

# TOWN OF SANDWICH

THE OLDEST TOWN ON CAPE COD

130 MAIN STREET  
SANDWICH, MA 02563

TEL: 508-888-4910 AND 508-888-5144

FAX: 508-833-8045

E-MAIL: [selectmen@townofsandwich.net](mailto:selectmen@townofsandwich.net)

E-MAIL: [townhall@townofsandwich.net](mailto:townhall@townofsandwich.net)



BOARD OF  
SELECTMEN

TOWN  
MANAGER

## SANDWICH BOARD OF SELECTMEN AGENDA December 17, 2015 – 7:00 P.M. Sandwich Town Hall – 130 Main Street

1. Convene Meeting & Pledge of Allegiance
2. Review & Approval of Minutes
3. Public Forum (*15 Minutes*)
4. Town Manager Report
5. Correspondence / Statements / Announcements / Future Items / Follow-up (*10 Minutes*)
6. Staff Meeting (*45 Minutes*)
  - Linell Grundman – Barnstable County Substance Abuse Committee Efforts
  
  - 7:30 P.M. Public Hearing: Transfer of All Alcohol Common Victualler Liquor License – On the Shore, Inc. d/b/a Holly Ridge Club, 121 Country Club Road – Jennifer O'Connor, Proposed Manager
  
  - Director of Natural Resources Mark Galkowski – Acceptance of Easement from 103 Wood Avenue Extension; Update on Army Corps of Engineers Cape Cod Canal Dredging & Town Neck Beach Reconstruction Project; Town Neck Parking Lot Closures During Construction; Etc.
7. Old Business (30 Minutes)
  - FY'17 Budget – Selectmen Operating Budget Direction, Capital Budget, Etc.
  - Selectmen Ch. 70 Budgeting Policy
  - NRG Canal 3 Repowering Project – Zoning Waiver Request
  - Draft Summary of Bourne / Sandwich Sticker Reciprocity
  - Selectmen Winter Meeting Schedule – January 7 & 21 Executive Sessions
  - Other Matters Not Reasonably Anticipated by the Chairman
8. New Business (*5 Minutes*)
  - Recommended Alternate Appointments to Old King's Highway Historic District Committee – Linda Haller & Rich Claytor
  - Other Matters Not Reasonably Anticipated by the Chairman
9. Public Forum (*15 Minutes*)
10. Closing Remarks
11. Adjournment

**NEXT MEETING:** Thursday, January 7, 2016, 7:00 P.M., Town Hall

**Barnstable County Regional Substance Abuse Council  
Governance Statement  
Adopted 9-3-15**

**I. Vision and Purpose**

Barnstable County will have a coordinated and comprehensive regional approach to substance abuse across the continuum of prevention, treatment, intervention, and recovery.

The core functions of the Barnstable County Regional Substance Abuse Council are to:

- Establish and maintain a Cape-wide Regional Substance Abuse Council
- Establish a legislative and advocacy plan to effect policy change
- Facilitate funding and support of identified regional priorities
- Establish a communication strategy
- Support evidenced-based and promising practices and programs
- Provide surveillance, information management, and technical assistance

**II. Structure and Roles**

The Council is comprised of town and community leaders from across Barnstable County who are working to address the issue of substance use on Cape Cod.

**i. Leadership**

Recognizing that collaboration is needed to combat substance use, the County Commissioners shall appoint co-chairs representing the public and private sectors.

Co-Chairs are responsible for convening the RSAC, Advisory Committee, and monitoring progress on implementation of the Action Plan and Work Groups.

**ii. Advisory Committee**

The Advisory Committee shall be comprised of the following:

- Co-Chairs
- Chairs of the Work Groups
- Parent support group representative
- Person in recovery
- Treatment provider
- School representative
- Community Health Center representative
- Barnstable County Sheriff
- District Attorney
- Elected Official

The Advisory Committee shall meet periodically and is primarily responsible for reviewing progress on the Action Plan and communicating the Council's advocacy agenda. New representatives and vacancies shall be added to the Regional Substance Abuse Council by invitation of the Advisory Committee.

### **iii. Council Representatives**

The Regional Substance Abuse Council has multi-sector representation from stakeholders and organizations working on the issue of substance use in Barnstable County. A list of the sectors represented on the Council is found in Exhibit A.

Council Representatives:

- Support the core functions and principles of the Council
- Participate in at least 2/3 of regularly scheduled meetings
- Share information with the RSAC on topics of interest, resources, trends or research
- Act as the point of contact for two- way communication between the town or organization they represent and the Council
- Provide guidance and advice on the issues of substance use and addiction
- Provide feedback on the Action Plan and deliverables
- Assist with implementing the Action Plan and recommendations of the Council by participating on at least one Working Group

### **iv. Work Groups**

The role of the Work Groups is to implement the strategies identified in the Regional Action Plan. There shall be Work Groups addressing Prevention, Intervention (Harm Reduction), Treatment, and Recovery. Each Work Group shall have co- chairs approved by RSAC Leadership.

Work Groups are comprised of Council Representatives, grant funded partners, and other members of the public who are interested in participating and supporting the work of the RSAC.

The Department of Human Services will staff the Work Groups.

### **III. Decision Making.**

The Council strives to make decisions by consensus. Consensus is defined as a collective opinion or general accord. In circumstances where consensus is not reached, decisions are made by a simple majority vote when quorum is present.

#### **IV. Communication**

The Council utilizes a number of communication tools, including:

- Regular Council meetings
- Email and E-Newsletters
- Website
- Publishing reports to community
- Database of resources and information
- Social media

#### **V. Open Meeting Law**

The Council is subject to Open Meeting Law.

