

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 AGENDA
February 11, 2016 – 6:00 P.M.
Sandwich Town Hall – 130 Main Street

TOWN CLERK
TOWN OF SANDWICH

FEB 09 2016

8 H 50 M A M
RECEIVED & RECORDED

1. Convene Open Session Meeting in Auditorium
2. Executive Session – M.G.L. c.30A, §21(a)
 - Purposes #3 & #6: Litigation Strategy & Valuation of Real Property – NRG Repowering Project & Future Host Community & Tax Valuation Agreements and Possible Participation in Energy Facilities Siting Board's Related Proceedings
 - Purpose #6: Review & Approval of 10/22/15 Executive Session Minutes
3. Pledge of Allegiance
4. Review & Approval of Minutes – 1/21/16
5. Public Forum (15 Minutes)
6. Town Manager Report
7. Correspondence / Statements / Announcements / Future Items / Follow-up (10 Minutes)
8. Staff Meeting (90 Minutes)
 - 7:15 P.M. Public License Hearing Per M.G.L. c.148, §13 - Storage of Flammables, Combustibles, or Explosives – Cape Cod Biofuels, Inc., 14B Jan Sebastian Drive, Andrew Davison, Owner
 - Central Administrative Team – FY'17 Budget & Alternative Funding Scenario to Address Underfunded Accounts & DPW Capital; Etc.
 - Town Treasurer / Collector Bill Jennings – Approval of Bond Anticipation Notes for Sandwich Marina Project
 - Director of Natural Resources Mark Galkowski – Update on Town Neck Beach Project & Recommended Follow-up: Walkover Stairs; Fencing; Reshaping Equipment; Dune Protection Bylaw; Etc.
9. Old Business (15 Minutes)
 - FY'17 Budget Update
 - Other Matters Not Reasonably Anticipated by the Chairman

10. New Business (5 Minutes)
Open Meeting Law Complaint Acknowledgement: Open Meeting Law Complaint from Daryl Crossman, Dated & Received 1/26/16, Concerning Alleged Violation of the Open Meeting Law; Acknowledge Receipt of Complaint; Consider Possible Responses Thereto; and Vote to Resolve the Same
Other Matters Not Reasonably Anticipated by the Chairman
11. Public Forum (15 Minutes)
12. Closing Remarks
13. Adjournment

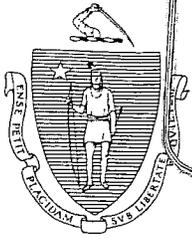
NEXT MEETING: Thursday, February 25, 2016, 7:00 P.M., Town Hall

Allen Papp 2/9/2016

**SANDWICH BOARD OF SELECTMEN
PUBLIC HEARING**

In accordance with M.G.L. Ch. 148 Sec. 13, the Sandwich Board of Selectmen will hold a public hearing on Thursday, February 11, 2016 at 7:15 p.m. at Sandwich Town Hall, 130 Main Street, Sandwich, MA 02563 to consider the application of Cape Cod Biofuels, Inc. for a new license to store flammables, combustibles, or explosives on land, in buildings, or structures located at 14B Jan Sebastian Drive. #27, #041-14B. Anyone wishing to be heard on the subject will be afforded an opportunity at that time.

Frank Pannorfi, Chairman
Sandwich Board of Selectmen



FP-002A
(Rev. 1.1.2015)

The Commonwealth of Massachusetts
City/Town of SANDWICH

Application For License

Massachusetts General Law, Chapter 148 §13

New License Amended License

GIS Coordinates

LAT.

LONG.

License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 14 B JAN SEBASTIAN DR #27 #041-148
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Simi LLC

Address of Land Owner: 17 WINDSWEEP DR SANDWICH, MA 02568

Use and Occupancy of Buildings and Structures: CAPE COO BIOFUELS, INC. MANUFACTURER OF BIODIESEL

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

Attach a copy of the current license

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
BIODIESEL	N/A	19,000	GALLONS	STEEL TANK 2(8000) 1(3000)
GLYCERIN	N/A	6,500	GALLONS	PLASTIC TANK
WASTE VEGETABLE OIL	N/A	16,000	GALLONS	STEEL TANK 2(8000)
METHANOL	1B	7,500	GALLONS	TANKER TRAILER
DIESEL	3B	10,200	GALLONS	TANK TRUCKS 2-2800g 1-4600g

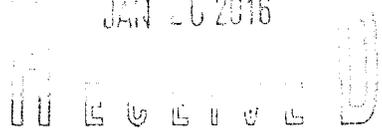
Total quantity of all flammable liquids to be stored: 7,500 gallons

Total quantity of all combustible liquids to be stored: 29,200 gallons

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

JAN -6 2016





THE 189TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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Home Bills & Laws Laws General Laws PART I TITLE XX CHAPTER 148 Section 13

Massachusetts Laws

General Laws

Print Page

Massachusetts Constitution

General Laws

Session Laws

Rules

PART I	ADMINISTRATION OF THE GOVERNMENT		
			NEXT
TITLE XX	PUBLIC SAFETY AND GOOD ORDER		
		PREV	NEXT
CHAPTER 148	FIRE PREVENTION		
		PREV	NEXT
Section 13	Licenses for land for explosives and inflammable materials; certificate of approval; record; certificate of registrations; fees; replacements and alterations of, and regulations for buildings; explosion hazard; appeals to marshal	PREV	NEXT

Section 13. No building or other structure shall, except as provided in section fourteen, be used for the keeping, storage, manufacture or sale of any of the articles named in section nine, unless the local licensing authority shall have granted a license to use the land on which such building or other structure is or is to be situated for the aforementioned uses, after a public hearing, notice of the time and place of which hearing shall have been given, at the expense of the applicant, by the clerk of the city or of the local licensing authority, by publication, not less than seven days prior thereto, in a newspaper published in the English language in the city or town wherein said land is situated, if there is any so published therein, otherwise in the county in which such city or town lies, and also by the applicant by registered mail, not less than seven days prior to such hearing, to all owners of real estate abutting on said land or directly opposite said land on any public or private street as they appear on the most recent local tax list at the time the application for such license is filed, and unless the application for such license shall have endorsed thereon the certificate of approval or disapproval of the head of the fire department. Such license shall be recorded in the office of the city or town clerk, and it shall, from the time of the granting thereof by the licensing authority, be deemed a grant attaching to the land described therein and as an incident of ownership thereof running with the land and shall not be deemed to be merely a personal privilege. Any license granted hereunder, or any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, shall remain in force unless and until revoked as hereinafter provided. Any such license granted hereunder shall be subject to such conditions and restrictions as may be prescribed in the license by the local licensing authority, which may include a condition that the license be exercised to such extent and within such period as may be fixed by such authority.

The owner or occupant of said land licensed as herein provided, and the holder of any license for the keeping, storage, manufacture or sale of any of the articles named in section nine,

granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, shall annually, on or before April thirtieth, file with the clerk of the city or town where such license is to be or has been exercised, or in Boston, with the fire commissioner, or in Cambridge, with the board of license commissioners, a certificate of registration setting forth the name and address of the holder of such license; provided, that no certificate of registration shall be required for any building used as a garage for storing not more than three vehicles, when once used under such a license. The board may by regulation prescribe the amount of any of the articles named in section nine that may be kept in a building or other structure without a license and registration, or either of them. Such fee as may be established from time to time by ordinance or by-law may be charged for any such license, registration or certificate of the head of the fire department, respectively.

Every license granted under this section, and every certificate of registration filed under this section, shall be deemed to be granted or filed upon condition that if the land described in the license ceases to be used for the aforementioned uses, the holder of the license shall within three weeks after such cessation eliminate, in accordance with rules and regulations of the board, all hazardous conditions incident to such cessation. If the holder of the license fails so to eliminate such conditions, the local licensing authority may eliminate such conditions; and a claim for the expense incurred by the local licensing authority in so doing shall constitute a debt due the city or town upon the completion of the work and the rendering of an account therefor to the holder of the license, and shall be recoverable from such holder in an action of contract. Said debt, together with interest thereon at the rate of six per cent per annum from the date said debt becomes due, shall constitute a lien on said land if a statement of claim, signed by the local licensing authority, setting forth the amount claimed without interest is filed, within ninety days after the debt becomes due, with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies. Such lien shall take effect upon the filing of the statement aforesaid and shall continue for two years from the first day of October next following the date of such filing. Such lien may be dissolved by filing with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies, a certificate from the collector of the city or town that the debt for which such lien attached, together with interest and costs thereon, has been paid or legally abated. Such collector shall have the same powers and be subject to the same duties with respect to such claim as in the case of the annual taxes upon real estate; and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof, and the redemption of land so sold or taken shall apply to such claim.

