

TOWN OF SANDWICH

THE OLDEST TOWN ON CAPE COD

130 MAIN STREET
SANDWICH, MA 02563

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

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BOARD OF
SELECTMEN

TOWN
MANAGER

BOARD OF SELECTMEN AGENDA February 25, 2016 – 6:00 P.M. Sandwich Town Hall – 130 Main Street

1. Convene Open Session Meeting in Auditorium
2. Executive Session – M.G.L. c.30A, §21(a)
 - Purpose #3: Litigation Strategy – Kane v. Town & Police Department
 - Purpose #3: Collective Bargaining – Davison v. Town & Fire Department;
Contract Negotiations with All General Government Unions
3. Pledge of Allegiance
4. Review & Approval of Minutes – 1/7/16 & 2/4/16
5. Public Forum (*15 Minutes*)
6. Town Manager Report
7. Correspondence / Statements / Announcements / Future Items / Follow-up (*10 Minutes*)
8. Staff Meeting (*120 Minutes*)
 - 7:15 P.M. Class II Used Car Dealer's License Public Hearing – 276 Cotuit Road, Juliano Santos, Owner

 - Town Counsel John Giorgio – Overview of Capital Stabilization Override Process; Other Debt &/or Capital Outlay Expenditure Exclusion Matters

 - Superintendent of Schools Dr. Richard Canfield & School Committee – Recommended FY'17 School Department Budget
9. Old Business (*30 Minutes*)
 - FY'17 Budget Update & Selectmen Recommendation to Finance Committee
 - Other Matters Not Reasonably Anticipated by the Chairman
10. New Business (*15 Minutes*)
 - Open Meeting Law Complaint Acknowledgement: Open Meeting Law Complaint from Jane Logan, Dated 2/13/16 & Received 2/16/16, Concerning Alleged Violation of the Open Meeting Law; Acknowledge Receipt of Complaint; Consider Possible Responses Thereto; and Vote to Resolve the Same

- Approval of Chase Road c.40B Regulatory Agreement
- Vote to Deficit Spend Snow & Ice Account – M.G.L. c.44, §31D
- Seasonal Population Estimate for Seasonal Liquor Licenses
- Proposed Board of Selectmen Meeting Schedule Through June
- Other Matters Not Reasonably Anticipated by the Chairman

11. Public Forum (*15 Minutes*)

12. Closing Remarks

13. Adjournment

NEXT MEETING: Thursday, March 3, 2016, 7:00 P.M., Town Hall

BOARD OF SELECTMEN

PUBLIC HEARING

In accordance with Mass. General Laws. C. 140, Section 59, the Sandwich Board of Selectmen will hold a public hearing on Thursday, February 25, 2016, 7:15 p.m., 130 Main Street, Sandwich, MA 02563 on the application of Juliano P. Santos, d/b/a JP Auto Wholesalers, for a Class II Used Car Dealer's License to be operated from 276 Cotuit Road. Any person wishing to be heard on this subject will be afforded an opportunity to speak at that time.

Frank Pannorfi , Chairman
Board of Selectmen

TOWN OF SANDWICH

THE OLDEST TOWN ON CAPE COD



130 MAIN STREET
SANDWICH, MASSACHUSETTS 02563
TELEPHONE 508-888-4910
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TOWN OF SANDWICH Supplemental Application for Class II License

Applicant Name: Juliano P. Santos
Business Name: JP Auto Wholesalers
Business Address: 276 Cotuit Rd, Sandwich, MA
Business Telephone: (508) 367-8880

1. Is the occupation of selling used cars your principal business? (Yes or No)

If no, what is your primary business? _____

2. Are you applying for a Class II license for the purposes of operating a retail or wholesale used car business? yes

3. Do you intend to apply for a Dealer's General Registration plate through the Registry of Motor Vehicles? (Yes or No)

4. Please provide a complete description of the business operations planned for the proposed licensed location.

The business operations planned for 276 Cotuit Rd will be purchasing cars from private parties, eBay, craigslist + other private people internet sites + then selling the cars at the auction.

