BOARD OF SELECTMEN AGENDA
August 20, 2020 – 7:00 P.M.
Sandwich Town Hall at 130 Main Street & Via Remote Participation Software

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. c.30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation of the number of people that may gather in one place, this meeting of the Town of Sandwich Board of Selectmen will be conducted via remote participation to the greatest extent possible. Special information and the general guidelines for remote participation by the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town's website, at www.sandwichmass.org. For this meeting, members of the public who wish to listen and watch the meeting may do so via the Sandwich Community Television website, at www.sandwichcommunitytv.org. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town’s website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting. Thank you for your consideration and understanding during this unique public health emergency.

1. Convene Open Session
2. Pledge of Allegiance
3. Review & Approval of Minutes – 8/6/20
4. Town Manager Report
5. Correspondence / Statements / Announcements / Future Items / Follow-up
6. Request for Special Farmer Winery License to Sell – Artis Winery – Pembroke, MA, Jacquelyn Groepen, Manager – 2020 Sandwich Farmers Market
7. Old Business
   - COVID-19 Updates – Historic District Committee Permitting, Forestdale Fire Station Auction, Internal Testing Plans, Potential Return to In-Person Meetings
   - Legislative Updates on Sandwich Special Acts
   - Army Corps of Engineers – Section 111 Report Update & Related Beach Restoration Matters
   - Other Matters Not Reasonably Anticipated by the Chairman

[Signature]
[Date]
8. New Business
   - Quarterly Donation Acceptance – 2nd Quarter 2020
   - Request for Use of Town Properties – Exploration of Potential License or Lease Agreements; Staff’s Planned Handling of Town Counsel Advice & Internal Recommendations
   - Report on Any Approved Vendor & Payroll Warrants
   - Other Matters Not Reasonably Anticipated by the Chairman

9. Public Comment – publiccomment@sandwichmass.org

10. Closing Remarks

11. Adjournment

**NEXT MEETING:** 9/3/20

[Signature]

5/18/2020
Present: D. Sampson, M. Miller, B. George, S. Hoctor, C. Holden
G. Dunham, Town Manager; Heather Harper, Assistant Town Manager
Others Present: Chris Wilson, Christopher Kirrane, Paul Hilton, Amy Lipkind, Don DiGiacomo

Mr. Miller opened the meeting at 7:05 PM by reading the March 12, 2020 Executive Order from Governor Baker suspending certain portions of the Open Meeting Law. There will be no in-person attendance for Selectmen’s meetings, however the meeting will be live-streamed and comments from the public will be taken through technologic means.

PLEDGE OF ALLEGIANCE

REVIEW AND APPROVAL OF MINUTES
Mr. Sampson moved to approve the Selectmen meeting minutes from July 23, 2020. Mr. Holden seconded. Approved unanimously by roll call vote.

PUBLIC FORUM

None.

TOWN MANAGER REPORT
1. There will be a Board meeting on August 20. Mr. Dunham is working on the agenda.
2. On August 17, the general contractor will begin work on 100 Rte. 6A. The demo is done.
3. Mr. Tilton requested funding for generator work at the DPW barn from FEMA funds. The generator needs upgrading. He requested $30,000 but needs to send more information into FEMA. He is hoping to receive the grant within the next six months.

CORRESPONDENCE/STATEMENTS/ANNOUNCEMENT
Mr. Miller reported attending the Eagle Scout ceremony in the Legion pavilion. Tyler Schultz and Nathan Zylich gave good presentations. Over the years, there have been 67 Eagle Scouts from this troop. They have plaques and would like to find a place to mount them permanently. Mr. Miller also mentioned that the crosswalk near the fish hatchery has no warning; the State might want to look at it. Mr. Sampson reported that he connected Mr. Dunham with Mr. Forget at Upper Cape Tech. The school is looking for projects – possibly the gazebo near the Wing School. Mr. George reported that 1,000 people came to the food give-away; there was lots of food and happy people. Mr. Holden reported on the Ice Cream Sandwich event. The distributor of the Ice Cream offered a donation of $1,500 to the food pantry on behalf of the Town.

STAFF MEETING
Request for Entertainment License – 2 Jarves Street – Mr. Kirrane stated that Mr. Wilson is requesting an entertainment license for 2 Jarves St. There are two applications for the same location: one in the name of the gallery, and the other in the name of the Seal. The reason for the two applications is that the Seal has an alcohol license for that location, so there must be an occupancy permit from the Building Department; the permit is not yet available and Mr. Wilson would like to start the entertainment, so the other application is in the name of the gallery, which does not have an alcohol license, so occupancy permit is not necessary. Only
one of the licenses will be used, subject to the Seal’s obtaining the occupancy permit. The music will be jazz-type music, mostly inside, but some outside similar to the Brown Jug. There will not be a DJ. There was no application in the packet, but it was received and sent to the Board today. Mr. George reviewed the application and said it looked appropriate.

Questions from the Board: Mr. Hoctor expressed some confusion about the actual request. Mr. Kirrane clarified that the two applications are for the same property, but different license holders are listed and the final holder of the license would be pending the occupancy permit. Mr. Sampson has concerns about the apparent convoluted process, because the facts seem to change; the Board needs to be able to trust the applicant. Mr. Kirrane said that Mr. Wilson has never been cited for a liquor license violation and should be judged on the merits of the application. Mr. Miller said so long as it is clear in the license agreement, the Town would have recourse if there is a problem. If the occupancy permit is approved, the license would be held by the Seal; if not, the license would be held by the gallery. Whichever one is initiated, the other will be relinquished. Mr. Hoctor expressed concern that it appears that not all the pieces are in place; Mr. Dunham says this happens fairly frequently.

Mr. Hoctor moved to approve both license applications for entertainment license with a stipulation that if approved, the second one would be returned to the Town, and contingent on the occupancy permit for the Seal. Seconded by Mr. George. Approved by roll call vote, with Mr. Sampson voting against.