#### **VI. Amendments.**

This document will be reviewed periodically and updated as needed by the Council

Exhibit A

Barnstable County Regional Substance Abuse Council (2015)

\* new seat 9-3-15

At – Large Seats (4-6)

Barnstable County Commissioner (1- Convener)

Barnstable County Department of Human Services (1)

Barnstable County Drug Court (1)

Barnstable County Public Health Nurse (1)

Barnstable County Sheriff (1)

Cape and Islands District Attorney's Office (1)

Cape Cod Community College (1)

Cape Cod HealthCare (2)

\*Chamber of Commerce (1)

Community Health Centers (1)

\*Department of Mental Health (1)

\*Department of Children and Families (1)

Elected Officials (3) Hunt, Keating, Wolf

\*Faith Community (1)

Gosnold on Cape Cod (2)

Harm Reduction Provider (1)

\*Parent Support Group (1)

Physician (1)

Police/EMS (2)

Probation Department (1)

Recovery Supports (2)

School Adjustment Counselors (1)

School Nurses (1)

School Superintendents (1)

Town/Local Coalitions (up to 15) \* reps from each town/ if a town has a substance use coalition there will be an appointee from that committee to sit on the Regional Council

\*Wampanoag Tribe (1)

\*Young Adult/ in Recovery (1)

Youth Serving Org (1)

## Barnstable County Regional Substance Abuse Council Members

First Name	Last Name	Title	Company/Organization
Beth	Albert	Director	Barnstable County Dep. Of Human Services
Roger	Allen	Clinical Director, Inmate Services	Barnstable County Sheriff's Department
Deirdre	Arvidson	Public Health Nurse	Barnstable County Dept. of Health & Environment
Cheryl	Bartlett	Executive Director	CCHC Office of Health Initiatives
Ronald	Bergstrom	Speaker	Assembly of Delegates
Shaun	Cahill	Youth Program Director	Barnstable Sheriff's Office
Karen	Cardeira	Director, Falmouth Human Services	Falmouth Substance Abuse Commission
Dennis	Cunningham	Community Representative	Town of Wellfleet
Sarah	Cushing	Town Councilor	Town of Barnstable
John	Fortes		MOAR: Mass Organization for Addiction Recovery
Chris	Greeley		Yarmouth Police Drug Awareness Committee
Elisabeth	Griffin	School Adjustment Counselor	Upper Cape Technical High School
Linell	Grundman	Human Services Advisory Committee	Sandwich Human Services Advisory Committee
Thomas	Guerino	Town Administrator	Bourne Town Hall
Lisa	Guyon	Community Benefits	Cape Cod Healthcare
Paul	Hilton	Executive Director	Cape Cod Collaborative
Randall	Hoskinson, Jr.	Clinical Research Program Director	Brown University
Sheila	House	Youth Counselor	Harwich Town Hall
Randy	Hunt	Representative	5th Barnstable District
John M.	Julian	Judge	Barnstable District Drug Court
Edward	Kulhawik	Police Chief	Eastham Police Department
Mary	LeClair	Former County Commissioner	Mashpee Cares
Sheila	Lyons	County Commissioner, Chair	Barnstable County Commissioners
Donna	Mello	Harm Reduction Manager	AIDS Support Group of Cape Cod
Patty	Mitrokostas	Prevention Program Director	Gosnold on Cape Cod
Andrew	Nelson	District Representative	Office of Congressman Keating (Non-Voting)
Heidi	Nelson	CEO	Duffy Health Center
Edye	Nesmith	Interim Director	Cape Cod Council of Churches
Gerry	Panuczak	Human Resources Director	Chatham Town Hall
Ruth	Provost	Director	Boys & Girls Club of Cape Cod
Kathy	Quatromoni	Programs Director	C&I District Attorney's Office
Carolyn	Rains	Nursing Supervisor	Sandwich Public Schools
Brian	Robbins	Director	Hyannis Peer Recovery Center
Sue	Rohrbach	District Director	Office of Senator Dan Wolf
Judy	Scarafile		Cape Cod Chamber of Commerce
Sean	Sheehan	Assistant Chief Probation Officer	Barnstable First District Court
Ray	Tamasi	Executive Director	Gosnold on Cape Cod
Sam	Tarplin		"What Happened Here: Untold Story of Addiction"
Gail	Wilson	Director	Mashpee Human Services
Regina	Yarouch	Adjunct Professor	Cape Cod Community College, Arts & Communication

Staff: Vaira Harik, Samantha Kossow, Jessica McHugh - MOAPC Coordinator and Jennifer Schmidt - SAPC Program Specialist

Technical Assistance:

Carl Alves, MasTAPP

**SANDWICH BOARD OF SELECTMEN  
PUBLIC HEARING**

In accordance with M.G.L. Ch. 138, the Sandwich Board of Selectmen will hold a public hearing on Thursday, December 17, 2015 at 7:30 p.m. in the Sandwich Town Hall, 130 Main Street, Sandwich, MA to consider the transfer of the Annual All Alcohol Common Victualler License of Middleton Golf Course II, Inc. d/b/a Holly Ridge Club, William George, Manager to On the Shore, Inc. d/b/a Holly Ridge Club, Jennifer O'Connor, Manager, 121 Country Club Road, Sandwich. Licensed premises: two story building, first floor, cellar and grounds to be licensed. One main room (1,600 sq. ft) one storage room, cellar for storage, one front entrance and one side exit and one rear exit per patio attached to the building. Grounds of the golf course. Anyone wishing to be heard on the subject will be afforded an opportunity at that time.

