

Town of Sandwich

THE OLDEST TOWN ON CAPE COD

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SANDWICH, MA 02563

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BOARD OF
SELECTMEN

TOWN
MANAGER

BOARD OF SELECTMEN AGENDA May 14, 2015 – 7:00 P.M. Sandwich Town Hall – 130 Main Street

1. Pledge of Allegiance
2. Board of Selectmen Reorganization – Selection of Chairman & Vice Chairman (*Vote*)
3. Review & Approval of Minutes (*Vote*)
4. Public Forum (*15 Minutes*)
5. Town Manager Report
6. Correspondence / Statements / Announcements / Future Items / Follow-up (*10 Minutes*)
7. Staff Meeting (*60 Minutes*)
 - Joint Base Cape Cod Commanders – General Update on JBCC Activities
 - Large-Scale Capital Planning Efforts & Discussion
 - Public Safety & Other Priorities
8. Old Business (*30 Minutes*)
 - South Sandwich Village Center Project – Proposed Cape Cod Commission Two-Party Development Agreement Process (*Vote*)
 - Private Road Taking Policy Update
 - Henry T. Wing School MOU Approved by School Committee
 - Summer 2015 Meeting Schedule
 - Other
9. New Business (*10 Minutes*)
 - Appointments to Glass Town Cultural District Steering Committee (*Vote*)
 - Other
10. Public Forum (*15 Minutes*)
11. Closing Remarks
12. Adjournment

NEXT MEETING: Thursday, May 21, 2015, 7:00 P.M., Town Hall

Dunham, George

From: Kelly, Emily Derbyshire NFG NG MAARNG (US) <emily.d.kelly2.nfg@mail.mil>
Sent: Thursday, March 26, 2015 3:22 PM
To: Dunham, George
Subject: RE: Request to be placed on the Selectmen's meeting agenda (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

We'd like to go ahead with the May 14 date if that's still available.

Thank you,
Emily

-----Original Message-----

From: Dunham, George [<mailto:gdunham@townofsandwich.net>]
Sent: Monday, March 16, 2015 3:04 PM
To: Kelly, Emily Derbyshire NFG NG MAARNG (US)
Subject: RE: Request to be placed on the Selectmen's meeting agenda (UNCLASSIFIED)

Hi Emily,

In looking ahead to May, I would say the best Selectmen meeting dates are as follows:

- * May 14, 7:00 p.m., Sandwich Town Hall - first meeting after Town election
- * May 28, 7:00 p.m., Sandwich Town Hall

Are either of these preferred by you? Thanks and hope all's well.

- Bud

From: Kelly, Emily Derbyshire NFG NG MAARNG (US)
[\[mailto:emily.d.kelly2.nfg@mail.mil\]](mailto:emily.d.kelly2.nfg@mail.mil)
Sent: Monday, March 16, 2015 9:30 AM
To: Dunham, George
Subject: Request to be placed on the Selectmen's meeting agenda

(UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Good morning,

I'd like to request time on the Sandwich Selectmen's agenda for the commanders of Joint Base Cape Cod and the JBCC Executive Director, COL Francis Magurn, to provide brief updates on the base's military missions and initiatives. We would need approximately 30 minutes on the agenda and would ask for a date in the May time frame if there's time available.

The commanders (or their designees) briefing would be from the Massachusetts Air National Guard 102nd Intelligence Wing, Massachusetts Army National Guard Training Site Camp Edwards, the US Coast Guard Air Station Cape Cod, and the US Air Force 6th Space Warning Squadron.

Please let me know if you have any questions.

Thank you,

Emily Derbyshire Kelly

Community Involvement Specialist

MANG Environmental & Readiness Center

Bldg 1204 West Inner Road

Camp Edwards, MA 02542

508-968-5146

Classification: UNCLASSIFIED

Caveats: NONE

LONG RANGE CAPITAL PLAN

November 19, 2012



BOARD OF SELECTMEN

John G. Kennan, Jr., Chairman
Ralph Vitacco, Vice Chairman
Linell Grundman
Frank Pannorfi
James Pierce

Bud Dunham, Town Manager
Doug Lapp, Assistant Town Manager

CAPITAL IMPROVEMENT PLANNING COMMITTEE

John Juros, Chairman
John Vibberts, Vice Chairman
Mike Baker
Michael Dwyer
Don Leighton
Chris Richards (Former Member)

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Section 1: Introduction and Executive Summary

Introduction

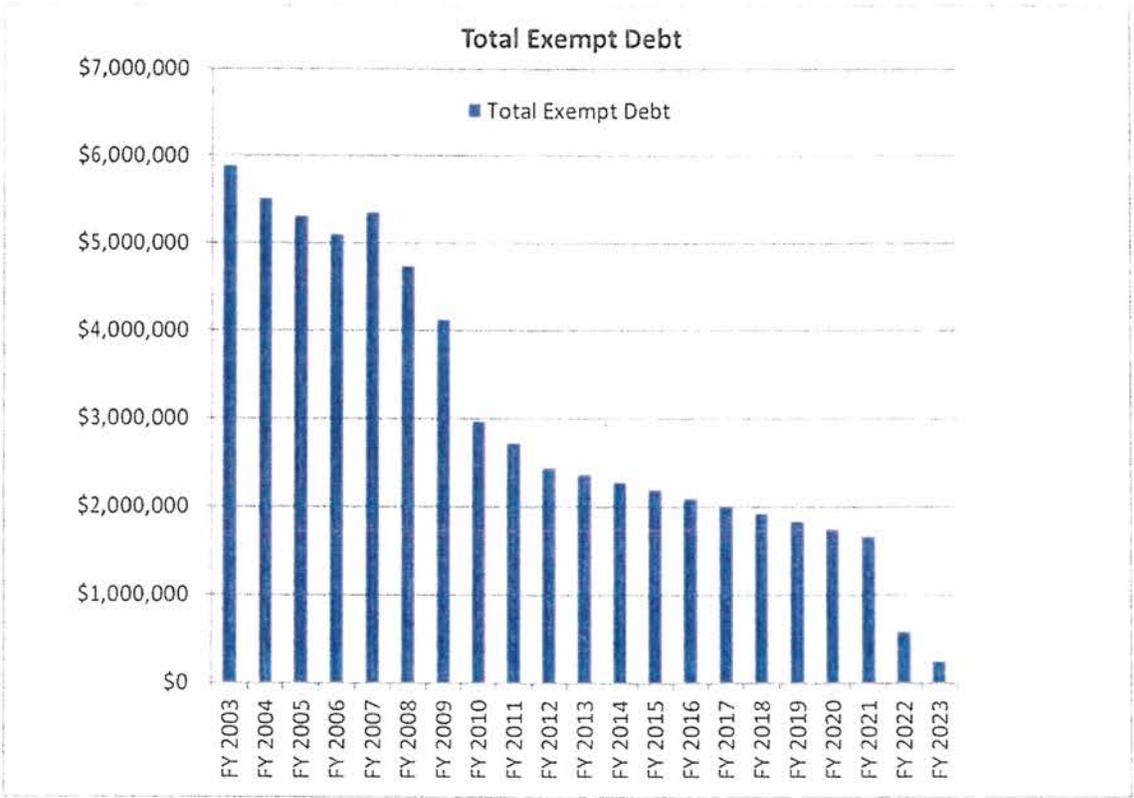
The Town of Sandwich has developed many Long Range Capital Plans and project-specific studies over the last several decades. While these plans have not been acted upon for the most part, they have been critical in raising the level of understanding about the larger capital needs of the Town and School Department. The Board of Selectmen, with the support of the Capital Improvement Planning Committee (CIPC), has identified the development of a new, comprehensive Long Range Capital Plan (LRCP) by the conclusion of 2012 as one of the primary goals of the current Long Range Plan (LRP).

It is important to point out that while there is no standard definition of the types of projects and improvements that make up a Long Range Capital Plan, the general definition we have followed is a significant project or improvement that could not be funded within the constraints of Proposition 2.5 or within the Town's existing tax levy capacity. A more detailed explanation of funding mechanisms for the projects included in this Plan is found in Section 3. These projects include the construction of new buildings, the renovation of existing buildings, and the improvement of existing public infrastructure. An example of a potential new building would be a joint public safety building. An example of renovating an existing building would be improving and reusing the Henry T. Wing School if the existing School services currently provided there were reconfigured and/or relocated to another School building. An example of improving existing public infrastructure would be a road bond and/or override to improve the condition of public roads, drainage, and other similar municipal infrastructure like access roads, parking lots, and outdoor recreation courts.

The Long Range Capital Plan does not include the replacement and purchase of vehicles, equipment and minor building repairs which are typically funded through the annual capital budget within the Town's tax levy capacity, not requiring an exclusion or override. The annual capital plan developed by the Town and approved by the Selectmen, CIPC, and Finance Committee addresses and identifies many of these needs. It should be noted that occasionally, very expensive pieces of capital equipment may need to be purchased through an exclusion. An example of this is the effort to purchase the Fire Department's ladder truck in 1992 and 1995. It's likely the eventual replacement of the existing ladder truck will need a future exclusion vote as its current replacement cost is approximately \$1.5 million.