Request to Extend Existing Entertainment License to Outdoor Seating area at 290 Rte. 130 Sandwich Taverna, Thanos Gossios: Mr. Gossios was not in attendance at the meeting and Mr. Hoctor thought the Board had agreed that any license applicant should come before the Board personally. Mr. Sampson contacted Mr. Gossios by phone and he said he had been unaware he had to attend the meeting. He is looking to allow an acoustic guitar player and televisions on the main patio outside.

Questions from the Board: Mr. Miller said he had been to the site and wondered where the musician would be placed. Mr. Gossios said there are two possibilities – back against the building facing the street or facing the building, whichever causes less infringement on other tenants in the plaza. The hours will be 9 PM to Midnight. Mr. George said it will be similar to what is being done at Fisherman’s View. Mr. Holden asked if there would be fewer than three instruments. Mr. Gossios will confirm that and stated there will be no amplifier used. If there are any changes he will email everyone; he is just looking to build his business.

Mr. George moved to approve extending the existing license at the Taverna to the outside seating area with instruments to be no more than three. Mr. Hoctor seconded. Approved unanimously by roll call vote.

OLD BUSINESS

FY ’21 Budget Update: Mr. Dunham reported that there has been no official word from the State. He has been notified that the Chapter 70 projections will include $850,000 more than the current amount, mainly to address opening costs associated with the pandemic. It is also likely that unrestricted government aid level in the discretionary aid will be level funded. The charter and school assessment amounts are really important, but he doesn’t have any information on them at present. The budget planned for level funding the large accounts, so it is possible that if we receive extra funds, a Town Meeting would be required to appropriate it. Departments have capital needs that have not been addressed and department heads would like them revisited if there is a Town Meeting. Mr. Dunham said he will consult with Town Counsel about what to do if there are additional funds to appropriate. Mr. Miller asked what those needs might be, but Mr. Dunham is not sure. There will be information coming. He also asked whether part of the $850,000 has been restricted to certain expenses and Mr. Dunham said that these restrictions might apply to nearly all of the increase.

Disposition of the Wing School, Land Development Agreement, Cape Cod Collaborative Lease, Waiver of Uniform Relocation Act: Ms. Harper reported that the Land Development Agreement has been drafted and the attorney for the developer is looking at it. The terms are important for the developer to move forward
with the design and project but the agreement will not be executed until the transfer of the property is close. Paul Hilton and Amy Lipkind are on the call to discuss the Collaborative lease. The lease will be between the Collaborative and the Board of Selectmen, but the care and custody is under the School Department, similar to the last lease. There have been some COVID-related protections added. The lease has been reviewed by both Town and Collaborative Counsel. The Collaborative agreed to sign the Uniform Relocation Act waiver. Mr. Hilton thanked the Board and said the Collaborative will continue to maintain the property.

Questions from the Board: Mr. George asked if the Collaborative would stay until constructions begins; Ms. Harper said the end date is December 31, 2021. If the process is slower, then the Board could extend the lease. Mr. Hoctor asked who would be responsible if there were a catastrophic failure of equipment in the building. Would the Town need to find another location for the Collaborative? Ms. Harper said the Town will not be responsible for relocation. Mr. Hilton said the Collaborative has relocation insurance. There was a boiler failure in March that cost $19,000, so it should be good for four to five years. The Collaborative will do other small maintenance. The School Department might have other policies. Mr. Holden asked if it would be more practical for the Collaborative to terminate the agreement, what happens? Ms. Harper said the lease gives room for proration of rent. Mr. Miller asked if the developer is not ready but everyone is out of the building on December 31, what happens. Ms. Harper said the school remains the custodian of the building until the end of that fiscal year. They are working on a memorandum to address this.

Mr. George moved to accept the lease as presented from July 1, 2020 to December 31, 2021. Seconded by Mr. Hoctor. Approved unanimously by roll call vote.

School Committee Interim Appointment Process: Mr. Miller talked with Don DiGiacomo, School Committee Chair, about the process for appointing a new interim School Committee member. Mr. DiGiacomo would like to fill the position as soon as possible. Town Meeting approved a joint appointment with the School Committee and the Board of Selectmen. Town Counsel is comfortable going ahead with the process. Taylor White said there is not a process in place, but the Committee could interview candidates and send a recommendation to the Board. The Board would then vote to appoint. There is a problem with this process as there are many candidates (8 candidates). Selectmen have asked the School Committee to do the interviews and recommend three to be interviewed by the Board for final appointment. Mr. DiGiacomo would like to send only one recommendation. Mr. Sampson said Town Meeting voted to follow Massachusetts General Law for the process, where the School Committee and Selectmen vote at the same time. He is suggesting scheduling a joint meeting to interview candidates and vote at the same meeting. This is an important position and Mr. DiGiacomo would like to see the process go forward quickly. Mr. Holden supported the proposal as being a reasonable compromise. Mr. Dunham added that whoever is at the joint meeting will be able to vote and there is no need to have a quorum. There will need to be a roll call vote.

