fairer to all residents by better aligning individual Transfer Station usage, with actual costs and increasing recycling, as a means of reducing individual users and Town costs. Implementation began on July 1, 2011 and based on data to date, recycling has increased substantially and the amount of household solid waste has decreased significantly. As of July 1, 2012, an Enterprise Fund accounting system for the Transfer Station, with the intent of accounting for revenues and expenses separately, will go into effect. This year, the Board will be tackling whether to have the Transfer Station become totally self-sufficient and not rely on any General Fund tax as revenue for this operation. If that policy is adopted, details in the manner and timeframe for transition will be determined.

Other major items addressed this past year include; the formation of a Substance Abuse Prevention Task Force, recognizing that substance abuse is a significant issue for communities.

Also, the Board of Selectmen issued an RFP seeking developers to construct new indoor/outdoor recreational facilities at Sandwich Hollows Golf Club, consistent with the May 2010 Annual Town Meeting and was successfully in requesting the State Legislature to allow expanded recreational use of the golf course.

In 2012 the Board of Selectmen, in accordance with the Town Charter, chose town residents to review the Town Charter and make recommendation in the Fall of 2012 to the Board.

The Town also, after years of difficult negotiations, executed a renewal license with Comcast Cable Television for the continued non-exclusive rights to offer and maintain a cable television system in our Town.

Planning began on a new combined Public Safety Facility, with much more work to be done.

We revised our Winter Maintenance Program for private road plowing, which went into effect, first quarter 2012.

The Board of Selectmen adopted a Code of Conduct for itself and its appointed committees/boards. Other activity and accomplishments for this past year can be reviewed by obtaining a copy of the Town's Annual Report.

### **2012 -2013**

So what lies before us?

Ahead of us remains the completion of a number of initiatives already begun and some new activities that require more thought, analysis and decision making.

The 2012 Long Range Plan attached to the ATM Warrant, provides the specifics for the direction to be taken. Remember, the LRP is a living document, subject to change, although the guiding principles for any change remain constant.

Briefly, the 2012 LRP focuses on the following:

- Improving delivery of Existing Service,
- Capital Asset Management,
- Economic Development (Commercial Tax Base growth & Job Creation) and,
- Preserve and Protect Historic Character and Natural Resources.

**UNANIMOUSLY VOTED: That the Town accept the Report of all Town Officers and Committees as printed in the 2010 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 unanimously 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 \$63,745,646.00, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2012 to June 30, 2013 as itemized below in the third column entitled FY'13 Recommendation, or take any action relative thereto.

**William Diederling, Chair of the Finance Committee read the budget message on behalf of the Committee.**

### **Finance Committee FY'13 Budget Message:**

In accordance with the charter of the Town of Sandwich, the Finance Committee hereby presents this fiscal year 2013 budget message to the members of Town Meeting and to the taxpayers and residents of Sandwich. We would like to thank Town Manager Dunham and his staff, and School Superintendent Canfield and his staff for their diligent work in support of this process. After careful review and consideration, the Finance Committee voted unanimously to recommend that Town Meeting accept the budget as presented, and pass Article 2.

The recommended FY 2013 budget calls for a total expenditure of \$67,775,891. This is an increase of \$1,580,934 (2.4%) over the FY 2012 budget.

### **REVENUE SUMMARY**

Calculated into this budget is an increase in the tax levy of \$1,169,468 (2.5%) plus an additional \$400,000 of tax levy attributed to new growth. Our surplus revenue is \$2,137,550 which is an increase of \$769,839 over last year.

We won't know the exact amount of our Chapter 70 state aid for schools until it is voted by the state legislature. We feel confident in using an assumption of level funding for now. As we have done for the past several years, we will adjust this number at a future town meeting should it either increase or decrease.

No transfer of funds from the stabilization account is required or planned for in this budget. This is the second consecutive year that we have not had to rely on the stabilization fund as a source of revenue.

### **EXPENSE SUMMARY**

In 2011, the state legislature passed municipal health care reform measures giving cities and towns more flexibility to make cost saving changes in health insurance plans offered to employees. Working closely with our municipal and school unions, the Town was able to implement reasonable and effective plan design changes which resulted in lower health insurance premiums. In the FY 2013 budget, the Group Health Insurance line item is being reduced \$400,000 (-4.5%). Over the previous five years, we have had significant increases in this line item each year with the average being a \$530,000 annual increase. In effect, the \$400,000 reduction is about a \$730,000 savings from what we might have expected had we not been able to implement these changes.

Typically, our annual budgets include an amount to cover any deficit in the previous year's Snow & Ice budget. In recent years, this amount has ranged from \$50,000 to \$300,000 depending on the severity of the winter season. Due to the unusually mild winter we experienced in FY 2012, there will be no deficit and this line item was reduced to \$0.

It is important to note that we will be adding \$175,000 to the Stabilization Fund bringing the balance in this account to slightly over \$1 million.

The budget calls for a 4.36% increase to the general government operating budget. This increase will cover increases in expenses and, in addition, some of the line item increases are simply an effort to more realistically budget for specific items that have been historically underfunded.

As has been the case for many years now, the general government departments are all running very lean in staffing, and in some cases are clearly understaffed. This will be the case in FY 2013 as well. However, this budget takes a very small step toward alleviating that situation by adding a part-time office assistant in the Engineering Department and a full-time IT Assistant.

The budget calls for an increase in the local contribution to the schools of \$367,117 (1.6%) and assumes level funding of Chapter 70 state aid to schools. The FY 2012 school budget included approximately \$450,000 of revenue from a federal jobs grant, but this money will no longer be available in FY 2013.