Frank Pannorfi, Chairman  
Board of Selectmen

I conducted a background on the applicants. Based on the information I was able to obtain, there is no reason to deny the applicants. A triple III, certificate of compliance, were both in good standing.

The new owners are moving to Sandwich December 2015 to a residence at 22 Dillingham Avenue There is a commitment on the financing. The current owners, background was done when they had purchased the property.

At this point, I see no reasons to deny the approval at the local level. However, the Alcohol Beverage Control Commission, also will have to approve the transfer.



Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street, First Floor  
 Boston, MA 02114

PETITION FOR TRANSFER OF OWNERSHIP, TRANSFER OF STOCK, NEW OFFICER(S),  
 DIRECTOR(S), STOCKHOLDER(S) AND LLC MANAGER(S)

1074000008

ABCC License Number

SANDWICH

City/Town

The licensee A. Middleton Golf Course, Inc. dba Holly Ridge Club and the proposed transferee B. On the Shore Inc. dba Holly Ridge Club respectfully petition the Licensing Authorities to approve the following transfer of ownership. Any Corporation, LLC or Association, Partnership, Individual, Sole Proprietor Listed in box (A.) must submit a certificate of good standing from the Massachusetts Department of Revenue (DOR).

Is the PRESENT licensee a Corporation/LLC listed in box (A.), duly registered under the laws of the Commonwealth of Massachusetts?

Yes  No If YES, please list the officers, directors and stockholders, their residences, and shares owned by each.

Name	Title	Address	Stock or % Owned
<del>*CONTINUED ON ADDITIONAL SPACE PAGE</del>			
William W. George	Pres., Director	6 Old South Main Street, Middleton, MA 01949	35%
Steven A. Tricca	Vice Pres, Director	4 Riverview Drive, Newburyport, MA 01950	35%
Katherine A. Brown	Director	83 South Main Street, Middleton, MA 01949	10%
Janet B. Parker f/k/a Tricca	Director	79 South Main Street, Middleton, MA 01949	10%
Sarah B. George	Clerk, Director	6 Old South Main Street, Middleton, MA 01949	10%

Is the PROPOSED transferee a Corporation/LLC listed in box (B.), duly registered under the laws of the Commonwealth of Massachusetts?

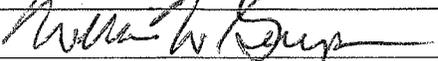
Yes  No

TO: (Place an \* before the name of each DIRECTOR/LLC Manager.)

Name	Title	Address	Stock or % Owned
Jennifer Webster O'Connor	President and Director	c/o Nutter, PO Box 1630, Hyannis, MA 02601	50%
Joseph O'Connor	Treasurer and Director	c/o Nutter, PO Box 1630, Hyannis, MA 02601	50%

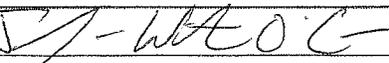
The above named proposed transferee hereby joins in this petition for transfer of said license.

SIGNATURE OF LAST-APPROVED LICENSEE:

  
 (If a Corporation/LLC, by its authorized representative)

Date Signed 10-31-15

SIGNATURE OF PROPOSED TRANSFEEE:



Additional Space

Please note which question you are using this space for.

Present Licensee officers and directors, continued:

Linda J. Lacroix, Treasurer and Director, 16 Theresa Ave., Salem, NH 03079

George L. Lavoie, Director, 203 Summerhaze Ct., Ormond Beach, FL 32174

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

SANDWICH

1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual) On the Shore, Inc.

B. Business Name (if different) : d/b/a Holly Ridge Golf

C. Manager of Record: Jennifer and Joseph O'Connor

D. ABCC License Number (for existing licenses only) : 1074000008

E. Address of Licensed Premises: 121 Country Club Road

City/Town: Sandwich

State: MA

Zip: 02563

F. Business Phone: 508-428-5577

G. Cell Phone:

H. Email: jenniferlwebster14@gmail.com

I. Website: www.hollyridgegolf.com

J. Mailing address (If different from E.): SAME AS ABOVE

City/Town:

State:

Zip:

2. TRANSACTION:

- New License
- New Officer/Director
- Transfer of Stock
- Issuance of Stock
- Pledge of Stock
- Transfer of License
- New Stockholder
- Management/Operating Agreement
- Pledge of License

The following transactions must be processed as new licenses:

- Seasonal to Annual
- (6) Day to (7)-Day License
- Wine & Malt to All Alcohol

IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

3. TYPE OF LICENSE:

- \$12 Restaurant
- \$12 Hotel
- \$12 Club
- \$12 Veterans Club
- \$12 Continuing Care Retirement Community
- \$12 General On-Premises
- \$12 Tavern (No Sundays)
- \$15 Package Store

4. LICENSE CATEGORY:

- All Alcoholic Beverages
- Wines & Malt Beverages
- Wines
- Malt
- Wine & Malt Beverages with Cordials/Liqueurs Permit

5. LICENSE CLASS:

- Annual
- Seasonal

**6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)**

NAME:   
ADDRESS:   
CITY/TOWN:  STATE:  ZIP CODE:   
CONTACT PHONE NUMBER:  FAX NUMBER:   
EMAIL:

**7. DESCRIPTION OF PREMISES:**

Please provide a complete description of the premises. Please note that this must be identical to the description on the Form 43. **Your description MUST include: number of floors, number of rooms on each floor, any outdoor areas to be included in licensed area, and total square footage.** i.e.: "Three story building, first floor to be licensed, 3 rooms, 1 entrance 2 exits (3200 sq ft); outdoor patio (1200 sq ft); Basement for storage (1200 sq ft). Total sq ft = 5600."

