

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
E-MAIL: townhall@townofsandwich.net



BOARD OF
SELECTMEN

TOWN
MANAGER

BOARD OF SELECTMEN & CEMETERY COMMISSIONERS AGENDA

May 21, 2015 – 6:30 P.M.

Sandwich Town Hall – 130 Main Street

1. 6:30 P.M. Cemetery Commissioners Meeting – Cedarville Cemetery
2. 7:00 P.M. Pledge of Allegiance
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*)
 - Director of Public Works / Town Engineer Paul Tilton – Private Road Taking Policy: Upper Cape Regional Transfer Station Intermunicipal Agreement (*Votes*)
 - Large-Scale Capital Planning Discussion & Clarification for Future Meetings
 - Public Safety & Other Priorities
8. Old Business (*30 Minutes*)
 - Declaration of Sandwich Police Department Appreciation Week (*Vote*)
 - Revised Summer 2015 Meeting Schedule
 - Other
9. New Business (*10 Minutes*)
 - Board of Selectmen Committee Liaison Appointments
 - Other
10. Public Forum (*15 Minutes*)
11. Closing Remarks
12. Executive Session
 - Approval of Draft Minutes
13. Adjournment

NEXT MEETING: Thursday, June 4, 2015, 7:00 P.M., Town Hall

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BOARD OF
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MANAGER

TOWN OF SANDWICH – BOARD OF SELECTMEN

May 21, 2015

STREET LAYOUT AND ACCEPTANCE POLICY AND PROCEDURE TIMELINE

Introduction

This policy is intended to establish procedures that the Board of Selectmen will utilize in processing petitions for the layout and acceptance of private roads as public ways. Nothing in this policy is intended to prohibit any inhabitant from petitioning for the layout of a particular road, but rather establishes standards and procedures that the Board of Selectmen intend to utilize as a condition of voting to accept the layout of private roads as public ways. Furthermore, nothing in this policy is intended to vary the statutory requirements and procedures for street layouts and acceptances under the Massachusetts General Laws.

In order for the Town to lay out and accept a private road as a public way, the following is a brief summary of the statutory requirements pursuant to G.L. c. 82, ss. 17-32:

1. A petition from an inhabitant of the Town is submitted to the Board of Selectmen to lay out a private way as a public way.
2. Once the Board of Selectmen votes its intention to lay out the way as a town way, the matter is then referred to the Planning Board for a recommendation. The Planning Board has 45 days after such reference in which to make its report. A public hearing is not required by statute. Once the Planning Board issues its report or the 45 days have passed, whichever is the earlier, then the public way proceedings may continue.
3. Once the Planning Board has submitted a report, or 45 days have lapsed since the referral to the Planning Board, and notice has been given to the landowners granting the easement for the roadway or from whom an easement in the roadway will be taken, at least seven (7) days prior to the meeting, the Board of Selectmen shall hold a public meeting at which time it may vote to approve the layout as shown on the layout plan.
4. The layout description as voted, including the layout plan, must be filed with the Town Clerk at least seven (7) days prior to Town Meeting.

5. In order for the street layout to be accepted by the Town as a town way, the Town Meeting must vote to accept the street as a town way as described in the layout of the street voted by the Board of Selectmen. A majority vote is required to accept a way that is shown on an approved subdivision plan. A two-thirds vote is needed to accept any other way. However, in the event that there is an appropriation of funds to acquire the easements or for improvements to the roadway, then a two-thirds vote of Town Meeting is required.
6. Within 120 days after Town Meeting voted to accept the way as a town way, the Board of Selectmen is required to acquire the necessary easements by purchase or gift; or adopt an order of taking pursuant to G.L. c.79. If an Order of Taking is adopted, the order must be recorded with the Registry of Deeds within 30 days of the adoption of the order.

Procedure and Timeline

In order to comply with the statutory requirements for the lay out and acceptance of a private way as a town way, the Town of Sandwich has adopted the following procedures. The following schedule is for informational purposes and is subject to change, depending upon circumstances in the review of the petitions and completed applications. The Petitioner must submit the following documents to the Board of Selectmen at the Office of the Town Manager for the Town's consideration to layout and accept a street as a town way:

4:30 p.m. last
Business day of June

1. Petition- The Petition must be submitted to the Board of Selectmen on the form prescribed by the Town Engineer and it must be received no later than 4:30 p.m. on the last business day of June for consideration by the Board of Selectmen for the upcoming fiscal year, signed by one hundred percent (100%) of the property owners abutting the road. Blank Petition forms are available at the Engineering Department. The acceptance of the layout of a street as a public way shall only be considered at Annual Town Meetings. The Board of Selectmen shall only consider the **FIRST FIVE FULLY COMPLETED PETITIONS**, containing all of the documents required to be submitted with the Petition as set forth below, for consideration for each fiscal year. The remaining petitions will be put on a list in the order in which they are fully completed for consideration for the following fiscal year. The Board of Selectmen may accept additional petitions each year if they determine it is in the Town's best interests to do so.

Petitions will only be considered for layout of roads that are determined by the Town Engineer to be in good condition, free of significant defects, and that meet the standards specified in the Planning Board's Subdivision Rules and Regulations. Petitions for roads not meeting these criteria may be considered by the Board of Selectmen provided that the abutters of the subject road(s) agree to

betterments to be assessed by the Town for one hundred (100%) percent of the costs to improve the road(s) in accordance with the aforementioned criteria.