5. Please describe the current use of the property and buildings (i.e., residence w/ home occupation, commercial, etc.) to be used for the proposed licensed activity. Do you plan to operate the proposed business from a separate and distinct facility? (Please explain)

276 Cotuit Rd is currently our personal home

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

I am going to be buying cars from Craigslist, EBay, and the street from private people and then sell the cars at the auction

8. Are you a recognized agent of a motor vehicle manufacturer? NO
(Yes or No)

If so, state name of manufacturer _____

9. Have you a signed contract as required by Section 58, Class 1? NO
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? NO
(Yes or No)

If so, in what city — town _____

Did you receive a license? _____ For what year? _____
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No
(Yes or No)

Sign your name in full _____
(Duly authorized to represent the concern herein mentioned)

Residence _____

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

11-07-2015, 1835 hours, conducted a background investigation Juliano P. Santos. Mr. Santos has applied for a CLASS II auto dealer's license.

At this point in the process, I have two concerns.

1: The application packet does not have any paperwork regarding the obtaining of a bond as required by the statute.

2: The applicant states that the business will be operated from his residence. I feel the zoning of the location needs to be checked by the appropriate town department.

SELECTMEN'S OFFICE INTERDEPARTMENTAL ADVISORY FORM

Owner/Applicant = Juliano P. Santos, JP Auto Wholesalers

Location – 276 Cotuit Road, Sandwich

Date – November 5, 2015

Request for new Class II Used Car Dealer's License

POLICE – _____ Approve _____ Disapprove

Remarks _____

Signature (Date)

FIRE _____ Approve _____ Disapprove

Remarks _____

Signature (Date)

BOARD OF HEALTH _____ Approve _____ Disapprove

Remarks _____

Signature (Date)

INSPECTIONS Approve _____ Disapprove

Remarks OK for application

As prepared

[Signature] 11-8-15
Signature (Date)

PLANNING/ZONING _____ Approve _____ Disapprove

Remarks _____

Signature (Date)

STANDARD RESTRICTIONS TO LICENSE:

1. No business sign.
2. No repairs.
3. One (1) unregistered vehicle.
4. No pedestrian sales at location

Dunham, George

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

Bud,

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

Creation of a Special Purpose Stabilization Fund Subject to an Override

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

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

Funding the Stabilization fund

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

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

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

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

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

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

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

Expenditures from the Stabilization Fund

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

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

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

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

Please contact me with any further questions.

Very truly yours,

Lauren

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Informational Guideline Release

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

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

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

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

Topical Index Key:

Accounting Policies and Procedures
Appropriations
Proposition 2½
Special Funds

Distribution:

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

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

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

SUMMARY:

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

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

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

GUIDELINES:

I. MULTIPLE STABILIZATION FUNDS

A. Creation of Funds

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

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

B. Pre-existing Fund

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

C. Changing Fund Purpose

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

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

D. Appropriations and Transfers

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

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

E. Investment and Interest

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

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

F. Limits on Funds

1. Annual Appropriations

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

2. Balance

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

II. STABILIZATION FUND OVERRIDES

A. Presentation and Approval of Override Referendum

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

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

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

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

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

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

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

B. Appropriation of Override in Future Years

1. Annual Appropriation Procedure

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

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

2. Appropriation Amount

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

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

3. Tax Rate

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

4. Levy Limit Calculation

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

C. Change in Override Purpose

1. Presenting Referendum

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

2. Referendum Form

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

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

3. Referendum Approval

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

4. Appropriation in Future Years

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

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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WILSON JENSEN CAPITAL INC. WET