Mr. Sampson moved that the selection process for the school committee member be modified such that a joint meeting of the Selectmen and School Committee occurs with any candidates to be interviewed in public session followed by a roll call vote of all of the present members. Seconded by Mr. Holden. Approved unanimously by roll call vote. The final vote would occur at the joint meeting. A joint meeting will be scheduled. Mr. Miller asked Ms. Harper if consistent questions needed to be asked of each candidate. It is also probable that the School Committee might have different questions. Questions could be sent to the candidates. Mr. George asked Mr. DiGiacomo about school arrangements during COVID-19. He is concerned about whether most students will wear a mask and that maybe beginning with all remote learning would be preferable until things quiet down. There will be a formal presentation at the next School Committee meeting; the State has said it wants three different plans in place. There was an extension until August 13 to have the plans ready, but the guidance changes daily. Dr. Gould has been in touch with the COVID team about health concerns. A remote option will be available to all students. If a student wanted to change the method of delivery, the parent would need to notify the School Department of the change. The School is trying to accommodate student and family preferences to the best of their ability. Students’ interests are a priority.
Other Old Business not Reasonably Anticipated: None

NEW BUSINESS

Execute Conservation Restriction – 0 Old County Rd. and 247 Old County Road: Mr. Dunham reported that there had been a change in how conservation restrictions are handled; it used to be that Town Meeting had to approve it, but now the Conservation Commission and the Board of Selectmen can execute the restriction. The Conservation Commission voted unanimously to approve the restriction. This is an expanded restriction related to land donated to the Compact by its owner, Mr. Parsegian. The map (enclosed) dates back to the 1950s. The property is primarily marsh, and the Cape Cod Compact of Conservation Trust worked with the Sandwich Conservation Trust to acquire the piece. Lot #1 would be buildable, but would be restricted. Mr. Hoctor asked if this would adversely affect abutters – no. Mr. Miller asked about public access – Lot 2, but not Lot 1. This is not Town conservation land, but is under the care and custody of the Sandwich Conservation Trust.

Mr. George moved to execute the conservation restriction at 0 Old County Rd. and 247 Old County Rd. as written and pending review by Town Counsel. Mr. Holden seconded. Approved unanimously by roll call vote.

Other New Business not Reasonably Anticipated: Mr. George has heard complaints from people on North Shore Boulevard about people gathering near the area, with the public overflowing onto private property. The Town will not enforce property boundaries. There is a sign on North Shore Blvd. and other signs have been ordered. Identifying the boundaries is not an exact science. Mr. George said that residents have been complaining about hundreds of people having parties and not social distancing, as well as crossing onto private property. He thinks boundaries should be better identified and that signs should remind people of the private beach nearby and to respect private property.

Mr. Hoctor asked about the size and scope of the coir rolls in front of private beach property and whether the Town would be putting sand near there. Mr. Dunham said that they need to comply with conservation conditions and that the renourishment would include that area, so long as the landowners agree to granting an easement to be signed after Corps’ approval of the job. The easement would be for governmental agencies, improvements to the work being done, and required scientific monitoring. Mr. Hoctor is concerned that if the taxpayers are paying for the sand, then the area should be accessible to taxpayers. Mr. Dunham explained that there is a boundary between private and Town owned property and there is beach in front of these properties for taxpayers, but there will not be access through the private properties. Mr. Riccio will come to a Board meeting when the report is finalized. The Board will need to push the federal delegation for the dredging piece.

PUBLIC FORUM

None.

CLOSING REMARKS

None.

ADJOURNMENT

Mr. George moved to adjourn the meeting. Mr. Hoctor seconded. The meeting was adjourned at 8:35 PM.
Respectfully submitted,

[Signature]

Susan James

Supporting Documents:
Entertainment License - 2 Jarvis St. (3 pages)
Budget Information (7 pages)
Collaborative Lease (17 pages)
Land Development Agreement (2 pages)
School Committee Appointment (10 pages)
Conservation Restriction (24 pages)
APPLICATION FOR A SPECIAL FARMER WINERY LICENSE TO SELL
M.G.L. Ch. 138, Section 15f

Name or Names of Applicant: Jacqueline Grooper

Farm Winery Legal Name: Arts Winery LLC

D/B/A:

Address: 300 Oak Street, Corporate Park Dr #470, Pembroke, MA 02359

Primary Contact and Phone Number: Jacqueline Grooper, 617-650-3422

Name of Agricultural Event: Sandwich Farmers Market

Contact Name and Number of Event Coordinator: Joseph Beaulieu, 508-796-9209

Location of Event: 33 Water Street

Items for Date/Sampling: White, Rose and Red Wines to be sold. No Sampling at this time.

Dates and Times: Each Tuesday from 10am-1pm until October 13

Type of Business (check one) Sole Proprietor Partnership (inc. LLP) Trust

✓ Corporation (inc. LLC) Other

If Sole Proprietor:

Owner’s Name

Address with Zip Code Phone

If Partnership, Trust or Corporation (Attach additional sheets as needed):

Partner’s/Member’s/President’s Name: Jacqueline Grooper, Managing Member

Address: PO Box 81, Nor’ Woodsfield MA 02059

Partner’s/Member’s/Secretary’s Name: Keryn Schuke, Member

Address: PO Box 81, Nor’ Woodsfield MA 02059

Partner’s/Member’s/Treasurer’s Name

Address

1 Town of Sandwich Special Farmer Winery License to Sell
Have you ever obtained a special farmer winery license to sell before? Y ☑ No _____

If yes, list event(s): Chatham Farmers Market, Kingston Farmers Market, Plymouth Farmers Market, Braintree Farmers Market

Have you ever had a special farmer winery license denied, revoked, or suspended? Y _____ No ☑

If yes, explain:

- Attach proof of certification that the applicant is a Farmer Winery.
- Attach proof of certification that the event is an Agricultural Event.

I hereby state that all the information provided on this application is true and accurate, and I understand that any information that is found to be false or misleading may result in the forfeiture of this license. This license will be subject to all of the terms, conditions, and limitations as set forth by the Town of Sandwich, any applicable State and Federal laws, and any conditions prescribed by the Town of Sandwich.