Prospective petitioners are encouraged to meet with Department staff prior to submission to review the layout and acceptance process.

2. Two (2) originals of the layout plan and profile of the existing roadway meeting the requirements of the Town of Sandwich Planning Board Subdivision Rules and Regulations for an "as-built" plan, prepared and certified by a Massachusetts Registered Professional Land Surveyor. Existing plans on file at the Planning Department are acceptable if they meet current regulations.
3. Coring and/or test hole logs showing pavement structure performed and certified by a Massachusetts Registered Professional Engineer approved by the Town of Sandwich Engineering Department. Said corings and/or test holes shall be taken at the limits of the petitioned road and at points every 300 feet in between, or at the midpoint if less than 300 feet.
4. A certified abutter's list from the Town of Sandwich Assessor's Office indicating property owners abutting the roadway being petitioned. The Town Clerk shall certify such list.
5. A certified check made payable to the Town of Sandwich in an amount to cover the following costs:
 - a. \$100.00 application fee PER STREET request;
 - b. \$22.00 publication fee is required per application;
 - c. \$6.49 PER ABUTTER fee (certified letters must go to every abutter), (Only one notification letter is required if a person owns more than one piece of property on a given street.)
 - d. Recording fees in accordance with Registry of Deeds requirements. Contact the Engineering Department in advance of filing the application to determine the recording fees for each road petition. This fee will be returned if the road is NOT accepted.

July 1st to
Mid August:

In consideration of each Petition, the Engineering Department shall first perform a preliminary investigation of each petitioned road(s) including;

1. Research of construction records and historical information as needed to determine road construction quality.

2. Field inspection of road pavement structure, drainage components, utilities and other pertinent items.
3. Review submitted plans and all researched data and develop list of road conditions not meeting current Planning Board Rules & Regulation Standards and submit to Planning Board.

Note: As an option, abutters may improve the private road at their own expense without using the betterment process. All construction work shall be completed for Engineering Department inspection by August 1, to be discussed at a mid-August Planning Board Hearing.

Mid August:

Once the Engineering Department had completed its preliminary review of the petitioned road, the Board of Selectmen shall vote its intention to layout the street as a public way and shall pursuant to G.L. c. 41, §81G, refer the matter to the Planning Board for a recommendation. Upon receipt of the Planning Board's report or 45 days having elapsed since the Petition was referred to the Planning Board, whichever is the earlier, then the Board of Selectmen may hold a meeting to vote on the layout of the street as a public way.

September:

Engineering Department develops preliminary estimates of betterment including legal and survey costs, in order for the street to be laid out as a public way and determines cost per abutter based on appropriate method (i.e. per lot, frontage, etc.). Board of Selectmen then notifies each abutter by certified mail of the estimated betterment cost and requests each abutter to return an executed form agreeing to the assessment of the betterment. The notice shall include the terms for the payment of the betterment.

Beginning of
October:

Board of Selectmen gives written notice of the meeting at which the Selectmen will consider the layout to property owners from whom the Town intends to acquire easements by gift or by eminent domain. The Town must give notice at least 7 days prior to the meeting at which the layout will be voted. The Board of Selectmen may vote to accept the layout of the street as a public way provided all of the abutters of the street agree to accept the betterment costs and agree to grant the roadway easements or the taking of the roadway easements by the Town. In the event that all of the abutters do not agree to accept the betterment and the roadway easements, then the Board of Selectmen may agree to layout the street as a public way by a majority vote that a compelling public need exists for the layout of the road as a public way. Nothing herein prohibits a petition to be filed by less than one hundred percent (100%) of the

owners abutting the road. Furthermore, this policy does not prohibit the Board of Selectmen from laying out and accepting roads pursuant to its authority under G.L. c. 82.

Beginning of
February:

The Board of Selectmen shall place an article on the Town Meeting Warrant for acceptance of the street as a public way. If land or easements need to be acquired by the Town, the Article should authorize the acquisition of the land or easements by purchase, gift or eminent domain and, if necessary, appropriate funds therefor. If an Article placed on the warrant, the Petitioner shall submit Construction and Layout Plans per Town regulations.

Mid April:

The vote approving the layout and the layout plan must be filed with the Town Clerk at least 7 full days prior to Town Meeting. Final recordable plans and the Selectmen report are filed with the Town Clerk's Office. Documents shall be submitted in hardcopy and electronic formats. Final estimated betterment costs are calculated using lowest acceptable construction bid.

May:

For the street to be accepted as a public way, the Annual Town Meeting shall vote to (1) accept the way as laid out by the Board of Selectmen and to acquire the land or easements from all abutters by gift, purchase or eminent domain, (2) appropriate sufficient funds to make any necessary improvements to the street, and (3) assess betterments for 100% of the costs.

Within 120 days
After ATM:

Town Counsel prepares the necessary documentation for the grant of easements to the Town or taking of easements by the Town and records all documents and plans at the Barnstable Registry of Deeds or the Barnstable Registry District of the Land Court once they have been executed by the Board of Selectmen or the property owners, depending upon the circumstances.

If necessary, the Town will undertake the necessary improvements to the way in accordance with the bidding procedures under the Massachusetts Public Construction Laws.

Upon Completion
Of Betterments:

Each abutting owner shall be billed for his proportionate share of the actual total costs of laying out and accepting the road as a public way, and not the estimated costs. The assessment of betterments shall be governed by the applicable provisions of the General Laws.