Section 1: Introduction and Executive Summary

Introduction

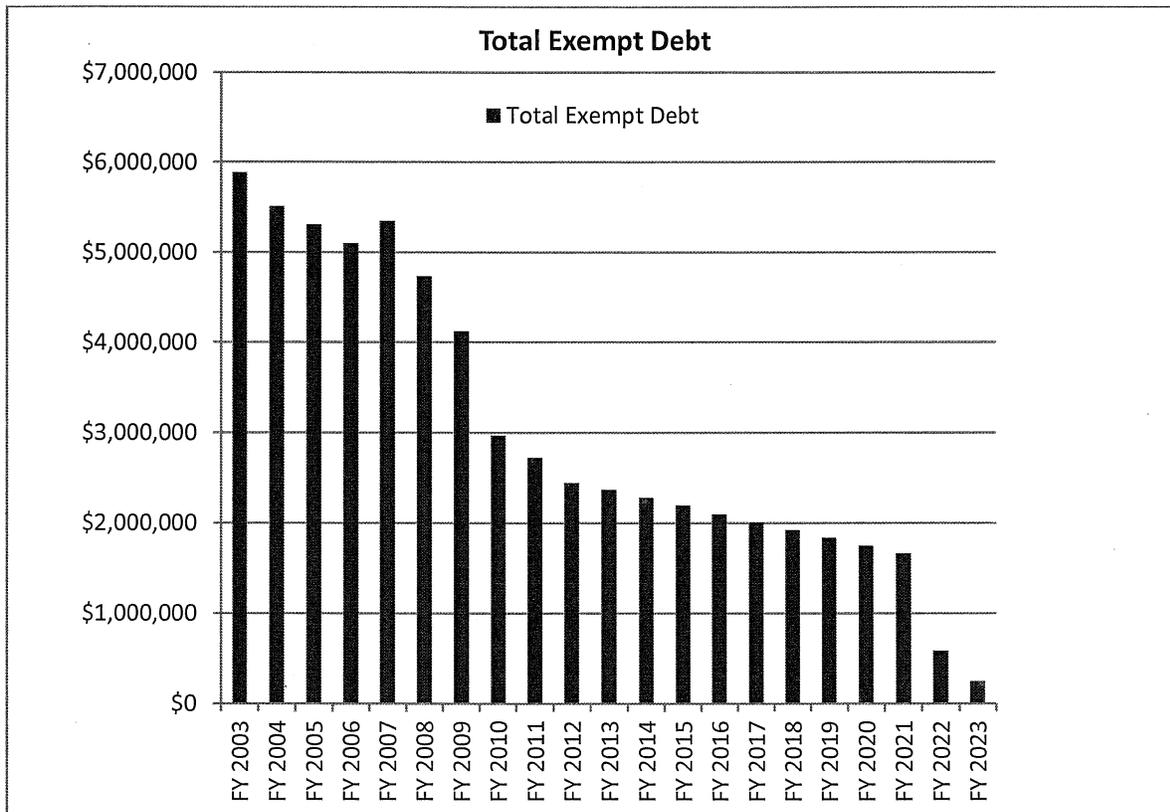
The Town of Sandwich has developed many Long Range Capital Plans and project-specific studies over the last several decades. While these plans have not been acted upon for the most part, they have been critical in raising the level of understanding about the larger capital needs of the Town and School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

MEMORANDUM

TO: Frank Pannorfi, Chairman, Board of Selectmen
FROM: Paul Kilty, Chairman, Capital Improvement Planning Committee
DATE: February 22, 2016
SUBJECT: CIPC Support for Debt Exclusion for Public Roads & Infrastructure



On behalf of the Capital Improvement Planning Committee (CIPC), I wanted to pass along our Committee's unanimous support for a debt exclusion of at least \$5.2 million to be presented to the voters to improve our public roads and infrastructure. Director of Public Works / Town Engineer Paul Tilton attended our January 4, 2016 meeting and provided us with a detailed update on the road and infrastructure work completed with the FY'15 capital outlay expenditure exclusion for \$1.3 million and the additional work that is needed for the Town's roads and infrastructure, including numerous Town parking lots and entrances. This report was similar to the update Mr. Tilton provided the Selectmen in late 2015.