Total Square Footage:  Number of Entrances:  Number of Exits:   
Occupancy Number:  Seating Capacity:

IMPORTANT ATTACHMENTS (2): The applicant must attach a floor plan with dimensions and square footage for each floor & room.

**8. OCCUPANCY OF PREMISES:**

By what right does the applicant have possession and/or legal occupancy of the premises?

IMPORTANT ATTACHMENTS (3): The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises. Other:

Landlord is a(n):  Other:

Name:  Phone:

Address:  City/Town:  State:  Zip:

Initial Lease Term: Beginning Date  Ending Date

Renewal Term:  Options/Extensions at:  Years Each

Rent:  Per Year Rent:  Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?  
Yes  No

If Yes, Landlord Entity must be listed in Question # 10 of this application.

If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

**9. LICENSE STRUCTURE:**

The Applicant is a(n):

Other:

If the applicant is a Corporation or LLC, complete the following:

Date of Incorporation/Organization:

State of Incorporation/Organization:

Is the Corporation publicly traded? Yes  No

**10. INTERESTS IN THIS LICENSE:**

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license.

IMPORTANT ATTACHMENTS (4):

A. All individuals or entities listed below are required to complete a Personal Information Form.

B. All shareholders, LLC members or other individuals with any ownership in this license must complete a CORI Release Form (unless they are a landlord entity)

Name	All Titles and Positions	Specific % Owned	Other Beneficial Interest
Jennifer Webster O'Connor	President and Director	50%	
Joseph O'Connor	Treasurer and Director	50%	

\*If additional space is needed, please use last page.

**11. EXISTING INTEREST IN OTHER LICENSES:**

Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list said interest below:

Name	License Type	Licensee Name & Address
	<input type="text" value="Please Select"/>	

\*If additional space is needed, please use last page.

ON THE SHORE, INC.

WRITTEN CONSENT OF BOARD OF DIRECTORS

Effective Date: November 4, 2015

The undersigned, being all of the members of the Board of Directors of On The Shore, Inc., a Massachusetts corporation (the "Company"), do hereby take, pursuant to that certain Asset Purchase and Sale Agreement, dated as of October 28, 2015, by and among (i) William W. George, Steven A. Tricca, Katharine A. Brown, Janet B. Parker and Sarah B. George, as Trustees of the Holly Ridge Golf Club Nominee Trust, created pursuant to a Declaration of Trust dated February 6, 1995 and recorded with the Barnstable County Registry of Deeds at Book 9558, Page 279, (ii) Middleton Golf Course II, Inc., a Massachusetts corporation ("Middleton"), (iii) Blue Water Golf, LLC, a Massachusetts limited liability company, and (iv) the Company, the following actions by written consent and without a meeting, which such actions shall have the same force and effect as if duly adopted at a meeting duly called and held:

RESOLVED: That the transfer of the Common Victualer Alcoholic Beverages License, granted by the Licensing Board of The Town of Sandwich, Massachusetts to Middleton d/b/a Holly Ridge Club on December 1, 2014, a copy of which is attached hereto as Exhibit A (the "License"), from Middleton to the Company (the "Transfer") is hereby authorized and approved;

RESOLVED: That, upon the Transfer, the naming of Jennifer Webster O'Connor and Joseph O'Connor as the "Managers" of the Company on the License is hereby authorized and approved;

RESOLVED: That to secure payment and performance by the Company of its obligations with respect to a proposed financing to be obtained from Rockland Trust Company and U.S. Small Business Administration (collectively, the "Lenders"), the Company be, and hereby is, authorized and directed to pledge and grant to the Lenders a security interest in and to the License and other inventory related to the operation of the Company;

RESOLVED: That the President, Treasurer and Secretary of the Company (the "Authorized Officers") are, and any one of them acting individually hereby is, authorized and directed, in the name and on behalf of the Company, to do or cause to be done any and all acts and to execute and deliver any and all certificates, documents, papers and instruments as the Authorized Officers, or any one of them acting individually, may determine to be necessary, convenient or desirable and in the best interests of the Company in order to carry out the intent of the foregoing resolutions, the determination of which shall be conclusively presumed by such action or execution thereof;

RESOLVED: That the execution and delivery of a signature page hereto via facsimile or electronic transmission shall constitute the execution and delivery of the

instrument as if an original signature had been received by the Company;  
and

RESOLVED: That this consent instrument shall be filed with the records of the  
Company.

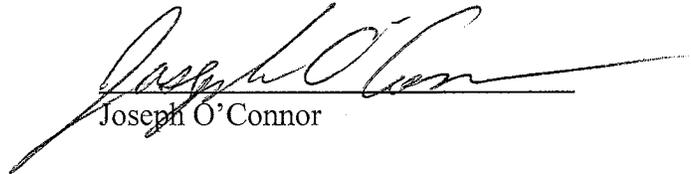
[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the undersigned have executed this Written Consent of On The Shore, Inc. as of the date first written above.

DIRECTORS:

A handwritten signature in black ink, appearing to read "J.W.O.C.", written over a horizontal line.

Jennifer Webster O'Connor

A handwritten signature in black ink, appearing to read "Joseph O'Connor", written over a horizontal line.