The marshal may, upon application and after a public hearing, reinstate and continue in force and effect any license granted prior to July first, nineteen hundred and thirty-six, for the keeping, storage, manufacture or sale of any of the articles named in said section nine, irrespective of the extent of the use and occupancy of buildings or other structures made or had under said license prior to the date of such reinstatement and continuance, anything in the provisions of this chapter to the contrary notwithstanding, unless prior to such reinstatement and continuance said license has been revoked for cause or the marshal shall have determined that a fire or explosion hazard would result from the exercise of such license. The marshal shall give written notice of such application, and of the date of the hearing thereon, to the head of the fire department of the city or town wherein is situated the land to which such application relates and shall, after such hearing, notify in like manner the clerk of such city or town of the action taken on such application.

Any license granted hereunder between July first, nineteen hundred and thirty-six and August seventeenth, nineteen hundred and fifty-one, both dates inclusive, not exercised for a period of at least three years, may be revoked by the local licensing authority after notice and hearing given to the owner or occupant of the land licensed.

When a fire or explosion hazard exists or is liable to exist due to the exercise of such license, the marshal or the head of the fire department, shall issue an order to the licensee to cease and desist in the exercise of such license and said marshal or said head of the fire department shall direct that reasonable measures to insure safety to the public be undertaken at the expense of the holder of such license.

Any license granted hereunder or any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, may be revoked for cause, after notice and a hearing given to such owner or occupant, by the local licensing authority or by the marshal. Any building or structure erected or maintained under any of the aforementioned licenses shall always be subject to such replacements and alterations in construction and to such regulations of its use in respect to protection against fire or explosion as the board may prescribe.

Any person aggrieved by the granting of a license hereunder on the ground that the exercise thereof would constitute a fire or explosion hazard may, within ten days after the granting thereof, appeal to the marshal who, after notice and hearing, shall finally determine whether such a hazard would result. If, in his opinion, such a hazard would result, he shall notify the authority granting the license, and such notice when received by such authority shall constitute a revocation of such license and no further license for the same or similar use of the same land shall be granted within one year after the receipt by such authority of such notice.

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Lapp, Doug

From: Lapp, Doug
Sent: Monday, January 25, 2016 12:29 PM
To: adavison@capecodbiofuels.com
Cc: Spiro, Paul; Mason, David; Carrico, William; Coggeshall, Kathy
Subject: Application for License

Hello Andrew. I'm following-up on the Application for License that you submitted to Town Hall to store various liquids and gases as required per MGL c. 148 s. 13. We have advertised a public hearing with the Board of Selectmen to be held on February 11, 2016 at 7:15pm at Town Hall. However, I have just received the following input from town departments, which we always solicit for any new license to be issued by the Board of Selectmen, which I wanted to forward to you as a courtesy:

- The Building Inspector has indicated that he needs to document if your tanker (storage) trailers are "double walled" as required by your existing Zoning Board of Appeals special permit.
- The Building Inspector has indicated that in his opinion, any increase to the storage of liquids would require a modification to your existing Zoning Board of Appeals special permit.
- The Health Director has indicated that your existing Zoning Board of Appeals special permit does not allow the storage of diesel fuel.
- The Health Director has indicated that you're not allowed to store any diesel fuel on the property per section 5000 (Water Protection Districts) of the Town of Sandwich Zoning Bylaws.

While we have scheduled your public hearing, it appears that there are significant issues with your application. I would suggest that you contact the Building Inspector to discuss these issues. If, after speaking with him, you want to withdraw your application and cancel the public hearing, please let me know via email. If you'd still like to go ahead and have the public hearing, that's fine. I'll assume it's still on unless I hear from you.

Thanks,

Douglas Lapp

Assistant Town Manager
Town of Sandwich, MA
(508) 888-5144 or 4910

Town Of Sandwich
THE OLDEST TOWN ON CAPE COD



Office of the Inspector of Buildings
16 Jan Sebastian Drive, Sandwich, MA 02563
Phone: 508-888-4200 Fax: 508-833-0018
E-mail: pspiro@townofsandwich.net

January 21, 2016

Mr. Frank Pannorfi, Chairman
Board of Selectmen
130 Main Street
Sandwich, MA 02563

RE: Storage Permit-Andrew Davison-Cape Cod Biofuels, Inc.

Dear Mr. Pannorfi,

The application for Andrew Davison, Cape Cod Biofuels, Inc. for a storage permit cannot be approved by this office at this time.

Currently, there is a Special Permit in place (#10-06) granted by the Sandwich Zoning Board of Appeals on August 24, 2010, attached. Under the provisions of this Special Permit, Condition #4 requires that no more than 7100 gallons may be stored in temporary storage vessels that are required to be "double walled". The applicant demonstrated through copies of deliveries of Methanol to the facility on June 23, 2015, August 14, 2015 and November 9, 2015 all have been 7,000 gallons or under. Upon receipt of these copies, on or about January 7, 2016, a verbal request was made of the applicant to show evidence that storage trailers were "double walled". This has yet to be confirmed by the applicant.

Unless the applicant can verify that the tanker (storage) trailers are "double walled", this would constitute a violation of the conditions of the Special Permit, to wit; Condition #2 which states... "Failure to comply with all conditions set forth in this decision shall terminate the grant of this special permit." Notwithstanding, it would be my interpretation that any increase to the storage of liquids would require the Zoning Board of Appeals to approve a modification to Special Permit #10-06.

Sincerely,


Paul D. Spiro, CBO
Inspector of Buildings

Town Of Sandwich

THE OLDEST TOWN ON CAPE COD



BOARD of APPEALS

16 Jan Sebastian Drive
Sandwich, MA 02563
Phone: 508 833 8001
Fax: 508 833 8006
E-mail: planning@townofsandwich.net

SPECIAL PERMIT CERTIFICATE OF APPROVAL

Petition: #10-06
Current Property Owner(s): Simi II LLC
Applicant: Andrew R. Davison, Cape Cod Bio-Fuels
Property Address: 14B Jan Sebastian Drive, Sandwich, MA 02563
Town Map: 27
Registry of Deeds: Parcel: 41
Book: 013947 Page: 00312

On August 24, 2010, the Board of Appeals voted to grant a special permit to continue operation of a bio-fuel processing plant for property located at 14B Jan Sebastian Drive as shown on assessor's Map 27, Parcel 41.

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a special permit and that copies of said decision, and of all plans referred to in the decision, have been filed with the Board of Appeals and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of that registered decision shall be returned to the Planning & Development office as proof of filing.

Any person aggrieved by this decision may appeal to the Superior Court or Land Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT with the Town Clerk within twenty (20) days of the date of filing of this decision.