The School Department has advised the Finance Committee that they plan to supplement their revenue in two significant ways. The first is to draw from the School Choice Receiving Tuition Account. There is conservatively projected to be \$550,000 available in this fund at the beginning of FY 2013 and the school budget calls for spending \$437,265 of it. Secondly, the school budget includes raising an additional \$144,000 from new and increased fees, including a new \$100 Transportation & Parking fee.

The net result of all these changes is a \$30,207,658 school budget, which is a 1.37% increase.

It is important to note that student enrollment decreased by 136 students this year. In the past five years, enrollment has decreased by 523 students (-14%). Recent forecasts predict enrollment will continue to decline in the foreseeable future.

There is expected to be a net decrease in the total School Department staffing level of 1.58 employees (full-time equivalent).

## **CONCLUSION**

As the budget process unfolded this year, it became apparent that our financial situation is better than we predicted it would be. This is due mostly to three significant factors:

- The reduction in health care costs made possible by Health Care Reform laws
- The larger than normal surplus revenue from the previous year
- No necessity to cover the cost of our FY 2012 Snow & Ice deficit

The Finance Committee, which functions as an independent advisory committee, carefully and thoroughly scrutinizes the budget and analyzes the impact that the budget will have on the taxpayers, residents and visitors of Sandwich.

The impact on property taxes of the proposed FY 2013 budget is estimated to be a \$142 increase for the average single-family home, valued at \$354,400. This estimate does not include the capital exclusion article that appears later on the warrant.

### **FY'13 BUDGET TOTALS**

| <b>No.</b> | <b>Department</b>       | <b>FY'11<br/>Appropriation</b> | <b>FY'12<br/>Appropriation</b> | <b>FY'13<br/>Recommendation</b> |
|------------|-------------------------|--------------------------------|--------------------------------|---------------------------------|
| 114        | Moderator               | 1                              | 1                              | 450                             |
| 123        | Selectmen/Administrator | 382,385                        | 377,656                        | 408,966                         |
|            | Personnel Expenses      | 75,000                         | 158,153                        | 158,730                         |
| 131        | Finance Committee       | 2,700                          | 2,700                          | 3,400                           |
| 135        | Accounting              | 176,755                        | 183,362                        | 199,489                         |
| 141        | Assessing               | 338,359                        | 341,087                        | 363,186                         |



|     |  |           |
|-----|--|-----------|
| 630 | Beach and Recreation Account Transfer (incl. Sandy Neck) | 196,255   |
| 645 | Community Preservation Act Debt                          | 1,240,250 |
| 650 | Cemetery Trust Fund Transfer                             | 22,000    |
| 671 | Hoxie House / Grist Mill Income Transfer                 | 33,000    |

**INTER-FUND TRANSFERS SUBTOTAL:** 1,685,005

|     |                                |           |
|-----|--------------------------------|-----------|
| 132 | Reserve Fund                   | 500,000   |
| 540 | Social Services Programs       | 21,200    |
| 710 | Short Term Debt                | 75,000    |
| 750 | Debt                           | 2,821,349 |
| 910 | Group Health Insurance         | 8,500,000 |
| 912 | Medicare                       | 523,736   |
| 940 | Property & Liability Insurance | 880,000   |
| 941 | Unemployment Account           | 100,000   |
| 950 | Retirement Assessment          | 2,800,987 |

**OTHER ACCOUNTS SUBTOTAL:** 16,222,272

**FY'13 BUDGET TOTAL:** 63,745,646

**Voted: That the Town hear the report of the Finance Committee and raise and appropriate \$59,898,091; transfer and appropriate \$1,262,550 from Free Cash; transfer and appropriate \$900,000 from the ambulance receipts reserved for appropriation account; transfer and appropriate \$150,000 from overlay surplus; transfer and appropriate \$1,079,138.14 from the Community Preservation Fund Fiscal Year 2013 estimated annual revenues; transfer and appropriate \$161,111.86 from the Community Preservation Fund undesignated fund balance; 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 \$196,255 from the beach parking receipts reserved for appropriation account; transfer and appropriate \$29,000 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 2013 as itemized in the third column entitled FY'13 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 | 2,000  |
| Assessors – 2 each          | 1,500  |
| Town Clerk                  | 68,141 |

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

**ARTICLE 3**

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'13 enterprise fund budget for the Department of Public Works Sanitation Division, or take any action relative thereto.

**Voted: That the Town raise and appropriate \$500,000.00 and transfer and appropriate \$500,000 from DPW – Sanitation Division Receipts, to be expended under the direction of the Board of Selectmen, for establishing the Fiscal Year 2013 Enterprise Fund operating**

**budget for the DPW – Sanitation Division. This was a voice vote and declared carried by the Moderator.**

**ARTICLE 4**

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53F½ to raise and appropriate or transfer from available funds a sum of money, to be expended under the direction of the Board of Selectmen, for the purpose of establishing the FY'13 enterprise fund budget for Sandwich Hollows Golf Club, or take any action relative thereto.