Joseph O'Connor

## Dunham, George

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**From:** Vicki Marsh <VMarsh@k-plaw.com>  
**Sent:** Monday, December 14, 2015 1:34 PM  
**To:** Galkowski, Mark  
**Cc:** Dunham, George; Lapp, Doug; John Giorgio  
**Subject:** Town Neck Beach Project  
**Attachments:** KP-#523763-v2-SAND-Grant\_of\_Easement-\_103\_Wood\_Avenue-\_DOC; KP-#537706-v1-SAND-Acceptance\_of\_Easement-\_103\_Wood\_Avenue.DOC

Mark-

Enclosed please find the following documents for the Town Neck Beach Restoration Project:

1. Grant of Easement over 103 Wood Avenue; and
2. Acceptance of Easement.

Please have the property owners of 103 Wood Avenue execute the Grant of Easement to the Town for the beach restoration project as shown on the Plan referenced in the Easement. The Easement is in the same form as was originally drafted for the original Project, except that I have deleted the reference to a 204 Project and changed the title to f the plan to reference the new plan of the Project. It still provides the easement for the same purposes as in the original easement. Please have a reduced copy of the plan attached to the Easement as Exhibit B. Once the Property Owners have executed the Easement, then the Board of Selectmen may execute the Acceptance of Easement.

After the Easement and the Acceptance of Easement have been executed, then please forward to me the original executed documents with a certified copy of the Town Meeting Vote of Article 1, of the August 31, 2015 Special Town Meeting. I will then have the documents recorded with the Registry of Deeds.

If you have any questions concerning this matter, please feel free to contact me.

Vicki

Vicki S. Marsh, Esq.  
**KOPELMAN AND PAIGE, P.C.**  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 556 0007  
F: (617) 654 1735  
[vmarsh@k-plaw.com](mailto:vmarsh@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

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## GRANT OF EASEMENT

**Bruce R. Harshorn and Meryden Kirby**, having a mailing address of P.O. Box 2125, Sandwich, Massachusetts 02563 (the "Grantor"), including Grantor's heirs, successors, assigns, or lessees, hereby grants to the **Town of Sandwich**, a Massachusetts municipal corporation acting by and through its Board of Selectmen, having an address of Sandwich Town Hall, 130 Main Street, Sandwich, Massachusetts 02563, and its representatives, agents, contractors, and invitees (the "Grantee") (Grantor and Grantee are collectively hereinafter referred to as the "Parties"), with Quitclaim Covenants, a perpetual easement of the nature and character as set forth below, over a portion of the Grantor's property in Sandwich, Massachusetts, which property is located at 103 Wood Avenue, Sandwich (the "Property") and described more particularly in Exhibit A attached hereto and incorporated herein, and which portion of Grantor's Property subject to this Grant of Easement is described more particularly in Exhibit A (the "Easement Area").

### WITNESSETH:

WHEREAS, the Grantor is the owner in fee simple of the Property more particularly described in Exhibit A; and

WHEREAS, the Property is situated on Town Neck Beach, Massachusetts, which is under the care custody and control of the Grantee, with natural, scenic, and open space areas with resource values of great importance to the People of the Town of Sandwich; and

WHEREAS, Town Neck Beach has sustained significant damage over the last several years, thereby causing the deterioration and erosion of the Town Neck Beach and affecting nearby properties, including the Property, to such an extent that there exists a legitimate potential danger to public safety and to the properties abutting the Town Neck Beach; and

WHEREAS, the Grantee is undertaking a beach nourishment project (as described more particularly below, the "Project"), shown on the plan entitled "Maintenance and Advance Maintenance Dredging and Disposal, Cape Cod Canal and Town Neck Beach, Sandwich, Massachusetts," dated September 11, 2015, prepared by U.S. Army Corps of Engineers (the "Plan") and shown on a reduced copy attached hereto as Exhibit B and incorporated herein; and

WHEREAS, in order to carry out the beach nourishment Project, Grantee needs to enter upon and use a portion of the Grantor's Property for such purposes as construction, enhancement, restoration, monitoring, and maintenance and other such uses as reasonably necessary to perform the beach and dune nourishment Project; and

WHEREAS, the Grantor is amenable to allowing Grantee access to and use of the Easement Area, as the Grantor has received, or will receive, a direct benefit from said publicly-funded beach nourishment Project.

NOW, THEREFORE, for no consideration, the Grantor hereby voluntarily grants and conveys to the Grantee a perpetual easement over the Property of the nature and character and to the extent hereinafter set forth:

1. Perpetual Beach Storm Damage Reduction Easement: The Grantor hereby grants a perpetual and assignable easement and right-of-way in, on, over and across the Easement Area described in Exhibit A and shown on said Plan, for use by the Grantee, its representatives, agents, employees, invited governmental agencies, contractors, successors and assigns to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach (a dune system) and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms (and dunes); to nourish and re-nourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incidental to the construction, periodic re-nourishment and maintenance of the Project, together with the right of public use and access; (to plant vegetation on said dunes and berms; to erect, maintain and remove silt screens and sand fences; to facilitate preservation of dunes and vegetation through the limitation of access to dune areas); to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the Easement Area; reserving, however, to the Grantor, their heirs, successors and assigns, the right to construct dune overwalk structures in accordance with any applicable Federal, State or local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension or function, and that prior approval of the plans and specifications for such structures is obtained from the Grantee and provided further that such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation and replacement of the Project; and further reserving to the Grantor, their heirs, successors and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

2. The rights under this Grant of Easement shall commence on the date it is filed with the Barnstable Registry District of the Land Court (the "Commencement Date").