Before identifying several needs and projects in the Long Range Capital Plan, it is important to point out why it is so critical to have a plan adopted by the Selectmen today. One of the primary reasons is because it is healthy for a community to realistically plan and project future needs and how they might be funded. The vast majority of long term capital needs are well known to Town officials and have been identified for many years. The real difficulty is determining how to fund these needs and actually implement the Plan.

The Town's debt payments outside of Proposition 2.5 have declined substantially over time. Since its recent peak in FY'07, annual debt payments have decreased by \$2.7 million by FY'13. The main reason for this significant decrease is that large School building projects – the construction of the Oak Ridge and Forestdale Schools and the major renovations to Sandwich High School – have either been fully paid off (Oak Ridge and Forestdale) or we're far enough along in the bonding schedule that annual payments have dropped over time (Sandwich High School). A chart depicting the dramatic decrease in annual debt payments since FY'07 is found below and as Attachment 1. We have also attached the Town's full Debt Schedule as it exists today as Attachment 2.



The concept of issuing new debt as previously approved debt is retired is not new. The 2005 Town of Sandwich Long Range Plan (2005 LRP) adopted by the Selectmen stated that the plan “gives the Selectmen the opportunity to prioritize projects and then schedule them when funds are available. In the case of capital building projects, this document would be used in conjunction with the Town’s debt schedule to time new capital expenditures as the debt on old ones is retired.” The 2005 LRP also set the following goal to achieve financial stability and to better manage the Town’s debt: plan future capital projects to coincide with retirement of existing debt as much as possible in order to stabilize the Town’s total debt level.

Another factor that makes the timing of this Plan so critical is the fact that the Town is very close to reaching its build out population. As explained in great detail below, Sandwich grew so rapidly from 1970 – 2000 that substantial building projects, almost exclusively School construction and renovation projects, had to be addressed. At one point in the early 1990s, Sandwich had the second largest amount of total authorized debt in the Commonwealth, behind only the City of Springfield. Now that we have approached build out, with an expected maximum future population of 28,750 based on a 30-year build out analysis in the latest Local Comprehensive Plan (p. 1-50), it’s likely that any future buildings we construct, or major renovations we undertake, will be sufficient for our maximum population in light of our current population of 22,000. This is particularly true now that it appears the 10-year trend of declining school enrollment figures will continue in the future and the possibility of reusing existing school facilities for other municipal needs is more of a reality. Attachment 3 shows the actual Town population and school enrollment figures for almost two decades.

Since the Town is so close to its projected build out population, we have a more accurate estimate of the square footage of buildings that are needed to serve this population. It’s clear that any new construction should include a reasonable amount of space to allow for future growth, but it’s also clear that the likelihood of needing substantial additions in the future to address a growing population is much less than if the buildings were constructed 20 years ago.

Yet another reason why the development of this Plan is so important at this time is the realization that the Town has, in many ways, neglected to approve the issuance of new debt to either renovate existing buildings and infrastructure or construct new ones. As identified by the primary municipal bond rating agencies, the issuance of debt is seen as a healthy sign that a community recognizes its long term infrastructure needs and takes the appropriate, responsible steps to fund these efforts for the benefit of future generations. Simply stated, towns that regularly agree to address growing

infrastructure needs are rated higher in terms of their credit ratings and are deemed healthier than towns that don't.

Today, Sandwich has the best bond rating it has ever had (AA- through Standard & Poors), interest rates to borrow money are at historic lows, and it's indisputable that the longer the Town waits to address its capital needs, the cost to do so will only increase over time. Projects that were analyzed 10-20 years ago with accurate cost estimates would cost more than double that amount today. This trend will continue in the future with public construction costs and prevailing wage rates increasing constantly.

Prior to reviewing the entire Plan, it should be noted that during the numerous, widespread capital planning efforts identified below, professional advice and input was sought from architects the Town had worked with previously, but in virtually every case, funding for these professionals was not provided, so cost figures are truly best educated estimates. The same holds true for square footage needs estimates. Except in the cases where professional architects have been retained to fully analyze space and programmatic needs and develop construction costs based on schematic design plans or detailed construction plans, it's important to remember estimates of both space requirements and project costs are purely estimates.

Finally, certain assumptions have to be made in terms of estimating construction costs, bonding rates and costs, and the commensurate impact on Town taxes. In discussing capital needs and estimated costs, the assumptions we have used in arriving at our figures, and the reasoning behind these assumptions, will be explained in greater detail in Section 6.

Executive Summary

The prioritized listing of long term capital projects and infrastructure improvements, based on the Selectmen's prioritized project list, are explained in much greater detail in the remaining sections of this Plan. In listing the prioritized rankings, we have broken out the projects into three separate groupings. The first group – Group A – represents the highest priority projects, with the Joint Public Safety Building and Public Roads & Infrastructure projects being the clear, top two priorities. Group B represents the next several projects, most of which should be reviewed as part of the recommended feasibility study on potential reuse of the Henry T. Wing School if the School Department abandons use of this building. Group C represents the least important projects. In addition to this list, the CIPC also makes five separate recommendations to the Board of Selectmen which are explained in detail immediately following the prioritized grouping of long term capital projects.

SUMMARY OF PRIORITIZED LARGE-SCALE CAPITAL PROJECTS

Group A – Top Priorities:

1. Joint Public Safety Building
2. Public Roads / Infrastructure
3. Water Resources Management
4. Beach Erosion Prevention

Group B – Secondary Priorities:

(Subject to Completion of Feasibility Study of Henry T. Wing School Re-Use)

5. Municipal Offices Consolidation
6. Henry T. Wing School Re-Use
7. School Consolidation (STEM)
8. Senior / Community Center
9. Library Facilities

Group C – Lowest Priorities:

10. Recreation Field Development Plan
11. Marina Office Building
12. Pedestrian / Bike Path Improvements

CIPC RECOMMENDATIONS TO BOARD OF SELECTMEN

1. The Board of Selectmen should proceed as soon as possible with debt exclusions for the Joint Public Safety Building and Public Roads & Infrastructure projects. These projects are the unanimous top priorities of both the Selectmen and the CIPC and are desperately needed.
2. The Board of Selectmen should support funding a feasibility study on the potential re-use of the Henry T. Wing School. Several of the projects on the LRCP list could potentially be addressed by the extensive renovation and/or construction of new space at the Henry T. Wing School if the School Committee declares the building surplus in the future. It is anticipated the cost to perform such a feasibility study based on the desired scope of work would be \$75,000.
3. In projecting future debt service obligations, the Board of Selectmen should plan on issuing new debt so it at least equals the levels funded in FY'07. The Town has not issued significant debt for several years which has led to the list of needed projects outlined in the LRCP. The only way the vast majority of these projects can be funded is through debt exclusions. Delaying project needs will undoubtedly increase costs over time. Projections of future debt exclusions are found in Section 6.
4. As required by M.G.L. c.44, §63, any funds from the sale of Town land and buildings need to be placed in a Sinking Fund, with specific restrictions on how the sale receipts can be used. The CIPC recommends that this fund only be used to pay for the issuance of new debt, not debt already issued. The Town's long range capital needs are too voluminous to spend these monies on previously issued debt.
5. The CIPC recommends a threshold be established for any New Growth over and above an amount to be determined by the Board of Selectmen, which would be dedicated for capital improvement purposes. The 10-year average of New Growth is \$550,000. Since debt payments made within the constraints of Proposition 2.5 would still need to be funded in difficult financial times, caution needs to be exercised if recurring debt payments are considered to be funded this way.

Charts of Prioritized Projects:

In addition to the criteria-based ranking effort of the CIPC, the Selectmen also prepared a prioritized ranking following a slightly different ranking system which, when totaled, ranked projects from those with the highest scores as the top priorities to those with the lowest total scores. Listed below are two charts outlining the prioritized rankings of the projects identified in Section 4 based on the thoughts of the Board of Selectmen and CIPC. The first chart represents the Selectmen's prioritized list of capital projects based on their input on what projects are most important, regardless of the ranking categories explained above. The second chart represents the ranking of the same projects based on the criteria detailed above as determined by the CIPC.