Signature of Applicant* ___________________________ Date: 8/9/20

*Electronic Signature - Typing your FULL NAME represents your signature

Print Name: Jacquelyn Grover Phone: 617-650-3412

E-mail: armstrong@msn.com Secondary Phone: ________

OFFICE USE:

Application Received by: ___________________________

Police Department sign-off Yes ______ No ______

Fire Department sign-off Yes ______ No ______

Certificate of Insurance received Yes ______ No ______

Farm Winery Certification received Yes ______ No ______

Agricultural Event Certification received Yes ______ No ______

Board of Selectmen Approval ___________________________

License # and date license issued ___________________________

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2 Town of Sandwich Special Farmer Winery License to Sell
August 6, 2020

Jacquelyn Groeper
Artis Winery
P.O. Box 81
North Marshfield, MA 02059

Re: Sandwich Farmers Market 2020

Dear Jacquelyn Groeper:

Please be advised that your application for certification of the Sandwich Farmers Market, on Tuesdays from June 30, 2020 to October 13, 2020 and from 10:00am to 1:00pm, as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

Please remember that, upon certification of an agricultural event by MDAR, the farm-winery must submit a copy of the approved application to the local licensing authority along with the application for obtaining a special license from the city or town in which the event will be held. Upon issuance of a special license, the winery should confirm that a copy of the special license was sent by the local licensing authority to the Alcoholic Beverages Control Commission (ABCC) at least seven (7) days prior to the event.

Sincerely,

[Signature]

John Lebeaux, Commissioner
Section 15F. Notwithstanding any other provision of chapter 138, in any city or town wherein the granting of licenses to sell wine is authorized under this chapter, the local licensing authority may issue to an applicant authorized to operate a farmer-winery under section 19B or in any other state, a special license for the sale of wine produced by or for the licensee in sealed containers for off-premise consumption at an indoor or outdoor agricultural event. All sales of wine shall be conducted by an agent, representative, or solicitor of the licensee to customers who are at least 21 years of age. A licensee under this section may provide, without charge, samples of wine to prospective customers at an indoor or outdoor agricultural event. All samples of wine shall be served by an agent, representative, or solicitor of the licensee to individuals who are at least 21 years of age and all samples shall be consumed in the presence of such agent, representative, or solicitor of the licensee; provided, however, that no sample shall exceed one (1) ounce of wine and no more than 5 samples shall be served to an individual prospective customer. For the purposes of this section, the term "agricultural event" shall be limited to those events certified by the department of agricultural resources as set forth in this section.

An applicant for a special license under this section shall first submit a plan to the department of agricultural resources that shall demonstrate that the event is an agricultural event. The plan shall include a description of the event, the date, time and location of the event, a copy of the operational guidelines or rules for the event, written approval that the prospective licensee has been approved as a vendor at the event, including the name and contact information of the on-site manager, and a plan depicting the premises and the specific location where the license will be exercised.

Upon review of the plan, the department may certify that the event is an agricultural event; provided, however, that in making that determination, the department shall consider the following factors: (i) operation as a farmers' market or agricultural fair approved or inspected by the department; (ii) frequency and regularity of the event, including dates, times and locations; (iii) number of vendors; (iv) terms of vendor agreements; (v) presence of an on-
site manager; (vi) training of the on-site manager; (vii) operational guidelines or rules, which shall include vendor eligibility and produce source; (viii) focus of event on local agricultural products grown or produced within the market area; (ix) types of shows or exhibits, including those which are described in clause (f) of the first paragraph of section 2 of chapter 128; and (x) sponsorship or operation by an agricultural or horticultural society organized under the laws of the commonwealth, or by a local grange organization and/or association whose primary purpose is the promotion of agriculture and its allied industries. The department of agricultural resources may promulgate rules and regulations necessary for the operation, oversight, approval, and inspection of agricultural events under this section.

An applicant for a license under this section shall file with the local licensing authority along with its application proof of certification from the department of agricultural resources that the event is an agricultural event. A special license under this section shall designate the specific premises, and dates and times covered. A special license may be granted for an indoor or outdoor agricultural event which takes place on multiple dates and/or times during a single calendar year but no special license shall be granted for an agricultural event that will not take place within 1 calendar year. The special license shall be displayed conspicuously by the licensee at the licensed premises. A copy of a special license granted by the local licensing authority shall be submitted by the authority to the commission at least 7 days prior to the date the agricultural event is first scheduled to begin. The local licensing authority may charge a fee for each special license granted, but such fee shall not exceed fifty $50. A special license granted under this section shall be nontransferable to any other person, corporation, or organization and shall be clearly marked nontransferable on its face.

The commission may promulgate rules and regulations it deems appropriate to effectuate the purposes of this section.

A special license under this section may be granted by the local licensing authorities for a portion of premises that are licensed under section 12 provided that: (i) the special licensee documents the legal basis for use of the section 12 licensed premises; (ii) the area in which a special license is approved shall be physically delineated from the area remaining under the control of the section 12 license holder; (iii) the holder of the special license shall be solely liable for all activities that arise out of the special license; and (iv) the special license holder shall not pay any consideration, directly or indirectly, to the section 12 license holder for the access to or use of the section 12 licensee's premises.
Town of Sandwich
Annual Town Meeting

WARRANT

Monday, May 6, 2019
7:00 p.m. – Sandwich High School

BOARD OF SELECTMEN
David J. Sampson, Chair
Michael J. Miller, Vice-Chair
Robert J. George
Shane T. Hoctor
Susan James

FINANCE COMMITTEE
Mark I. Snyder, Chair
Charles M. Holden, Vice-Chair
Matthew D. Anderson
Gwenn H. Dyson
Daniel E. Frye
Robert Guerin
James W. Pierce
Paul J. Sylvia
Laura B. Wing

MODERATOR
Garry N. Blank
Recommended by the Board of Selectmen and Finance Committee.

ARTICLE 18
To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $48,771.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'20 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997, or take any other action relative thereto.

Recommended by the Board of Selectmen and Finance Committee.

ARTICLE 19
To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, in the form set forth below, to replace the existing special legislation establishing the Town of Sandwich Promotions Fund with new special legislation, for the primary purpose of changing the allocation of the percentage of room occupancy tax revenue that is deposited into the Fund and the percentage dedicated for other purposes, and changing the manner in which revenue from the Fund is distributed; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; and further to withdraw the home rule petition that was approved under Article 10 of the 2018 Annual Town Meeting; or take any other action relative thereto.