Some of the reasons for the CIPC's support of a debt exclusion for our roads and infrastructure are as follows:

- the fact that the roads and infrastructure continue to deteriorate; as Mr. Tilton has highlighted, many subdivision roads are far worse today than they were 5 years ago and there are obvious Town infrastructure needs like the paving at Sandwich Hollows and all the school parking lots (some of which need expansion) and driveways that are too significant to be funded through the annual capital budget process;
- the fact that these needs have been presented for more than a decade and the volume of needed repairs keeps increasing;
- the fact that as we put off these improvements, the costs only increase over time;
- the fact that we should fund the full road bond now allowing the Town to hold down material and personnel costs; this timely funding will let the DPW plan and complete the work without interruption having to wait for additional funding appropriations.

Additionally, the CIPC wishes to note the excellent quality of the work overseen by Mr. Tilton and his staff on the recently improved infrastructure, including Old County Road, Main Street, Beale Avenue, and the Library parking lot. These visible improvements speak for themselves.

The CIPC appreciates the Board of Selectmen's consideration of our input and hopes the Board supports presenting a \$5.2 million road and infrastructure debt exclusion to the voters while bonding costs remain low. If the Selectmen do not support this option, but decide to ask voters for a series of capital outlay expenditure exclusions, the CIPC would request a commitment from the Board to ask the voters in consecutive years without any gap in funding. Please also keep in mind the increased cost of the work should we go forward with a year-to-year formal.

Thank you again for your consideration of our input on this important budget initiative.

cc: Town Manager
Director of Public Works / Town Engineer

Sandwich Public School

Fiscal Year 2017

Budget

1-27-16 Approved School Committee Budget

1/29/2016

Sandwich Public Schools
Fiscal Year 2017 Budget

	FY15 Budget	FY15 Expend	FY16 Budget	FY17 Budget submitted	FY17 Budget Revision 1	FY17 Budget Revision 2	FY17 Budget Final	FY16-FY17 Budget Difference	
Summary Salaries									
Central Office Administration	813,079	746,002	894,610	997,643	-1,500	0	996,143	101,533	11.35%
Wing School	2,958,111	3,007,853	0	0	0	119,625	119,625	119,625	
Oak Ridge School	3,096,349	3,098,277	4,648,742	4,849,761	0	-62,178	4,787,583	138,841	2.99%
Forestdale School	3,087,160	3,128,120	3,855,802	4,118,235	-86,167	-44,036	3,988,032	132,230	3.43%
STEM Academy	2,080,872	1,980,589	2,089,670	2,290,453	-16,623	0	2,273,830	184,160	8.81%
Sandwich High School	5,437,015	5,024,975	4,984,606	5,121,352	-174,413	-45,008	4,901,931	-82,675	-1.66%
Special Education	4,969,620	4,550,285	4,974,369	5,380,182	20,178	-46,545	5,353,815	379,446	7.63%
Athletics	304,266	317,269	284,202	359,572	0	-4,338	355,234	71,032	24.99%
Custodial/Maintenance	1,369,064	1,364,788	1,386,907	1,380,169	0	-239,377	1,140,792	-246,115	-17.75%
Total Salaries:	24,115,536	23,218,158	23,118,908	24,497,367	-258,525	-321,857	23,916,985	798,077	3.45%
Summary Expenses									
Central Office Administration	119,850	124,923	113,350	123,150	0	0	123,150	9,800	8.65%
Teaching & Learning Expenses	192,500	125,528	195,400	204,090	0	0	204,090	8,690	4.45%
Wing School	81,537	70,484	0	0	0	126,290	126,290	126,290	
Oak Ridge School	77,669	79,140	147,639	146,018	0	0	146,018	-1,621	-1.10%
Forestdale School	77,458	84,147	102,550	111,878	0	0	111,878	9,328	9.10%
STEM Academy	190,419	146,289	145,079	105,935	0	0	105,935	-39,144	-26.98%
Sandwich High School	268,295	264,496	281,736	345,832	0	0	345,832	64,096	22.75%
Special Education	2,590,646	3,037,879	2,754,438	2,802,294	-46,723	-41	2,755,530	1,092	0.04%
Athletics	271,366	257,573	297,029	269,385	0	-4,775	264,610	-32,419	-10.91%
Custodial/Maintenance	435,000	448,392	410,450	396,400	0	-36,590	359,810	-50,640	-12.34%
Utilities	1,111,700	1,096,501	1,058,000	1,062,100	0	-89,700	972,400	-85,600	-8.09%
Fixed Assets	69,375	54,242	38,500	58,062	0	-6,898	51,164	12,664	32.89%
Transportation	1,585,604	1,524,945	1,617,500	1,577,500	0	0	1,577,500	-40,000	-2.47%
Technology	730,724	767,303	635,014	675,800	0	-19,274	656,326	21,312	3.36%
Total Expenses	7,802,145	8,081,842	7,796,685	7,878,244	-46,723	-30,988	7,800,533	3,848	0.05%
Grand Total Salaries & Expenses	31,917,681	31,300,000	30,915,593	32,375,611	-305,248	-352,845	31,717,518	801,925	
Fees and Revenues	(617,681)								
Total Budget	31,300,000	31,300,000	30,915,593	32,375,611	-305,248	-352,845	31,717,518	801,925	2.59%
Chapter 70	(6,665,593)		(6,665,593)	(6,740,018)			(6,740,018)	-74,425	
Local Share	24,634,407	31,300,000	24,250,000	25,635,593	-305,248	-352,845	24,977,500	727,500	3.00%