BOARD OF SELECTMEN – PRIORITIZATION OF LARGE SCALE CAPITAL NEEDS

In a preliminary ranking exercise conducted by the Board of Selectmen, Town Manager, and Assistant Town Manager, a total of 50 points was assigned to the 12 projects with 10 being the maximum number of points that could be assigned to any one project. Every project had to have an assignment of at least 1 point. The ranked results, which were presented to the CIPC to provide guidance in developing the Long Range Capital Plan recommendations, were as follows:

<u>Rank</u>	<u>Project</u>	<u>Total Score</u>	<u>Ave. Score</u>
1.	Joint Public Safety Facilities	65	9.29
2.	Public Roads / Infrastructure	56	8.00
3.	Water Resources Management	39	5.57
4.	Beach Erosion Prevention	38	5.43
5.	Municipal Offices Consolidation	27	3.86
6.	Henry T. Wing School Re-Use	24	3.43
7.	School Consolidation (STEM)	24	3.43
8.	Senior / Community Center	23	3.29
9.	Recreation Field Development Plan	18	2.57
10.	Marina Office Building	16	2.29
11.	Library Facilities	12	1.71
12.	Pedestrian / Bike Path Improvements	8	1.14

When this list is compared to the list recommended by the CIPC in the Executive Summary of the Plan, you will see that all of the projects are listed in a very similar

prioritized ranking. The CIPC's recommended list – using the three grouping of projects outlined in the Executive Summary – is as follows:

**CAPITAL IMPROVEMENT PLANNING COMMITTEE – SUMMARY OF
PRIORITIZED LARGE-SCALE CAPITAL PROJECTS**

Group A – Top Priorities:

1. Joint Public Safety Building
2. Public Roads / Infrastructure
3. Water Resources Management
4. Beach Erosion Prevention

Group B – Secondary Priorities:

(Subject to Completion of Feasibility Study of Henry T. Wing School Re-Use)

5. Municipal Offices Consolidation
6. Henry T. Wing School Re-Use
7. School Consolidation (STEM)
8. Senior / Community Center
9. Library Facilities

Group C – Lowest Priorities:

10. Recreation Field Development Plan
11. Marina Office Building
12. Pedestrian / Bike Path Improvements

The Board of Selectmen's prioritization and the CIPC's summary of prioritized projects are extremely similar, with the only real difference being the grouping of Library Facilities under the Secondary Priorities. Any potential re-use of the Henry T. Wing School can only be considered if the building is no longer used for School Department purposes based on a vote of the School Committee.

PUBLIC SAFETY PLANNING GROUP PRIORITIZED RECOMMENDATIONS

October 9, 2014 – Board of Selectmen Meeting

1. Construct joint public safety headquarters at intersection of Quaker Meetinghouse and Cotuit Roads
 - Approximately 35,000 sq. ft., a 45% size reduction since March 2012
 - Addresses current Police & Fire Station building inadequacies & operational inefficiencies
 - Largest population & call volume served

2. Construct a new Fire Department substation in East Sandwich
 - Two stories, approximately 7,300 sq. ft.
 - Sandwich High School, 377 Quaker Meetinghouse Road **OR** Station #2, 466 Route 6A
 - PSPG recommends Sandwich High School location for response optimization & cost savings

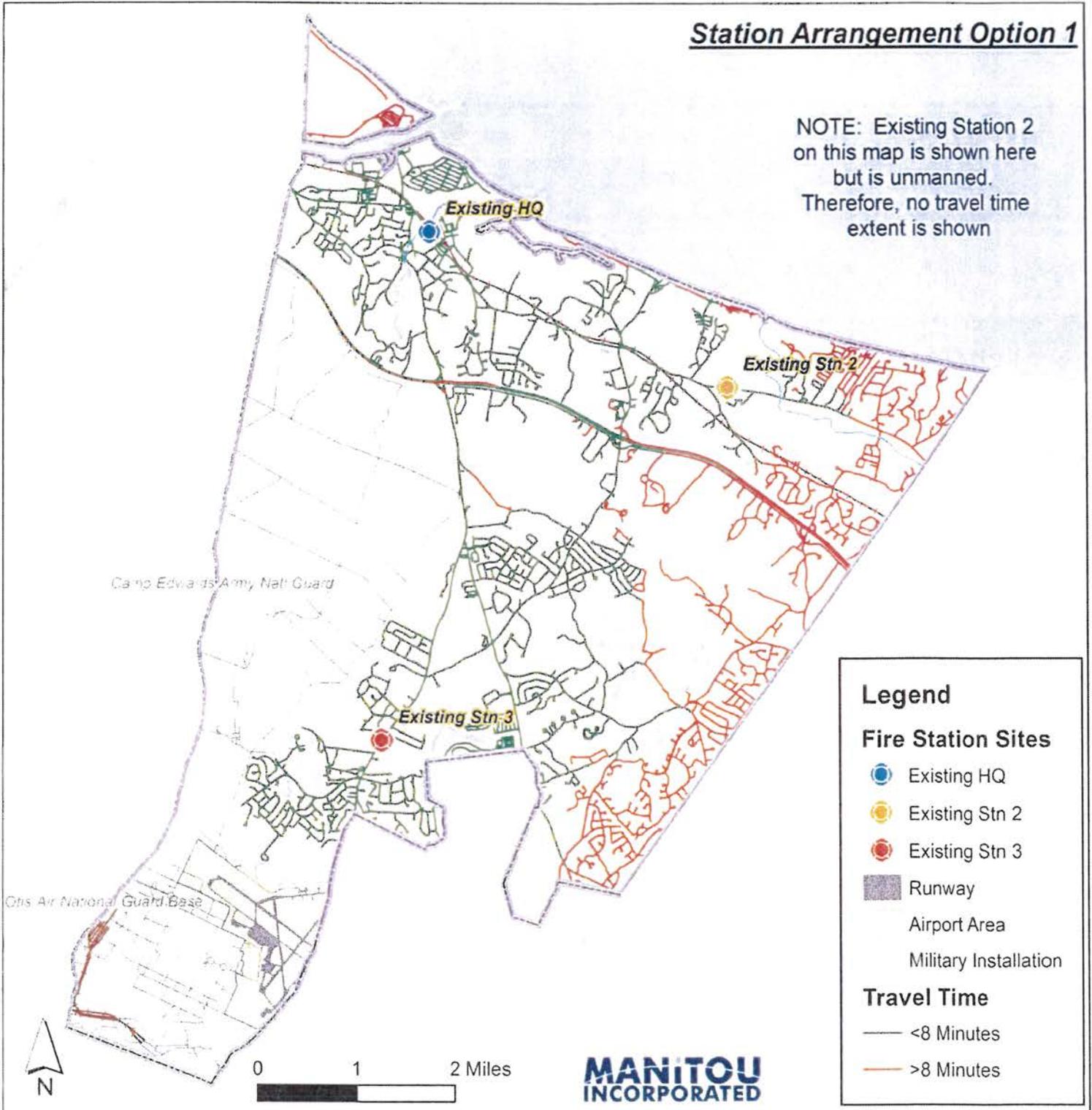
3. Retain existing Fire Department headquarters to be used & renovated as a substation in the short term
 - Longer term goal of new substation near DPW facility on Route 130
 - Once Police Station vacated building could be offered to Sandwich Chamber of Commerce & SEIC

4. Immediate FY'16 staffing plan goal regardless of any new buildings
 - (1) Police Detective
 - (4) Firefighter/EMS personnel

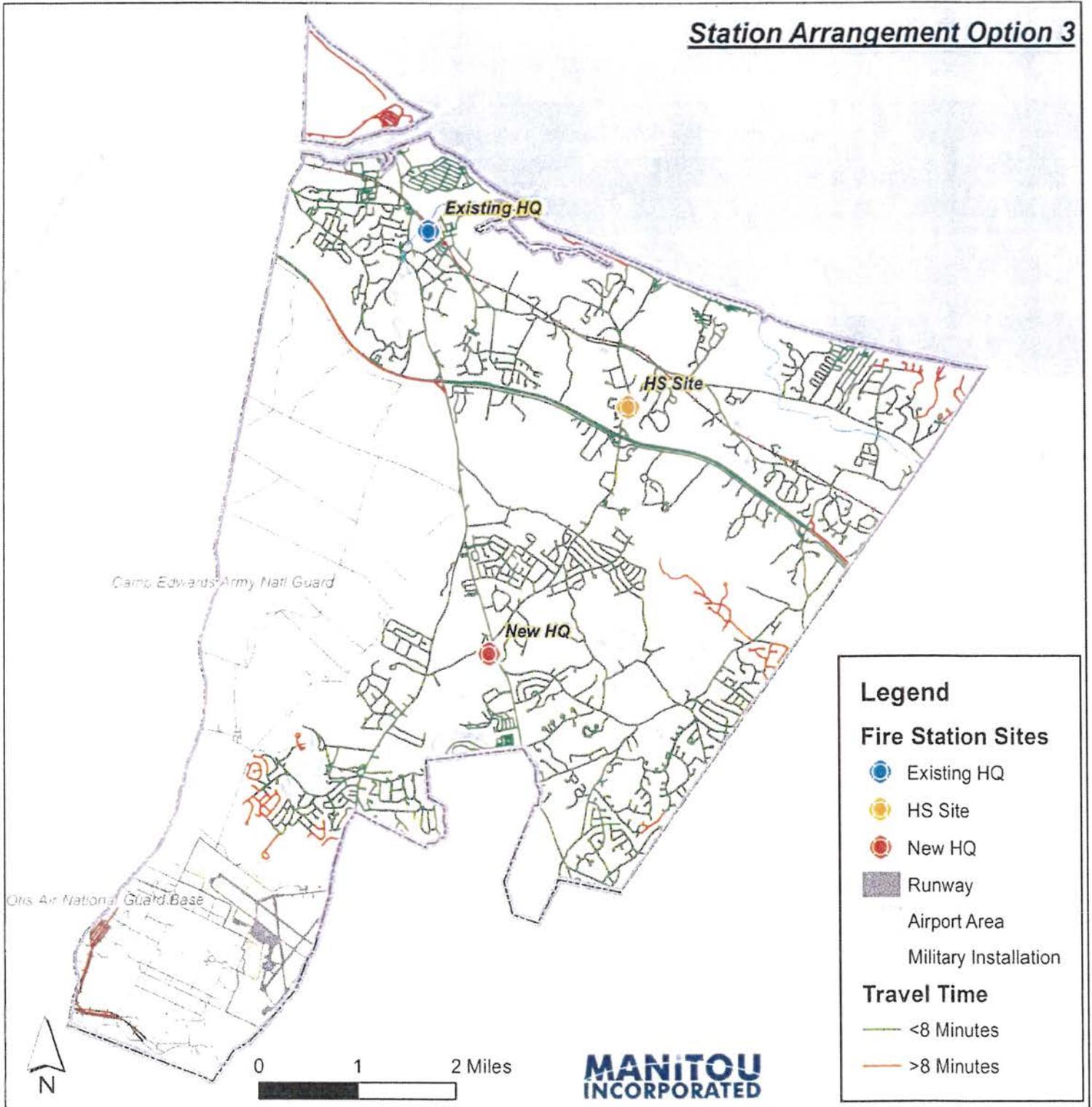
5. Longer term staffing needs
 - Joint, civilian dispatch – address locally or regionally
 - (8) Firefighter/EMS personnel only if East Sandwich substation approved
 - Additional Police Department staff focusing on adding one additional Police Officer per shift once dispatch issue is resolved