**Voted: That the Town transfer and appropriate \$956,471.00 from Golf Course Receipts, to be expended under the direction of the Board of Selectmen, for establishing the Fiscal Year 2013 Enterprise Fund operating budget for Sandwich Hollows Golf Club. This was a voice vote and declared carried by the Moderator.**

**ARTICLE 5**

To see if the Town will vote to hear the report of the Capital Improvement Planning Committee, and further, to raise and appropriate or transfer from available funds the sum of \$700,000.00, 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:

|   |            |
|---|------------|
| Natural Resources – Pick-up Replacement                     | 35,000.00  |
| Natural Resources – Buoy Replacements                       | 6,500.00   |
| Natural Resources – Overhaul Tractor                        | 4,500.00   |
| Natural Resources – Shellfish / Aquaculture Efforts         | 3,000.00   |
| Facilities Department – Town Building Repairs/Improvements  | 125,000.00 |
| Facilities Department – Pick-up Replacement with Plow       | 35,000.00  |
| Police Department – Purchase Tasers                         | 50,000.00  |
| Police Department – Communication Radios & Link w/Schools   | 8,500.00   |
| DPW Sanitation – Packer Truck Replacement                   | 180,000.00 |
| Library – Restroom Renovations                              | 20,000.00  |
| Recreation Department – Sailboat Replacements               | 35,000.00  |
| Recreation Department – Playground & Skate Park Maintenance | 7,500.00   |
| DPW Parks – Mower Replacement                               | 8,000.00   |
| School Department – Upgrade High School Locker Rooms        | 50,000.00  |
| School Department – Compatible IT Software System Upgrade   | 50,000.00  |
| School Department – Underground Storage Tank Removals       | 20,000.00  |
| School Department – Bathroom Partition Replacements         | 30,000.00  |
| School Department – Carpet & Tile Replacements              | 20,000.00  |
| School Department – HTW School Tennis Court Demolition      | 10,000.00  |
| Building Repairs / Capital Purchases Reserve Fund           | 2,000.00   |

or take any action relative thereto.

**Voted: That the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$700,000.00 from Free Cash, 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 5 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. 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 for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Sandwich Public Library HVAC system located at 142 Main Street, including design, site improvements, equipment, furnishings and costs incidental thereto, 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 capital expenditure exclusion referendum in accordance with M.G.L. c.59, §21C(i½), or take any action relative thereto.

**Unanimously Voted: That the sum of \$500,000.00 be raised and appropriated to pay costs of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Sandwich Public Library HVAC system located at 142 Main Street, including design, site improvements, equipment, furnishings and costs incidental thereto; and further, that the Board of Selectmen is authorized to enter into any and all contracts necessary to carry out such project; provided, however, that no amounts shall be expended hereunder unless and until the Town shall have approved a so-called proposition two and one-half capital expenditure exclusion referendum in accordance with M.G.L. c.59, §21C(i½). This was a voice vote and declared carried unanimously by the Moderator.**

## **ARTICLE 7**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$175,000.00, or any other amount, to the Stabilization Fund, or take any action relative thereto.

**Unanimously Voted: Move that the Town transfer and appropriate \$175,000.00 from Free Cash to the Stabilization Fund. This was a voice vote and declared unanimously carried by the required two-thirds majority by the Moderator.**

## **ARTICLE 8**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$8,467.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'13 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997, or take any action relative thereto.

**Voted: That the Town transfer and appropriate \$8,467.00 from the Sandwich Promotions Fund, to be expended under the direction of the Board of Selectmen, for funding the Fiscal Year 2013 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997. This was a voice vote and declared carried by the Moderator.**

## **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'13, or take any action relative thereto.

**Unanimously Voted: That the Town appropriate \$793,200 or any other amount 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 2013. This was a voice vote and declared carried unanimously by the Moderator.**

## **ARTICLE 10**

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, 2012, 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, 2012. This was a voice vote and declared carried unanimously by the Moderator.**

#### **ARTICLE 11**

To see if the Town will vote to transfer and appropriate the sum of \$25,000.00, or any other amount, to be expended under the direction of the School Committee, from the Sandwich High School cellular tower lease receipt reserved for appropriation account, for the purpose of completing repairs and improvements to the athletic fields at Sandwich High School, or take any action relative thereto.

**Unanimously Voted: That the Town transfer and appropriate \$25,000.00, to be expended under the direction of the School Committee, from the Sandwich High School cellular tower lease receipt reserved for appropriation account, for the purpose of completing repairs and improvements to the exterior athletic fields and facilities at Sandwich High School. This was a voice vote and declared carried unanimously by the Moderator.**

#### **ARTICLE 12**

To see if the Town will vote to accept the provisions of M.G.L. c.64L, §2(a), which imposes a local meals excise of 0.75%, to take effect on July 1, 2012, or take any action relative thereto.

**Voted: That the Town accept the provisions of M.G.L. c.64L, §2(a), which imposes a local meals excise of 0.75%, to take effect on July 1, 2012. This was a voice vote and declared not carried by the Moderator.**

#### **ARTICLE 13**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY'13 Community Preservation budget and to appropriate from the Community Preservation Fund FY'13 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 FY'13; 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 FY'13 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.

**Steve Hayes, Chair of the CPC, read the report from the Committee.**

**Unanimously Voted: That the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation budget and transfer and appropriate \$75,000.00 from the Community Preservation Fund Fiscal Year 2013 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 2013; and further reserve for future appropriation from the Fiscal Year 2013 Community Preservation Fund estimated annual revenues the following sums: \$164,877.00 for open space purposes; \$164,877.00 for historic resources purposes; and \$164,877.00 for community housing purposes. This was a voice vote and declared carried unanimously by the Moderator.**

#### **ARTICLE 14**

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$350,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and protecting the retaining wall, pedestrian access, and drinking water facilities adjacent to the historic 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.

Elizabeth Friend of Main Street made a motion to move the question. The motion was seconded and was declared carried on a voice vote and by the Moderator.