Board of Appeals Member _____ Date 8/26/10

TOWN CLERK
TOWN OF SANDWICH

AUG 26 2010


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PROCEDURAL HISTORY

1. Application for a special permit to continue operation of a bio-fuel processing plant required under Sandwich Protective Zoning By-law Sections 1330, 1330, 1342, 1381, and 5000 for property located at 14B Jan Sebastian Drive was made by the applicant.
2. After proper notice was given the public hearing was opened on June 8, 2010, continued on June 22, 2010, July 13, 2010, July 27, 2010, and closed on August 24, 2010.
3. The application was accompanied by a plan entitled "Parking Plan, Paul G. Bousfield, Sandwich, MA prepared by W.P. Oldham Associates dated April 26, 1998.
4. The Board reviewed the application, the plan and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:
 - Robert Jensen
 - Erik Van Buskirk
 - Frederick Watt
 - Jim Killion

FINDINGS

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A;
2. The Board of Appeals finds that the subject property lies within the Industrial Zoning District;
3. The Board of Appeals finds that the subject property has 1.59 acres of area and one hundred fifty feet of frontage on Jan Sebastian Drive;
4. Section 1330 requirements:
 - a. The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the Shore Zoning District;
 - b. The Board of Appeals finds that nuisance, hazard or congestion will not be created;
 - c. The Board of Appeals finds that there is not substantial harm to the neighborhood;
 - d. The Board of Appeals finds that there is not derogation from the intent of the bylaw;
 - e. The Board of Appeals finds that the stated Industrial District objectives will be satisfied; and
 - f. The Board of Appeals finds that continuing the operation of a biofuel processing plant is not substantially more detrimental to the neighborhood.
5. The Board of Appeals finds that this application meets the requirements of Sandwich Protective Zoning By-law Sections 1330, 1340, 1342, 1381 and 5000;
6. The Board of Appeals finds that the application for special permit substantially conforms to the Sandwich Protective Zoning By-Laws;
7. Several members of the Board inspected the facility at 14B Jan Sebastian Drive;
8. The applicant submitted the following documents: "BioDiesel Production & Storage of By-Products" and documentation from the DEP indicating that vegetable oil does not meet the definition of oil;
9. The Board of Appeals finds the use to be allowed under Section 2300;
10. The Board of Appeals finds that the application meets the lot coverage requirements of Section 2600 as "vegetable oil" does not fall within the DEP definition of fuel oil;
11. Applicant proposes double wall tanker trailers as temporary storage vessels;
12. The State Fire Marshall has approved the use of tanker trailers as temporary storage vessels;
13. The applicant has demonstrated adequate site containment to the Board of Health; and
14. The applicant has received a Certificate of Water Quality Compliance dated August 9, 2010 from the Board of Health.



Motion: I, Robert Jensen, move to adopt these findings as the findings of the Board of Appeals.
 Second: Erik VanBuskirk
 Vote: Robert Jensen yes
 Erik Van Buskirk yes
 Frederick Watt yes
 James Killion yes

CONDITIONS:

At the public hearing, the Board of Appeals considered potential conditions of approval for this special permit. The Board of Appeals voted that the following conditions of approval shall be imposed upon any approval of a special permit, that these conditions are reasonable and that the applicant and its successor-in-interest shall be bound by these conditions:

1. Pursuant to the requirements of Sandwich Protective Zoning By-law Sections 1330, 1340, 1342, 1381 and 5000 the grant of special permit shall expire upon:
 - Transfer of ownership, prior to initiation of substantial construction on or occupancy of the site unless such transfer is authorized in this permit; or
 - If no substantial construction or occupancy takes place within (12) twelve months of special permit approval, excluding such time required to pursue or await the determination of an appeal referred to in MGL C 40A, Section 17.
2. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this special permit;
3. The special permit shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded special permit is provided to the Board of Appeals; and
4. The double wall tanker trailers shall contain no more than 7100 gallons. These trailers may be located on northerly and easterly elevations of the site.

Motion: I, Robert Jensen, move to impose the above conditions of approval upon any approval of the special permit.
 Second: Erik VanBuskirk
 Vote: Robert Jensen yes
 Erik Van Buskirk yes
 Frederick Watt yes
 James Killion yes

DECISION:

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 14B Jan Sebastian Drive, Sandwich assessor's map 27, parcel 41 for use as Manufacturing/Processing/Bulk Storage Use pursuant to Zoning By-law Sections 1330,1340, 342, 1381 and 5000 and further described as an Industrial/Utility Use in accordance with the conditions stated above.

Motion: I, Robert Jensen, move to approve the special permit in consideration of the findings of the Board of Appeals.
 Second: Erik VanBuskirk
 Vote: Robert Jensen yes
 Erik Van Buskirk yes
 Frederick Watt yes
 James Killion yes



Town of Sandwich
THE OLDEST TOWN ON MAPE COD



BOARD OF APPEALS
16 Jan Sebastian Drive, Sandwich, MA 02563
Phone: 508 833 8001
Fax: 598 833 8006
E-mail: planning@townofsandwich.net

RECEIVED

MAY 17 2010

10-06

MAY 17 2010

12 H 00 M P M TW
RECEIVED & RECORDED

Application for Special Permit

BOARD OF APPEALS

To the Board of Appeals of the Town of Sandwich,
The undersigned herewith submits an application and requests a hearing before the Board of Appeals for a Special Permit under Section See Below of Sandwich Protective Zoning By-law for the purpose of CONTINUED OPERATION OF BIOFUEL PROCESSING PLANT

SECTION 1330, 1340, 1342, 1381 AND REQ. OF 5000

*Section 2310 lists principal uses allowed, not allowed or requiring a special permit. Some areas of Town have specific additional requirements for certain uses i.e. water recharge areas, 3 Ponds District, Marine District.

Subject property Map # 27, Parcel # 041. (Found on tax bill)

Registry of Deeds title reference: Book 013947, Page 00312, or Certificate Of Title Number _____ & Land Court Lot # _____ & Plan # _____
(Call Barnstable County Registry at (508) 362-7733).

Property Street Address: 14 B JAN SEBASTIAN DR SANDWICH, MA 02563

Lot area of subject property (Found on tax bill): 1.59 ACRES

Frontage dimension of subject property (Call Assessor's Office at (508) 888-0157): 150'

Date subject lot was created in its present form (Call Barnstable County Registry at (508) 362-7733): 8/17/1998

Property Owner (s): SIMI II LLC

Owner's Permanent Address: 17 Windsor St, Sandwich

Daytime Phone #: 508 888 2010 Email: RouseHouse@Verizon.net

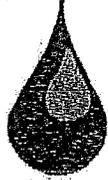
Signature of Property Owner(s): John Rouse

Applicant: Andrew R. Dawson
Applicant's Address: 14B JAN SEBASTIAN DRIVE SANDWICH, MA 02563
Daytime Phone #: 508 833 8666 Email: adawson@capecodbiofuels.com
Signature of Applicant: [Signature]

Signature of Authorized Agent: [Signature]
Daytime Phone #: 508 833 8666 Email: adawson@capecodbiofuels.com



Cape Cod



BioFuels

Bio Diesel Production and Storage of Byproducts

Bio Diesel Production Procedure

Collection of WVO (Waste Vegetable Oil)

WVO is collected on a daily basis from area restaurants.

Vacuum equipped vehicles with various sized tanks collect the WVO

WVO is returned to facility, where it is heated, filtered and dewatered

WVO processing into biodiesel

WVO is transferred from holding tank into processors.

Methanol is transferred from holding tank into meth oxide mix tank.

Biodiesel Potassium hydroxide is metered into tank and mixes with methanol.

Meth oxide mixture is fed into WVO processors and mixed for a period of time

Biodiesel mixture is allowed to sit, glycerin is removed and pumped into

Glycerin holding tank.

Biodiesel is pumped into wash tank and mist washed. Wash water is pumped

Into holding tank.

Biodiesel is then dried in the same tank.

Finished biodiesel is pumped into finished holding tank.

Biodiesel is distributed to Fuel Company

Waste Glycerin

Held in 6250 gallon approved storage tank. Collected by MI Biodiesel and

Turned into animal feed, soap products and cosmetics.

Waste Water

Held in 2000 gallon approved storage tank. Collected by Bousfield Septic

Service and disposed of at approved Waste Water Treatment Facility

Waste Food Stuffs

Held in 2000 gallon approved storage tank. Delivered to Watts Family Farms

Compost site in Carver, MA. An approved compost site by the

MA DEP.

SELECTMEN'S OFFICE INTERDEPARTMENTAL ADVISORY FORM

Owner/Applicant = Andrew Davison, Cape Cod Biofuels, Inc.

Location – 14B Jan Sebastian Drive

Date – January 20, 2016

Application from Cape Cod Biofuels for storage permit per MGL 148§13 (over 10,000 gallons) Permit requesting: 7,500 flammable liquids, 29,200 combustible liquids. Tentative hearing date: Feb. 11, 2016.