Station Arrangement Option 1

NOTE: Existing Station 2 on this map is shown here but is unmanned. Therefore, no travel time extent is shown



Station Arrangement Option 3



Legend

Fire Station Sites

- Existing HQ
- HS Site
- New HQ

- Runway
- Airport Area
- Military Installation

Travel Time

- <8 Minutes
- >8 Minutes

MANITOU
INCORPORATED



Sandwich, Massachusetts
Public Safety Facilities (New Headquarters & Substation at HS)
Preliminary Opinion of Probable Project Cost

October 9, 2014



Item	Description	Sub Total	Cost	Comment
Site Development Cost				
	Combined Public Safety Headquarters	\$1,400,000		
	Substation Site (HS)	\$350,000		
Building Construction Cost				
	Main Bldg	33,100 SF 350 \$/SF	\$11,585,000	
	Substation	7,254 SF 275 \$/SF	\$1,994,850	
			\$15,329,850	
	Design & Pricing Contingency	15%	\$2,299,478	
		<i>Trade Cost Subtotal</i>	\$17,629,328	
	GC Mark-Ups			
	General Conditions	12%	\$2,115,519	
	Insurance	1%	\$197,448	
	Bonds	0.75%	\$149,567	
	Permit		\$0	
	G.C. Fee	3%	\$602,756	
		<i>Estimated Construction Cost</i>	\$20,694,618	
	Escalation allowance	6.0%	\$1,242,000	
		<i>Estimated Construction Cost (Fall 2015)</i>	\$21,936,620	
Owner's Costs				
	Land Survey		\$30,000	
	Geotech		\$18,000	
	Arch. & Eng. Fees		\$2,084,000	
	Reimbursable Expenses		\$100,000	
	Project Management		\$768,000	
	Structural Peer Review		\$20,000	
	Furnishings, Furniture & Equipment		\$404,000	
	Technology Equipment		\$182,000	based on \$10/sf designer estimate allowance
	Communications Equipment		\$450,000	designer estimate allowance
	Reproduction /Miscellaneous		\$25,000	
	Legal/Advertising		\$10,000	
	Material Testing		\$50,000	
	Owner's Contingency(5% of All Cost)		\$1,304,000	
		<i>Estimated Owner's Construction Phase Costs</i>	\$5,445,000	
Total Project Cost			\$27,381,620	

COMBINED ROADS, BEACH, WING, PUBLIC SAFETY PROJECT

Note: These estimates are presented without any input from qualified, professional architects, engineers, or consultants. The list is to exemplify what could potentially be accomplished with a total debt exclusion of \$50.0 million.

<u>Project:</u>	<u>Amount:</u>
Public Roads & Infrastructure	6,000,000
Town Neck Beach Reconstruction Project & Old Harbor Inlet	12,000,000
Henry T. Wing Demolition, Hazardous Material, & Playing Fields	4,000,000
1927 Henry T. Wing Building Rehabilitation	10,000,000
(2) Public Safety Sub-Stations	8,000,000
Required Renovations to Police & Fire Headquarters	<u>10,000,000</u>
Total Project Costs:	50,000,000

COMBINED ROADS, BEACH, WING, PUBLIC SAFETY PROJECT

50,000,000

	<u>Principal</u>	<u>Interest</u>	<u>Total Amount</u>	<u>Annual Cost to Ave. Taxpayer</u>	<u>Monthly Cost to Ave. Taxpayer</u>
FY 2019	1,666,667	1,933,333	3,600,000	\$341.58	\$28.46
FY 2020	1,666,667	1,866,667	3,533,333	\$335.25	\$27.94
FY 2021	1,666,667	1,800,000	3,466,667	\$328.93	\$27.41
FY 2022	1,666,667	1,733,333	3,400,000	\$322.60	\$26.88
FY 2023	1,666,667	1,666,667	3,333,333	\$316.28	\$26.36
FY 2024	1,666,667	1,600,000	3,266,667	\$309.95	\$25.83
FY 2025	1,666,667	1,533,333	3,200,000	\$303.62	\$25.30
FY 2026	1,666,667	1,466,667	3,133,333	\$297.30	\$24.77
FY 2027	1,666,667	1,400,000	3,066,667	\$290.97	\$24.25
FY 2028	1,666,667	1,333,333	3,000,000	\$284.65	\$23.72
FY 2029	1,666,667	1,266,667	2,933,333	\$278.32	\$23.19
FY 2030	1,666,667	1,200,000	2,866,667	\$272.00	\$22.67
FY 2031	1,666,667	1,133,333	2,800,000	\$265.67	\$22.14
FY'2032	1,666,667	1,066,667	2,733,333	\$259.35	\$21.61
FY 2033	1,666,667	1,000,000	2,666,667	\$253.02	\$21.09
FY 2034	1,666,667	933,333	2,600,000	\$246.69	\$20.56
FY 2035	1,666,667	866,667	2,533,333	\$240.37	\$20.03
FY 2036	1,666,667	800,000	2,466,667	\$234.04	\$19.50
FY 2037	1,666,667	733,333	2,400,000	\$227.72	\$18.98
FY 2038	1,666,667	666,667	2,333,333	\$221.39	\$18.45
FY 2039	1,666,667	600,000	2,266,667	\$215.07	\$17.92
FY 2040	1,666,667	533,333	2,200,000	\$208.74	\$17.40
FY 2041	1,666,667	466,667	2,133,333	\$202.42	\$16.87
FY 2042	1,666,667	400,000	2,066,667	\$196.09	\$16.34
FY 2043	1,666,667	333,333	2,000,000	\$189.77	\$15.81
FY 2044	1,666,667	266,667	1,933,333	\$183.44	\$15.29
FY 2045	1,666,667	200,000	1,866,667	\$177.11	\$14.76
FY 2046	1,666,667	133,333	1,800,000	\$170.79	\$14.23
FY 2047	1,666,667	66,667	1,733,333	\$164.46	\$13.71
FY 2048	1,666,667	0	1,666,667	\$158.14	\$13.18
	<u>50,000,000</u>	<u>29,000,000</u>	<u>79,000,000</u>		

Assumptions:

- Amount of Bond = 50,000,000
- Term of Bond in Years = 30
- Interest Rate of Bond = 4.00%
- Total Town Valuation = 3,683,503,100
- Average Home Value = 349,500

Public Safety/Security Plan
Plan Options for Fall 2015 STM

Option #1

New sub-station located at either the High School, or current location on Rt.6A in East Sandwich. Maintain current police station location and main fire station, as well as Forestdale.

Estimated cost; \$ 4 million.

Option #2

New Police station and Fire Department Administrative Offices at corner of QMH Rd. and Cotuit Rd. New Fire Dept. sub-station either at the High School, or current location on Rt. 6A East Sandwich. Leave Forestdale and Main Fire station on Rt. 6A operational.

Estimated cost; \$16 million

In addition, for either request above, a Warranat Article for a \$1.3 million road maintenance Capital Outlay Exclusion/ Ballot question. (one time payment/no interest)

Frank Pannofci

Dunham, George

From: Lauren F. Goldberg <LGoldberg@k-plaw.com>
Sent: Wednesday, May 06, 2015 3:37 PM
To: Dunham, George
Cc: John Giorgio
Subject: Special Purpose Stabilization Fund Funded by an Override

Bud,

John has forwarded me your request for an opinion concerning establishment of a special purpose stabilization fund pursuant to a Proposition 2 ½ override. As you may recall, the Municipal Relief Act of 2003, amended G.L. c. 44, §5B to allow a municipality to create multiple special purpose stabilization funds. The Act also amended Proposition 2½, in particular, G.L. c.59, §21C(g), to permit such special purpose stabilization funds to be funded by an override. Below please find an outline of the process for creating such a fund in the first instance, for appropriations into and expenditures from the fund in future years, and changing the purpose of such fund.

