Town of Sandwich
Special Town Meeting

WARRANT

Monday, October 26, 2009
7:00 p.m. – Sandwich High School

BOARD OF SELECTMEN
John Kennan, Chair
Dana P. Barrette, Vice-Chair
Linell M. Grundman
F. Randal Hunt
James W. Pierce

FINANCE COMMITTEE
Hank Tuohy, Chair
William Diederding, Vice-Chair
Thomas R. Hickey
Paul C. Kilty
Veronica Mooney
Glenn Pare
Paul Sylvia
John D. Vibberts
Ellen Yaffe

MODERATOR
Jan L. Teehan
October 26, 2009 Special Town Meeting  
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4. Authorize Selectmen to Grant Easement at 145 Main Street to 143 Main Street (p. 4)
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TOWN OF SANDWICH
2009 SPECIAL TOWN MEETING
October 26, 2009

Warrant

Barnstable, ss.

To the Constables of the Town of Sandwich, in the County of Barnstable,

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sandwich qualified to vote in elections and Town affairs to meet at the Sandwich High School on Quaker Meetinghouse Road in said Sandwich on

Monday, October 26, 2009, at 7:00 p.m.,

then and there to act on the following articles.

ARTICLE 1
To see if the Town will vote to decrease the FY’10 School Department budget by $137,466.00, or any other amount, or take any other action relative thereto.

 Recommended by the Board of Selectmen and Finance Committee.

ARTICLE 2
To see if the Town will vote to transfer and appropriate the sum of $325,000.00, or any other amount, from the Stabilization Fund to fund the FY’10 operating budget as voted at the May 4, 2009 Annual Town Meeting under Article 2, or take any action relative thereto.

(2/3rd Vote Required)

 Recommended by the Board of Selectmen and Finance Committee.

ARTICLE 3
To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $150,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing and repairing equipment and for providing related services for the School Department wastewater treatment facilities, or take any action relative thereto.

 Recommended by the Board of Selectmen and Finance Committee.
ARTICLE 4
To see if the Town will vote to authorize the Board of Selectmen to grant to Donald L. Segur and Margaret Segur, the present owners of 143 Main Street, Sandwich, a non-exclusive perpetual easement over the portion of the property known as the Town Hall Annex parcel on 145 Main Street, shown as the “Parking Lot Easement” on a plan on file with the Office of the Town Clerk, for the purpose of exiting and maneuvering from the Segur’s garage and exiting the parking lot by vehicle to Main Street, on such terms and conditions and for such consideration as the Board of Selectmen may determine, which may be nominal consideration, and to further authorize the Board of Selectmen to execute any and all instruments and to take such other action necessary to effectuate this vote; or to take any action relative thereto.

Recommended by the Board of Selectmen.

ARTICLE 5
To see if the Town will vote to amend the 2009 Sandwich Local Comprehensive Plan in accordance with Section III C of the Cape Cod Commission’s Local Comprehensive Plan Regulations dated March 2005 to address requirements that the Local Comprehensive Plan reflect inconsistencies between towns and with the Regional Policy Plan where overlapping mutual interests exist by including the following text:

Water/wastewater management planning
Sandwich is working with the towns of Bourne, Falmouth and Mashpee on a coordinated approach to comprehensive water resource management planning. The water management plan that may be undertaken in 2010 (pending the award of funding from the Natural Resources Damages or NRD fund) will identify all significant threats to groundwater quality and quantity and develop comprehensive strategies for sustainable water resource management. Sandwich shares watersheds with the surrounding downgradient communities of Mashpee, Falmouth and Barnstable. These communities are currently well ahead of Sandwich with regard to undertaking comprehensive wastewater management planning. In concert with these management plans, Sandwich’s water management plan, anticipated infrastructure upgrades and revised land use planning efforts will directly affect the groundwater, surface water bodies and natural resources of these towns.