Budget Changes

1-27-16 Approved School Committee Budget

Location	Description	Revision #1	Revision #2	Impact
Salaries:				
Central Office Administration	Decrease to contract for District Doctor	(1,500)		None
Oak Ridge School	Reduce one FTE		(50,178)	None
	Retirement with replacement	(26,623)		
	Retirement not happening	26,623		
	Reduce Teacher Lead Stipends		(12,000)	None
	Extracurricular line to cover stipends		8000	Yes
	Transferred additional Extracurricular to SHS		(8000)	None
Forestdale School	Retirement no replacement	(86,167)		None
	Cover 20% of a nurse salary under SEL		(11,600)	Yes
	Reduce one FTE		(57,843)	Yes
	Reinstate FTE		57,843	Yes
	Retirement with replacement		(22,436)	None
	Reduce Teacher Lead Stipends		(10,000)	None
STEM Academy	Retirement with replacement	(16,623)		None
Sandwich High School	Retirement no replacement	(76,623)		None
	Retirement with replacement	(11,623)		None
	Retirement no replacement	(86,167)		None
	Reduce one FTE		(53,008)	Yes
	Additional money from OR Extracurricular line		8,000	Yes
Special Education	Increase one ESP FTE	20,178		None
	FTE		(59,087)	Yes
	Reinstate FTE		59,087	Yes
	Retirement with replacement		(23,370)	None
	Retirement of SPED Director and replacement		(23,175)	None

Budget Changes

1-27-16 Approved School Committee Budget

Location	Description	Revision #1	Revision #2	Impact
Salaries:				
Facilities	Reduce one FTE		(36,338)	Yes
	Reorganization of Facilities Supervision		(83,414)	None
	Move Salaries to create Wing cost center		(119,625)	None
Wing	Created cost center from Facilities salaries		119,625	None
Expenditures:				
Special Education	Decrease one OOD Tuition	(46,723)		None
	Reduce expense code budget		(41)	None
Fixed Assets	Switch from vans to cars for new SPED Vehicles		(6,898)	None
Technology	Reduce amount of equipment needed		(29,829)	None
	Reinstate some equipment dollars		10,555	None
Athletics	Self Fund Gymnastics		(9,113)	Yes
Facilities	Move Expenses to create Wing cost center		(126,290)	None
Wing	Created cost center from Facilities expenses		126,290	None
Total Changes		(305,248)	(352,845)	
	new or updated data			