POLICE – _____ Approve _____ Disapprove

Remarks _____

Signature (Date)

FIRE _____ Approve _____ Disapprove

Remarks _____

Signature (Date)

✓ **BOARD OF HEALTH** _____ Approve ✓ _____ Disapprove

Remarks **BASED ON LIST OF FLAMMABLES/COMBUSTIBLES PROVIDED THE MATERIALS ON SITE VIOLATES THE ZBA SPECIAL PERMIT. COMMENTED DEFERRED TO ZONING ENFORCEMENT OFFICER**
Signature **[Signature]** (Date) **1/20/2016**

INSPECTIONS _____ Approve _____ Disapprove

Remarks _____

Signature (Date)

PLANNING/ZONING _____ Approve _____ Disapprove

Remarks _____

Signature (Date)

Please return to Kathy Coggeshall, Town Manager's Office, 508-888-4910

SELECTMEN'S OFFICE INTERDEPARTMENTAL ADVISORY FORM

Owner/Applicant = Andrew Davison, Cape Cod Biofuels, Inc.

Location – 14B Jan Sebastian Drive

Date – January 20, 2016

Application from Cape Cod Biofuels for storage permit per MGL 148§13 (over 10,000 gallons) Permit requesting: 7,500 flammable liquids, 29,200 combustible liquids. Tentative hearing date: Feb. 11. 2016.

POLICE – _____ Approve _____ Disapprove

Remarks _____

Signature (Date)

FIRE _____ Approve _____ Disapprove

Remarks _____

Signature (Date)

BOARD OF HEALTH _____ Approve _____ Disapprove

Remarks _____

Signature (Date)

INSPECTIONS _____ Approve _____ Disapprove

Remarks _____

Signature (Date)

✓ **PLANNING/ZONING** _____ Approve _____ ✓ Disapprove (*at this time*)

Remarks *See letter from Inspector of Buildings, Paul*

Spiva. Planning Dept comments incorporated.

Signature (Date)

Please return to Kathy Coggeshall, Town Manager's Office, 508-888-4910

RECEIVED

JAN 25 2016

PLANNING & DEVELOPMENT

POTENTIAL SOLUTION TO ADDRESS CHRONIC OPERATING BUDGETSHORTFALL ACCOUNTS

Problem: Required spending from three General Government operating budget accounts – specifically Police and Fire overtime and DPW Snow & Ice – regularly exceeds the budget amount appropriated and, traditionally, the annual capital budget is often monopolized by large-scale equipment purchases from the Department of Public Works.

Goal: Is there a way to more appropriately address these chronic shortfalls, which total \$500,000, while still being prudent with our revenue assumptions, preserving our future Free Cash projections, and not taking funding from other expenses?

Proposed Solution: Through a combination of safely adjusting our current revenue assumptions for Local Receipts (\$4,400,000), New Growth (\$500,000), and Discretionary Aid (\$1,852,026) by a grand total of \$350,000, the three chronic shortfall accounts can be appropriated at more realistic levels and a new \$150,000 lease/purchase of equipment account can be established in DPW.

Comments:

- Our most recent 2 years of Local Receipts have safely exceeded our current \$4,400,000 assumption by an average of \$523,648. Furthermore, a comparison of FY'16 Local Receipts shows we are \$50,000 above the exact same time in FY'15 when we ended up raising over \$4,950,000 in Local Receipts and the first installment of the large Motor Vehicle Excise mailing was \$250,000 above the first installment last year.
- Our most recent 2 years of New Growth have safely exceeded our current \$500,000 assumption by an average of \$188,239. Furthermore, building permit applications for additions and renovations, the most consistent indicator of New Growth, continue to increase over prior years.
- Our most recent 3 years of Discretionary Aid have seen a -13.13% decrease which equates to annual average loss of -\$100,895. The initial FY'17 Budget released by the Governor comes closer to level-funding our cumulative Discretionary Aid accounts. If the final Discretionary Aid amount is better than the -7.50% decrease currently projected with our \$1,852,026 estimate, this will enable us to prudently use a smaller increase in estimated Local Receipts which is safer financially.
- Where municipalities tend to get into financial trouble is overestimating their Local Receipts. That is why we do not want to account for the full \$350,000 increase in revenues from just Local Receipts.
- The proposed solution is flexible enough for us to change our assumptions between the 3 previously mentioned accounts or to withdraw the extra funding request if our final FY'17 projections heading toward Town Meeting do not materialize.
- The proposed solution makes the Reserve Fund more of a true Reserve Fund as it more realistically funds our most common deficit line items.

- The proposed solution should maintain our future Free Cash Certification estimates, unless major unforeseen challenges hit all 3 accounts the same fiscal year which is very unlikely.
- The proposed solution enables future budget projections to eliminate the \$150,000 Snow & Ice deficit for the current fiscal year as the account will more appropriately be funded. With the account more appropriately funded, the Reserve Fund should be able to cover any normal deficits. Obviously, in an extreme storm year, like FY'15, additional special funding may need to offset any extreme shortfalls.
- It's important to note that the proposed actions do not add a single new employee or start a new public service. They simply fund existing services and costs more legitimately.
- It's also important to note that the proposed actions do not raise taxes by even \$1. The sources of the revenues are not taxes or are focused strictly on the New Growth created.
- If we find that the recommended changes do not work as planned in FY'17, we can easily revert back to our prior assumptions in future years.

Conclusion: Our central administrative team believes we should increase our current revenue assumptions for Local Receipts, New Growth, and Discretionary Aid by a collective total of \$350,000 – with Local Receipts increased as little as possible – and eliminate the proposed \$150,000 expense for the FY'16 Snow & Ice deficit. Our current Snow & Ice budget is in good shape and the FY'16 Reserve Fund should be able to cover any shortfall barring a drastic weather change. These actions would enable us to increase the appropriation to the following recommended FY'17 line items thereby increase the General Government operating budget increase from 2.80% to 6.06%:

210 – Police Department Overtime	\$150,000
220 – Fire Department Overtime	\$50,000
421 – DPW Snow & Ice	\$150,000
420 – DPW Lease / Purchase of Equipment – <i>NEW</i>	<u>\$150,000</u>
Total Recommended Changes:	\$500,000

Attachments:

1. Local Receipts History – p. 66 of Tab 3 of FY'17 Budget Binder
2. New Growth History – p. 62 of Tab 3 of FY'17 Budget Binder
3. Tuition Assessments & Discretionary Aid Receipts History – p. 41 of Tab 3 of FY'17 Budget Binder
4. DPW Snow & Ice Budget Account 421 of Tab 5 of FY'17 Budget Binder
5. Proposed Revised FY'17 Revenues & Expenses – “Alternate Budget Addressing Chronic Shortfall Accounts”



TOWN OF SANDWICH LOCAL RECEIPTS

<u>Fiscal Year</u>	<u>Budget Est.</u>	<u>Recap Est.</u>	<u>Actual</u>	<u>Surplus v. Recap</u>
FY'92	2,217,105	n/a	2,353,097	135,992
FY'93	2,114,500	n/a	2,531,346	416,846
FY'94	2,183,683	n/a	2,597,254	413,571
FY'95	2,351,696	n/a	3,197,092	845,396
FY'96	2,467,200	n/a	2,894,366	427,166
FY'97	2,492,000	n/a	2,920,957	428,957
FY'98	2,464,000	n/a	3,636,615	1,172,615
FY'99	2,640,000	n/a	3,831,846	1,191,846
FY'00	2,640,000	n/a	4,698,442	2,058,442
FY'01	3,075,000	3,075,000	4,935,263	1,860,263
FY'02	3,100,000	3,517,000	4,650,395	1,133,395
FY'03	3,600,000	3,600,000	4,822,961	1,222,961
FY'04	4,100,000	4,100,000	4,816,203	716,203
FY'05	4,200,000	4,540,000	4,819,548	279,548
FY'06	4,200,000	4,600,000	5,131,111	531,111
FY'07	4,200,000	4,925,000	5,424,209	499,209
FY'08	4,800,000	4,850,000	5,273,654	423,654
FY'09	4,850,000	4,900,000	4,769,981	-130,019
FY'10	4,750,000	4,750,000	4,634,631	-115,369
FY'11	4,800,000	4,479,000	4,885,041	406,041
FY'12	4,800,000	4,703,930	5,101,374	397,444
FY'13*	4,300,000	4,039,500	4,071,224	31,724
FY'14**	4,350,000	4,298,800	4,878,602	579,802
FY'15	4,300,000	4,573,000	4,968,694	395,694

FY'98 - FY'08 Average Difference Actual Receipts v. Recap Sheet Est. = 1,008,113

FY'09 - FY'14 Average Difference Actual Receipts v. Recap Sheet Est. = 223,617

*Note: Budget estimate reduced in FY'13 to reflect implementation of DPW - Sanitation Division enterprise fund.