AN ACT RELATIVE TO THE TOWN OF SANDWICH.

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

SECTION 1. Notwithstanding the provisions of section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Sandwich is hereby authorized to establish in the town treasury a special account to be known as the promotions fund of the town of Sandwich, into which account shall be deposited certain receipts comprising a portion of the total local room occupancy tax received annually by the town under the provisions of section 3A of chapter 64G of the General Laws, as set forth in section 3 of this act, as well as any grants, gifts, or donations made to the town in furtherance of the purposes of this act.

SECTION 2. There is hereby established in the town of Sandwich a visitor services board consisting of 7 members to be appointed by the board of selectmen, 1 of whom shall be nominated by the Cape Cod canal region chamber of commerce, 1 of whom shall be nominated by the Sandwich chamber of commerce, 1 of whom shall be nominated by the Sandwich economic initiative corporation, 1 of whom shall represent
the hospitality interests within the town, and 3 of whom shall be members at large. If any of the organizations with nominating privileges hereunder cease to exist or operate, the board of selectmen may appoint in place of such nominee a member at large to serve on said visitor services board. The board of selectmen shall fill any vacancies on said visitor services board in a like manner. Said visitor services board shall be charged with the expenditure of revenue from the Fund, as appropriated by town meeting, and shall make an annual report of its doings to the board of selectmen at least thirty days prior to the date of the annual town meeting.

SECTION 3. Fifty per cent of the local option rooms excise tax collected under section 3A of chapter 64G of the General Laws by the town of Sandwich for the fiscal year beginning on July 1, after the effective date of this act and each fiscal year thereafter shall be available for appropriation for capital projects undertaken by the town for which the town is authorized to borrow for a period of five years or more. The remaining fifty per cent of the local option rooms excise tax shall be dedicated, without further appropriation, as follows: 75 per cent to the town's general fund, 10 per cent as a grant to the Sandwich chamber of commerce, 5 per cent as a grant to the canal region chamber of commerce, and 10 per cent to the promotions fund of the town of Sandwich established pursuant to section 1 of this act. The board of selectmen may adjust the allocation of the local option rooms excise tax between capital projects and the general fund as set forth in this section in the event that the total amount of the local option rooms excise tax received by the town in any fiscal year is less than the amount received by the town in the immediate preceding fiscal year.

SECTION 4. Grants provided to the Sandwich chamber of commerce and the canal region chamber of commerce shall be made annually, subject to town meeting appropriation, provided that the recipients and the town, acting by and through the visitor services board and town manager, enter into a grant agreement for the expenditure of such funds for programs and projects that enhance the beautification, recreational resources, public safety, promotional and marketing activities, events, services, and public improvements which are of clear mutual interest to the residents and visitors of the town of Sandwich, and which strengthen said town as an attractive center for tourism, conventions, and related purposes of the visitor industry. Recipients shall provide an annual report to the board of selectmen and visitor services board at least thirty days prior to the date of the annual town meeting, detailing expenditures made during the fiscal year and including a forecast of expenditures for the following fiscal year. If any of the recipients designated hereunder cease to exist, the portion of fund revenue allocated for that recipient shall be available for appropriation and expenditure by the visitor services board in accordance with section 5 of this act.

SECTION 5. Any revenue in the promotions fund for the town of Sandwich established pursuant to section 1 of this act shall be available, subject to appropriation, for expenditure by the visitor services board for the purposes set forth in section 4 of this act. Any revenue remaining in said fund at the end of the fiscal year shall be available for appropriation during the following fiscal year. Any and all contracts for services, programs and projects authorized hereunder shall be awarded and executed by the
town manager, or its designee, upon the recommendation of the visitor services board, subject to compliance with all applicable procurement laws of the commonwealth.


SECTION 7. This act shall take effect upon passage.

Recommended by the Board of Selectmen, Finance Committee, and Capital Improvement Planning Committee.

ARTICLE 20
To see if the Town will vote to authorize the Board of Selectmen to convey a perpetual non-exclusive easement to the Towns of Barnstable and/or Mashpee to allow the towns to access, install, construct, repair, replace, add to, maintain and operate sewer lines, through, under, over, across and upon all or a portion of the following described public ways located in the Town of Sandwich: Farmersville Road, Cotuit Road, Quaker Meetinghouse Road, Route 130, Jan Sebastian Drive, Snake Pond Road, Falmouth-Sandwich Road, and Service Road, upon such terms and conditions as the Board of Selectmen determine to be in the best interests of the Town, in order to facilitate the negotiation of a joint powers agreement pursuant to General Laws Chapter 40, §4A ½ among the Towns of Sandwich, Barnstable, Mashpee, Falmouth, and Bourne for the potential acquisition of, and joint use and operation of, wastewater treatment facilities located on Joint Base Cape Cod; or take any other action related thereto.

Recommended by the Board of Selectmen and Finance Committee.

ARTICLE 21
To see if the Town will vote to transfer the following described parcels of Town-owned land from the board that currently has custody of said parcels and held of their current purposes to the same custodial board and to the Board of Selectmen to be held for their current purposes and for the purpose of lease, and to authorize the Board of Selectmen to enter into long-term leases, licenses, agreements, or other contractual agreements on behalf of the Town for a term not to exceed 20 years, on such terms and conditions as the Board of Selectmen may deem to be in the best interests of the Town, for all or part of any of the Town-owned properties listed below for the purposes of developing, sponsoring, administering, installing, operating, and maintaining solar photovoltaic energy systems and supplying solar energy; and further, to authorize the Board of Selectmen to take such actions as may be necessary under Massachusetts law to effectuate said agreements; or take any action relative thereto.