The Town is currently participating in the Mass Estuaries Program (MEP), with assessments for Scorton Creek and Sandwich Harbor scheduled for completion in 2010. In addition, Sandwich is located in the upper reaches of numerous watersheds shared with other adjacent communities, including the watersheds of Popponnessett Bay, Three Bays in Barnstable and Waquoit Bay East in Mashpee and Falmouth. These neighboring communities have begun their comprehensive wastewater management plans, and Sandwich now needs to implement its own plan to avoid delaying the neighboring communities and to make sure the regional policy decisions made by all involved communities are appropriate for Sandwich’s water resource and economic development plans.
Sandwich staff has attended several meetings with adjacent towns, primarily focused on facilitating discussions about regional wastewater planning. The Town of Falmouth is presently the lead community and has invited Sandwich representatives to meet regularly to discuss both the aforementioned town’s wastewater management plans and determine if there is a benefit for regional collaboration. Also, the Town of Sandwich staff attended several meetings in February 2009 with adjacent communities to gain their support for the Town’s application to the Executive Office of Energy and Environmental Affairs NRD program for its proposed comprehensive water management plan.

Solid Waste Management planning
The Town of Sandwich has been working collaboratively with the towns of Bourne, Falmouth, Mashpee and the MMR on solid waste management planning and service delivery. This service involves the collection, transportation and delivery of municipal solid waste (MSW) for the respective towns that is delivered to the Upper Cape Regional Transfer Station (UCRTS) on the MMR. The solid waste is then hauled via the state’s rail line from the MMR to Rochester, MA. This approach to solid waste management has worked very well for the communities since the mid-1980’s and the towns continue to explore the long-term viability of this regional approach to managing its MSW. The Town is represented on the Board of Managers that oversees the operations of the UCRTS. The Town also has representation on the Council of SEMASS Communities board, as well as with the Barnstable County Solid Waste Advisory Committee. These various boards and communities provide a forum for the Town to discuss regional solid waste and recycling planning issues. The Town has been recently meeting on a frequent basis with all of the Cape towns to discuss the benefits and potential opportunities of a new regional waste disposal contract.

Transportation Planning
The Town also recognizes the need for transit services that could connect with adjacent communities that currently operate transit services. However, due to the current densities in Sandwich, combined with the fiscal constraints facing both the community and the Commonwealth, new transit services are unlikely at this time. However, as the Town moves forward with the implementation of the LCP and redeveloping the identified Strategic Planning Areas, the opportunities to introduce transit services to the Town and provide interconnects with the adjacent communities may be more viable. The Town will continue to discuss these plans with both all adjacent towns as well as with the regional planning agency.

Economic Development
The Town of Sandwich has aggressive intermediate and long-term economic development plans for several specific, targeted areas in town that are elaborated on extensively in the LCP. These four Strategic Planning Areas (SPA’s) are South Sandwich Village, the Route 130 Industrial Park, Historic Downtown and the Marina District. The Town’s economic development plans for these areas will directly compete with the economic development plans of the Town’s adjacent communities, specifically
Bourne (Buzzards Bay and MacArthur Boulevard), Mashpee (primarily Mashpee Commons), Falmouth (the commercial strip of Route 28) and Barnstable (Hyannis/Route 132 and the Growth Incentive Zone District of downtown Hyannis). Each community is undertaking extensive economic development planning that will seek to provide the Town with the highest level of economic return on those areas that are posed for redevelopment. The Town of Sandwich has had several discussions with representatives from Bourne regarding the Town's Chapter 43-D application to the Commonwealth of Massachusetts and hopes to make a 43-D application to the state for designation of two parcels in town as Priority Development Sites.

or to take any action relative thereto.

**No Recommendation Required.**

**ARTICLE 6**
To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2300, Use Regulation Schedule, Section 2310, Principal Uses, Commercial Use, by changing the use of “Medical Offices” in the Business Limited “BL-1 and BL-2” Districts from a prohibited use to a use authorized by Special Permit and further, by changing the “N” symbol to the “S” symbol in the BL-1 and BL-2 columns for the Medical Offices use.

