

Town of Sandwich
Special Town Meeting

WARRANT

Monday, November 15, 2021

7:00 p.m. – Sandwich High School



BOARD OF SELECTMEN

Michael J. Miller, Chair
Robert J. George, Vice-Chair
Shane T. Hctor
Charles M. Holden
David J. Sampson

TOWN MODERATOR

Garry N. Blank

FINANCE COMMITTEE

Robert Guerin, Chair
Nancy Crossman, Vice-Chair
Matthew D. Anderson
Edward Collupy
James McCormick
Peter Meomartino
Jeremy Shea
Mark I. Snyder
Laura B. Wing

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November 15, 2021 Special Town Meeting

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NOTE: Petition articles have been printed as submitted and may contain typographic and other errors.

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**TOWN OF SANDWICH
2021 SPECIAL TOWN MEETING
November 15, 2021**

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, 365 Quaker Meetinghouse Road, in East Sandwich on

Monday, November 15, 2021, at 7:00 p.m.,

then and there to act on the following articles.

ARTICLE 1

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 \$1,057,690.00, 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:

<u>Capital & Expense List</u>	<u>Amount</u>
Department of Public Works – Utility Pickup Replacement	50,000
Department of Public Works – Sanitation – Roll Off Containers	60,000
Department of Public Works – Sanitation – Improvements	40,000
Department of Public Works – Engineering – Pickup Replacement	34,420
Police Department – Equipment Improvements	65,000
Fire Department – Ambulance Replacement	280,000
Recreation Department – Beach Program Improvements	55,000
Facilities Department – Building Repairs & Improvements	65,000
Marina – Repairs & Improvements	220,000
Natural Resources – Animal Control Vehicle Improvements	8,270
Natural Resources – Pickup Replacement	40,000
Town Parking Lot Improvements	65,000
School Department – Building Repairs & Improvements	75,000
Capital & Expense List Total	1,057,690

Ambulance Fund Transfer	-280,000
Marina Enterprise Fund Retained Earnings Transfer	-220,000
Net Appropriation	557,690

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 (a) authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, the fee to and/or permanent and/or temporary easements and/or other real property interests, for purposes of establishing, constructing, operating and maintaining a shared use path for non-motorized transportation, open space and recreation purposes and for all other purposes for which shared use paths are now or hereafter may be used in the Commonwealth, including without limitation, for the construction, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, guardrails, slopes, grading, rounding, landscaping, parking areas and other appurtenances and/or facilities, to enable the Town to undertake the Service Road Shared Use Path Project, and for any and all purposes incidental or related thereto, in, on, over, across, under and along all or any portion of the certain parcels of land located on or near Service Road and Round Hill Road and approximately shown on a plan entitled "Massachusetts Department of Transportation Highway Division, Plan and Profile of Service Road Shared Use Path in the Town of Sandwich, Barnstable County, Preliminary Right of Way," dated September 27, 2021, prepared by Vanasse Hangen Brustlin, Inc., a copy of which is on file with the Town Clerk, and as may be amended and/or incorporated into an easement plan(s); and (b) transfer the care, custody and control of a portion or portions of the Town-owned property or properties shown on the aforesaid plan from the board having custody of the same for the purposes for which such properties are currently held to the Board of Selectmen for roadway purposes and for purposes of a shared use path and purposes incidental to the use thereof, and further to dedicate said portions of the Town-owned properties to the foregoing purposes; and (c) raise and appropriate, transfer from available funds and/or borrow a sum of money in support of the foregoing project and any and all costs incidental or related thereto, including but not limited to the cost of any easement acquisitions, appraisals and survey; and further (d) authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes, or take any action relative thereto.

Recommended by the Board of Selectmen.