New Spending FY17

Central Office:

Student Activities Audit	\$7,500
Required every 3 yrs	

SHS:

PLTW Engineering	\$42,000
Maker Space Engineering	\$20,000

Technology:

Travel and Conference line	\$6,550
BioMed Lab for PLTW SHS	\$29,952

Facilities:

Pool Supplies and Equipment	\$10,000
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Asset Purchases:

2 SPED Vehicles	\$51,164
Per 7D Regs	

Total Cost of New Spending in FY17 Budget	\$167,166
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FY17 Budget Unfilled Needs

STEM Academy

- An additional 7th and 8th grade counselor.
- An additional 7-12 health/physical education teacher.

Forestdale

- .5 Social Worker to reduce caseload from 1:650 to 1:435
- Retaining 10 grade 2 teachers for class size consistency in years to come.
- Begin replacement of 26 year old carpets in classrooms
- Replacement of carpet in main office
- Common area repainting
- Stair tread replacement
- Door hardware replacement (interior and exterior)

Technology

- Server upgrades to support backup of SIS, Windows update efficiencies, and flexibility of server licenses.
- Language lab software to support International Languages
- Computer lab at Forestdale library
- Display based Smartboard Pilot

Oak Ridge

- 3-5 additional ESP's specifically for the purpose of Intervention
- Facilities upgrades to the playground, painting, new furniture for the conference room.

Central Office

- Upgrade to the Power School so students can be electronically registered and 1st of the year student information would be done electronically
- Upgrade to Microsoft office suite for office
- Accounts Payable needs a new computer
- District wide phone system replacement
- Security person for 3rd campus

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

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

ESTIMATED FY'17 BUDGET BALANCE 162,071

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:	<u>\$500,000</u>

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”

ALTERNATE BUDGET ADDRESSING CHRONIC SHORTFALL ACCOUNTS

GHD Draft - 2/23/2016

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-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	↑ if State	↑
State Ch. 70 Aid: School (0.00%)	6,740,018		
Est. Local Receipts (<u>Includes</u> 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	

Addresses Public Safety OT & S&I Shortfalls; DPW Capital Account →

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

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	0	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	More Realistic	500,000	
Capital Budget - Net	More Realistic	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 (6.06%)	+500,000	<u>16,274,520</u>	
Total Estimated Expenses		75,032,981	

ESTIMATED FY'17 BUDGET BALANCE 162,071

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	<u>550,000</u>		
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	57,233,385	
<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 (-5.00%)	<u>1,902,081</u>		
State Ch. 70 Aid: School (0.00%)	6,740,018		
Est. Local Receipts (Includes Meals Tax)	<u>4,650,000</u>		
Surplus Revenue / Free Cash	1,763,451		
Overlay Release	100,000		
Transfer from Stabilization Fund	0	<u>17,961,722</u>	
Total Estimated Revenues		75,195,107	

EXPENSES

<u>ReCap Sheet Items:</u>			
State Assess: Tuition Assess (10.00%)	3,592,317		
State Assess: All Other (3.00%+CCRTA)	<u>587,985</u>		
Abatements / Overlay	400,000		
FY'16 Snow & Ice Deficit	<u>0</u>	4,580,302	
<u>Town Meeting Items:</u>			
Group Health Insur.+ Mitig. Plan (5.66%)	<u>9,800,000</u>		
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	<u>100,000</u>		
Debt: Long Term	4,170,074		
Debt: Short Term	50,000		
Reserve Fund	500,000		
Capital Budget - Net	<u>686,403</u>		
Transfer to Stabilization Fund	<u>100,000</u>	20,358,559	
<u>Operating Budgets:</u>			
School Budget: Local (3.00%)	24,977,500		
Ch. 70 (0.00%)	6,740,018	31,717,518	
UCCRVTS Budget (6.62%)		<u>2,184,779</u>	
General Gov't. Budget (6.06%)		<u>16,274,520</u>	
Total Estimated Expenses		75,115,678	