**Voted: That the Town transfer and appropriate \$350,000.00 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, restoring, and protecting the retaining wall, pedestrian access, and drinking water facilities adjacent to the historic Sandwich Town Hall. This was a voice vote and declared carried by the Moderator.**

**ARTICLE 15**

To see if the town will vote to amend the description of the R-2 zoning district purposes in the Sandwich Protective Zoning By-laws Section 2140 by adding “The low density residential environment may include compatible uses as set forth in section 2310.” as the second sentence after “RESIDENCE: R-2,” so that as amended, the R-2 district purpose reads as follows: “RESIDENCE: R-2 – To provide for low-density residential environment in areas of good accessibility while protecting the quality of air, surface water and ground water of the area. The low density residential environment may include compatible uses as set forth in section 2310.”

**And further,**

To amend Section 2310 of the Sandwich Protective Zoning By-laws by adding a new line to the list of Principal Uses as follows:

|  | <b>R-1<br/>R-2</b> | <b>BL-1<br/>B-2</b> | <b>IND</b> | <b>MAR</b> | <b>RD-1<br/>RD-2</b> | <b>S</b> | <b>GD</b> |
|--|--------------------|---------------------|------------|------------|----------------------|----------|-----------|
| Large Scale Ground Mounted Solar Photovoltaic Power Generation | R-1: N<br>R-2: S   | N                   | Y          | N          | S                    | N        | N         |

**And further,**

To amend the Sandwich Protective Zoning By-laws by adding to the Definitions section in the appropriate alphabetical location as follows:

**LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION** – A facility for the generation of electric power from sunlight where the collection systems are mounted on the ground and not on the roofs of structures. Ground mounted systems shall have a minimum rated capacity of 250kW individually.

**And further,**

To amend the Sandwich Protective Zoning By-laws by adding Sections 4180-4196 “Large Scale Ground-Mounted Solar Photovoltaic Installations” as a new use allowed by right in the Industrial Zone and by Special Permit in R-2, RD-1 and RD-2 Zones as follows:

**4180 LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS**

The Planning Board shall be the Special Permit Granting Authority for applications pertaining to sites outside the Industrial Limited District

**4181 Purpose**

The purpose of this bylaw is to promote the creation of new large scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and, in certain cases, removal of such installations which standards address

compatibility with adjoining residential neighborhoods, public safety and minimizing impacts on scenic, natural and historic resources.

The provisions set forth in this section shall apply to the construction, operation, change and/or repair of large scale ground-mounted solar photovoltaic installations which individually have a rated name plate capacity of 250 kW (DC) or more.

#### **4182** Procedure

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

Large scale ground-mounted solar photovoltaic installations located in R-2, RD-1 and RD-2 are allowed by Special Permit as provided in Section 1340 and subject to Sections 4180 through 4196 and other applicable sections of this bylaw.

#### **4183** Applicability

Sections 4180 through 4196 apply to large scale ground -mounted solar photovoltaic installations proposed to be constructed after the effective date of these sections. These sections also pertain to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

#### **4184** Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

#### **4185** Building Permit and Building Inspection

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

#### **4186** Application Requirements for Building Permit and Special Permit

- a. A site plan showing (i) property lines and physical features, including roads, for the project site, (ii) proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation and structures, (iii) designated primary access from a public way to the site and (iv) other features as set forth in Section 1340 and not specifically set forth herein;
- b. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed in Massachusetts showing the proposed layout of the system and any potential shading from nearby structures and off-site vegetation;
- c. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices;
- d. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- e. Name, address, and contact information for proposed system installer;
- f. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

- g. The name, contact information and signature of any agents representing the project proponent;
- h. An Emergency Response to be provided to the Fire Chief which shall include a copy of the project summary, electrical schematic, and site plan. All means of shutting down the solar photovoltaic installation shall be clearly indicated. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation;
- i. An Operations and Maintenance Plan including measures for maintaining safe and controlled vehicle access to the installation, storm water controls, erosion controls as well as general procedures for operational maintenance of the installation.

Maintenance shall also include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any on-site access road(s);

- j. Proof of liability insurance;
- k. A fully inclusive estimate of the costs associated with removal of the facility if required by Section 4195 prepared by a qualified person. The amount shall include a mechanism for calculating increased removal costs due to inflation.
- l. Description of financial surety that satisfies Section 4195 if on town land.

The Planning Board or Building Inspector, as appropriate to the particular application, shall have the discretion to waive specific documentary requirements.

#### **4187** Other Special Permit Conditions

- a. The Planning Board may also impose, in addition to any applicable conditions specified in this bylaw, such conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this bylaw, including, but not limited to: screening, lighting, fences, limitation upon size, method of access or traffic features, parking, removal upon cessation of use, or other requirements. Such conditions shall be imposed in the Special Permit decision and the applicant may be required to post bond or other surety for compliance with said conditions in an amount satisfactory to the Board.
- b. The Planning Board may require the proponent to provide or pay for peer review engineering services, including but not limited to the following: to evaluate proposals submitted; determining flexibility of geographic location, loading capacities of structures, and architectural and landscape review of camouflage techniques.

#### **4188** Site Control

The project proponent shall submit documentation of existing or contractual rights to access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

#### **4189** Utility Notification

No large scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

#### **4190** Dimensional and Density Requirements

All sites and construction thereon shall conform to the area, frontage, building height, coverage and setbacks set forth in Section 2600 of this bylaw appropriate for the zoning district in which the installation is located except that the minimum lot area in R-2, RD-1 and RD-2 shall be 15 acres. The 15 acre minimum lot area may be reduced by special permit if, after hearing, the Planning Board finds that a smaller lot area will meet the standards and purposes of Sections 1330 and 4181 through 4195 and approves a specific smaller lot area. Lot coverage calculations shall not include the area of the solar panels.