Creation of a Special Purpose Stabilization Fund Subject to an Override

To create any special purpose stabilization fund, Town Meeting must vote by a 2/3 vote to create the fund and specify the particular purpose. However, if the Town seeks to fund a special purpose stabilization fund through taxation and subject to an override, the following additional steps would be taken (for purposes of this e-mail the words "Stabilization Fund" shall refer to a special purpose stabilization fund created pursuant to an override)

The vote to raise and appropriate monies for the Stabilization Fund would be made contingent upon approval by the voters of a Proposition 2 ½ override question. The Board of Selectmen, as always, would retain discretion as to whether to place such a question on the ballot. Where the appropriation would be contingent, however, in order to satisfy the contingency accordance with G.L. c.59, §21C(m), the Board must place the question on the ballot no later than September 15 following an annual town meeting and no later than 90 days following a special town meeting. No supermajority vote is required to place the question on the ballot, or at the polls.

Funding the Stabilization fund

First year - If the voters approve the override question, then in the first year the amount voted by Town Meeting for the Stabilization Fund would be raised on the tax levy for such purposes.

Second and Subsequent Years - Each year thereafter the "local appropriating authority," which for purposes of Proposition 2 ½ is the Board of Selectmen (rather than Town Meeting), must decide whether to "appropriate" monies from the tax levy to the Stabilization Fund. The Board may, by a 2/3 vote, appropriate an amount from the tax levy up to 102.5% of the amount raised for such purposes in the immediately preceding year. Further, the Department of Revenue has determined that if the Board makes no appropriation to the fund in a fiscal year, in the next fiscal year it may appropriate an amount equal to 102.5% of the amount last appropriated for such purposes. However, if the Board appropriates a lower amount, then it is limited to 102.5% of that lower amount in the next fiscal year. These rules can have significant implications of which the Board should be aware.

Consider, for example, the various scenarios if the initial override amount in FY2017 is \$100,000.

Scenario one (appropriate 102.5% each year) – Each year Board of Selectmen, by a 2/3 vote, appropriates to the Stabilization Fund 102.5% of what was raised in the previous fiscal year. In FY2018 the Board would have the ability to appropriate to the Stabilization Fund the sum of \$102,500 (102.5% of the initial override amount), and the Board appropriates that amount. In FY2019, the Board would have the ability to appropriate to the stabilization fund the amount of \$105,062 (1.025 x FY2018 appropriation of \$102,500), and appropriates that amount. In FY2020, the Board would have the ability to appropriate to the Stabilization Fund the sum of 107,688.55 (1.025 x FY2019 appropriation of \$105,062), and appropriates that amount, and so on.

Scenario two (appropriate \$0 in a fiscal year) – In FY2018 (just like above), the Board of Selectmen votes by a 2/3 vote to appropriate 102.5% of the initial override amount, for a total of \$102,500. However, in FY2019 the Board

chooses to make no appropriation to the Stabilization Fund. In FY2020, the Board would have the ability to appropriate to the Stabilization Fund the sum of \$105,062 (1.025 x FY2018 appropriation of \$102,500). In FY2021, the Board would have the ability to appropriate to the Stabilization Fund the sum of 107,688.55 (1.025 x FY2020 appropriation of \$105,062).

Scenario 3 - In FY2018 (just like both scenarios above), the Board of Selectmen votes by a 2/3 vote to appropriate 102.5% of the FY2017 amount, or \$102,500. In FY2019 the Board appropriates to the Stabilization Fund the sum of \$50,000. In stark contrast to the result in Scenario Two, in FY2020, the Board would be able to appropriate to the Stabilization Fund only the sum of \$50,512.50 (1.025 x FY2019 appropriation of \$50,000). In other words, the Board would have significantly reduced the increase in the levy initially approved by the voters, and could not “jump” back up to that higher override amount.

Expenditures from the Stabilization Fund

Town Meeting Vote Required - Regardless of whether and in what amount the override special purpose stabilization fund is funded, only Town Meeting may authorize expenditures from the fund. Like all expenditures from a stabilization fund, a 2/3 vote of Town Meeting is required.

Additional Levy Capacity Limited to Stabilization Fund - Moreover, note that although after the first year the amount of an override is generally available for any legal purpose, in the case of an override in connection with a special purpose stabilization fund, the additional levy capacity may only be used for the specific purpose authorized by the override. Therefore, if the Board funds the Stabilization Fund at a lower amount, the additional levy capacity may not be used to fund other expenditures.

Change in Purpose or Use of Funds - Importantly, in order to change the purpose for which the monies in the stabilization fund can be used the same process must be followed. First Town Meeting must approve the change by a 2/3 vote. Thereafter, the matter must be placed before the voters at an election. As noted above, however, in accordance with G.L. c.59, §21C, only the Board of Selectmen has authority to call for an election or place such a question on the election ballot.

For your further information, the Department of Revenue’s IGR on this topic may be viewed [here](#).

Please contact me with any further questions.

Very truly yours,

Lauren

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Informational Guideline Release

Property Tax Bureau
Informational Guideline Release (IGR) No. 04-201
January 2004

CREATION OF MULTIPLE STABILIZATION FUNDS
AND
PROPOSITION 2½ OVERRIDES FOR STABILIZATION FUNDS

Chapter 46 §§14 and 50 and Chapter 140 §§19 and 137 of the Acts of 2003
(Amending G.L. Ch. 40 §5B and Ch. 59 §21C(g))

This Informational Guideline Release (IGR) informs local officials about new legislation that allows cities, towns and districts to create multiple stabilization funds for different purposes. The legislation also prohibits cities and towns from using the increased levy capacity resulting from a Proposition 2½ levy limit override approved for the purpose of making appropriations to any of those funds for any other spending purpose in a subsequent year without voter approval

Topical Index Key:

Accounting Policies and Procedures
Appropriations
Proposition 2½
Special Funds

Distribution:

Accountants/Auditors
Mayors/Selectmen
City/Town Managers/Exec. Secys.
Finance Directors
Finance Committees
City/Town Councils
City Solicitors/Town Counsels

CREATION OF MULTIPLE STABILIZATION FUNDS
AND
PROPOSITION 2½ OVERRIDES FOR STABILIZATION FUNDS

**Chapter 46 §§14 and 50 and Chapter 140 §§19 and 137 of the Acts of 2003
(Amending G.L. Ch. 40 §5B and Ch. 59 §21C(g))**

SUMMARY:

These guidelines explain new legislation that gives cities, towns and districts the flexibility to create multiple stabilization funds for different purposes. The legislation amends G.L. Ch. 40 §5B, which previously provided for a single stabilization fund into which cities, towns and districts could appropriate monies to be reserved for future appropriation for any lawful purpose. Under the amendment, a community may now establish one or more stabilization funds for different purposes by a two-thirds vote of its legislative body. It may amend the purposes of those funds at a later time in the same manner. Appropriations both into and from the funds require a two-thirds vote of the legislative body. Previously, appropriations to the stabilization fund only required a majority vote. Interest earned on all stabilization funds remains with the funds. The interest provision had been inadvertently omitted when the statute was amended, but it was restored by a recent technical amendment and applies retroactively. Ch. 140 §§19 and 137 of the Acts of 2003.

In addition, a new paragraph has been included in G.L. Ch. 59 §21C(g), which authorizes a property tax levy limit override under Proposition 2½. Under this new provision, a city or town that has an override approved by its voters for the purpose of making appropriations to any stabilization fund must now allocate or dedicate the additional levy capacity resulting from that override to the same purpose in subsequent years. Ordinarily, monies from an override are only earmarked for the stated purpose in the fiscal year the override is effective. Two-thirds of the selectmen, town council or city council, with the mayor's approval if required by law, must vote to "appropriate" the additional capacity for the same stabilization fund purpose each year after the override takes effect. If "appropriated," the assessors must raise the amount in the tax rate and the municipality's levy limit is increased accordingly for that year. Voters may approve a change in the purpose for which the additional levy capacity can be used in future years. Approval of any change is by majority vote at a referendum.

These changes became effective July 31, 2003. They apply to any appropriation voted and levy limit override approved for a stabilization fund after that date.

GUIDELINES:

I. MULTIPLE STABILIZATION FUNDS

A. Creation of Funds

Stabilization funds may be created for one or more different purposes. G.L. Ch. 40 §5B. A fund may be created for a broad category of spending purposes, *e.g.*, any lawful purpose, capital budget purposes or purposes for which the community may borrow money. It may also be created for a specific purpose or project, *e.g.*, acquire a new fire truck or undertake a particular school construction project.

Creation of a fund requires a two-thirds vote of the legislative body of the city, town or district. The vote must clearly define the purpose(s) of the fund.