Sandwich High School 365 Quaker Meetinghouse Road Map 34, Lot 2
Oak Ridge School 260 Quaker Meetinghouse Road Map 28, Lot 121-1
Forestdale School 151 Route 130 Map 17, Lot 10
CAPE COD CANAL
SECTION 111
MITIGATION TO STORM DAMAGE
ATTRIBUTABLE TO NAVIGATION WORKS
FEASIBILITY STUDY

MDM
Michael Riccio
Study Manager
New England District
May 27, 2020

US Army Corps of Engineers
1. **780,000 cubic yards** of material have eroded from the downdrift shoreline over the last 50 years.

2. **900,000 cubic yards** of material are projected to erode over the next 50 years

3. Stable/Accretionary conditions prior to the Canal’s construction (0.97-1.30 feet/year)

4. Erosional conditions after the Canal’s construction (-1.36 feet/year between 1909-2009)

5. Increased rate of erosion in recent years
   \[ \approx 0-5 \text{ feet/year across the entire study area from 1952-2000} \]
   \[ \approx 6-10 \text{ feet/year for much of the study area from 2000-2018} \]

6. Scusset Beach continues to accrete approximately 54,000 cubic yards per year as a result of the jetties interrupting alongshore sediment transport.

7. The most impacted/imminently threatened area downdrift of the Canal is the reach from the groin nearest White Cap Path to the Old Sandwich Harbor inlet.

8. The coastal analysis demonstrated that the jetties at the east end of the Canal are far and away the primary cause of erosion along the downdrift shoreline.
ALTERNATIVES ANALYSIS SUMMARY

1. All alternatives far exceed the $12.5 million Federal expenditure limit when considering long term renourishment but several alternatives can at least be constructed for under $12.5 million. Therefore the Recommended Plan will be 'one-time placement'.

2. Alternative 1P is the least-cost alternative that accomplishes the project purpose. However this alternative assumes scheduling and funding align for both the 111 and O&M maintenance dredging.

3. Alternative 1A/E optimizes the project and is the least cost per yard.

4. Alternative 1A/E results in a 50% increase in service life with an incremental cost that is 50% less per yard.

1. Long term nourishment needs should be considered and incorporated into the report to the extent that the Section 111 authority allows. There's a perpetual problem with a perpetually need to renourish.

2. Beneficially reusing material dredged from the Canal at Town Neck Beach/Spring Hill Beach significantly increases the O&M costs thus it can't be justified without additional investigation.

3. Justifying the additional costs and authorizing a deviation from the Federal Standard (Least-cost alternative) would significantly increase the scope of this study, which would increase study cost and more importantly delay the construction at a site where shoreline failure is imminent.

4. Beneficially reusing the O&M dredging material makes sense intuitively and would likely be cost justified if such an evaluation were undertaken. Therefore this avenue should be investigated in the future.
RECOMMENDED PLAN

1. Alternatives 1 A/E and G/H are the only alternatives that accomplish the project purpose, fit within the Federal Expenditure Limit of the study authority and do NOT rely on funding and scheduling alignment with a separate O&M effort in the Canal.

2. Alternative 1 A/E is not the least cost alternative but it is the least cost alternative when considering renourishment needs and per yard costs. Consequently Alternative 1 A/E optimizes the performance life of the project.

3. **Alternative 1 A/E is the Recommended Plan:** Placement of 388,000 cubic yards of material onto Town Neck Beach; to be dredged from the nearshore borrow site at Scusset Beach.

4. Due to the cause and effect relationship between the FNP and the erosion downdrift of the Canal, the perpetual nature of the problem and the limitations of the Section 111 authority, we recommend that a longer term sediment management strategy be considered that takes advantage of the recurring O&M dredging of the Canal.
August _____, 2020

Congressman William Keating  
2351 Rayburn HOB  
Washington, DC 20515

Senator Edward Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510

Senator Elizabeth Warren  
317 Hart Senate Office Building  
Washington, DC 20510

Re: Forthcoming Issuance of Section 111 Report for Sandwich/Cape Cod Canal & Request for Assistance

Dear Congressman Keating, Senator Markey, and Senator Warren:

As you know, the Town of Sandwich has been working extremely hard for more than two decades to address the ongoing beach and dune erosion and coastal sustainability issues that have adversely impacted our community, especially at Town Neck Beach. Your respective offices have been very helpful, regularly communicating with Town staff before and after major storm events. One of the primary long-term means the Town has sought to address these problems is the Section 111 authorization under the 1968 River and Harbor Act through the U.S. Army Corps of Engineers. We received this authorization early in 2017, more than a dozen years after our initial request. The commensurate required study of the obvious detrimental impacts the man-made east end Cape Cod Canal jetties have had on the proximate beach and dune system has been ongoing for almost three years and is nearing completion.

Based on very recent updates from the Army Corps and our long-time coastal engineering firm, the Woods Hole Group, it is expected the final draft Section 111 for the Cape Cod Canal will be released for public comment in September 2020. Once this final draft is released, the Army Corps has a required internal review process as well as a 30-day public comment period. We have been told the Army Corps hopes to complete these tasks and finalize the report by the end of 2020.

The assistance we need from you is as follows:

1. letters of support during the public comment period for the Section 111 recommended alternative to be implemented;
2. legislative budget support for the recommended alternative to be funded and implemented within the Army Corps operating or capital budget as soon as possible; and

3. administrative support to amend the current operations and maintenance (O&M) permit for the periodic dredging of the east end of the Cape Cod Canal to include a new requirement that all compatible material be placed on Sandwich dunes and beaches in accordance with the permits we have acquired, rather than being disposed in Cape Cod Bay.

Federal guidelines cap any expenditure of funds related to an approved Section 111 study at $12.5 million in total, regardless of how severely the government’s direct actions have impacted a resource area. The recommend alternative found in the final draft seeks to dredge 388,000 cubic yards of material from the nearshore Scusset Beach area and place the material within the beach and dune footprint on Town Neck Beach. It’s important to note that the permits to both dredge Scusset Beach and place material on Town Neck Beach were all secured by the Town after many years of effort and the expenditure of hundreds of thousands of dollars. Unfortunately, implementing the recommended alternative just one time will likely use the total $12.5 million allowed under current federal law.