Given under our hands this 21st day of May, 2015

Board of Selectmen:

INTERMUNICIPAL AGREEMENT

THIS IS AN INTERMUNICIPAL AGREEMENT AMONG THE TOWNS OF FALMOUTH, SANDWICH, MASHPEE AND BOURNE, MASSACHUSETTS FOR THE MAINTENANCE AND OPERATION OF A REGIONAL MUNICIPAL SERVICES FACILITY AT THE JOINT BASE CAPE COD.

The date of this agreement is the ____ day of June, 2015. Each town is a municipal corporation in Barnstable County, Massachusetts. Each town is acting by its Board of Selectmen as authorized by Massachusetts General Laws chapter 40, section 4A.

This agreement, except where the context clearly indicates otherwise, shall be construed as follows:

- a. definitions include both singular and plural;
- b. pronouns include both singular and plural and include both genders; and
- c. fiscal year – beginning July 1st and ending the next June 30th.

WHEREAS, the towns have jointly constructed, operated and maintained a solid waste rail transfer station known as the Upper Cape Regional Transfer Station (UCRTS) at the Joint Base Cape Cod property (the "Site") pursuant to an Intermunicipal Agreement dated June 3, 1987, and subsequently amended on October 19, 1987, December 31, 1996, and June 16, 2008;

WHEREAS, the UCRTS shall cease operations at the Site and the afore-mentioned Intermunicipal Agreement will terminate effective June 30, 2015;

WHEREAS each town agrees that it is in its best interest to maintain an intermunicipal relationship among the subject parties with the prospective right to occupy, operate and use the Site upon which the UCRTS existed for such other purpose(s) as the parties may deem beneficial and appropriate; and

WHEREAS, this Agreement has been duly authorized by votes of the Board of Selectmen in each town and copies of the appropriate votes are annexed hereto as Exhibits A, B, C, and D and incorporated herein by reference.

NOW, THEREFORE, in consideration of the foregoing and of the mutual promises and agreements contained herein, the towns agree as follows.

I

THE FACILITY

Falmouth, Sandwich, Mashpee, and Bourne shall jointly finance, equip, maintain, repair and operate the Site for such purposes as may be determined by the respective towns, acting by their duly authorized representatives on the Board of Managers, referred to in Article III of this Agreement. In addition to the powers and duties described in Article IV of this Agreement, said Board of Managers shall be authorized to act on behalf of the Towns by entering into agreements with the department of the United States government known as Joint Base Cape Cod to enable the United States government to use the Site in the same manner as Falmouth, Sandwich, Mashpee, and Bourne. In this Agreement, Falmouth, Sandwich, Mashpee, and Bourne shall be referred to as a "town" or collectively as the "towns", and the Joint Base Cape Cod shall be referred to as "the JBCC".

II

THE JBCC SITE

The towns currently have a Consent from the United States Department of the Air Force permitting the continued use and occupancy of approximately 18.87 acres of land adjacent to railroad tracks located on the Site "to construct, use, maintain, control, operate and repair a waste and refuse transfer station known as the Upper Cape Regional Transfer Station". The towns, acting collectively by and through the Board of Managers, will pursue an amendment to said Consent or a lease or other suitable agreement from the other appropriate governmental entity with control over the Site in order to further the purposes of this Agreement. In the event of any conflict between the terms of this Agreement and the terms of the lease/consent agreement, the terms of the lease/consent agreement shall control and be dispositive.

III

BOARD OF MANAGERS

The existing Board of Managers, (hereinafter referred to as the "Managers"), consisting of one representative of each town and a non-voting representative designated by the JBCC or

other appropriate governmental entity with control over the Site, shall continue in existence, until the composition and/or method of appointment is modified by further amendment to this Agreement. Each town's Board of Selectmen shall appoint a representative to be a member of the Managers who shall serve until the next June 30th. In addition, each town's Board of Selectmen may select an alternate member to act in the absence of the regular member who shall serve for the same term. Each member shall have one vote and alternates may act only in the absence of the regular member.

IV

GENERAL DUTIES AND RESPONSIBILITIES OF BOARD OF MANAGERS

- A. The Managers shall have the care, custody, management, and control of the Site and any facilities/improvements constructed or installed thereon. They shall continue to operate, equip, repair, and maintain the Site for authorized purposes in compliance with this Agreement and all requirements of local, state and federal law, rule, and regulation governing the use thereof.
- B. The Managers may assign all or a portion of the Site to one or more third parties in exchange for payment of user fees sufficient to cover at least that party's proportional share of the operation, maintenance and capital costs of the Site, said user fees to off-set the towns' obligations to fund the site.
- C. No substantial changes may be made in the location, use, design, layout, engineering or equipment of the Site, without the approval of the Managers.
- D. In the operation and maintenance of the Site, the Managers shall make no expenditure and shall incur no indebtedness in an amount in excess of available Town Meeting appropriations.
- E. The Managers' approval, by majority vote of its voting members, is required before any rule or regulation governing use of the facility may take effect.
- F. The Managers may also make such general policy recommendations to the towns concerning the operation of the Site as they shall deem fit.

- G. The Managers shall ensure that complete and accurate books and records pertaining to the operation of the Site are maintained.
- H. The Managers shall prepare or cause to be prepared an annual report of the management and operation of the Site no later than sixty (60) days after the end of each fiscal year and shall make available such report in each respective Town Hall when published.
- I. The Managers shall act as the sole representatives of all towns in dealing with any and all state and federal regulatory agencies concerning the operation and maintenance of the Site.
- J. The Managers shall manage the Site consistent with the terms of the lease/consent agreement referenced in Article II, and shall ensure the execution of each town's obligations under the lease/consent agreement and operating agreement. The Managers will ensure that each town and each town's employees, agents and /or contractors comply with the terms of the lease/consent agreement, operating agreement, and any Bylaws, regulations or policies adopted by the towns relating to the use of the property. When the Managers "execute" each town's obligations, it does so in the agency sense, acting as directed by the towns and not as an independent contractor.