**2300. USE REGULATION SCHEDULE**

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>R-1</th>
<th>BL-1</th>
<th>IND</th>
<th>MAR</th>
<th>RD-1</th>
<th>S</th>
<th>GD</th>
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<tbody>
<tr>
<td>R-1 R-2 (6)</td>
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<td>BL-1 BL-2</td>
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</tbody>
</table>

**2310. PRINCIPAL USES**

**COMMERCIAL USE**

| Medical Offices | N | S | N | N | RD-1 | N | RD-2 | Y | N | N |

or to take any action relative thereto.

(2/3rd Vote Required)

**No Recommendation Required.**
ARTICLE 7
To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2300, Use Regulation Schedule, Section 2310, Principal Uses, Residential Use, by changing the use of “Two-Family Dwelling” in the Business Limited “BL-1 and BL-2” Districts from a prohibited use to a use authorized by Special Permit and further, by changing the “N” symbol to the “S” symbol in the BL-1 and BL-2 columns for the Two-Family Dwelling” use.

2300. USE REGULATION SCHEDULE

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>R-1</th>
<th>R-2</th>
<th>BL-1</th>
<th>BL-2</th>
<th>IND</th>
<th>MAR</th>
<th>RD-1</th>
<th>RD-2</th>
<th>S</th>
<th>GD</th>
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</tr>
</tbody>
</table>

2310. PRINCIPAL USES

RESIDENTIAL USE

Dwelling:

| Two-family | S | S | N | N | N | N | N | N |

or to take any action relative thereto.

(2/3rd Vote Required)

No Recommendation Required.

ARTICLE 8
To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2300, Use Regulation Schedule, Section 2320, Accessory Uses, by changing the use of “Accessory Apartment” in the Business Limited “BL-1 and BL-2” Districts from a prohibited use to a permitted use and further, by changing the “N” symbol to the “Y” symbol in the BL-1 and BL-2 columns for the Accessory Apartment” use.

2300. USE REGULATION SCHEDULE

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>R-1</th>
<th>R-2</th>
<th>BL-1</th>
<th>BL-2</th>
<th>IND</th>
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</table>

2320. ACCESSORY USES

Accessory Apartment (see Section 4115)

| Accessory Apartment | Y | Y | N | N | Y | Y | N |

or to take any action relative thereto.

(2/3rd Vote Required)

No Recommendation Required.
ARTICLE 9
To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2600, Intensity of Use Schedule, by allowing the Board of Appeals the authority to grant exceptions to the front yard dimensional requirements allowing front yard setbacks to be reduced by special permit from the Board of Appeals, to as little as zero, in the Business Limited – 1 Zoning District, notwithstanding any other provisions of the of the bylaw.

2600. INTENSITY OF USE SCHEDULE
(See Section 4640 for Multi-family dwelling requirements)

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<tr>
<th></th>
<th>R-1</th>
<th>BL-1 (a)</th>
<th>BL-2</th>
<th>IND</th>
<th>R-2</th>
<th>RD-1</th>
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<tr>
<td>MAR</td>
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</table>

Minimum front yard in feet (c) 30 30 (p) 30 (f) 30 (f) 50 40 40

And further,

To see if the Town will vote to add the following note(s) under the Intensity of Use Schedule (Schedule 2600) Notes:

p. On special permit from the Board of Appeals, front yard setback may be reduced to as little as zero, notwithstanding any other provisions of the bylaw.

or to take any action relative thereto.

(2/3rd Vote Required)

No Recommendation Required.