**Note: Estimates include Meals Tax revenues in FY'14 and beyond.

#2

NEW GROWTH / ADDED PROPERTY VALUE
FY'95 - PRESENT

<u>Year</u>	<u>New Growth</u>	<u>Added Growth Value**</u>	<u>Tax Rate Used*</u>
FY'95	356,541	25,055,587	14.23
FY'96	366,243	25,683,240	14.26
FY'97	802,304	56,026,816	14.32
FY'98	472,171	29,884,241	15.80
FY'99	825,008	51,627,534	15.98
FY'00	462,007	31,644,315	14.60
FY'01	547,982	38,320,420	14.30
FY'02	618,745	46,175,000	13.40
FY'03	612,031	47,591,835	12.86
FY'04	616,694	52,306,531	11.79
FY'05	641,794	62,920,980	10.20
FY'06	602,373	63,141,824	9.54
FY'07	593,443	63,402,030	9.36
FY'08	615,798	66,214,839	9.30
FY'09	628,502	65,400,832	9.61
FY'10	545,668	48,546,975	11.24
FY'11	492,970	40,473,727	12.18
FY'12	495,976	38,930,612	12.74
FY'13	458,553	35,993,171	12.74
FY'14	615,348	44,850,437	13.72
FY'15	725,323	49,781,949	14.57
FY'16	651,155	43,937,600	14.82
Ave. Annual New Growth	579,392		

Note: *Calculation of Growth based on value** adjusted between Fiscal Years, times prior year tax rate

FY'97 - FY'09 Average New Growth Amount = 618,373

FY'10 - FY'15 Average New Growth Amount = 569,285

#3

TUITION ASSESSMENTS & DISCRETIONARY AID RECEIPTS HISTORY
FY'04 - Present

<u>Year</u>	<u>Sending Tuition Assessments</u>	<u>Discretionary Aid Receipts</u>	<u>Difference</u>
* FY'04	\$262,373	\$1,288,054	\$1,025,681
* FY'05	\$328,033	\$1,438,908	\$1,110,875
FY'06	\$305,200	\$1,769,103	\$1,463,903
FY'07	\$565,328	\$2,353,726	\$1,788,398
FY'08	\$589,031	\$2,385,962	\$1,796,931
FY'09	\$920,599	\$2,582,979	\$1,662,380
FY'10	\$797,587	\$1,808,406	\$1,010,819
FY'11	\$813,314	\$1,785,693	\$972,379
FY'12	\$1,610,912	\$2,286,304	\$675,392
FY'13	\$2,394,446	\$2,304,875	-\$89,571
FY'14	\$2,765,390	\$2,173,996	-\$591,394
FY'15	\$3,048,954	\$2,074,733	-\$974,221
FY'16	\$3,265,743	\$2,002,190	-\$1,263,553

* **NOTE:** The FY'04 and FY'05 Sending Tuition Assessments were paid from the School Department operating budget. Starting in FY'06, the Tuition Assessments have been taken from the total Town budget.

****NOTE:** While the State does provide a Charter Tuition Reimbursement line item on the Cherry Sheet Receipts document, it does not work as a true offset for these costs. These funds are part of the State: Discretionary Aid line item on the Town's Revenues & Expenses document, but get spent like all other Town revenues: roughly 2/3 of School expenses and 1/3 on Town expenses, with the one exception of Ch. 70 Aid which is given 100% directly to the School Department operating budget.



DEPARTMENT: 421 - Snow & Ice
IOC

EXPEND FY12 EXPEND FY13 EXPEND FY14 EXPEND FY15 APPROP FY16 REQUEST FY17

PERSONNEL:

<u>Position</u>	<u>Name</u>						
Labor		72,785	96,878	96,878	138,148	12,523	12,524

PERSONNEL SUBTOTAL 72,785 96,878 138,148 12,523 12,524

OPERATING EXPENSES:

<u>Acct #</u>	<u>Account Name</u>						
5046	Equipment Maintenance	6,986	5,127	810	73,763	15,000	15,000
5245	Truck Maintenance	26,481	26,292	33,774	10,569	2,000	2,000
5275	Equipment Hire	113,240	125,354	123,942	265,406	197,491	197,491
5400	Supplies	3,295	3,709	7,500	7,997	1,500	1,500
5480	Gas & Oil	3,565	20,530	31,295	39,605	2,500	2,500
5533	Salt	57,297	108,831	189,830	176,466	12,000	12,000
5534	Sand	2,222	4,938	7,539	34,329	7,000	7,000

OPERATING SUBTOTAL 213,086 294,781 394,690 608,135 237,491 237,491

TOTAL DEPARTMENT BUDGET 285,871 391,659 491,568 746,283 250,014 250,015

<u>Fiscal Year</u>	<u>Expenditure</u>	<u>Fiscal Year</u>	<u>Expenditure</u>
FY'15	746,283	FY'10	435,881
FY'14	491,568	FY'09	506,421
FY'13	367,566	FY'08	361,263
FY'12	232,330	FY'07	243,673
FY'11	367,256	FY'06	387,374
		5 Year Average:	441,001
		10 Year Average:	413,962

ALTERNATE BUDGET ADDRESSING CHRONIC SHORTFALL ACCOUNTS

GHD Draft - 2/8/2016

PROJECTED REVENUES AND EXPENSES - FY'17

REVENUES

<u>FY'17 Tax Levy:</u>			
FY'16 Levy Limit	54,242,318		
2.5% Increase	1,356,058		
Est. New Growth	500,000	↑ if Est. ↑	
Excess Levy Reserve Est.	0		
Overrides / Exclusions	0		
County Assess. Outside 2.5: CCC	166,918		
Debt Outside 2.5 (- Non-Lewy & SBA)	918,091	57,183,385	
<u>Other Revenue:</u>			
Land Bank / CPA Debt	1,326,638		
Marina Debt	200,000		
Mass. School Building Authority Funds	1,279,534		
State Aid: Discretionary (-7.50%)	1,852,026	↑ if State ↑	
State Ch. 70 Aid: School (0.00%)	6,740,018		
Est. Local Receipts (Includes Meals Tax)	4,750,000	+350,000 MAX.	
Surplus Revenue / Free Cash	1,763,451		
Overlay Release	100,000		
Transfer from Stabilization Fund	0	<u>18,011,667</u>	

Total Estimated Revenues

75,195,052

EXPENSES

<u>ReCap Sheet Items:</u>			
State Assess: Tuition Assess (10.00%)	3,592,317		
State Assess: All Other (3.00%+CCRTA)	602,985		
Abatements / Overlay	400,000		
FY'16 Snow & Ice Deficit	-150,000		4,595,302
<u>Town Meeting Items:</u>			
Group Health Insur. + Mitig. Plan (7.50%)	9,970,625		
County Retirement Assess. (6.60%)	3,355,082		
Property & Liability Insurance (2.50%)	861,000		
Medicare (6.00%)	636,000		
Unemployment Account	100,000		
OPEB Trust Fund	75,000		
Debt: Long Term	4,170,074		
Debt: Short Term	50,000		
Reserve Fund	500,000		
Capital Budget - Net	500,000		
Transfer to Stabilization Fund	25,000		20,242,781

Operating Budgets:

School Budget: Local (3.00%)	24,977,500
Ch. 70 (0.00%)	6,740,018
	31,717,518

UCCRVTS Budget (7.50%)

2,202,860

Addresses Public Safety OT & S&I Shortfalls; DPW Capital Account → General Gov't. Budget (6.06%)

+500,000 16,274,520

Total Estimated Expenses

75,032,981

ESTIMATED FY'17 BUDGET BALANCE

162,071

<u>Stabilization Fund Balance:</u>	
Actual Balance on 11/30/15:	1,226,393
Proposed Transfer From/To Stabilization Fund:	25,000
Projected Post ATM Balance:	1,251,393



Lapp, Doug

From: Jennings, William
Sent: Tuesday, January 19, 2016 9:53 AM
To: Lapp, Doug; Dunham, George
Cc: Jennings, William; Cherry, Robin
Subject: Selectman's Meeting on Feb. 11th

Importance: High

Hello,

Can I get on the agenda for Feb. 11th Selectmen's meeting ? I need to get the 2nd of the 3 Marina BANs signed.