V

LEAD TOWN

For purposes of facilitating accomplishment of this Agreement, the Town of Falmouth will act as the lead town. The lead town shall act on behalf of and as agent for the other towns to further the purposes of this Agreement, to the extent authorized by the Managers. The powers, duties and responsibilities of the lead town shall include but not be limited to the following when duly authorized by the Managers:

- A. To enter into contracts and leases relating to the Site;
- B. To borrow funds for the capital purposes of this Agreement in its own name;
- C. To hold title to the facility and all of its equipment in its own name;
- D. To act as custodian of all funds relating to this agreement which funds will be spent by the Falmouth Board of Selectmen;

- E. To hire employees for operation of any facilities on the Site as directed by the Managers who shall be employees of the Town of Falmouth and subject to the personnel policies of the Town of Falmouth; and
- F. To procure policies of insurance as set forth in Article IX of this Agreement.

VI

APPORTIONMENT AND PAYMENT OF COSTS

- A. Classification of Costs. In order to apportion among the towns costs incurred for capital expenditures and operation and maintenance of the Site, all such costs shall be divided into the following categories:
 - 1. Capital Costs. Capital costs shall include, but not be limited to, all costs for reconstructing or adding fixtures and improvements to the Site, to replace original equipment and furnishings thereof, and for remodeling or making extraordinary repairs thereto. Capital costs shall also include payment of all principal and all interest on bonds, notes, or other obligations issued at the request of the Board of Managers to finance such capital costs.
 - 2. Operating Costs. Operating costs shall include, but not be limited to, all costs other than capital costs, as defined in Section VII.A.1 above, including any costs incurred for maintenance, repairs, rent, or administration.
- B. Financing. In order to pay Capital Costs and/or the Operating Costs, the Town of Falmouth, acting as the lead town, may borrow such funds when authorized by the Managers and the legislative body of each town.
- C. Apportionment of Capital Costs. All capital costs shall be apportioned and shared equally by the towns, except if this Agreement is amended as provided in Section XVII to change the apportionment. The JBCC shall continue to bear a share of the capital costs as if it were a Town as a party to this Agreement. Any other user shall be treated in a manner similar to the JBCC. The Managers shall insure that any user agreement with the JBCC or any other user includes provisions for the payment of a proportional share of capital costs as well as operating costs. No capital costs shall be incurred unless and until sufficient funds have

been appropriated by the legislative bodies of each town. Each town and user shall timely pay to the Treasurer of the Town of Falmouth its share of capital costs as required by the Managers.

- D. Budget. An annual budget for the operation and management of the Site shall be prepared by the Managers on or before December 15 of each year for the next fiscal year. The Managers shall adopt the annual budget, with such changes as it deems appropriate and necessary, and file a copy of said budget with the Town Clerk of each town and with a person designated by any user. The budget shall delineate all anticipated revenues and costs for the following fiscal year and shall include an accounting of all monetary receipts and expenditures from the previous fiscal year. The budget shall delineate each party's Annual Assessment as set forth below. Upon receipt of the budget, each town shall request that its legislative body appropriate sufficient funds to cover the party's Annual Assessment.
- E. Annual Assessment. If the Managers determine that anticipated revenues from grants, gifts and user fees paid by users of the Site are not sufficient to fund the operation and maintenance of the Site for an approaching fiscal year, the estimated costs of operations and maintenance shall be apportioned equally among the towns, except if this Agreement is amended as provided in Section XVII to change the apportionment. Each town shall pay to the Treasurer of Town of Falmouth its share of the annual operating costs as called for in this Agreement as required by the Managers which shall be referred to as the Annual Assessment. Said Annual Assessment shall also include the party's share of the debt service on any capital costs previously authorized in accordance with this Agreement. Any annual operating surplus shall be carried forward to the next fiscal year and credited to each town's Annual Assessment in the next fiscal year.
- F. Accounting. Any funds received by the Managers and/or the lead town, including but not limited to amounts paid by the towns pursuant to this Agreement, shall be deposited with the treasurer of the lead town and held as a separate account and may be expended, with the approval of the Managers, under the provisions of G.L. c. 44, §53A, for contribution towards the costs of this Agreement only.

VII
USE OF SITE

- A. Except as may otherwise be provided herein, any facilities and/or operations at the Site shall be operated and maintained for the mutual benefit of Falmouth, Sandwich, Mashpee, and Bourne.
- B. In the event that any party's legislative body shall fail to appropriate and fund its Annual Assessment, or in the event that any town or the JBCC shall fail to pay the monies due in accord with the provisions of this Agreement, such town or JBCC's right to use the facilities on the Site shall be terminated by the Managers, however, said town or the JBCC shall, nevertheless, remain liable for all obligations undertaken by or on its behalf pursuant to this Agreement prior to the effective date of its termination and the remaining parties shall be reimbursed for all services and expenses rendered to that party prior to the effective date of its termination.