ARTICLE 10
To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2110, Use and Intensity Regulations, by changing the Zoning Districts for the following parcels as shown on Assessor’s Map 11, Parcels 240, 241, 242, a portion of 057, 067 and 068, located along both sides of Route 130 in Forestdale, Massachusetts from Residential – 2 Zoning District to Business Limited – 1 Zoning District, totaling approximately 21.3 acres and to modify the present map on file with the Town of Sandwich Planning Department entitled “Zoning Map, Town of Sandwich, Massachusetts dated April 2008” by incorporating the Business Limited – 1 zoning changes for parcels as shown on Assessor’s Map 11, Parcels 240, 241, 242, 057, 067 and 068 and all references thereto in the Protective Zoning By-laws accordingly, or to take any action relative thereto.

(2/3rd Vote Required)

No Recommendation Required.
ARTICLE 11
To see if the Town will vote to amend the 2009 Sandwich Local Comprehensive Plan, Section 1.0, Land Use and Growth Management by designating the “Business Limited BL-1 District in Forestdale” as a Smart Growth Center and further, by adding the descriptive term “BL-1 District in Forestdale” to the four (4) Smart Growth Centers as listed in Section 1.9 of the Sandwich Local Comprehensive Plan, or to take any action relative thereto.

No Recommendation Required.

ARTICLE 12
To see if the Town will vote to amend the 2009 Sandwich Local Comprehensive Plan, Background, Purpose & Vision Section by adding “Business Limited BL-1 District in Forestdale” to the list of Strategic Planning Areas under Key Features of the Updated Plan of the 2009 Local Comprehensive Plan, or to take any action relative thereto.

No Recommendation Required.

ARTICLE 13
To see if the Town will vote to amend the 2009 Sandwich Local Comprehensive Plan, Section 3.0, Economic Development by adding “Business Limited BL-1 District in Forestdale” to the Business Limited Districts and further, by adding “Business Limited BL-1 District in Forestdale” to the four Strategic Planning Areas under Section 3.3 Existing Land for Economic Development, or to take any action relative thereto.

No Recommendation Required.

ARTICLE 14
To see if the Town will vote to amend the 2009 Sandwich Local Comprehensive Plan, Section 3.0 Economic Development by designating “Business Limited BL-1 District in Forestdale” as a Smart Growth Center and further, by adding the descriptive term “BL-1 District in Forestdale” to the four (4) Smart Growth Centers as listed in Section 3.7 Challenges and Opportunities of the Sandwich Local Comprehensive Plan, or to take any action relative thereto.

No Recommendation Required.
And you are hereby directed to serve this Warrant by posting attested copies thereof, one at the Town Hall, and one at each of the Post Offices in Sandwich, the last posting to be at least fourteen days prior to the time of holding said meeting,
given under our hands this 8th Day of October, 2009.

John Kennan, Chairman

Dana P. Barrette, Vice-Chairman

Linell M. Grundman

F. Randal Hunt

James W. Pierce

SELECTMEN OF SANDWICH

I hereby certify that I have posted attested copies of this warrant at Sandwich Town Hall, Town Hall Annex, Sandwich Post Office, East Sandwich Post Office and Forestdale Post Office, all located within the Town of Sandwich, on

10-9-09

Date

[Signature]

Constable
A GLOSSARY OF COMMONLY USED TERMS

Appropriation – An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited to a specific amount and identifies the timeframe when it will be expended.

Assessed Valuation – A valuation set upon real estate or other property by a government as a basis for levying taxes. Equalized assessed valuation refers to a municipality’s assessed valuation, as determined by local assessors, adjusted by the State Department of Revenue to reflect a full and fair market value (“Equalized Valuation”).

Betterment – An addition made to, or change made in, a fixed asset which is expected to prolong its life or to increase its efficiency. The term is also applied to sidewalks, water lines, and highways and the corresponding tax assessment abutters may authorize for repairs to their properties.

Bond – A written promise to pay a specified sum of money, called the face value (par value) or principal amount, at a specified date or dates in the future, called the maturity date(s) together with periodic interest at a specified rate. The difference between a note and a bond is that the latter runs for longer period of time and requires greater legal formality.