3. The Parties agree that nothing herein, or any work performed in connection with this Grant of Easement, shall create any obligation, duty or warranty on the part of the Town of Sandwich to future repairs, maintenance or any other liabilities in connection with the Property and the improvements constructed thereon.

4. These easements granted herein shall run with the land for the term stated herein and shall be binding upon the Grantor and the Grantor's heirs, successors and assigns.

Executed under seal this \_\_\_\_ day of \_\_\_\_\_ 2015.

GRANTOR:

\_\_\_\_\_  
Bruce R. Harshorn

\_\_\_\_\_  
Meryden Kirby

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_  
On this \_\_\_\_ day of \_\_\_\_\_ 2015, before me, the undersigned notary public, personally appeared Bruce R. Harshorn and Meryden Kirby, who proved to me through satisfactory evidence of identification, which is: \_\_\_\_\_, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily.

\_\_\_\_\_  
Notary Public  
Printed Name:  
My Commission Expires:

## EXHIBIT A

### DESCRIPTION OF PROPERTY AND EASEMENT AREA

The Grantor's Property is the parcel of land located at 103 Wood Avenue, Sandwich, Massachusetts, which Property is described more particularly in Certificate of Title No. 146982 filed with Barnstable Registry District of the Land Court and shown as Lot 5 on Land Court Plan No. 37568-B. The Property includes the Way shown on said Land Court Plan No. 37568-B which is also shown on Assessor's Map 89 as Parcel 127.

The Easement Area commences on the northerly boundary line of the Property, where it abuts land of the Town of Sandwich known as Town Neck Beach, and extends southerly into the Property as shown on said Plan.

EXHIBIT B

PLAN

ACCEPTANCE OF EASEMENT

The undersigned Board of Selectmen of the Town of Sandwich hereby accept the foregoing easement pursuant to the authority granted to us by the vote under Article 1 of the Special Town Meeting of August 31, 2015, a certified copy of which is attached hereto, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

TOWN OF SANDWICH  
BOARD OF SELECTMEN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, a member of the Town of Sandwich Board of Selectmen, who proved to me by satisfactory evidence of identification, being personal knowledge of the identity of the signatory, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Board of Selectmen of the Town of Sandwich.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

**DRAFT – BOARD OF SELECTMEN – DECEMBER 3, 2015**

Budget motion:

**Mrs. James moved that, at least to start, we would look at 2 ½% but I think no higher than overall increase of the 3% that Bud has here.** Assumptions have worked well over number of years in fact we have not had to go back for to the townspeople override in many years means this plan is working. **We recommend budget assumption sand this as it stands no higher than 3% for both segments. Excluding the Voke. Mr. Vitacco seconded. Mrs. James, Mr. Vitacco so moved. Mr. Ellis, Mr. Pannorfi, Mr. Beauchemin opposed. Motion fails.**

Mr. Pannorfi said he understanding of the motion is to start both municipal and school not to exceed 3%. Mrs. James said if want to start lower find. This means no override. No changes to box # or recommendations to Bud's police reorganization. Mr. Dunham said the police reorganization does not change number of employees or budget.

**Mr. Pannorfi moved made a motion to start with a level services budget and cap at 3% and see what we get from both municipal and schools.** The Board questioned why this is different. Mr. Pannorfi said to look at level services and if that produces 4% or 4.5% then they need to come back with a recommended level services for 3%. Mrs. James stated you don't get level services for 3% if they say level services is 4%. If level services comes out more than 3% you do not get level services you get decreased services. Mr. Pannorfi said he is trying to qualify to start with last year not what they need today. Our interpretation of level services is different.

**Mr. Ellis moved to authorize Town Manager to develop a budget that stays within the limits of Prop 2 ½% and presents extraordinary expenses above that limit outside the budget as a policy decision for Board in the future to identify things that need to be done for both municipal and school. Mrs. James seconded. Mr. Vitacco asked for clarification where Mr. Ellis is going with emotion because 3% is within the 2 ½%, are you giving them more latitude? Mr. Elis said yes so they have the opportunity as managers to identify within the budget where those expenditures would be in excess. Mr. Ellis, Mrs. James, Mr. Vitacco, Mr. Pannorfi so moved. Mr. Beauchemin opposed. Motion passes 4 ayes to 1 opposed.**

**PROJECTED REVENUES AND EXPENSES - FY'17**

**REVENUES**

<u>FY'17 Tax Levy:</u>			
FY'16 Levy Limit	54,242,318		
2.5% Increase	1,356,058		
Est. New Growth	500,000		
Excess Levy Reserve Est.	0		
Overrides / Exclusions	0		
County Assess. Outside 2.5: CCC	166,918		
Debt Outside 2.5 (- Non-Levy & SBA)	971,991	57,237,285	
<u>Other Revenue:</u>			
Land Bank / CPA Debt	1,453,638		
Marina Debt	210,000		
Mass. School Building Authority Funds	1,279,534		
State Aid: Discretionary (-7.50%)	1,852,026		
State Ch. 70 Aid: School (0.00%)	6,740,018		
Est. Local Receipts ( <u>Includes</u> Meals Tax)	4,400,000		
Surplus Revenue / Free Cash	1,763,451		
Overlay Release	100,000		
Transfer from Stabilization Fund	0	<u>17,798,667</u>	
<b>Total Estimated Revenues</b>		75,035,952	