#### **4191** Appurtenant Structures

All appurtenant structures to large scale ground-mounted solar photovoltaic installations shall be subject to bulk, height, yard, parking and coverage regulations of this bylaw. All such appurtenant structures, including but not limited to office buildings, equipment shelters, storage facilities, workshops, transformers, and substations, shall be architecturally compatible with each other and adjacent development. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to minimize visual impacts on adjacent properties.

#### **4192** Design Standards

##### 1. Lighting

Lighting of large scale solar photovoltaic installations shall comply with Section 3470 and shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the large scale solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

##### 2. Signage

A sign consistent with the Town's sign bylaw shall be required at the entrance of the site to identify the owner and provide the business name for the companies that own and operate the installation, their business address, the name of a contact person, and a 24-hour emergency contact phone number. Large scale solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

##### 3. Site design

The site shall be designed to minimize adverse impacts on adjacent properties used or zoned for residential purposes. Perimeter setback areas of Section 2600 shall be vegetated to provide screening.

#### **4193** Utility Connections

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

#### **4194** Land Clearing, Soil Erosion and Habitat Impacts

Notwithstanding any other provisions of this bylaw, clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground mounted solar photovoltaic installation. Effective storm water and erosion controls shall be maintained at all times.

#### **4195** Maintenance and Modifications

1. The owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to landscape screening, painting, structural repairs and integrity of security measures. Site

access shall be maintained to a level reasonably acceptable to the Fire Chief and, if different, Emergency Medical Services. The owner or operator shall also be responsible for maintaining the designated primary site access road(s) from the facility to a public way.

2. All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall be in compliance with Sections 4180-4196 and all other applicable sections of this bylaw.

**4196 Decommissioning on Town Owned Land**

1. Any large scale ground-mounted solar photovoltaic installation, if located on town owned land, which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the building Inspector by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a. Physical removal of all large scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site;
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion.

2. A removal bond shall be provided to cover the costs of removal of the facility, in an amount and form determined to be reasonable by the Building Inspector, but not to exceed more than 125 percent of such costs.

or take any action relative thereto.

**James Coogan of Main Street made a motion to move the question. The motion was seconded and was declared carried on a voice vote and by the Moderator.**

**Voted: That the Town amend the Sandwich Protective Zoning By-laws related to the Large Scale Ground Mounted Solar Photovoltaic Power Generation use by adding a new sentence to Section 2140 related to the R-2 zoning district purposes; by adding a new line to the list of Principal Uses in Section 2310; by adding a new definition of Large Scale Ground Mounted Solar Photovoltaic Installation in the Definitions section; and by adding new Sections 4180 – 4196; all to read as printed in the Warrant under Article 15. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.**

**ARTICLE 16**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Section 2300, Use Regulation Schedule, by deleting the use item “Municipal sewage treatment with onsite disposal of secondary-treated effluent” and inserting in its place use items “Wastewater Treatment Facility” and “Wastewater Effluent Disposal” as written below:

**SECTION 2300 – USE REGULATION SCHEDULE**

|                                    | <b>R1<br/>R2</b> | <b>BL-1<br/>B2</b> | <b>IND</b> | <b>MAR</b> | <b>RD-1<br/>RD-2</b> | <b>S</b> | <b>G</b> |
|------------------------------------|------------------|--------------------|------------|------------|----------------------|----------|----------|
| Wastewater Treatment Facility (15) | SA               | SA                 | SA         | SA         | SA                   | SA       | SA       |
| Wastewater Effluent Disposal (16)  | SA               | SA                 | SA         | SA         | SA                   | N        | SA       |

**USE REGULATION SCHEDULE NOTES:**

15. If within Water Resource Overlay District - Subject to the requirements of Section 5000.
16. If outside Water Resource Overlay District.

**And further,**

To amend the Sandwich Protective Zoning By-laws by adding the following to the Definitions section:

**DEFINITIONS**

**WASTEWATER TREATMENT FACILITY** – A public or private facility constructed to treat wastewater, not including the disposal of treated effluent.

**WASTEWATER EFFLUENT DISPOSAL** – The disposal of treated effluent from a public or private wastewater treatment facility.

or take any action relative thereto.

**Voted: That the Town amend the Sandwich Protective Zoning By-laws, Section 2300, Use Regulation Schedule, by deleting the use item “Municipal sewage treatment with onsite disposal of secondary-treated effluent” and inserting in its place use items “Wastewater Treatment Facility” and “Wastewater Effluent Disposal”; and by adding Wastewater Treatment Facility and Wastewater Effluent Disposal to the Definitions section; all to read as printed in the Warrant under Article 16. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.**

**ARTICLE 17**

To see if the Town will vote to transfer the care, custody, management and control of the following parcels of land, from the Town Treasurer for the purposes of sale at auction to the Board of Selectmen for general municipal purposes and wastewater treatment and or discharge purposes; and further to authorize the Board of Selectmen to convey perpetual easements on said parcels for the purposes of wastewater treatment and or discharge purposes, on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town;

Said parcels are identified as follows:

1. Assessor's Map 28, Lot 57, located off Kiah's Way, containing approximately 6.04 acres; and
2. Assessor's Map 28, Lot 58, located off Kiah's Way, containing approximately 6.13 acres; and
3. Assessor's Map 28, Lot 101, located off Quaker Meetinghouse Road, containing approximately 5.04 acres; and
4. Assessor's Map 28, Lot 102, located off Quaker Meetinghouse Road, containing approximately 17.51 acres; and
5. Assessor's Map 28, Lot 121, located off Quaker Meetinghouse Road, containing approximately 9.15 acres;

And further to authorize the Board of Selectmen to execute any and all instruments as may be necessary to effectuate the vote taken hereunder; or take any action relative thereto.