ARTICLE 3

To see if the Town will vote to decrease the \$455,000.00 appropriation made at the May 3, 2021 Annual Town Meeting under Article 17 for the purchase of two parcels of land off Meiggs-Backus Road shown on Assessor’s Map 4 as Parcels 11 and 39, containing approximately 21.6 acres, from the Community Preservation Fund undesignated fund balance by \$226,387.50, with said decrease being transferred to the undesignated fund balance due to the award of a grant from the Commonwealth of Massachusetts’ Drinking Water Supply Grant Program;

And further,

to see if the Town will vote to accept a deed restriction on said parcels as a condition of the Commonwealth’s Drinking Water Supply Protection Grant Program which states:

(i) This property is acquired for water supply protection pursuant to Massachusetts General Laws Chapter 40, Sections 39B, 41 and 15B, and Article 97 of the Amendments to the Massachusetts Constitution and is under the control of the Conservation Commission of the Town of Sandwich, subject to the Conservation Restriction held by the Centerville-Osterville-Marstons Mills Fire District and the Barnstable Land Trust, Inc.; and,

(ii) Massachusetts Department of Environmental Protection approval is required before any portion of this property can be transferred to a different ownership or control, or before the property can be changed to a different use.

And further,

to authorize the Town of Sandwich Conservation Commission to grant a conservation restriction on said parcels of land pursuant to Massachusetts General Laws Chapter 184, Section 31-33;

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 amend the Town of Sandwich Bylaws, Chapter 9, Boat Operations and Use of Waterways, Section 9.04, Horsepower, and Section 9.05, Operation, by inserting the words highlighted in red and deleting the words highlighted in strikethrough as written below, or take any action relative thereto.

Section 9.05: Horsepower

4) There shall be no horsepower limitation on Peters Pond.

- a) The use of Personal Watercrafts, including jet-ski watercraft, surf jet watercrafts, and wet bike watercrafts is prohibited on Peters Pond.

Section 9.05: Operation

- 1) Vessels shall not be operated on any pond at greater than headway speed and create no wake - wash, between the hours of sunset to sunrise.
- 2) No vessel shall be operated at any time on any pond in an overloaded condition.
- 3) Motorboats and ~~Personal Watercraft~~ shall not be operated within a shoreline safety zone except for the purpose of launching or retrieving such vessel provided they remain outside of the designated swimming area(s), and operate at headway speed, only within the shoreline safety zone.
- 4) ~~Personal Watercraft operation is prohibited on Peters Pond, after the hour of 7:00 PM or after sunset, whichever occurs first, and before sunrise, daily.~~
- 5) ~~Personal Watercraft operation is prohibited on Peters Pond, when vision is unduly restricted by weather.~~

Recommended by the Board of Selectmen.

ARTICLE 5

To see if the Town will vote to amend the Town of Sandwich Bylaws, Chapter 4, Public Heath, Section 4.00, Illegal Dumping, Part 1, by inserting the words highlighted in red and deleting the words highlighted in strikethrough as written below, or take any action relative thereto.

Part 1: It shall be unlawful to throw, place, drop, sweep into, deposit, **discharge**, or leave on any street, **drainage system**, Town-owned property, conservation land, or other public property any litter **or pollutant** including, but not limited to: rubbish; garbage; tires, abandoned vehicles; construction materials; stumps; brush; tree limbs; hedge and grass trimmings; noxious, chemical, hazardous, or dangerous refuse; **any pollutant as defined by the General Permit for Stormwater Discharges from Small Municipal Storm Sewer Systems issued jointly by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection**; or any other offensive substance or waste. There shall be no exception, other than duly authorized deposit(s) at the Solid Waste Transfer Station ~~or Septage Lagoon~~ in conformance with the rules and regulations thereof.

Recommended by the Board of Selectmen.

ARTICLE 6

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2220, Use Regulation Schedule, Accessory Uses, by allowing Motor Vehicle Rental Establishment with a special permit in the B2 zoning district, by inserting the words highlighted in red and deleting the words highlighted in strikethrough as written below, or take any action relative thereto.