B. Pre-existing Fund

Any pre-existing stabilization fund balance should continue to be treated as a reserve for any lawful purpose, *i.e.* a "general" stabilization fund. The city, town or district can reallocate or earmark all or part of that balance to any new stabilization funds it creates by a vote to transfer monies from that "general" stabilization fund to the newly created fund. See Section I-D below.

C. Changing Fund Purpose

The purpose of a stabilization fund may be changed at any later time by a two-thirds vote of the legislative body. For example, if a community had established a fund in order to reserve monies to acquire a new fire truck and a balance remains after the purchase, the legislative body could vote to change the purpose to meet some new savings objective.

If a Proposition 2½ levy limit override was approved for the purpose of funding the particular stabilization fund, however, the city or town must also follow the referendum procedure explained in Section II-C below to be able to change the fund purpose and then continue using the additional levy capacity resulting from that override in future years.

D. Appropriations and Transfers

Appropriations into and from any stabilization fund require a two-thirds vote of the legislative body.

Monies may also be transferred from one stabilization fund to another by two-thirds vote. If the monies in the fund from which the transfer is made could not be appropriated directly for the purpose of the fund receiving the transfer, *e.g.*, a transfer of \$50,000 from a fund for a particular school construction project to a fund to construct a new senior center, the vote also serves as a change in purpose to the extent of the amount appropriated.

E. Investment and Interest

The treasurer may invest stabilization funds in national, savings or cooperative banks, Massachusetts trust companies, federal savings and loans associations located in Massachusetts or securities that are legal investments for savings banks under Massachusetts law.

All interest earned on the investment of stabilization funds belongs to the funds. The treasurer may pool monies from all stabilization funds for investment purposes, but the accounting officer must account for them separately in the general ledger and allocate interest earned on the pooled monies proportionately to each stabilization fund.

F. Limits on Funds

1. Annual Appropriations

Total annual appropriations to all stabilization funds are limited to 10 percent of the prior year's tax levy. This includes "appropriations" of additional levy capacity resulting from Proposition 2½ overrides approved for the funds. See Section II-B below. The limit on total appropriations may be exceeded with approval of the Director of Accounts.

2. Balance

The total of all stabilization fund balances cannot exceed 10 percent of a community's equalized valuation.

II. STABILIZATION FUND OVERRIDES

A. Presentation and Approval of Override Referendum

Cities and towns may ask voters to approve a Proposition 2½ levy limit override referendum for the purpose of funding any of the stabilization funds it establishes.

If approved, the additional levy capacity is earmarked for the same stabilization fund in the fiscal year the override is effective and subsequent years. G.L. Ch. 59 §21C(g).

Therefore, the amount of any override for a stabilization fund must be clearly identified, preferably by presenting a separate override question for each stabilization fund being funded. For example:

Shall the city/town of _____ be allowed to assess an additional \$100,000 in real estate and personal property taxes for the purposes of funding the municipal capital stabilization fund for the fiscal year beginning July 1, ____?

Shall the city/town of _____ be allowed to assess an additional \$100,000 in real estate and personal property taxes for the purposes of funding the school capital stabilization fund for the fiscal year beginning July 1, ____?

If the amount is included in an override for multiple purposes, however, the exact amount allocated to the particular stabilization fund must be stated. For example:

Shall the city/town of _____ be allowed to assess an additional \$1,000,000 in real estate and personal property taxes for the purposes of funding the town and school operating budgets, the municipal capital stabilization fund (\$100,000) and the school capital stabilization fund (\$100,000) for the fiscal year beginning July 1, ____?

B. Appropriation of Override in Future Years

1. Annual Appropriation Procedure

In the year the override is effective, the appropriation of the funds generated by the override to the particular fund is made by the usual appropriation procedure, *i.e.*, a two-thirds vote of the legislative body.

Each year thereafter, however, the selectmen, town council or city council, with the mayor's approval if required by law, must decide whether to "appropriate" any of the additional capacity resulting from the override for the same stabilization fund purpose. A two-thirds vote is required to make any "appropriation".

2. Appropriation Amount

All or some of the additional levy capacity may be "appropriated." In the first year after the override is effective, the additional levy capacity that may be appropriated is 102.5 percent of the override amount. In subsequent years, it is 102.5 percent of the amount of additional levy capacity appropriated in the last year it was appropriated.

For example, a \$100,000 override is approved for a school capital project stabilization fund for fiscal year 2005 and the legislative body appropriates the same amount from that year's tax levy for that purpose. In FY2006, \$102,500 is available for "appropriation" by the selectmen, town council or city council, with the mayor's approval if required by law. That entire amount is "appropriated." In FY2007, \$105,062 (1.025 x FY2006 appropriation of \$102,500) is available, but only \$80,000 is "appropriated." The amount available in FY2008 now becomes \$82,000 (1.025 x FY2007 appropriation of \$80,000). No appropriation is made in FY2008, however. The amount available in FY2009 is \$82,000 (1.025 x last appropriation made, *i.e.*, FY2007 appropriation of \$80,000).

3. Tax Rate

The assessors must raise the amount "appropriated" in the tax rate. This "appropriation" is reported on page two of the tax rate recapitulation under "Other Amounts to Be Raised" and documented by a certified copy of the "appropriation" vote, as explained in the annual tax rate recapitulation instructions issued by the Bureau of Accounts.

4. Levy Limit Calculation

The municipality's levy limit for any year is increased by the amount of additional levy capacity that is appropriated for the stabilization fund purpose. The new limit must still be within overall levy ceiling of 2½ percent of the full and fair cash value of taxable property.

C. Change in Override Purpose

1. Presenting Referendum

The selectmen, town council or city council, with the mayor's approval if required by law, may ask the voters to approve a change in the purpose of the override. This change can result in the additional levy capacity being allocated to another stabilization fund or to any other municipal purpose. A two-thirds vote is required to place the referendum before the voters.

2. Referendum Form

The following question form should be used to present a referendum to change the override purpose:

Shall the city/town of _____ be allowed to change the purpose of a Proposition 2½ override referendum approved at an election held on _____, ____ for the (capital stabilization fund) to the following new purpose(s): _____ for the fiscal year beginning July 1, ____?

3. Referendum Approval

The referendum is approved if a majority of those voting on the question vote "yes."

4. Appropriation in Future Years

If the purpose of the override is changed to another stabilization fund, or other purpose, the additional levy capacity would have to be "appropriated" to the new purpose each year or the levy limit would be reduced. See Section II-B above.

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CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

MEMORANDUM

TO: CAPE COD COMMISSION - COMMITTEE ON PLANNING AND REGULATION
CAPE COD COMMISSION BOARD

FROM: JONATHON IDMAN, CHIEF REGULATORY OFFICER

SUBJECT: DA15002 SOUTH SANDWICH VILLAGE SPORTS & CONVENTION COMPLEX
NOTICE OF INTENT TO FILE A DEVELOPMENT AGREEMENT

DATE: MAY 1, 2015

The Cape Cod Commission (Commission) received a Notice of Intent (NOI) to file a two-party Development Agreement application with the Commission. The other participating party of the Development Agreement is a joint development partnership comprised of Falmouth Properties, Duquette Sports Academy, NRG Energy, Inc. and Boston Global Investors, Inc. (the Applicant). The Applicant is seeking a Development Agreement to construct a sports and convention complex in the town of Sandwich including several playing fields, gymnasium, field house, ice rink, natatorium, wastewater treatment facility, two hotels, a retail building and parking (the Project).

The Project site is 56 acres +/- off Cotuit and Quaker Meetinghouse Roads in East Sandwich, which land is currently owned by the town, and for which the Applicant is a vendee under a purchase and sale agreement with the town. The Applicant is a "Qualified Applicant" with standing to seek Commission review and approval for the Project by virtue of the purchase and sale agreement.

The Project exceeds mandatory DRI thresholds, and would otherwise require DRI review; a Development Agreement allows for review alternative to and in place of DRI review for certain projects that the Commission determines are suitable and qualify for consideration under a Development Agreement. The Committee on Planning and Regulation (CPR) shall recommend to the Commission, and the Commission shall determine, whether a proposed development is suitable and qualifies for consideration under a Development Agreement, before an applicant may file application for a Development Agreement with the Commission. Commission review

and approval of an NOI is a condition precedent, and threshold matter, to an applicant seeking Commission project approval under a Development Agreement; it does not itself constitute project approval or substantive review and approval of a project on its merits.

Pursuant to Section 5 of the Commission's Development Agreement Regulations, upon receipt of an NOI, the CPR and Commission consider several factors in determining whether a project is suitable and qualifies for project review under a Development Agreement:

(i) Whether the project would benefit from comprehensive review of the foreseeable and planned development to allow for planning of efficient infrastructure;

The Project would benefit from comprehensive and coordinated review of its components, for purposes of evaluating and addressing total anticipated impacts and infrastructure demands. The Project will likely require significant roadway, wastewater and other infrastructure improvements that may benefit this project as well as the Town of Sandwich. There is a planning benefit and efficiency to the town, Commission and region in reviewing the project in a single proceeding as a sum of its components, rather than reviewing individual project components over time that may in and of themselves require DRI review.