VIII
PROTECTION AGAINST LIABILITY

- A. For the duration of this Agreement, the Town of Falmouth shall purchase and maintain policies or riders on existing policies of insurance providing, as follows:
 - 1. The Town of Falmouth shall maintain adequate and appropriate insurance for such risks as the Managers deem appropriate which shall include general comprehensive liability insurance and shall name each town as an insured party. Risks shall include, without limitation, any risk or potential liability arising out of the operation of any facility on the Site or the lease and operating agreement.
 - 2. All insurance costs shall be included in the operating budget each year.
 - 3. The Managers shall at all times require adequate and appropriate insurance from all parties engaged in the maintenance, operation and use of the Site, evidenced by a certificate of insurance to be furnished to the Board of Managers.
- B. In the case of any unplaced insurance or self-insurance, the parties further agree that all damages, costs, charges, judgments, expenses, as well as the cost of investigating and

defending claims against any of the four towns and users, including attorneys' fees and expenses, that Falmouth, Sandwich, Mashpee or Bourne may incur by reason of any alleged act, neglect, omission, or default on its part or that of its employees, agents, or contractors or the Managers or its agents or contractors, in any way arising out of the maintenance and/or operation of the Site shall be shared by said towns and users in proportion to each town's and user's then current share of operating costs, regardless of fault, to the extent that such expenses shall not be covered by insurance and to the extent permitted by law.

IX

CASUALTY AND EMINENT DOMAIN

In the event that any property within or upon the Site shall be damaged or taken by eminent domain, the Managers shall determine and direct what use shall be made of all proceeds that may be recovered on account of such damage or taking; but if it shall be unable or unwilling to make such determination within ninety (90) days after such funds have been received, the net proceeds shall be divided and distributed to the towns and users in proportion to each town's and user's share of original capital costs as provided under this Agreement.

X

TAXATION

To the extent permitted by law, all property used in connection with the operation of the aforesaid facility shall be exempt from taxation and fees by any town.

XI

ANNUAL REPORTS

The Board of Managers shall submit a written report each year to the Selectmen of each town and the person designated by any user containing financial statements concerning the operation of the UCRTS as well as a statement showing the methods that were used to compute the annual charges apportioned to each town.

XII

EFFECTIVE DATE

This Agreement shall become effective upon the execution of this instrument as duly authorized by each party hereto in accord with the provisions of G.L. Ch. 40, Sec. 4A.

XIII

TERM

Unless sooner terminated as provided elsewhere in this Agreement, this Agreement shall expire on June 30, 2018 and may be extended by mutual agreement.

XIV

TERMINATION

- A. Withdrawal. During the term of this Agreement, any town may withdraw from this Agreement at the end of any fiscal year provided that notice of such withdrawal is given to the other towns at least one year prior to the effective date of withdrawal. Then, in such event:
1. No town which shall have withdrawn its support hereof, hereinafter referred to as the "Terminating Town", shall be entitled to any further use of facilities located on the Site.
 2. The Terminating Town shall pay to the Falmouth Treasurer any amounts that may have been due at the time of such event on account of the current operating costs of said facility within thirty (30) days after such amount shall have been determined by the Managers and certified to the Falmouth Treasurer. Such amount may subsequently be adjusted and become payable as provided in this Agreement.
 3. The Terminating Town shall to pay to the Falmouth Treasurer any amounts that may have been due at the time of such event, on account of the capital costs of the Site facilities within thirty (30) days after such amount shall have been determined by the Managers, and shall continue to pay any amount of capital costs incurred prior to the date of such event that may become due in the future, as such payment shall become due. Any such amount may subsequently be adjusted and become payable as provided in this Agreement.

4. The other towns shall thereupon have the right to continue this Agreement with their proportional shares adjusted accordingly.

B. Final Termination. In the event that the parties hereto do not extend the term of this Agreement or if it shall become impossible to operate the facility for reasons beyond the control of the parties, or if the parties shall determine by majority vote of the Board of Selectmen of each member Town to cease operations at the Site for any reason, the Managers shall, at the end of this Agreement, or at such earlier date as the parties shall determine by agreement, obtain an appraisal by a qualified appraiser selected by the Managers by a majority vote, of the existing Site improvements, excluding the land but including all structures, equipment, supplies, and materials associated therewith, and said improvements shall thereupon be disposed of as follows:

1. The Site facilities/ improvements shall be disposed of with the approval of the Managers as follows:
 - a. Any member Town, or combination of Towns, shall have a right of first option to purchase any asset jointly purchased pursuant to this Agreement at the appraised value determined in compliance with this Agreement, said right of first refusal to be exercised within one hundred and twenty (120) days of the Managers' acceptance of the appraisal of the jointly purchased assets. If more than one town exercises a right of first option for the same asset, the asset will be awarded to the party chosen by a secret drawing witnessed by the Managers;
 - b. If no party exercises its right of first option and the assets have market value, the assets (excluding the land) shall be sold by the Managers and the net proceeds shall be divided among the towns and the users in the same proportion that the towns and users shared the capital costs incurred as provided under this Agreement;
 - c. If said facilities/improvements shall be deemed to have no market value, or if the Managers shall determine that it constitutes a nuisance or liability, the Managers may demolish and dispose of the same. The cost of such demolition/ disposition, after any credit for salvage value, shall be borne among the towns and users in the

same proportion the towns and users shared the original capital costs as provided under this Agreement.

- d. In any other manner which may be authorized by vote of the Managers.
- C. Upon termination of this Agreement, the obligations of one town to the other under this Agreement shall cease, except for any reimbursement or adjustments that may be due for any operating costs up to and including the date of termination and any outstanding indebtedness or obligations due as a result of capital costs incurred during the term of this Agreement.