Stabilization Fund Balance:	
Actual Balance on 11/30/15:	1,226,393
Proposed Transfer From/To Stabilization Fund:	<u>100,000</u>
Projected Post ATM Balance:	1,326,393

ESTIMATED FY'17 BUDGET BALANCE 79,429

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 (no School)		15,345,156	13,847,194	1,927,326	15,774,520	2.80%
Gen. Gov't. Budget @ 3.00% =			15,805,511		Adjustment Needed =	30,991
GRAND TOTAL (incl. School)		48,309,921	47,765,572	1,927,326	49,692,898	2.86%

**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

PROPOSED TIMELINE FOR FY'17 BUDGET

Nov. – Dec. 2015	Town Manager Discusses General Budget Process with Board of Selectmen & Finance Committee
When Certified	Town Manager & Superintendent of Schools Meet to Discuss Free Cash Certification, Current Enrollment Figures, Estimates for Upcoming Budget
December 2015	Selectmen Issue FY'17 Budget Parameters, Timeframes, Etc. to School Committee & Town Manager (Likely Meeting Date = December 3, 2014)
February 1, 2016	Town Manager Submits Proposed General Government Budget to Selectmen & Finance Committee
February 1, 2016	School Committee Submits Proposed School Department Budget to Selectmen & Finance Committee
February 2016	Town Manager Finalizes Capital Budget Recommendation to Capital Improvement Planning Committee
February 11 or 18, 2016	Selectmen Hold Public Hearing on FY'17 Budget
March 2016	Capital Improvement Planning Committee Submits Capital Budget to Selectmen & Finance Committee
February 25, 2016	Selectmen Submit FY'17 Budget Recommendation to Finance Committee
March 30, 2016	Finance Committee Votes on Final Budget Recommendation to Selectmen (<u>Note</u> : Warrant needs to be finalized by April 8, 2016)
April 15 or 22, 2016	Selectmen Hold Public Hearing on FY'17 Budget
May 2, 2016	Annual Town Meeting & Vote on FY'17 Budget

SANDWICH TOWN CHARTER

**ARTICLE VII
FINANCIAL PROVISIONS AND ADMINISTRATION**

Section 7.1 SUBMISSION OF BUDGET AND BUDGET MESSAGE

- (a) The town manager and school superintendent shall meet within 10 business days of state certification of surplus revenue or finalization of October 1 enrollment, whichever occurs later. Within 10 business days of that meeting, the town manager and school superintendent shall submit a draft budget in a mutually agreed format to the board of selectmen, school committee and finance committee.
- (b) Annually, before November 1, the town manager shall establish and issue a budget schedule that shall set forth the calendar dates for developing the annual budget for the next fiscal year.
- (c) On or before December 15, the board of selectmen shall meet in joint session with the school committee. At this meeting, the board of selectmen shall set guidelines for the preparation of the annual budget.
- (d) On or before February 1, the town manager and school committee shall each submit to the board of selectmen and Finance Committee a proposed line item budget and accompanying message.
- (e) The budget shall provide a complete financial plan of all town funds and activities, including details on debt and debt service, anticipated income, and proposed expenditures. The budget shall include proposals for capital improvements for the next 5 years. The budget message shall begin with a clear general summary of its content and explain in both fiscal terms and program objectives, proposed expenditures for each department, capital expenditures, and the projected tax rate.
- (f) The board of selectmen shall review the proposed town budget and refer it, including the school department budget and recommendations, to the finance committee, on or before March 1.
- (g) After the annual town meeting, but before June 15, the board of selectmen shall meet in joint session with the finance committee to review the assumptions used to project budgets for the next 2 fiscal years. If necessary, the board of selectmen shall vote to reset any of those assumptions.