**EXPENSES**

<u>ReCap Sheet Items:</u>			
State Assess: Tuition Assess (10.00%)	3,592,317		
State Assess: All Other (3.00%+CCRTA)	602,985		
Abatements / Overlay	400,000		
FY'16 Snow & Ice Deficit	150,000		4,745,302
<u>Town Meeting Items:</u>			
Group Health Insur.+ Mitig. Plan (7.50%)	9,970,625		
County Retirement Assess. (7.50%)	3,383,398		
Property & Liability Insurance (2.50%)	861,000		
Medicare (6.00%)	636,000		
Unemployment Account	100,000		
OPEB Trust Fund	100,000		
Debt: Long Term	4,360,974		
Debt: Short Term	50,000		
Reserve Fund	500,000		
Capital Budget - Net	500,000		
Transfer to Stabilization Fund	0		20,461,997
<u>Operating Budgets:</u>			
School Budget: Local (3.00%)	24,977,500		
Ch. 70 (0.00%)	6,740,018		31,717,518
UCCRVTS Budget (7.50%)			2,202,860
General Gov't. Budget (3.00%)			<u>15,805,511</u>
<b>Total Estimated Expenses</b>			74,933,188

<b><u>Stabilization Fund Balance:</u></b>	
Actual Balance on 7/1/15:	1,224,369
Proposed Transfer From/To Stabilization Fund:	500,000
Projected Post ATM Balance:	1,724,369

**ESTIMATED FY'17 BUDGET BALANCE** 102,764

# TOWN OF SANDWICH

THE OLDEST TOWN ON CAPE COD

130 MAIN STREET  
SANDWICH, MA 02563

TEL: 508-888-4910 AND 508-888-5144

FAX: 508-833-8045

EMAIL: selectmen@townofsandwich.net



BOARD OF  
SELECTMEN

TOWN  
ADMINISTRATOR

September 21, 2006

Dana Barrette, Chairman  
Sandwich School Committee

Hank Sennott, Chairman  
Sandwich Finance Committee

Re: Standard Operating Procedure for School Department Annual Budgeting  
Process

Dear Honorable Chairmen:

There has been an extended debate regarding how the Fiscal Year 2007 budget was developed—in particular how the School Department appropriation was calculated. We acknowledge that there is some confusion related to this issue and this letter lays out how we plan to conduct the fiscal year 2008 and future years' budgeting exercises. In no way does this standard operating procedure impinge upon the Finance Committee's right to develop its own budget, as allowed by the Town Charter, nor does it intend to limit the deliberations of any committee/board while developing a budget.

Beginning with the Fiscal Year 2006 budget, the Town was instructed by the Department of Revenue (DOR) to abandon a practice long used to provide town meeting voters with "20-20 hindsight" when appropriating increases in Chapter 70 funding. That practice included holding a Special Town Meeting within the May Annual Town Meeting to appropriate any additional Chapter 70 funds received in the current fiscal year. This procedure was deemed inadvisable and the Town was required to begin forecasting its entire School Department budget prior to setting the tax rate in December of each fiscal year.

We support continuing this "20-20 hindsight" concept while complying with the requirements of the DOR by scheduling a late summer or early fall Town Meeting each year, after the release of the State's "Cherry Sheet," to appropriate any increases in Chapter 70 funding. The Special Town Meeting warrant may include additional appropriation articles and other articles as necessary to conduct the Town's business.

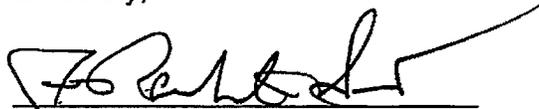
What this means to the annual budget development exercise is:

- 1) The planned increase of the local contribution to the School Department's operating budget will be consistent with the town's long range plan as updated each year by the Board of Selectmen.
- 2) No increase in appropriations will be assumed relative to the prior year's Chapter 70 funding. That is, the normal procedure will be to level fund anticipated Chapter 70 revenues as well as the appropriation of those funds.

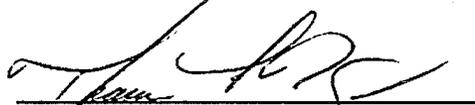
Specifically for the Fiscal Year 2008 budget, the local contribution to the School Department's operating budget will be \$22,085,287, which is a 4% increase over the Fiscal Year 2007 budgeted local contribution of \$21,235,853. The Fiscal Year 2007 budgeted local contribution was, in turn, a 4% increase over the Fiscal Year 2006 actual local contribution of \$20,419,089 which, combined with the \$5,651,356 of Chapter 70 funds received, equals the School's FY2006 operating budget of \$26,070,445.

We hope this clarifies the process we will conduct for developing our Fiscal Year 2008 budgets and provides guidance consistent with the Town's Long Range Plan that will help the School Committee plan for its FY2008 expenditures.

Sincerely,



Randy Hunt, Chairman



Tom Keyes, Vice Chairman



Doug Dexter, Selectman



Adam Chaprales, Selectman



Frank Pannorfi, Selectman

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BOARD OF  
SELECTMEN

TOWN  
MANAGER

December 10, 2015

Mr. Thomas E. Atkins  
NRG Canal 3 Development LLC  
9 Freezer Road  
Sandwich, MA 02563

**Re:** Petition of NRG Canal 3 Development LLC – Town of Sandwich Support for Exemption from Zoning By-laws

Dear Mr. Atkins:

Town of Sandwich staff has met several times with representatives from NRG Canal 3 Development LLC ("Canal 3") to discuss NRG's plans to construct a highly efficient, fast-starting, peak electric generating facility on the existing 52-acre Canal Generating Station site in Sandwich, Massachusetts. The proposed Canal 3 facility is intended to provide additional needed capacity to the Southeast Massachusetts/Rhode Island load zone in the Independent System Operator-New England electric grid to help meet energy demand during peak times and is strongly supported by the Town of Sandwich. This support also stems from the tangible public health and environmental improvements that will come with a modern generation facility.