(ii) Whether the project exhibits two or more of the following characteristics:

(a) Involves a large area of development (25 acres or more);

The Project site is 56 acres +/-, and the proposed development occupies most of the site. At full build-out, the Applicant anticipates the complex will have roughly 500,000 square feet of building space.

(b) Includes multiple uses and/or structures; and

The Project includes multiple uses and structures including sports fields and buildings, retail stores, restaurants, and hotels.

(c) Involves multiple properties under control by the same Qualified Applicant;

The Project site is composed of multiple abutting record parcels under control of a single Qualified Applicant, which parcels will be used and combined into a single parcel for phased development.

(iii) Whether construction of the project is anticipated to be built in phases over a period exceeding 7 years;

Principally on account of the realities of financing full build-out, and monitoring market demand for full build-out, the Applicant anticipates and proposes construction of the Project in four phases. The Applicant has proposed a realistic, conceptual phasing plan, in large part intending to develop infrastructure and the majority of the core sports-related uses during phases 1 and 2, and the hotel-related uses during phases 3 and 4. It is likely these phases would be built over a period that would exceed 7 years.

(iv) Whether a project has future expansions that are not fully or definitively defined but should be presented up front to avoid segmentation as described in section 2(a)(iii) of the Commission's Enabling Regulations Governing Review of Developments of Regional Impact;

Without the benefit of a Development Agreement in this Project, each phase contemplated in the Project would likely require individual review as a DRI under Section 3(e)(i) or (iii) of the Enabling Regulations. Section 3(e)(i) indicates that any new construction of a building or buildings with a gross floor area greater than 10,000 square feet be reviewed as a DRI. Section 3(e)(iii), pertaining to outdoor uses, indicates that any new construction or development that has a total project area greater than 40,000 square feet be reviewed as a DRI. Commission staff suggests there will be a benefit to reviewing these phases comprehensively through the Development Agreement process as opposed to reviewing each phase as an individual DRI. Moreover, there are certain project components that, if segmented and undertaken separately from the master concept plans, might not trigger mandatory DRI thresholds and thus not require DRI review.

(v) Whether a project has received a Final Environmental Impact report, certified as adequate by the Secretary of Energy and Environmental Affairs, if required under sections 61-62(h) of chapter 30 of the Massachusetts General Laws;

The Applicant is in discussion with MEPA and anticipates that it will be required to file an Environmental Impact Report, though some level of MEPA review will certainly be required for the Project. The Applicant has submitted a letter outlining the anticipated MEPA review process, and Commission staff suggests the Applicant's approach is reasonable.

(vi) Whether the Committee on Planning and Regulation has received testimony from any municipal agency (as that term is defined in the Act) in which the proposed development is to be located indicating whether it recommends the proposal as appropriate for a Development Agreement.

Through discussions with town planning and management staff, the town is in favor and recommends this proposal for treatment by the Commission as a Development Agreement. To this end, the Applicant is a vendee under a purchase and sale agreement for the land comprising the Project site as a result of being awarded the successful and responsible bidder under an RFP put out by the Board of Selectmen for the land. A letter from the Board of Selectmen has been or will be submitted to this effect.

(vii) Determination that no local development permits or approvals are pending

Based on independent investigation and discussions with town staff, Commission staff has determined that there are no local development permits pending for the Project.

Staff Recommendation

Commission staff suggests that the Project, as proposed by the Applicant and based on materials submitted to date, is suitable, appropriate and qualifies for consideration for Commission project review as a Development Agreement with the Commission. Commission staff recommends that the CPR vote and make a recommendation to the full Commission, and that the full Commission vote and determine, that the Project is suitable, appropriate and qualifies for consideration for Commission project review under a Development Agreement, such that the Applicant may proceed with a Development Agreement application pending MEPA review.

Dunham, George

From: Jonathon Idman <jidman@capecodcommission.org>
Sent: Friday, May 08, 2015 10:20 AM
To: Dunham, George
Subject: RE: Development Agreement Question

Hi Bud- Please see my response below.

From: Dunham, George [<mailto:gdunham@townofsandwich.net>]
Sent: Friday, May 08, 2015 9:58 AM
To: Jonathon Idman
Subject: Development Agreement Question

Hi Jon,

I have a quick question on the proposed Development Agreement with Clark Consulting on the South Sandwich Village Center project. I know the subcommittee is meeting on May 14 to consider a recommendation to the full Commission on May 28. With the recent Town Meeting and Town election, the next Selectmen meeting isn't until the evening of May 14. On the agenda is a vote from the Board to support the proposed 2-party development agreement process so the earliest we could get you a signed letter would be May 15.

Is this a problem for any vote the subcommittee may take on May 14? Doug and I have a meeting that day and cannot attend the subcommittee meeting, but Blair Haney and possibly a Selectman or two plan to attend. **I don't think there'll be a problem with the CPR making a recommendation without a letter, if it so votes to do so, on the 14th, so long as there is an indication to the CPR by those officials in attendance from Sandwich that the BOS, based on prior discussions, generally seem in favor and formal favorable, written correspondence from the BOS will follow in time for the full CCC hearing on the 28th. I think attendance by Blair and some BOS members (presumably with a consistent voice in favor) on the 28th will suffice.** The same is true of the full Commission meeting on May 28 – the MMMA annual meeting includes that timeframe so Doug and I will be away, but Blair and at least one Selectman will be present.

Thanks and hope all's well. Have a great weekend.

- Bud

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May 15, 2015

Paul Niedzwiecki
Executive Director
Cape Cod Commission
3225 Main St
Barnstable, MA 02630

Re: Support for Development Agreement Notice of Intent – South Sandwich Village Sports Complex

Dear Mr. Niedzwiecki:

This is to confirm that the Board of Selectmen voted at its May 14, 2015 meeting to support the South Sandwich Village Sports Complex as proposed by Clark Consulting, LLC and the associated Notice of Intent (NOI) for a two-party Development Agreement (DA) with the Cape Cod Commission. In addition to this support, the Town would like to participate and assist in the DA process with the Commission and Clark Consulting to whatever extent both groups feel comfortable.

As you know, the Town issued a Request for Proposals (RFP) on April 23, 2014, following Town Meeting authorization, to sell approximately 55 acres of town-owned land for private development. After considerable review, the Selectmen voted on September 25, 2014 to award the RFP to Clark Consulting, LLC and have been working them ever since. The Selectmen feel that if any economic development is to occur in this area, the use proposed by Clark is ideal for Sandwich in terms of its compatibility with our community's character and minimizing the negative impacts of the development.

If the Commission requires further information please contact Town Manager Bud Dunham or Planning & Economic Development Director Blair Haney. Thank you for your consideration of our support.

Sincerely yours,

Ralph A. Vitacco
Chairman, Board of Selectmen

cc: Town Manager
Planning & Economic Development Director
Robert Clark, Clark Consulting, LLC

TOWN OF SANDWICH
HENRY T. WING SCHOOL
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into this 8th day of April, 2015, between the Town of Sandwich Board of Selectmen and the Town of Sandwich School Committee.

WHEREAS, the School Committee has determined that it is in the educational best interests of the students to close the Henry T. Wing School as a school building in active use effective June 30, 2015;

WHEREAS, the School Committee has not, as of yet, taken the required formal vote under G.L. c. 40, §15A, to declare the Wing School surplus to the needs of the School Department;

WHEREAS, the Town Manager has issued a Request for Qualifications for a feasibility designer to prepare a study with recommendations for the reuse of the Wing School, which study is expected to be completed in August 2015;

WHEREAS, the Board of Selectman and the School Committee have determined that it is in the best interests of the Town to agree on a Transition Plan for the interim use and maintenance of the Wing School ("Interim Period") until such time as an appropriate re-use of the building is determined and a formal vote is taken by the Sandwich Town Meeting to transfer the care, custody, control, and management of the school building to another custodial board, for a different use, and/or to authorize the disposition of the school building.

NOW THEREFORE, the Board of Selectmen and the School Committee agree as follows:

1. The responsibility for the maintenance and upkeep of the Wing School during the Interim Period shall be in accordance with the Transition Plan set forth in Exhibit A to this MOU.
2. The Term of this MOU shall be for one year, provided, however, that the MOU may be extended for additional one year periods, for up to three years, by mutual agreement of the Town Manager and the Superintendent of Schools.
3. The Board of Selectmen and the School Committee agree to diligently pursue the development of a Re-Use Plan for the Wing School.
4. During the Interim Period, the Board of Selectmen and the School Committee agree that:
 - A. During the Interim Period, the School Committee will be responsible for

the maintenance and upkeep of the building and grounds using School custodial staff. Such costs shall continue to be included in the operating budget of the School Department.

- B. The School Committee and the Board of Selectmen agree to pursue an appropriation to be presented at the February 9, 2015, Special Town Meeting for the School Committee to meet the capital expenses of the School Department to vacate the school building and to move the educational programs to the Oak Ridge and Forestdale Schools.
- C. During the Interim Period, the School Committee agrees to continue the same use of the building and grounds, as currently exists, for school and community based programs.