Thanks,
Bill

Bill Jennings

Treasurer/ Collector
Town of Sandwich

Phone: (508) 888 – 6508- Treasurer's Office
(508) 833 - 8012 – Tax Collector Office

Fax: (508) 888 - 8655

**TOWN MANAGER
RECOMMENDED FY'17 BUDGET
PRESENTATION TO BOARD OF SELECTMEN**

January 28, 2016

PROJECTED REVENUES AND EXPENSES - FY'17

REVENUES

<u>FY'17 Tax Levy:</u>	
FY'16 Levy Limit	54,242,318
2.5% Increase	1,356,058
Est. New Growth	500,000
Excess Levy Reserve Est.	0
Overrides / Exclusions	0
County Assess. Outside 2.5: CCC	166,918
Debt Outside 2.5 (- Non-Levy & SBA)	918,091
	57,183,385
<u>Other Revenue:</u>	
Land Bank / CPA Debt	1,326,638
Marina Debt	200,000
Mass. School Building Authority Funds	1,279,534
State Aid: Discretionary (-7.50%)	1,852,026
State Ch. 70 Aid: School (0.00%)	6,740,018
Est. Local Receipts	4,400,000
Surplus Revenue / Free Cash	1,763,451
Overlay Release	100,000
Transfer from Stabilization Fund	0
	<u>17,661,667</u>

Total Estimated Revenues

74,845,052

EXPENSES

<u>ReCap Sheet Items:</u>	
State Assess: Tuition Assess (10.00%)	3,592,317
State Assess: All Other (3.00%+CCRTA)	602,985
Abatements / Overlay	400,000
FY'16 Snow & Ice Deficit	150,000
	4,745,302
<u>Town Meeting Items:</u>	
Group Health Insur. + Mitig. Plan (7.50%)	9,970,625
County Retirement Assess. (6.60%)	3,355,082
Property & Liability Insurance (2.50%)	861,000
Medicare (6.00%)	636,000
Unemployment Account	100,000
OPEB Trust Fund	75,000
Debt: Long Term	4,170,074
Debt: Short Term	50,000
Reserve Fund	500,000
Capital Budget - Net	500,000
Transfer to Stabilization Fund	25,000
	20,242,781
<u>Operating Budgets:</u>	
School Budget: Local (3.00%)	24,977,500
Ch. 70 (0.00%)	6,740,018
	31,717,518
UCCRVTS Budget (7.50%)	2,202,860
General Gov't. Budget (2.80%)	<u>15,774,520</u>

Total Estimated Expenses

74,682,981

ESTIMATED FY'17 BUDGET BALANCE

162,071

<u>Stabilization Fund Balance:</u>	
Actual Balance on 11/30/15:	1,226,393
Proposed Transfer From/To Stabilization Fund:	25,000
Projected Post ATM Balance:	<u>1,251,393</u>

FY'17 BUDGET TOTALS

NO.	DEPARTMENT	FY16 APPROP	FY17 SALARY	FY17 OPER	FY17 TOTAL	% CHANGE
114	Moderator	450	450	0	450	0.00%
123	Select./Manager	467,269	418,282	61,350	479,632	2.65%
	Personnel Expen.	244,875	425,000	0	425,000	73.56%
131	Finance Comm.	3,400	2,000	1,400	3,400	0.00%
135	Accounting	226,810	192,088	22,250	214,338	-5.50%
141	Assessing	384,818	362,201	24,925	387,126	0.60%
145	Treasurer	205,882	218,759	-7,950	210,809	2.39%
146	Tax Collector	201,800	140,701	56,900	197,601	-2.08%
147	Tax Title	35,000	0	35,000	35,000	0.00%
151	Legal	300,000	0	300,000	300,000	0.00%
152	Human Resour.	170,163	168,338	8,000	176,338	3.63%
161	Town Clerk	165,677	166,501	5,500	172,001	3.82%
162	Elect. & Regist.	60,750	10,500	59,750	70,250	15.64%
171	Natural Resour.	270,676	247,714	27,100	274,814	1.53%
175	Plan. & Devel.	222,299	196,921	21,125	218,046	-1.91%
190	Facilities Mgmt.	522,455	207,850	322,500	530,350	1.51%
195	Town Reports	11,000	0	11,000	11,000	0.00%
196	Bind Records	6,000	0	6,000	6,000	0.00%
197	Info. Technology	529,329	199,512	337,500	537,012	1.45%
	Total 100s	4,028,653	2,956,817	1,292,350	4,249,167	5.47%
210	Police Dept.	4,098,264	3,864,677	318,835	4,183,512	2.08%
220	Fire Dept.	3,211,210	3,734,795	-511,200	3,223,595	0.39%
241	Inspections	265,317	257,163	16,105	273,268	3.00%
244	Sealer of W & M	200	0	200	200	0.00%
291	Emerg. Mgmt.	11,500	3,000	8,500	11,500	0.00%
294	Forest Warden	1,500	0	1,500	1,500	0.00%
297	Bourne Shellfish	4,000	0	4,000	4,000	0.00%
299	Greenhead Fly	2,000	0	2,000	2,000	0.00%
	Total 200s	7,593,991	7,859,635	-160,060	7,699,575	1.39%
300	School Dept.	30,915,593	31,715,518	0	31,715,518	2.59%
313	UCCRVTS	2,049,172	2,202,860	0	2,202,860	7.50%
	Total 300s	32,964,765	33,918,378	0	33,918,378	2.89%

(Note: School Dep't. amount includes Ch. 70 aid.)

NO. DEPARTMENT FY16 APPROP FY17 SALARY FY17 OPER FY17 TOTAL % CHANGE

410	DPW - Engineer.	188,745	184,567	9,800	194,367	2.98%
420	DPW	1,467,558	970,673	558,025	1,528,698	4.17%
421	Snow & Ice	250,014	12,524	237,491	250,015	0.00%
424	Streetlights	30,000	0	30,000	30,000	0.00%
435	DPW - Sanitation	0	420,417	-420,417	0	#DIV/0!
Total 400s		1,936,317	1,588,181	414,899	2,003,080	3.45%

510	Health Dept.	187,330	181,646	10,125	191,771	2.37%
522	Nursing Dept.	145,742	117,712	29,700	147,412	1.15%
540	Social Services	35,000	0	35,000	35,000	0.00%
541	COA	217,769	219,548	10,500	230,048	5.64%
543	Veterans	45,500	0	50,000	50,000	9.89%
Total 500s		631,341	518,906	135,325	654,231	3.63%

610	Library	944,017	766,196	183,637	949,833	0.62%
630	Recreation	155,787	135,459	26,375	161,834	3.88%
650	DPW - Parks	20,850	0	20,850	20,850	0.00%
671	Hoxie / Grist Mill	20,000	20,000	0	20,000	0.00%
693	Memorial Day	1,200	0	1,200	1,200	0.00%
694	Historic District	13,000	2,000	12,750	14,750	13.46%
Total 600s		1,154,854	923,655	244,812	1,168,467	1.18%

GEN. GOVT. TOTAL 15,345,156 13,847,194 1,927,326 15,774,520 2.80%
 (no School)