XV

AMENDMENT

This Agreement may be amended by written amendment from time to time provided that no such amendment shall become effective until approved by a majority of the Board of Selectmen in each member town.

XVI

FILING

A copy of this Agreement and all amendments thereto shall be filed with the Town Clerk of each member town as a public document.

XVII

NOTICE

Any notice, demand, or request required to be given hereunder shall be deemed sufficiently given or served on any of the parties hereto if mailed, postage prepaid, to their respective Board of Selectmen, or to such other address as shall be designated by the parties in writing for that purpose.

IN WITNESS WHEREOF, the parties have hereto set their hands and seals, the Falmouth Board of Selectmen, all thereunto duly authorized, who, however, incur no personal liability by reason of the execution hereof or anything herein contained, in duplicate, the date and year first above written.

TOWN OF FALMOUTH

Approved as to form:

Falmouth Town Counsel

IN WITNESS WHEREOF, the parties have hereto set their hands and seals, the Sandwich Board of Selectmen, all thereunto duly authorized, who, however, incur no personal liability by reason of the execution hereof or anything herein contained, in duplicate, the date and year first above written.

TOWN OF SANDWICH

Approved as to form:

Sandwich Town Counsel

IN WITNESS WHEREOF, the parties have hereto set their hands and seals, the Mashpee Board of Selectmen, all thereunto duly authorized, who, however, incur no personal liability by reason of the execution hereof or anything herein contained, in duplicate, the date and year first above written.

TOWN OF MASHPEE

Approved as to form:

Mashpee Town Counsel

IN WITNESS WHEREOF, the parties have hereto set their hands and seals, the Bourne Board of Selectmen, all thereunto duly authorized, who, however, incur no personal liability by reason of the execution hereof or anything herein contained, in duplicate, the date and year first above written.

TOWN OF BOURNE

Approved as to form:

Bourne Town Counsel

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

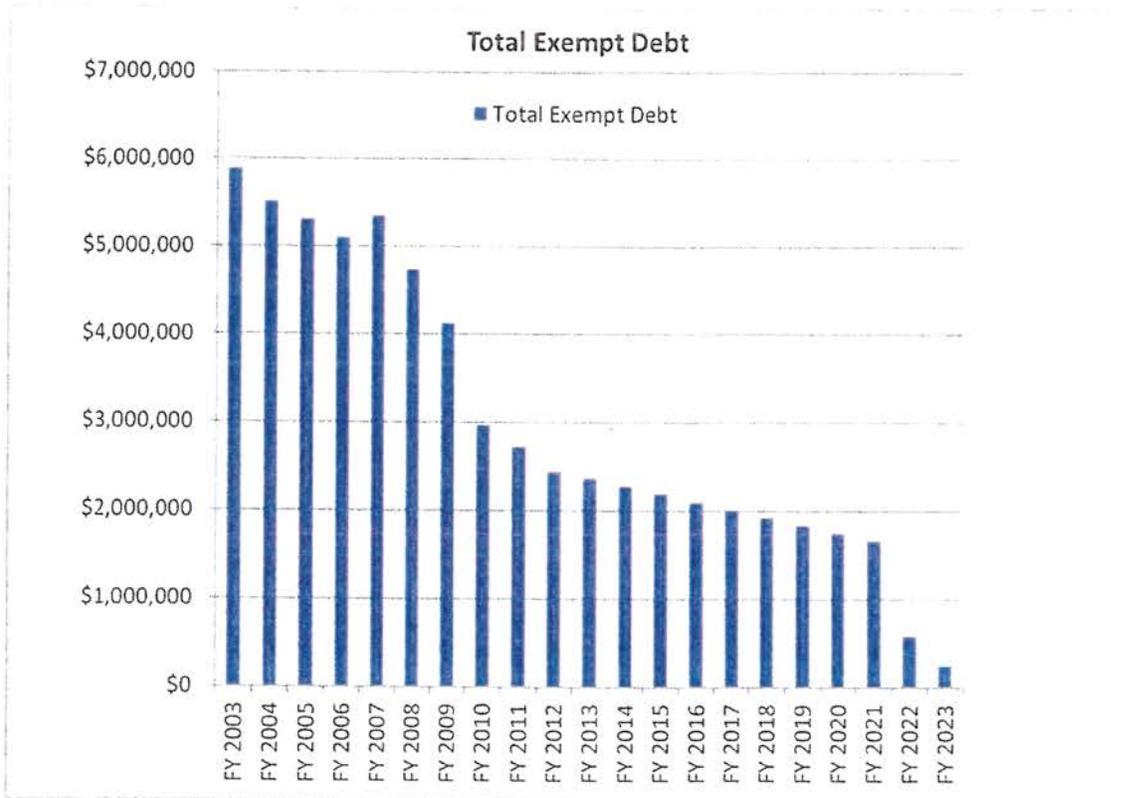
The Town of Sandwich has developed many Long Range Capital Plans and project-specific studies over the last several decades. While these plans have not been acted upon for the most part, they have been critical in raising the level of understanding about the larger capital needs of the Town and School 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