To supplement this restoration effort, the Army Corps study will recommend that because the Canal impact is perpetual, a longer term sediment management strategy that takes advantage of recurring O&M dredging of the Canal would greatly help Sandwich. It’s imperative we work with all of you to amend the current O&M permit for dredging the Canal to require all compatible material to be placed within the permitted dune and beach system rather than being dumped at sea.

As our Section 111 efforts near completion, we need your assistance and leadership to secure optimal funding for the required and recommended infrastructure improvements and amend the existing Cape Cod Canal O&M dredging permit as soon as possible. We cannot stress enough how imperative it is for us to receive your support on this effort, as the future of a major portion of our community depends on it. The Town and your offices have patiently waited for the Section 111 process to reach its conclusion. Now that this milestone is upon us, we all need to act swiftly and decisively. The Board of Selectmen and I are available to assist your offices in any way we can to accomplish the three needs listed above.

Thank you again for your prior support and future anticipated assistance. If you have any questions about this request or would like to meet to discuss the details further, please don’t hesitate to contact me at 508-888-5144.

Sincerely,

George H. Dunham
Town Manager

cc: Board of Selectmen
    Director of Natural Resources
    Kirk Bosma, Woods Hole Group
    Mike Riccio, Army Corps of Engineers
May 13, 2019

Dave DeConto
Department of Natural Resources
16 Jan Sebastian Drive
Sandwich, MA 02563

Re: Proposal for Engineering and Permitting Services (Phase III) - Sandwich Old Harbor Dredging

Dear Mr. DeConto,

As a result of the conference call and webinar with regulatory agencies on April 8, 2019, Woods Hole Group recommends proceeding with engineering and permitting services for the Sandwich Old Harbor dredging project (Phase III). The conference call with the agencies included a discussion of the results from the physical processes/hydrodynamics assessment, analysis of alternatives, and impacts of dredging intertidal areas on wildlife habitat. While the regulatory agencies identified a limited set of additional data that will be required, they indicated that the project was feasible and likely permittable. Details and costs for the Phase III engineering and permitting are provided below. The work has been divided into Phase IIIA and Phase IIB. The initial Phase IIIA work includes additional analyses and consultation requested by the regulatory agencies and the final Phase IIB work includes the environmental permitting. The Phase IIB work would not proceed without authorization from the Town and completion of Phase IIIA tasks.

PHASE IIIA – Engineering Analyses, Field Investigations and Consultation with Regulatory Agencies

Task IIIA.1 – Engineering Analyses
This task will help to address questions raised by the regulatory agencies in the meeting held on April 8, 2019. Specifically, we will conduct the following sub-tasks:

1. Calculate areas of intertidal change to quantify conversion of shorebird habitat from foraging to nesting habitat. This will be evaluated at areas proposed for dredging as well as areas proposed for beach/dune enhancement.
2. Identify and map current velocities both pre- and post-project within the inlet and Mill Creek to show whether velocities will increase and have potential impacts to stability of the inlet and channel slopes on the back side of the barrier.
3. Address concerns from MA Coastal Zone Management regarding dominant directions of sediment transport along the barrier beach. This will include consultation with the Center for Coastal Studies, compilation of the latest sediment transport results from the Section 111 study, and preparation of a memorandum describing the findings.
Task IIIA.2 – Additional Field Data Collection
With the decision to extend the dredge footprint further into Mill Creek, the following additional field data collection services will be required:

Sediment Coring/Sampling
Additional sediment coring/samples will need to be collected in Mill Creek and sent to the lab for grain size analysis. For the purposes of this proposal, it is anticipated that a maximum of two (2) sediment cores will be collected. The results of the grain size analysis will determine whether or not the sediment is compatible with the native beach sand and if it can be used as nourishment or not. The cost for this task assumes the sediments will be sandy (less than 10% fine material) and that no hydrometer or chemical analyses will be required.

Shellfish Survey
Woods Hole Group will conduct a shellfish survey to identify the existing density of shellfish further inland along Mill Creek. Samples will be taken by wading and by small craft along a series of predetermined transects covering the expected areas of dredging. For each sample plot, data will be recorded with respect to species observed, number of standard species and the size of species. Dead or empty shells will also be noted. We will also describe the sediments associated with each sample (e.g., “medium grained sand”).

Task IIIA.3 – Consultation with Regulatory Agencies
Further consultation will be required to ensure coordination and compliance with the Natural Heritage Endangered Species Program (NHESP) and NOAA-Fisheries/National Marine Fisheries Service (NMFS). NHESP and NMFS expressed concerns regarding the conversion of shorebird habitat and the potential need for a Conservation and Management Permit; therefore, further consultation with these agencies is required to address these concerns. NMFS also expressed concerns regarding impacts to complex hard bottom areas, therefore, further consultation with the agency will be required to address their concerns. Information developed during Phases II and IIIA.1 will be presented to the agencies as part of the consultation process.

Task 3a.4 – Sampling and Analysis Plan Approval
Woods Hole Group will send the sampling analysis plan to Mass. Department of Environmental Protection (DEP) and the Army Corps of Engineers (ACOE) for approval. If the regulators determine that additional samples will be required, a separate proposal will be prepared and submitted to the Town for authorization.

PHASE IIIB – Engineering Design and Permitting
Task IIIB.1 – Final Engineering Design and Plans
Upon receiving agency feedback from NHESP and NOAA-Fisheries/NMFS, a final alternative will be selected and final engineering plans will be developed showing the layout of the preferred dredge location(s).