Gen. Gov't. Budget @ 3.00% = 15,805,511 Adjustment Needed = 30,991

GRAND TOTAL 48,309,921 47,765,572 1,927,326 49,692,898 2.86%
 (incl. School)

FY'17 RECOMMENDED GENERAL GOVERNMENT BUDGET
Summary of Significant Budget Changes (+/- \$5,000)

(Contracted & Estimated Wage Increases Included in Appropriate Operating Budgets)

<u>Acct.</u>	<u>Budget - Description</u>	<u>Change</u>
ALL	Back to Usual 52.2 Weeks in Fiscal Year vs. 52.4 Weeks in FY'16	-42,339
123	Manager - Personnel Expenses & Unresolved Union Contracts	180,125
146	Collector - Lockbox for Collection of Taxes & Fees - <u>Net Decrease</u>	6,000
162	Elections & Registrations - Up Year in Normal Cycle	9,500
171	Natural Resources - Boat Enforcement - Loss of Net Waterway \$	-5,000
197	IT - Vehicle Repairs - Price of Hand-Me-Down Police Vehicles	5,000
210	Fire - Increase Amb. Billing Charges \$14K - <u>Fully Offset Account</u>	-22,000
630	Recreation - Min. Wage Increase & Porta-Jon Rentals - <u>Fully Offset</u>	20,000

GENERAL GOVERNMENT OPERATING BUDGET NEEDS - Prioritized Summary

<u>Acct.</u>	<u>Budget - Description</u>	<u>Amount</u>
210	Police - More Realistically Fund OT for Minimal Coverage	150,000
220	Fire - More Realistically Fund OT for Minimal Coverage	50,000
421	Snow & Ice - More Realistically Fund to Better Cover Shortfalls	150,000
420	DPW - Establish Lease/Purchase Account in Operating Budget	150,000
190	Public Facilities - Add'l. Maintenance Specialist & Part-Time Clerk	70,000
197	IT - Increase IT Network Support Technician Position to Full-Time	30,000
Multiple	Streamline Town Organizational Structure	350,000
420	DPW - Add'l Road & Infrastructure Maint. Funds Post-Road Bond	300,000
420	DPW - Add'l Parks Staff & Money for HTW School Fields	100,000
171 & 630	DNR & Recreation - Reduce Dependency on Beach Parking Acct.	150,000
		1,500,000

PUBLIC SAFETY 3RD STATION DEBT EXCLUSION & FIRE / EMS STAFFING OVERRIDE

<u>Acct.</u>	<u>Budget - Description</u>	<u>Amount</u>
221	Fire - (8) Fire/EMS Staff for 3rd Ambulance; Tie to Debt Exclusion*	750,000

* **Note:** The hiring of the (8) Fire/EMS staff should be directly tied to any debt exclusion vote to properly fund capital improvements to the East Sandwich Sub-station to accommodate the additional personnel. A grand total of (12) personnel are needed, but (4) Fire/EMS staff were funded in the FY'16 budget.

OVERALL BUDGET ISSUES & CONCERNS

Chronically Underfunded Operating Budget Accounts:

- Police & Fire Department Overtime Budgets Do Not Provide Sufficient Funding to Retain Basic, Standard Shift Coverage
- DPW Snow & Ice Account Funded Well-Below Average Historic Expenditures

Capital Needs:

- Annual Operating Capital Needs Far Exceed Available Funding (ex. = DPW needs alone could justify a \$150,000 lease-purchase line item in operating budget)
- Large-Scale Projects Needing Exclusions to Fund (ex. = Public Safety; Roads & Infrastructure; Wastewater; Beach; HTW School; etc.)
- Existing Municipal Buildings - no place to combine appropriate departments; nowhere to put new staff; lack of modern office features & code issues (ex. = financial departments; Annex; etc.)

Employee-Related Costs & Employee / Debt Requirements:

- Increased Cost of Town & School Employee & Liability Programs (ex. = health insurance; so-called "Cadillac Tax" costs which take effect January 1, 2018 or later; retirement assessment; etc.)
- Increased Time-Demands Overseeing Town & School Employee & Debt Issues (ex. = Affordable Care Act reporting; increased bond scrutiny; etc.)

FY'17 CAPITAL BUDGET SUMMARY

<u>DEPARTMENT</u>	<u>ITEM</u>	<u>COST</u>
PROJECTS >\$10,000		
171 NATURAL RESOURCES	Peter's Pond Security Cameras	\$11,600
190 FACILITIES DEPT.	Repairs to Town Buildings	\$125,000
190 FACILITIES DEPT.	Replace '06 Pickup with Plow	\$28,000
210 POLICE DEPARTMENT	Mobile Radios for Marked & Unmarked Vehicles	\$21,634
220 FIRE DEPARTMENT *	Build Brush Breaker on Donated '90 Chassis	\$150,000
220 FIRE DEPARTMENT	Fire/EMS HazMat & Site Data Software	\$15,000
220 FIRE DEPARTMENT	Upgrade Existing UHF Radio System	\$32,000
220 FIRE DEPARTMENT	Purchase (5) Thermal Imaging Cameras	\$30,950
300 SCHOOL DEPARTMENT	Forestdale School Treatment Facility Upgrade	\$200,000
420 DPW - HIGHWAY *	Replace Dump Truck with Plow	\$160,000
541 COUNCIL ON AGING	HSB Security Cameras	\$12,730
TOTAL > \$10,000 CAPITAL EXPENSES		\$786,914
PROJECTS <\$10,000		
171 NATURAL RESOURCES	Ryder Conservation Security Cameras	\$8,600
171 NATURAL RESOURCES	Regulatory Buoy Replacements	\$4,000
171 NATURAL RESOURCES	(3) AEDs for DNR Vehicles	\$6,000
210 POLICE DEPARTMENT	Patrol Cruiser Rifles & Shotguns	\$8,382
220 FIRE DEPARTMENT	(2) Electric Positive Pressure Ventilation Fans	\$4,310
522 PUBLIC HEALTH NURSE	Vaccine Freezer	\$1,550
522 PUBLIC HEALTH NURSE	Vaccine Refrigerator	\$5,680
TOTAL < \$10,000 CAPITAL EXPENSES		\$38,522
TOTAL FY'17 CAPITAL BUDGET		\$825,436
		* Ambulance Fund Transfer = (\$150,000)
		* DPW Operating Budget Lease/Purchase Account = (\$160,000)
TOTAL OTHER FUNDING SOURCES =		(\$310,000)
NET FY'17 CAPITAL BUDGET		\$515,436

ADDITIONAL FY'17 CAPITAL BUDGET IF FUNDING ALLOWS

<u>DEPARTMENT</u>	<u>ITEM</u>	<u>COST</u>
PROJECTS >\$10,000		
171 NATURAL RESOURCES	Replace Kubota RTV 900 Less Trade-In	\$20,600
190 FACILITIES DEPARTMENT	Library Repairs (ADA Ramp, Doors & Ent., Flat Roof)	\$50,000
190 FACILITIES DEPARTMENT	Towable Debris/Leaf Blower	\$11,600
420 DPW - HIGHWAY	New Stump Grinder	\$35,506
630 RECREATION	Utility Vehicle for Oak Crest Cove	\$13,000
630 RECREATION	Skate Park Repairs & Improvements	\$20,000
TOTAL > \$10,000 CAPITAL EXPENSES		\$150,706
PROJECTS <\$10,000		
190 FACILITIES DEPARTMENT	Gravelly Brushcutter Attachment	\$1,852
190 FACILITIES DEPARTMENT	Gravelly Mower	\$3,051
220 FIRE DEPARTMENT	Rescue Air Cushion to Lift 10 Tons	\$5,858
630 RECREATION	Oak Crest Cove Cabin Equipment	\$9,500
TOTAL < \$10,000 CAPITAL EXPENSES		\$20,261
TOTAL ADDITIONAL FY'17 CAPITAL BUDGET IF FUNDING ALLOWS		\$170,967

GRAND NET TOTAL \$686,403



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

SELECTMEN
JAN 26 2016
RECEIVED

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Office of the Attorney General's Division of Open Government is responsible for interpreting and enforcing the Open Meeting Law. Pursuant to G.L. c. 30A, §23, the Open Meeting Law requires that complaints must first be filed with the public body that is alleged to have committed the violation, prior to filing a complaint with the Attorney General.