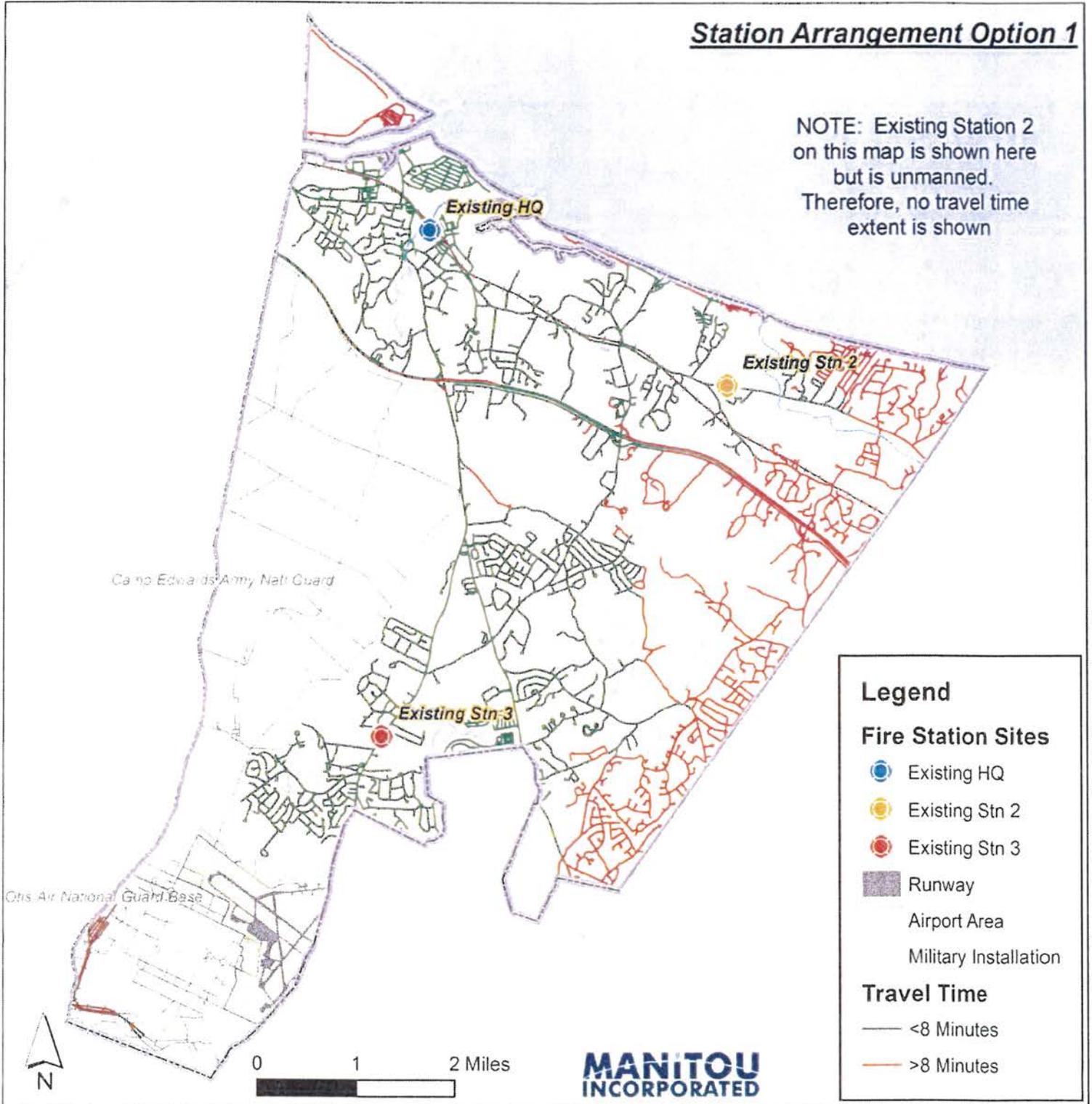
3. Retain existing Fire Department headquarters to be used & renovated as a substation in the short term
 - Longer term goal of new substation near DPW facility on Route 130
 - Once Police Station vacated building could be offered to Sandwich Chamber of Commerce & SEIC