**Voted: That the Town transfer the care, custody, management and control of the following parcels of land – shown on Assessor's Map 28, as Lots 57, 58, 101, 102, and 121 – from the Town Treasurer for the purposes of sale at auction to the Board of Selectmen for general municipal purposes and wastewater treatment and or discharge purposes; and further authorize the Board of Selectmen to convey perpetual easements on said parcels for the purposes of wastewater treatment and or discharge purposes, on such terms and**

**conditions as the Board of Selectmen deems to be in the best interests of the Town; and further authorize the Board of Selectmen to execute any and all instruments as may be necessary to effectuate the vote taken hereunder; as printed in the Warrant under Article 17. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.**

#### **ARTICLE 18**

To see if the Town will vote to authorize the Board of Selectmen to convey all or a portion of the Town property, shown on Assessor's Map 17, as Lots 134, 137, and 138 which includes the Sandwich Pop Warner football field, off Quaker Meetinghouse Road shown as Parcels B and C on a plan entitled "Plan to Accompany R.F.P. Land in Sandwich, Massachusetts, Quaker Meetinghouse Road" as prepared by David C. Thulin, PE, PLS, dated June 14, 2004 which is on file with the Town Clerk's Office containing a total of approximately 56.21 acres; said property to be conveyed on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town, and subject to the requirement that the successful purchaser or purchasers of all or any portion of Parcel B construct a new Pop Warner football field and associated infrastructure of the same or better quality than the existing field and infrastructure on land to be identified by the Board of Selectmen; or take any action relative thereto.

**Voted: That the Town authorize the Board of Selectmen to convey all or a portion of the Town property, shown on Assessor's Map 17, as Lots 134, 137, and 138 which includes the Sandwich Pop Warner football field, off Quaker Meetinghouse Road shown as Parcels B and C on a plan entitled "Plan to Accompany R.F.P. Land in Sandwich, Massachusetts, Quaker Meetinghouse Road" as prepared by David C. Thulin, PE, PLS, dated June 14, 2004 which is on file with the Town Clerk's Office containing a total of approximately 56.21 acres; said property to be conveyed on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town, and subject to the requirement that the successful purchaser or purchasers of all or any portion of Parcel B construct a new Pop Warner football field and associated infrastructure of the same or better quality than the existing field and infrastructure on land to be identified by the Board of Selectmen; as printed in the Warrant under Article 18. This was a voice vote and declared carried by the Moderator.**

#### **ARTICLE 19**

To see if the Town will vote to amend the Sandwich Town Bylaws by deleting Section 6.0, Temporary Transient Business: Door to Door, in its entirety and replacing it with the following Section 6.00, Temporary Transient Business: Door-to-Door Canvassing and Solicitation, to read as follows:

#### **Section 6.00: Temporary Transient Business: Door-to-Door Canvassing and Solicitation.**

##### **6.1 Title.**

This chapter shall be known as the "Door-to-Door Solicitation Law of the Town of Sandwich."

##### **6.2 Purpose**

This article, adopted pursuant to Chapter 43, Section 13, of the General Laws and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operational requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Sandwich in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and, to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

##### **6.3 Definitions**

For the purpose of this Bylaw, the following definitions shall apply:

6.3.1 "Soliciting" shall mean and include any one or more of the following door-to-door activities:

- a) selling, or seeking to obtain orders for the purchase of goods or services, including advertising in any type of publication, for any kind of consideration whatsoever;
- b) selling, or seeking to obtain prospective customers for application for purchase of insurance of any kind;
- c) selling, or seeking to sell subscriptions to books, magazines, periodicals, newspapers or any other type of publication;
- d) seeking to obtain gifts or contributions of money, or any valuable thing for the support or benefit of any association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venturer for a charitable or other non-commercial organization; and
- e) seeking to obtain information on the background, occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly, or in part, for commercial purposes.

6.3.2 "Canvassing" shall mean and include any one or more of the following door-to-door activities:

- a) person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dropping off printed materials on the premises;
- b) seeking to enlist membership in any organization for commercial purposes; and
- c) seeking to present, in person, organizational information for commercial purposes.

6.3.3 "Residence" shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.

6.3.4 "Registered solicitor" shall mean any person who has obtained a valid certificate of registration from the Town as required by this Bylaw.

6.3.5 "Charitable Organization," "Professional Solicitor" and "Commercial Co-venturer" shall be defined as set forth in Chapter 68, Section 18, of the General Laws.

## **6.4 Registration**

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Sandwich must apply for a permit with the Chief of Police by filing a registration application form with the Chief of Police. Applications for individual registration shall be filed at least ten business days in advance. Applications for organizational registration shall be filed at least ten business days in advance.

6.4.1 Organization application forms shall include the following information:

- a) The name and address of the organization applying for registration, and the names and addresses of the organizations' principal officers. If the organization is a charitable organization, a certification that the most recent Annual Registration Statement required to be filed with the Attorney General's Division of Public Charities has been so filed.
- b) If the organization is a Professional Solicitor or a Commercial Co-venturer for a charitable organization, a copy of the contract with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon;

- c) The name, title and phone number, IRS or Social Security (optional) number and valid driver's license or other government-issued photo identification of the persons filing the application form;
- d) The names and addresses of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Sandwich;
- e) A list of the names, addresses, dates of birth of all individuals who will be employed in solicitation or canvassing by the applicant;
- f) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 60-day period);
- g) Names of the last three communities (if any) in which the organization has conducted a solicitation or canvassing operation, complete with the date issued and date expired; and
- h) Insurance information and license, if applicable.