Motor Vehicle Rental Establishment Use:

R-1	R-2	VIL (2,3)	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RDG	S	GD
N	N	N	N	N S	N	N	N	N	N	N

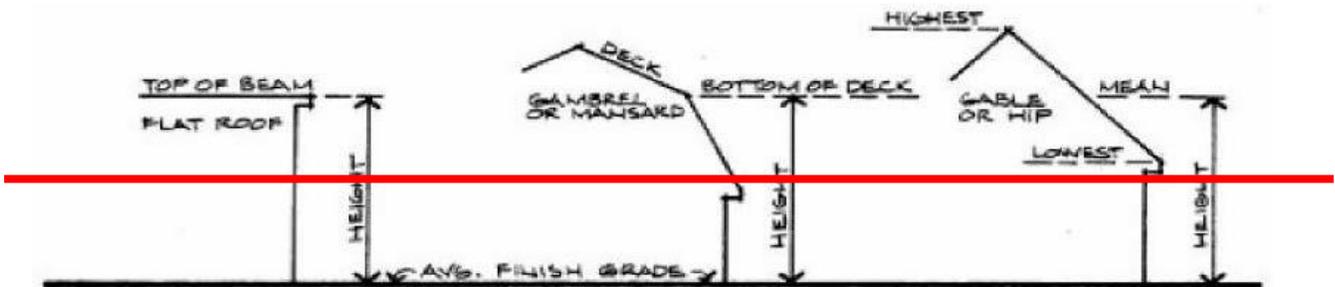
(2/3 Vote Required)

Recommended by the Planning Board.

ARTICLE 7

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Definitions, Height, by deleting the illustration depicting building height, as shown below, or take any action relative thereto.

HEIGHT - The vertical distance from the mean existing grade at the front line of the building to the highest point of the roof for flat or shed roofs, to the deck line for mansard roofs and to the ridge for gable, hip and gambrel roofs; except for those buildings that are required to be placed on elevated foundations, specific to Federal and/or State flood elevation requirements, adjacent to the shoreline and/or within those areas designated by FEMA to be part of an A or V Zone, where the vertical distance would be measured from the top of the Federal and/or State required elevated foundation to the highest point of the roof for flat or shed roofs, to the deck line for mansard roofs and to the ridge for gable, hip and gambrel roofs Not included are spires, cupolas, TV antennae and other parts of structures, which do not enclose potentially habitable floor space.



(2/3 Vote Required)

Recommended by the Planning Board.

ARTICLE 8

We the undersigned voters in the Town of Sandwich in accordance with the By-laws, Chapter 1, Section 1.05, Part 2, request the Board of Selectmen place the following Article on the Warrant for the next Special Town Meeting.

To see if the Town will vote to amend the Town of Sandwich By-laws Chapter 4, Section 4.08 – Single Use Plastic Bottles: Commercial Ban, by striking it in its entirety.

(Submitted by Petition)

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 28th Day of October, 2021.



Michael J. Miller, Chairman



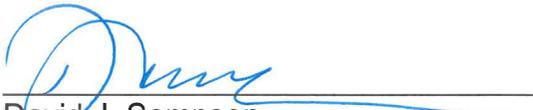
Robert J. George, Vice Chairman



Shane T. Hctor



Charles M. Holden



David J. Sampson

SANDWICH BOARD OF SELECTMEN

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

10/29/2021

Date



Constable

Reference Material

NOTE: Reference material is provided for informational purposes only.)

ARTICLE 1 – FY'22 ESTIMATED GENERAL FUND REVENUES & EXPENSES

REVENUES

<u>FY'22 Tax Levy:</u>		
FY'21 Levy Limit	68,530,415	
2.5% Increase	1,713,260	
Est. New Growth	500,000	
Excess Levy Reserve Est.	-3,000,000	
Overrides / Exclusions	0	
County Assess. Outside 2.5: CCC	195,606	
Exempt Debt: GF Outside Prop. 2.5	2,730,529	70,669,810
 <u>Other Revenue:</u>		
Mass. School Building Authority Funds	0	
State Aid: Discretionary (1.17%)	2,391,226	
State Ch. 70 Aid: School (1.04%)	7,226,188	
Est. Local Receipts	5,000,000	
Free Cash Certification (-STM Capital)	3,377,909	
Overlay Release	0	
Transfer from Stabilization Fund	0	<u>17,995,323</u>
Total Estimated Revenues		88,665,133

<u>Stabilization Fund & OPEB Trust Fund Balances:</u>		
	<u>Stab. Fund</u>	<u>OPEB Fund</u>
Actual Balance on 12/31/20:	1,889,419	1,152,894
Proposed Transfer From/To Fund:	<u>650,000</u>	<u>100,000</u>
Projected Post ATM Balance:	2,539,419	1,252,894