Bond Anticipation Note (BAN) – Short-term note of a government sold in anticipation of bond issuance. BANs are full faith and credit obligations.

Bond Ratings – Designations used by bond rating services to give relative indications of credit quality.

Budget – A plan of financial operations embodying an estimate of proposed expenditures for a given period and the proposed means of financing them.

Budget Message – Statement summarizing the plans and policies contained in the budget report, including an explanation of the principal budget items and recommendations regarding financial policy for the upcoming year.

Capital Budget – A plan for expenditure of public funds for capital purposes.

Capital Expenditure – Nonrecurring payments for capital improvements including construction, acquisition, site development and overhead costs. The fees for architects, engineers, lawyers, and other professional services plus the cost of financing may be included.

Cherry Sheet – An annual statement received by the Town from the Department of Revenue detailing estimated receipts for the next fiscal year from various state aid accounts, the lottery, and estimated charges payable in setting the tax rate.
Supplemental Cherry Sheets may be issued during the year and there is no guarantee that the estimated receipts and charges shown thereon will not vary from actual receipts and charges. The name was derived from the pink color of the document.

**Debt Service** – The cost (usually stated in annual terms) of the principal retirement and interest of any particular bond issue.

**Enterprise Fund** – Those funds which are established for specific uses under M.G.L. c.44, §53F1/2 that require an annual appropriation to operate (i.e. Sandwich Hollows Golf Club).

**Excess Levy Capacity** – The difference between a community’s maximum tax levy limit as established by Proposition 2.5 and its actual tax levy in the most recent year for which the community has set a tax rate. It is the additional tax levy that a community can raise at Town Meeting without going to the voters for an override or debt exclusion.

**Exclusions (Debt Exclusion or Capital Expenditure Exclusion)** – Proposition 2.5 allows communities to raise funds for certain purposes above the amount of their levy limits or levy ceilings. Subject to voter approval, a community can assess taxes in excess of its levy limit for the payment of certain capital projects and for the payment of specified debt service costs. Such an exclusion increases the amount of property tax revenue a community may raise for a limited or temporary period of time in order to fund the specific project. Unlike overrides, exclusions do not increase the community’s levy limit and do not become part of the base for calculating future years’ levy limits.

**Fiscal Year** – The state and municipalities operate on a fiscal year which begins on July 1 and ends on June 30. For example, the FY’04 fiscal year is from July 1, 2003 to June 30, 2004.

**Free Cash (Surplus Revenue)** – Free cash represents the portion of surplus revenue which the municipality is able to appropriate. It is money that the community raised to spend for a particular item but was left over because the full appropriation was not expended. From this surplus the municipality’s liabilities are subtracted (i.e. any unpaid back taxes). The remainder, if any, is certified annually by the Department of Revenue as the community’s free cash. Amounts from certified free cash may be appropriated at Town Meeting by the community for expenditures or to offset property taxes.

**General Fund** – The fund into which the general (non-earmarked) revenues of the municipality are deposited and from which money is appropriated to pay the general expenses of the municipality.

**Growth Revenue (New Growth)** – The amount of property tax revenue that a community can add to its allowable tax levy from taxes from new construction, alterations, subdivisions, or changes of use. It is computed by applying the prior year’s tax rate to the increase in valuation.
Note – A short-term loan, typically of a year or less in maturity.

Overlay – The amount raised by the assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements and state allowed exemptions.

Overrides – Proposition 2.5 allows a community to assess taxes in excess of the automatic annual 2.5% increase and any increase due to new growth by passing an override. A community can take this action as long as it is below its levy ceiling (2.5% of full and fair cash value of community). When an override is passed, the levy limit for the year is calculated by including the amount of the override. Unlike exclusions, the override results in a permanent increase in the levy limit of a community, which becomes part of the levy limit base and increases along with the base at the rate of 2.5% each year.