6.4.2 Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under Section 6.4.1 hereof. Individual registration forms shall contain the following information:

- a) Name and address of the present place of residence and length of residence at that address; if less than three years residence at present address, the address of residence(s) during the past three years;
- b) Date of birth;
- c) Name, address and telephone number of the person or organizations whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization. If the individual is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract, if any, with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon;
- d) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 60-day period);
- e) Name of the last three communities (if any) in which the applicant has solicited or canvassed door-to-door, complete with the date of issue and expiration date;
- f) Valid driver's license or other government issued photo identification; and
- g) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

## **6.5 Registration Fee**

There shall be an application fee of \$50.00 for an individual registration card. Each organizational applicant for registration or re-registration shall pay to the Town an application fee of \$75.00.

## **6.6 Registration Cards**

6.6.1 The Chief of Police, after a review, but in no event more than ten (10) business days after receipt of a fully-completed application, shall furnish each person with a registration card which shall contain the following information:

- a) The name of the person;
- b) A recent photograph of the person;
- c) The name of the organization (if any) which the person represents;
- d) A statement that the individual has been registered with the Town of Sandwich Police Department but that registration is not an endorsement of any individual or organization; and
- e) Specific dates or period of time covered by the registration.

6.6.2 Persons engaged in solicitation or canvassing as defined in this Bylaw must display their Town issued registration card on the outermost portion of their clothing at all times while soliciting or canvassing and show such card to any person solicited or upon the request of any police officer.

6.6.3 Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 60 days.

6.6.4 The Police Chief shall routinely grant registrations without further inquiry but shall refuse registration to an organization or an individual whose registration has been revoked for violation of this Bylaw within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or larceny over \$250, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to register a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

## **6.7 Exceptions**

6.7.1 Registration shall not be required for officers or employees of the Town, County, State or Federal governments when on official business.

6.7.2 Individual registration shall not be required for minors under the age of 18, except in connection with canvassing or soliciting on behalf of a profit organization, newspaper carriers excepted.

6.7.3 Nothing in this Bylaw shall be construed to impose any registration requirement or otherwise restrict or in any way regulate any activity for religious, political, newspaper distribution or public policy purposes or other non-commercial purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting or canvassing.

## **6.8 Duties of Persons Going Door-to-Door**

6.8.1 Upon going into any residential premises in the Town of Sandwich, every solicitor, canvasser or other person must first examine any notice that may be posted prohibiting solicitation or other activities. If such a notice is posted, the solicitor, canvasser or other person shall immediately and peacefully depart from the premises.

6.8.2 Any solicitor, canvasser or other person who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

6.8.3 Immediately upon gaining entrance to any residence, each Solicitor or Canvasser as defined in this Bylaw must do the following:

- a) Present his registration card for inspection by the occupant;

- b) Request that the occupant read the registration card; and
- c) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.

### **6.9 Restrictions on Methods of Solicitation, Canvassing, or Other Door-to-Door Activities**

It shall be unlawful for a solicitor, canvasser or other person to do any of the following:

- a) Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization, or on behalf of any municipal employee or elected official;
- b) Solicit, canvass or conduct any other activity at any residence where there is a posted sign prohibiting the same, without express prior permission of an occupant;
- c) Solicit, canvass or conduct any other activity at any residence without express prior permission of an occupant, before 9:00 a.m. or after 9:00 p.m. where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such other activities;
- d) Utilize any form of endorsement from any department head currently employed or serving the Town of Sandwich; and
- e) Solicit, canvass or conduct any other activity at any residence in a threatening, abusive or illegal fashion.

### **6.10 Penalty**

6.10.1 Any person or organization who shall violate any of the provisions of this Bylaw or any applicable state or federal laws governing soliciting or canvassing, including, but not limited to Chapter 68 of the General Laws, shall be subject to a fine not to exceed \$300.00 for each offense.

6.10.2 Any person or organization who for himself, herself, itself, or through its agents, servants or employees is found after investigation by a police officer to have:

- a) violated any provision of this Bylaw, or any applicable state or federal laws governing soliciting or canvassing, including but not limited to Chapter 68 of the General Laws; or
- b) knowingly provided false information on the registration application shall have his, her or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

### **6.11 Appeals**

Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within 5 days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Board of Selectmen fails to make a determination within 30 days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

### **6.12 Severability**

Invalidity of any individual provision of this Bylaw shall not affect the validity of the Bylaw as a whole.

**Voted: That the Town amend the Sandwich Town Bylaws by deleting Section 6.0, Temporary Transient Business: Door to Door, in its entirety and replacing it with Section**

**6.00, Temporary Transient Business: Door-to-Door Canvassing and Solicitation, as printed in the Warrant under Article 19. This was a voice vote and declared carried by the Moderator**

**ARTICLE 20**

To see if the Town will vote to dissolve the Mary I. Freeman Community Nursing Fund, established at the April 8, 1926 Special Town Meeting under Article 5, which bequeathed funds to the Community Nursing Association, which no longer exists; and further, in recognition of the stated wishes of Ms. Freeman as voted at the April 8, 1926 Special Town Meeting, to transfer the balance of said Mary I. Freeman Community Nursing Fund to the Nursing Department Donation Account; or take any action relative thereto.

**Unanimously Voted: That the Town dissolve the Mary I. Freeman Community Nursing Fund, established at the April 8, 1926 Special Town Meeting under Article 5, which bequeathed funds to the Community Nursing Association, which no longer exists, and transfer the balance of said Mary I. Freeman Community Nursing Fund to the Nursing Department Donation Account. This was a voice vote and declared unanimously carried by the Moderator.**

**ARTICLE 21**

To see if the Town will vote to amend the Town Bylaws by deleting the text and title of Section 2.97, Part 3, and inserting the following, or take any action relative thereto.