EXPENSES

<u>ReCap Sheet Items:</u>		
State Assess: Tuition Assess (-1.52%)	4,307,206	
State Assess: All Other (6.35%)	707,284	
Abatements / Overlay	550,000	
FY'21 Snow & Ice Deficit	0	5,564,490
 <u>Town Meeting Items:</u>		
Group Health Insurance (0.00%)	11,500,000	
County Retirement Assess. (22.32%)	4,611,333	
Property & Liability Insurance (7.50%)	1,343,750	
Medicare (4.00%)	703,040	
GF Sanitation Ent. Fund Approp.	60,500	
Unemployment Account	200,000	
OPEB Trust Fund	100,000	
Exempt Debt: GF Outside Prop. 2.5	2,730,529	
Non-Exempt Debt: GF Inside Prop. 2.5	1,274,880	
Borrowing Expenses	100,000	
Reserve Fund	500,000	
Capital Budget - ATM - Net	450,000	
Capital Budget - Fall STM Placeholder	557,690	
Transfer to Stabilization Fund	650,000	24,781,722
 <u>Operating Budgets:</u>		
School Budget: Local (3.00%)	28,832,706	
Ch. 70 (1.04%)	7,226,188	36,058,894
UCCRVTS Budget (13.94%)		2,433,216
General Gov't. Budget (3.00%)		<u>18,803,792</u>
Total Estimated Expenses		87,642,114
 ESTIMATED FY'22 BUDGET BALANCE		 1,023,019

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. Capital expenditure exclusions last for one year while debt exclusions last for the bond term.

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'17 fiscal year is from July 1, 2016 to June 30, 2017.

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.

Receipts Reserved for Appropriation Account – A special revenue account established by Town Meeting where receipts for a specific program or purpose are set aside in the fund. Expenditures from the account must be approved by Town Meeting.

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

Rank	Type of Motion	2nd Req'd.	May Debate	May Amend	Vote Req'd.	May Recons.	May Interrupt
MAIN MOTIONS							
None	Main Motion	Yes	Yes	Yes	Varies	Yes	No
Same	Reconsider or Rescind	Yes	Same	No	Majority	No	No
None	Take from the Table	Yes	No	No	Majority	No	No
None	Advance an Article	Yes	Yes	Yes	Majority	Yes	No
PRIVILEGED MOTIONS							
1	Dissolve or Adjourn	Yes	No	No	Majority	No	No
	Adjourn to Fixed						
2	Time/Recess	Yes	Yes	Yes	Majority	No	No
3	Point of No Quorum	No	No	No	None	No	No
4	Fix the Time to Adjourn	Yes	Yes	Yes	Majority	Yes	No
5	Question of Privilege	No	No	No	None	No	Yes
SUBSIDIARY MOTIONS							
6	Lay on the Table	Yes	No	No	2/3	Yes	No
7	The Previous Question	Yes	No	No	2/3	No	No
8	Limit or Extend Debate	Yes	No	No	2/3	Yes	No
9	Postpone to Time Certain	Yes	Yes	Yes	Majority	Yes	No
10	Commit or Refer	Yes	Yes	Yes	Majority	Yes	No
11	Amend (or Substitute)	Yes	Yes	Yes	Majority	Yes	No
12	Indefinitely Postpone	Yes	Yes	No	Majority	Yes	No
INCIDENTAL MOTIONS							
Same	Point of Order	No	No	No	None	No	Yes
Same	Appeal	Yes	Yes	No	Majority	Yes	No
Same	Division of a Question	Yes	Yes	Yes	Majority	No	No
Same	Separate Consideration	Yes	Yes	Yes	Majority	No	No
Same	Fix the Method of Voting	Yes	Yes	Yes	Majority	Yes	No
Same	Nominations to Committee	No	No	No	Plurality	No	No
Same	Withdraw or Modify Motion	No	No	No	Majority	No	No
Same	Suspension of Rules	Yes	No	No	2/3*	No	No

* Unanimous if rule protects minorities; out of order if rule protects absentees

Source: Town Meeting Time, 3rd Edition