Final cross-sections will be prepared showing the elevations, slope and footprint of the proposed dredge location(s). Dredge volumes will be included on the final engineering drawings. The permit plans will be developed in a format suitable for submission with the permitting documents including the Expanded Environmental Notification Form (EENF) to be filed with Massachusetts Environmental Policy Act (MEPA), the Development of Regional Impact Report (DRI) to be filed with the Cape Cod Commission (CCC), the Notice of Intent (NOI) application to be filed with the Conservation Commission and NHESP, the Combined Water Quality Certification and Chapter 91 Permit application to be filed with DEP, the Federal Consistency Statement to be filed with Coastal Zone Management (CZM), and the Individual Permit application to be filed with ACOE.
As part of Task IIIB.1, dredge methodologies will be reviewed to determine appropriate methods and equipment for dredging in the Old Harbor Creek and Mill Creek channels.

**Task IIIB.2 – Environmental Permitting**

Based on feedback received during the Phase II conference call with regulatory agencies, the following reviews and permits will be required:

- Following the Phase II conference call with regulatory agencies, the analyst from MEPA indicated that a dredging project of this size will not qualify for an EIR Waiver, but a SEIR filing may be appropriate. Therefore, we will file a Joint EENF with a request for SEIR with MEPA and a DRI application with CCC. Copies of the Joint Expanded ENF/DRI application will be distributed to the required agencies, a public notice will be placed in the Cape Cod Times, and abutters will be notified. We will attend one Joint MEPA/CCC public hearing to present the project, answer questions, and receive comments from the public and regulatory agencies.

- It is assumed that MEPA will approve the request for a SEIR, although we will not know the full scope of the SEIR until the Secretary's Certificate on the EENF is issued. Without knowing what will be required in the SEIR, there is no way to develop a detailed budget for this portion of the permitting. The strategy will be to prepare a comprehensive permit application and EENF that provides the agencies with all the information regarding alternatives considered and associated impacts, so that the SEIR scope requires minimal work to address outstanding questions. To help the Town with this unknown requirement, we have included a planning level estimate in the budget for completion of the SEIR. Once the Secretary's Certificate is released, it may be necessary to refine the budget estimate to address the requirements from the agencies.

- Upon issuance of the MEPA Certificate for the SEIR, the remaining/formal DRI process will proceed with the CCC. This process will involve submittal of additional information specifically requested by the CCC, attendance at one public meeting, and attendance at a full meeting of the CCC.

- A NOI application with supporting documentation will be prepared and submitted to the Sandwich Conservation Commission, NHESP, Mass. Division of Marine Fisheries, and DEP Southeast Regional Office. We will attend up to two (2) public hearings with the Conservation Commission to present the project, answer questions, and receive comments from the Commission and the public. Upon issuance of an Order of Conditions, the document will be recorded at the Barnstable County Registry of Deeds.

- A Combined 401 Water Quality Certification and Chapter 91 Permit application will be prepared and submitted to the DEP. All supporting documentation will be provided including details of the sediment sampling and laboratory testing. A joint Chapter 91 and Water Quality public notice will be published in the Cape Cod Times. Waterfront abutters and regulatory agencies will be identified and notified of the public notice via certified mail. Woods Hole Group will follow review of the permit application with DEP to address comments received and ensure timely issuance of the permit.

- A Federal Consistency Statement will be prepared and submitted to MACZM. The statement will address consistency of the proposed project with the Coastal Program Polices of CZM.
Group will provide coordination for review of the consistency statement with CZM staff to ensure timely issuance of the approval.

- An application for an ACOE Individual Permit will be prepared and submitted to the New England Division. Notification of the project application will be sent to the Massachusetts Historical Commission, the Bureau of Underwater Archeological Resources, and the appropriate Indian Tribal organization. Woods Hole Group will follow review of the permit application with the ACOE to address comments and ensure timely issuance of the permit.

**Task IIB.3 – Project Management and Agency Coordination**
This task includes time to correspond and coordinate with entities involved in the project (e.g., permitting agencies, representatives for the Town of Sandwich) and for coordination of project resources to keep the work on-schedule and on-budget.

**SCHEDULE**
Woods Hole Group, Inc. understands the Town of Sandwich intends to have Phase III completed in the timeliest manner possible. We estimate that it will take approximately 3-4 months to complete Phase IIA. Because of the uncertainties associated with preparation of the SEIR, it is not possible to provide a timeline for completion of all permitting in Task IIB.2. For the initial permitting through submittal of the EENN/Draft DRI application we estimate an additional 4 months. Once the Secretary’s Certificate is issued on the EENN, the schedule will be updated to reflect time required for the final permitting.

**COST ESTIMATE**
Woods Hole Group estimated the costs for Phase III tasks (excluding the costs for a Single EIR and the remaining/formal DRI process) on a lump sum basis and have provided them in the table below.

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<tr>
<th>Phase III Tasks</th>
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<th>Cost</th>
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<td>IIA.1</td>
<td>Engineering Analyses</td>
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<td>IIA.2</td>
<td>Additional Field Data Collection</td>
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<td>Consultation with Regulatory Agencies</td>
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<td>IIB.3</td>
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<td><strong>Total Phase III Cost</strong></td>
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<td><strong>$95,435</strong></td>
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*As stated above, for planning purposes only, the estimated costs for the Single EIR are an additional $40,000 and $15,000-18,000 for the remaining/formal DRI process. Once the scope has been determined by MEPA for the Single EIR, a separate cost and proposal will be provided to the Town. If the CCC determines that additional/supplemental is required for their remaining/formal process, a separate cost and proposal will also be provided to the Town.
We appreciate your consideration of this proposal, and look forward to the opportunity to continue our work together and advancing this important project. Please feel free to contact us directly with any questions or requirements for additional information.

Sincerely,

The Woods Hole Group, Inc.

[Signature]

Matt Shultz, PE
Senior Coastal Engineer

[Signature]

Leslie Fields, CMF
Senior Coastal Geologist
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<th>DEPARTMENT</th>
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**TOTAL:** $20,842.48

**APPROVED:**

**DATE:**
# BOARD OF SELECTMEN MEETING SCHEDULE
## SUMMER & FALL 2020

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