Part 3 Jurisdiction

Because Regulatory Authorities subject citizens to fees, fines and regulations and the Town to possible litigation, the Town's interest is best served by requiring the following to comply with all provisions of this By-Law. The Board of Selectmen, the Board of Assessors, the Planning Board, the Board of Health, the Sandwich Historic District Committee, the Zoning Board of Appeals, Sandwich Economic Initiative Corporation, the Conservation Commission, and the Water Quality Review Committee, all hereafter referred to as "Regulatory Authorities."

*(Submitted By Petition)*

**Carl Johansen of Oxford Road moved to indefinitely postpone Article 21. The motion was seconded. This was a voice vote and declared unanimously carried by the Moderator.**

**Unanimously Voted: That Article 21 be indefinitely postponed. This was a voice vote and declared unanimously carried by the Moderator.**

**ARTICLE 22**

To Elect the following Officers:

One Board of Assessor member for a term of three years;  
One Board of Health member for a term of three years;  
One Board of Selectmen member for a term of three years;  
One Constable for a term of three years;  
One Moderator for a term of three years;  
One Sandwich Housing Authority member for a term of five years;  
Three Planning Board members for a term of three years;  
One Planning Board member for an unexpired term of two years;  
Two Planning Board members for an unexpired term of one year;  
Three School Committee members 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;  
One Trustee of the Weston Memorial Fund 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:

**BALLOT QUESTION #1**

Shall the Town of Sandwich be allowed to assess an additional \$500,000 in real estate and personal property taxes for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Sandwich Public Library HVAC system for the fiscal year beginning July first, two thousand twelve?

**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, 2012.

**Voted: To adjourn to the Town Elections on May 10, 2012. This was a voice vote and declared carried by the Moderator.**

The meeting was adjourned at **10:48 P.M.**

I hereby certify that this is a true record of the Annual Town Meeting held on May 7, 2012.

Respectfully Submitted,

Taylor D. White  
Town Clerk

**TOWN OF SANDWICH  
2012 SPECIAL TOWN MEETING  
OCTOBER 22, 2012**

The Special Town Meeting was called to order in the Sandwich High School auditorium by Moderator Garry Blank at 7:02 P.M. The clerks checked in a total of 187 voters. The total number of eligible voters was 15,561. Selectman Linell Grundman led the Pledge of Allegiance. The Moderator swore in the following Sandwich residents as tellers: Richard Galbraith, Denise Dever, Paula Johnson and Brian Riley served as the timekeeper.

**ARTICLE 1**

To see if the Town will vote to amend the vote taken under Article 2 of the May 7, 2012 Annual Town Meeting for the FY'13 School Department budget, account number 300, by raising and appropriating the additional sum of \$132,400.00, or any other amount, for such purposes, or take any action relative thereto.

**Unanimously Voted: That the Town amend the vote taken under Article 2 of the May 7, 2012 Annual Town Meeting by raising and appropriating the additional sum of \$132,400 to increase the FY'13 School Department budget, account 300. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 2**

To see if the Town will vote to amend the vote taken under Article 2 of the May 7, 2012 Annual Town Meeting for the FY'13 Legal budget, account number 151, by raising and appropriating or transferring from available funds the additional sum of \$50,000.00, for such purposes, with said funds being expended for professional services, under the direction of the Board of Selectmen, or take any action relative thereto.

**Unanimously Voted: That the Town amend the vote taken under Article 2 of the May 7, 2012 Annual Town Meeting by raising and appropriating the additional sum of \$50,000 to increase the FY'13 Legal budget, account 151, with said funds being expended for professional services under the direction of the Board of Selectmen. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 3**

To see if the Town will vote to raise and appropriate or transfer from available funds 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 purchasing and equipping a Fire Department ambulance, with any unexpended balance available after purchase of said ambulance to be placed in the Building Repairs / Capital Purchases account to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

**Unanimously Voted: That the Town transfer \$250,000 from the Ambulance Fund, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing and equipping a Fire Department ambulance, with any unexpended balance available after purchase of said ambulance 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 will vote under the Community Preservation Act historic resources program, to appropriate from the Community Preservation Fund FY'13 estimated annual revenues, reserve accounts or fund balance the sum of \$17,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and protecting historic Town of Sandwich records, documents, photographs, and other archival materials; or take any action relative thereto.

**Unanimously Voted: That the Town transfer and appropriate \$17,000 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, restoring, and protecting historic Town of Sandwich records, documents, photographs, and other archival materials. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 5**

To see if the Town will vote to authorize the Board of Selectmen to enter into a contract for the disposal of the Town's solid waste for a period not to exceed twenty (20) years commencing on January 1, 2015, on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town, which contract may include a provision that the Town shall not be exempt from liability for the payment of contract sums in future fiscal years; or to take any action relative thereto.

**Unanimously Voted: That the Town authorize the Board of Selectmen to enter into a contract for the disposal of the Town's solid waste for a period not to exceed twenty (20) years commencing on January 1, 2015, on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town, which contract may include a provision that the Town shall not be exempt from liability for the payment of contract sums in future fiscal years. This was a voice vote and declared carried unanimously by the Moderator.**

The meeting was adjourned at 7:15 P.M.

I hereby certify that this is a true record of the Special Town Meeting held on October 22, 2012.

Respectfully Submitted,

Taylor D. White  
Town Clerk