Proposition 2.5 – M.G.L. c.59, §21C was enacted in 1980 and limits the amount of revenue a city or town may raise from local property taxes each year. This amount is the community’s annual levy limit. The law allows the levy limit to increase each year by 2.5% plus any new growth revenue derived from taxes from new construction and alterations. This amount may not exceed the community’s levy ceiling. Proposition 2.5 also established two types of voter approved increases in local taxing authority – overrides and exclusions.

Reserve Fund – A fund established by Town Meeting which is under the control of the Finance Committee and from which transfers may be made for extraordinary and unforeseen expenditures. The appropriation cannot be greater than 5% of the tax levy for the prior fiscal year.

Revolving Funds – Those funds which may be used without appropriation and which are established for particular uses under M.G.L. such as continuing education programs, school lunch programs, self-supporting recreation and park services, conservation services, etc. (i.e. Sandwich Marina, Sandwich Community School).

Stabilization Fund – A special reserve account which is invested until used. Towns may appropriate into this fund in any year an amount no more than 10% of the prior year’s tax levy. The outstanding balance in the account cannot exceed 10% of the Town’s equalized valuation. Generally, it takes a 2/3 vote of Town Meeting to appropriate money from the Stabilization Fund.

Surplus Revenue – See “Free Cash”.
# TABLE OF BASIC POINTS OF MOTIONS

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<th>Rank</th>
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<th>2nd Req’d</th>
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<td>2/3</td>
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<td>Postpone to Time Certain</td>
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<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
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<td>Commit or Refer</td>
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<td>Majority</td>
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<td>11</td>
<td>Amend (or Substitute)</td>
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<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
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<td>Indefinitely Postpone</td>
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<td>No</td>
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<td>No</td>
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<td><strong>INCIDENTAL MOTIONS</strong></td>
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<td>Fix the Method of Voting</td>
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<td>Nominations to Committee</td>
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<td>Plurality</td>
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<td>Withdraw or Modify Motion</td>
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<td>Suspension of Rules</td>
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<td>No</td>
<td>No</td>
<td>2/3*</td>
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* Unanimous if rule protects minorities; out of order if rule protects absentees

Source: Town Meeting Time, 3rd Edition
TOWN OF SANDWICH TALENT BANK

Serve Your Community

Town Government needs citizens who are willing to give time in the service of their community. The Talent Bank was adopted by the Board of Selectmen as a means of compiling names of citizens who are willing voluntarily serve on boards, committees, and as resource people. Names in this file are available for use by the public as well as the Selectmen and all Town offices.

Talent Bank files are being updated to include categories consistent with the changing needs of the Town of Sandwich. Please complete the questions listed below, indicate your areas of interest, and either drop the form off at Town Hall or send it to:

Town of Sandwich Talent Bank
Sandwich Town Hall
130 Main Street
Sandwich, MA 02563

Name: ______________________________ Tel. No.: _______________________
Address: ____________________________________________________________
Occupation / Background / Experience: ___________________________________
____________________________________________________________________
____________________________________________________________________

LIST ORDER OF PREFERENCE:

____ Beach Committee  ____ Econ. Develop. Comm.  ____ Personnel Board
____ Board of Health*  ____ Energy Committee  ____ Planning Board*
____ Cape Cod Commission  ____ Emergency Management  ____ Recreation Committee
____ Capital Planning Comm.**  ____ Finance Committee**  ____ Sandwich Cultural Council
____ Communications Technology  ____ Golf Advisory Comm.  ____ Sandwich Housing Authority*
____ Conservation Comm.  ____ Historic District Comm.*  ____ Sandwich Historical Commission
____ Council on Aging  ____ Library Trustees*  ____ Zoning Board of Appeals
____ Disabilities Commission  Other: ______________________________

* = Elected  ** = Appointed by Moderator