The complaint must be filed with the public body within 30 days of the alleged violation, or if the alleged Open Meeting Law violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered. The complaint must set forth the circumstances which constitute the alleged violation, giving the public body an opportunity to remedy the alleged violation.

Please complete the entire form, providing as much information as possible, to assist the public body in responding to your complaint. The Division of Open Government will not, and public bodies are not required to, investigate anonymous complaints. You may attach additional materials to your complaint if necessary. The public body may request additional information if necessary.

For complaints alleging a violation of the Open Meeting Law by a local public body, you must file with the public body and file a copy with the clerk of the city or town where the alleged violation occurred. For complaints alleging a violation by a county, regional or state public body, you must file with the chair of the public body.

If you are not satisfied with the action taken by the public body in response to your complaint, you may file a copy of your complaint with the Attorney General's Office 30 days after filing your complaint with the public body. The Attorney General's Office may decline to investigate a complaint that is filed with the Attorney General's Office more than 90 days after the alleged OML violation, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.

The complaint must include this form and any documents relevant to the alleged violation. A complaint may be filed either by mail or by hand:

Office of the Attorney General
Division of Open Government
One Ashburton Place
Boston, MA 02108



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Daryl Last Name: Crossman

Address: 15 Telegraph Hill Road

City: Sandwich State: MA Zip Code: 02563

Phone Number: +1 (508) 833-1433 Ext. _____

Email: DARYL.CROSSMAN@COMCAST.NET

Organization or Media Affiliation (if any): N/A

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): SANDWICH BOARD OF SELECTMEN

Specific person(s), if any, you allege committed the violation: CHAIRMAN - BOARD OF SELECTMEN - FRANK PANNORFI

Date of alleged violation: Jan 21, 2016

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

I believe there was a violation of the Open Meeting Law with the opening of the Business Meeting by the Sandwich Board Of Selectmen on Thursday, January 21, 2016. I, as well as a number of other residents, were at Town Hall to attend the opening of the Board of Selectmen's meeting which was to be followed by the posted Executive Session. At the time of the posted meeting, I went upstairs at Town Hall where the Board of Selectmen's meetings are held. Instead of the meeting being opened in this venue, the meeting was supposedly opened in an area of Town Hall that no one from the public was invited to attend. Because the public did not have access to wherever the Meeting was opened, there was no way to verify by the public, if the proper opening protocol was followed. It appears that due to the controversial nature of the Executive Session, the Board of Selectmen changed where its normal meeting is opened to a location where the public did not have access.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Acknowledge at the next available Board of Selectmen's meeting that there was a violation of the Open Meeting Law in this particular instance, and that in the future they will adhere to Massachusetts Open Meeting Law by opening the Business Meeting in Open Session and make it available to the Public as required, and then move on to the Executive Session as directed by the Open Meeting Law.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Daryl Crossman

Date: 1/26/15

TOWN CLERK
TOWN OF SANDWICH

For Use By Public Body Date Received by Public Body: For Use By AGO Date Received by AGO:

JAN 26 2016

4:00 P M
RECEIVED & RECORDED

February 12, 2016

Michele E. Randazzo
mrandazzo@k-plaw.com

Ms. Amy Nable
Assistant Attorney General
Director, Division of Open Government
Office of Attorney General Maura Healey
One Ashburton Place
Boston, MA 02108

Re: Town of Sandwich – Board of Selectmen
Open Meeting Law Complaint from Daryl Crossman, dated January 26, 2016

Dear Ms. Nable:

This is in response to an open meeting law complaint from Daryl Crossman, dated and received by the Town of Sandwich on January 26, 2016. In this Complaint, Crossman asserts that the Sandwich Board of Selectmen failed to properly convene an executive session meeting on January 21, 2016 by not posting the specific room location where the Board of Selectmen would be voting to go into executive session. The complaint does not challenge the purpose for which the executive session was held. On February 11, 2016, the Sandwich Board of Selectmen (“Board”) considered this Complaint (a courtesy copy of which is enclosed), in accordance with an item included on a properly posted meeting notice for such purposes, and authorized me to respond to same on its behalf. Pursuant to that discussion, the Board’s response is below.

Space for public meetings is limited at Town Hall, and the Selectmen’s open session meetings are held in the auditorium at Town Hall (and have been held in that location generally since 2011). Executive session meetings are traditionally not held in the auditorium, because it is not a location that can be easily secured from public view or inadvertent public broadcast of the executive session, particularly where local cable access personnel are either setting up or breaking down equipment to broadcast the open session meetings at the same time during which an executive session might otherwise be held. Thus, for the past five years, executive session meetings of the Board have been routinely held in a conference room attached to the Town Manager’s office. Where an executive session meeting was contemplated as the first item of substantive business, meeting notices for the Board of Selectmen have included reference to the meeting being convened, as the first item on the agenda. See, e.g., attached meeting notices for meetings of September 10, 2015 and September 24, 2015.

Ms. Amy Nable
Assistant Attorney General
February 8, 2016
Page 2

The agenda for the January 21, 2016 meeting is attached. The Board of Selectmen acknowledges that there is no specific room in the Town Hall listed on the agenda for the executive session.¹ Prior to the start of the executive session, Mr. Crossman and others were in town hall standing in the hallway, and encountered the Assistant Town Manager as well as members of the Board of Selectmen. Discussion between those assembled including a specific indication by the Assistant Town Manager that the open session portion of the meeting would begin at 7 pm, and in fact, the open session portion of the meeting did begin promptly at 7 pm, in the auditorium. At the time, Town staff asked Town Counsel who was present at the meeting whether the Board needed to take the vote to go into executive session in the auditorium, rather than in the conference room. She responded that they did not, unaware that the meeting notice itself did not designate a specific room location within the Town Hall where the executive session would occur.

The Board acknowledges that there was no specific indication to the public in attendance, either in writing or made verbally, that the executive session meeting would first convene in open session in the conference room adjoining the Town Manager's office. Going forward, the Board commits to either take votes to go into executive session in the auditorium, which is the usual location for the Selectmen's open session meetings, or when this is not possible or feasible, to publicly post a more specific location where the executive session will be convened.² See, e.g., meeting notice for the Board's February 11, 2016 meeting, at which time Mr. Crossman's January 26th Open Meeting Law complaint was discussed.

The Selectmen feel it is important to note that every effort is made to ensure that the public is well apprised of the timing and schedule for meetings. As a convenience for the public, meeting notices and all background material are not only posted on the Town's website in advance of meetings, but also directly emailed to a wide group of over 1,400 interested parties (i.e., the press, all boards and committees, taxpayers and citizens, including Mr. Crossman). There was absolutely no intent here to

¹ It appears to be a clerical oversight that this particular meeting notice does not list "convene meeting" as the first item.

² The Board notes that, less than two business days after the meeting, Mr. Crossman made a public records request for the meeting minutes for this executive session. Town Counsel has responded to this request, on behalf of the Town, indicating that the minutes have not been completed, and furthermore, any notes of the meeting taken in anticipation of drafting the executive session minutes would be withheld under Exemption (a) to the Public Records Law, as the purpose for the executive session had not been completed, and the attorney-client privilege.

Ms. Amy Nable
Assistant Attorney General
February 8, 2016
Page 3

deprive the public of the opportunity to observe the vote to go into executive session; rather, the Board and staff were focused on ensuring that members of the public were aware that while the executive session meeting was starting at 5:30, the open session portion of the scheduled meeting would not start until 7 pm, out of respect for the public's time.

Very truly yours,

Michele E. Randazzo

MER/

Enc.

cc: Board of Selectman
Mr. Daryl Crossman

547619/SAND/0246

Ms. Amy Nable
Assistant Attorney General
February 8, 2016
Page 4

Hon. Frank Pannorfi and
Members of the Board of Selectmen
Sandwich Town Hall
130 Main Street
Sandwich, MA 02563

Mr. Daryl Crossman
15 Telegraph Hill Road
Sandwich, MA 02563