BOARD OF SELECTMEN

SCHOOL COMMITTEE

Trevor A. Chavada

Andrea M. Killian

[Signature]

[Signature]

[Signature]

EXHIBIT A – HENRY T. WING SCHOOL TRANSITION PLAN

Background:

As the School Department prepares to implement Phase II of the system-wide reorganization plan, it is anticipated students will no longer be housed or educated in the Henry T. Wing School (Wing) after June 2015 when they will be relocated to the Forestdale and Oak Ridge Schools. The Wing School is a very large, aging structure that will need to be overseen and maintained at a basic level as the transition takes place on what will happen to and at the property going forward. It is anticipated this transition period, spelled out in more detail below, will likely last a minimum of two (2) years.

Listed below are thoughts and concerns of the School Department and General Government about the property, the relevant legal issues surrounding the transfer of care, custody, and control of a municipal property, some budget data about the Wing building, and a recommended transition plan and timeline for the School Department, Board of Selectmen, Finance Committee, and Town Meeting to consider moving forward. This summary has been prepared by School and Town staff with the input of both groups' legal counsel. It represents our collective thoughts on how the transition should be handled moving forward, recognizing that a key component of the Wing School's future – the completion of feasibility study about the potential re-use of the facility – will likely not be completed until mid-2015.

School Department Concerns:

- Primary Concern of School: receiving sufficient funding in the FY'16 budget to properly move the Wing School students into Forestdale and Oak Ridge, both in terms of capital and operating budget expenses
- insuring sufficient custodial and maintenance staff exists at Forestdale and Oak Ridge to accommodate the additional Wing students – this will likely mean retaining all Wing custodial and maintenance staff and assigning them to Forestdale and Oak Ridge
- recognition that the current Wing School custodial and maintenance staff know the Wing School building the best and have extensive experience with its oversight
- recognition that funding to operate the Wing School at a full level currently exists in the School budget and that future funding to maintain Wing at a decommissioned level should be retained in future School budgets until the transition process is complete
- insuring sufficient residual funding remains in the School budget to oversee and maintain the Wing School at a basic level during the transition
- leaving the option open for School programs and athletic events to continue to be scheduled at the Wing School fields and any proper interior space that may still be usable during the transition period (i.e., gymnasium, cafeteria/multi-purpose room)
- this option to use certain appropriate interior spaces may be expanded for public use at the discretion of the School Department
- the School Department does not want to be saddled with overseeing and maintaining the Wing School, even at a basic level, for longer than the transition period

General Government Concerns:

- Primary Concern of Town: the Town’s primary concern was explained in the February 27, 2014 meeting packet when additional funding was recommended for the FY’15 School Department budget without an override:
 - “I believe a significant portion of the projected School Department budget savings for FY’16 is based on abandoning the operational costs of using the Henry T. Wing School and transferring these expenses to the Town. This will not result in operational savings, just a shifting of expenses. A detailed accounting of these costs is needed and, in my opinion, the Town should not be responsible for any Henry T. Wing School costs until municipal services are located in the building. These funds already exist in the School Department budget and should remain the School Department’s responsibility – granted at a much lower operational level – until the building is actually being used for a different purpose. School staff has expertise in the HTW building and there will still be a savings in FY’16 even if the building is operated at a decommissioned level once the students are relocated.”
- it would be best if the School Department could retain oversight of the Wing School during the transitional period since their staff has the expertise and knowledge about the building and funding has been – and will continue to be – included in their budget during this interim period, even if maintained at a much lower operational level
- if oversight is given to the Town during the transitional period, sufficient staff and funding needs to be transferred from the School budget
- the Town would assume responsibility for oversight of the facility once a Town department or operation permanently moves into the Wing School or if a decision is made to dispose of the property
- no department or service should be placed in the Wing School until the building deficiencies and code issues have been fully and properly addressed

Legal Requirements:

- the School Committee can vote to decommission a school for use for educational purposes
- this type of vote does not transfer care, custody, and control of the building to another party
- under M.G.L. c.40, §15A, a two-thirds vote at Town Meeting is required to formally transfer the care, custody, and control of a property from one municipal body to another
- a vote under M.G.L. c.40, §15A should not be entertained until the transition process is complete and the Town knows what is happening to the Wing School, with proper funding to implement the chosen outcome

Wing School Budget Data:

- approximately \$550,000 is spent annually maintaining the Wing School at a full operational level – this includes custodial staff, utility expenses, etc.
- at a decommissioned level, the operational costs would decrease significantly, by perhaps as much as one-half annually

Recommended Transition Plan & Estimated Timeline:

- School & Town staff recommend the School Department continue to oversee and maintain the Wing School at a basic level of operations during the transition period while a future for the property is decided and funded
- the School budget will carry sufficient funds to continue the reduced oversight of the Wing School until such time as a Town department begins to use the property or the property is disposed of – at this time, the oversight responsibility will become the Town’s, with the commensurate annual funding and staffing required
- the School For Early Learning (“Little Red Schoolhouse”) portable facility off Beale Avenue should be demolished immediately after it is vacated, funded through a FY’16 capital budget appropriation
- the feasibility analysis of potential future uses of the Wing School will help identify what options exist going forward and should be issued by a consultant in the Summer of 2015
- it will likely take up to a year to determine consensus on how to proceed with any improvements/demolition/new construction/changes to the Wing School
- once a consensus is reached, funding will need to be obtained to properly implement the chosen outcome; this, in itself, could take another year

ESTIMATED POSSIBLE TIMEFRAME FOR WING SCHOOL TRANSITION

November 2014	Request for Qualifications Issued for Wing School Feasibility Study
January 2015	Qualified Consultant Hired to Complete Wing School Feasibility
May 2015	Capital Funding Appropriated for Demolition of School for Early Learning Portables
June 2015	Students Leave Wing School – No Longer Used for Educational (Classroom) Purposes
Summer 2015	Wing School Feasibility Study Issued
September 2015	Former Wing School Students Start School at Forestdale & Oak Ridge Schools
Fall 2015	Board of Selectmen, School Committee, Finance Committee, Capital Improvement Planning Committee, Etc. Discuss Options for Future of Wing School with Public Outreach
Winter 2015/16	School for Early Learning Portables Demolished once Students Relocate to Forestdale School
Winter 2015/16	Develop Implementation Plan for Future of Wing School

Spring 2016...or Later	Seek Funding for Implementation Plan...and determine appropriate date to have Town Meeting transfer care, custody, and control of the Wing School to the Board of Selectmen
Summer 2016...or Later	Commence Implementation Plan if Funding Received...If Funding Not Received, Determine New Implementation Plan

**TENTATIVE BOARD OF SELECTMEN MEETING SCHEDULE
SUMMER 2015**

May 7	No Meeting – Annual Town Election
May 14	Meeting
May 21	Meeting
May 28	No Meeting – Holiday Week – Memorial Day & MMMA Conference
June 4	No Meeting
June 11	Meeting
June 18	No Meeting
June 25	Meeting – Finance Committee
July 2	No Meeting – Holiday Week – 4 th of July
July 9	Meeting
July 16	No Meeting
July 23	Meeting
July 30	No Meeting
August 6	Meeting
August 13	No Meeting
August 20	Meeting
August 27	No Meeting
September 3	No Meeting – Holiday Week – Labor Day
September 10	Meeting
September 17	No Meeting
September 24	Meeting

To the Members of the Board of Selectmen, Town of Sandwich:

Re: Glass Town Cultural District

As we begin our 2015-2016 fiscal year in June, we, the Steering Committee for the Glass Town Cultural District, are excited about our partnership plans with arts groups in Sandwich and our long-range strategic plans. To accomplish all that we have on our plate, we need to strengthen our Steering Committee. We have approached individuals in town and they have accepted. We now submit their names to you for approval and appointment.

The new members we would like appointed to the Glass Town Cultural District Steering Committee are:

Robert Vinciguerra
56 Greenville Drive
Sandwich, MA 02563
Email: framerav@yahoo.com

Paula Johnson
3 Holder Lane
Sandwich, MA 02563
Email: holderhill@comcast.net

Bethany Holbert-Catania
Dan'l Webster Inn
149 Main Street, Sandwich, MA 02563
Email: Bethany@cataniahospitalitygroup.com

Cindy Russell
6 Water Street
Sandwich, MA 02563
Email: cindyru@cape.com

Andrea Early
Heritage Museums & Gardens
Email: aeary@heritagemuseums.org

The following present members of the Steering Committee have agreed to serve another year if so re-appointed by the Board of Selectmen:

Kathleen Campbell – Sandwich Glass Museum
Joanne Lamothe – Sandwich Public Library
Ellen Spear – Heritage Museums & Gardens
Lee Repetto – The Spotted Cod
Jeanne Prendergast
Charleen L. Johnson

Please note that Terry Blake has resigned as Chairman.

Respectfully submitted,

Charleen L. Johnson

Charleen L. Johnson
Vice Chair, Glass Town Cultural District

May 7, 2015