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

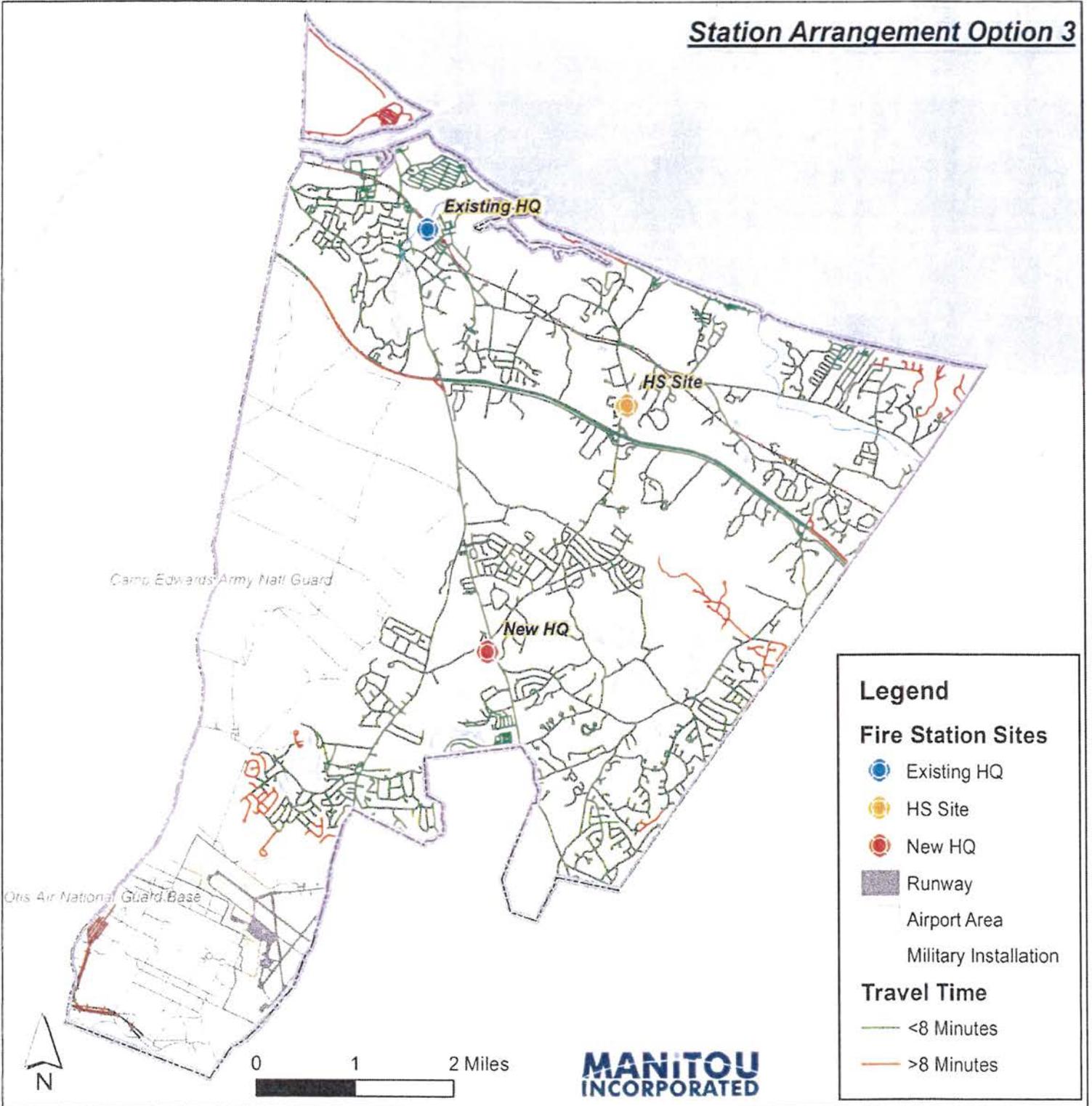
5. Longer term staffing needs
 - Joint, civilian dispatch – address locally or regionally
 - (8) Firefighter/EMS personnel only if East Sandwich substation approved
 - Additional Police Department staff focusing on adding one additional Police Officer per shift once dispatch issue is resolved

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



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>	Annual Cost to Ave. <u>Taxpayer</u>	Monthly Cost to Ave. <u>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
	50,000,000	29,000,000	79,000,000		

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 (Revised 5/14/15)

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.

Option #3

Two Fire Dept. sub-stations, corner QMH Rd. and High School. Close Forestdale station. Close Rt. 6A East Sandwich station. Current main Fire station and Police station on Rt. 6A stay open.

Estimated cost; \$8 million.

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

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
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**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.

Jeanne Hamilton
42 Greenhouse Road
Forestdale, MA 02644 (508) 477-2918

SELECTMEN

MAY 11 2015
RECEIVED

TO: Sandwich Board of Selectmen
DATE: May 11th, 2015

PROPOSAL - Sandwich Officer Appreciation Week to take place June 8th - 12th

I am making a proposal to set aside the week of June 8th - 12th to honor our local Sandwich police officers.

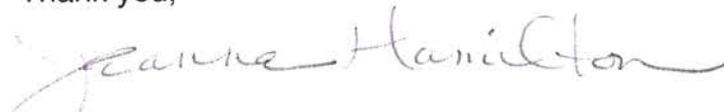
Our police force needs to know how much we appreciate their good work. They put their lives on the line every day.

Our school children need to know that we respect and value our police and the fine job that they are doing. All the Sandwich schools are enthusiastic about supporting this effort.

Other community organizations such as churches, scouts and the Council on Aging will also be asked to come up with their own ideas toward this effort. Businesses will be also be asked to have specials for the officers. For example, ice cream cones, plants, coffee, restaurant specials etc. A coupon sheet will be given to each officer.

Will you support this community effort to honor our police officers by declaring the week of June 8th to 12th as Officer Appreciation Week?

Thank you,



Jeanne Hamilton

email Capetalk@aol.com
or call
508-477-2918 or 508-561-0034

PS: We will honor our fire fighters on fire prevention week in October.

**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 – Memorial Day Week & MMMA Conference

June 4	Meeting
June 11	Potential 4:00 P.M. Workshop 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

SELECTMEN LIAISON

SCHOOL COMMITTEE	OPEN
SCHOOL NEGOTIATION LIAISON	OPEN
COMMUNITY PRESERVATION COMMITTEE	Patrick Ellis
GOLF ADVISORY COMMITTEE	Patrick Ellis
MMR SENIOR MANAGEMENT BOARD	Ralph Vitacco
CEMETERY COMMISSION	Patrick Ellis, Sue James, Ralph Vitacco
WATER QUALITY ADVISORY	Frank Pannorfi
SEIC	Sue James
COUNCIL ON AGING	Frank Pannorfi, Ralph Vitacco
DPW Winter Road Maintenance Appeal Subcommittee	Ralph Vitacco, Susan James
WING SCHOOL STUDY COMMITTEE	Patrick Ellis, OPEN