Canal 3 representatives have explained that NRG plans to seek zoning relief through the Department of Public Utilities ("DPU") pursuant to the provisions of M.G.L. c.40A, §3 to exempt Canal 3's construction and operation from the requirements of the Town of Sandwich Protective Zoning By-laws. Town staff has considered the uncertainties and delays that would occur if Sandwich's zoning by-laws were applied to the facility, especially in light of the comprehensive review that the project will be required to undergo by the Energy Facilities Siting Board ("EFSB") and the Cape Cod Commission ("CCC"). We have also increased our understanding of the zoning exemption process and Canal 3's need for the exemption.

As Town Manager, I believe that any concerns our public officials and residents may have with Canal 3's construction and operation can be addressed during the EFSB and CCC review processes outside of the permitting specified in our local zoning. One of the reasons for this belief is the sheer size of the proposal which is so much larger than what our existing local bylaws and other regional regulations allow. It would be virtually impossible for NRG to construct Canal 3 and receive zoning variances of the magnitude needed. For example, Sandwich has a 45' height restriction on buildings in the relevant zoning district, yet the existing NRG Canal Units 1 & 2 have a building height in excess of 200' and exhaust stack height greater than 500'. Even though the infrastructure proposed with Canal 3 is much less obtrusive than the existing units, it will still be much higher than 45', with a proposed stack height of 220'.

Another reason for my support of the zoning waiver is the role the EFSB fulfills in looking out for the greater energy needs of our region. This greater public good threshold outweighs the local concerns typically encountered with more standard developments proposed in Sandwich. The type of fast-start generating facility being proposed by NRG is desperately needed in our region and will hopefully lead to additional modernization and development of the NRG Canal site. Such additional development and modernization is not only needed for the energy demands of our region, but is also critical to the future financial health of Sandwich.

Therefore, this letter is to confirm that I and Town staff support Canal 3's plan to request a comprehensive zoning exemption from the DPU for Canal 3's construction and operation of the facility. This support is also valid for any reasonable individual exemptions that may be required. Because the Board of Selectmen has not discussed this specific topic at a Selectmen meeting, I want to stress that this letter of support for the zoning exemption is from me as Chief Administrative Officer of the Town. The Board will be placing this topic on an upcoming agenda and, if it decides to take a formal position on this exemption, I will be sure to send you a second letter identifying the Board's position.

If you have any questions, please feel free to contact me. Thank you again for taking so much time to keep Town staff updated on Canal 3's development plans.

Sincerely yours,



George H. Dunham  
Town Manager

cc: Board of Selectmen  
Director of Planning & Economic Development  
Inspector of Buildings  
Director of Assessing  
Planning Board  
Zoning Board of Appeals  
Cape Cod Commission Executive Director  
Atty. John W. Giorgio, Town Counsel  
Atty. Jeffrey M. Bernstein, Special Town Energy Counsel

## **SUMMARY OF PROPOSED BOURNE / SANDWICH STICKER RECIPROCITY**

### Bourne Residents:

- The first 200 Bourne residents who request Sandwich beach parking stickers, excluding the use of Sandy Neck Beach, will pay the Sandwich resident rate for the stickers (currently \$35)
- Any Bourne residents in excess of 200 who purchase non-resident Sandwich beach parking stickers will be charged the non-resident rate (currently \$105)
- Sandwich will produce unique stickers for 200 Bourne residents
- Residential status will be determined by a motor vehicle registration registered in Bourne or a lease or utility bill for year-round rentals; no exceptions

### Sandwich Residents:

- Sandwich residents, by virtue of Chapter 127 of the Acts of 1884, are able to purchase Bourne shellfish licenses at the Bourne residential rate (currently \$35)
- The first 200 Sandwich residents who purchase Bourne shellfish licenses will be able to purchase required beach parking stickers at the Bourne resident rate (currently \$15); stickers will be valid for the shellfishing season only
- Any Sandwich residents in excess of 200 who purchase non-resident Bourne beach parking stickers will be charged the non-resident rate (currently \$50)
- Residential status will be determined by a motor vehicle registration registered in Sandwich or a lease or utility bill for year-round rentals; no exceptions

**BOARD OF SELECTMEN MEETING SCHEDULE  
FALL 2015 & WINTER 2016**

**TENTATIVE AGENDA TOPICS**

October 1	No Meeting
October 8	Meeting – CPA Projects; Beach Project & Court Case; List of STM Articles
October 15	No Meeting
October 22	Meeting – Henry T. Wing School Feasibility Study; Sign STM Warrant
October 29	No Meeting – If Needed, Sign STM Warrant
November 5	Meeting – Public Safety Planning Options
November 12	No Meeting
November 16	Special Town Meeting
November 19	Meeting – Long Range Capital Planning
November 26	No Meeting – Holiday
December 3	Meeting – Initial FY'17 Budget Meeting; School & Finance Committees
December 10	No Meeting
December 17	Meeting
December 24	No Meeting – Holiday
December 31	No Meeting – Holiday
January 7	Meeting
January 14	No Meeting
January 21	Meeting
January 28	Meeting – Town Manager FY'17 Budget Recommendation & Presentation
February 4	Meeting – FY'17 Budget
February 11	Meeting – FY'17 Budget
February 18	No Meeting – School Vacation Week
February 25	Meeting – FY'17 Budget; List of ATM Articles