Section 7.3 PUBLIC NOTICE AND PUBLIC HEARING

- (a) The finance committee shall, within 60 days following the submission of the draft budget by the town manager, review the proposed budget and return it to the board of selectmen with its recommendations.
- (b) The board of selectmen shall conduct at least 2 public hearings. The first shall be held in February to consider budget matters generally and notice of the time, date and place therefor shall be posted in town hall and on the town website and published in a daily newspaper of general circulation in the Town.

An additional public hearing shall be held prior to town meeting on the proposed budget, including the school budget and finance committee recommendations. Notice of such hearing shall be published as described above and included: the times and places where copies of the message and budget are available for inspection by the public.

Section 7.4 BUDGET ADOPTION

Town meeting shall adopt the annual operating budget, with or without amendments, before the beginning of the fiscal year.

Section 7.5 ANNUAL AUDIT

At the close of each fiscal year, and at such times as it may be deemed necessary, the board of selectmen shall cause an independent audit to be made of all accounts of the town by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the town or any of its offices. Upon completion of the audit, the results in a summary form, shall be placed on file in the town clerk's office and on the town website as a public record and in the sandwich public library for public information.

Section 7.6 EMERGENCY APPROPRIATIONS, REDUCTIONS, and TRANSFERS

Any and all emergency appropriations, reductions and transfers shall be made in accordance with the General Laws and the town by-laws.



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: Jane Last Name: Logan

Address: 31 Main St.

City: Sandwich State: MA Zip Code: 02563

Phone Number: +1 (508) 566-4075 Ext. _____

Email: janelogan31@hotmail.com

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): Board of Selectmen, Sandwich, MA

Specific person(s), if any, you allege committed the violation: Frank Pannorfi, Susan James, R. Patrick Ellis, Ralph Vitacco & Peter Beauchemim

Date of alleged violation: Jan 21, 2016

TOWN CLERK
TOWN OF SANDWICH
FEB 16 2016
7 H 45 M A M
RECEIVED & RECORDED

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.

The Selectmen opened their meeting in Executive Session without first opening the meeting in Public Session or announcing the justification for the Executive Session. In addition to not following procedure to move into Executive Session, the reason for the Executive Session to discuss the "Golden Triangle" didn't qualify for Executive Session as the Selectmen had already executed a Purchase and Sale Agreement for the property.

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.

I would like the Selectmen to respond to me in writing, post their response in the Sandwich Enterprise and read their response on camera (during the public session of their meeting) at the next Board of Selectmen meeting. I would also like each Selectmen to be required to attend Open Meeting Law training provided by the State.

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.

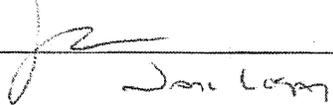
II. Consulting With a Private Attorney.

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: 

Date: 2-13-16

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

February ____, 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 Jane Logan, dated February 13, 2016

Dear Ms. Nable:

This is in response to an open meeting law complaint from Jane Logan (“Logan”), dated February 13, 2016 and received by the Town of Sandwich on February 16, 2016. In this Complaint, Logan asserts that the Sandwich Board of Selectmen failed to properly convene an executive session meeting on January 21, 2016 by not first opening the meeting in open session. Logan further challenges the purpose for which the executive session was held. On February 25, 2016, the Sandwich Board of Selectmen (“Board”) considered this Complaint (a 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.

First, it must be noted that Logan’s complaint raises similar issues as two previously filed, and pending, Open Meeting Law (OML) complaints: the OML complaint of Gwenn Dyson, dated October 23, 2015¹, in which she challenges the use of Purpose #6 for an executive session held on October 22, 2015; and, the OML complaint of Daryl Crossman, dated January 26, 2016², in which he challenges the sufficiency of the meeting notice for the January 21, 2016 executive session meeting (the same meeting that is the subject of the present complaint). The topic under discussion at both the October 22nd and January 21st meetings was the same. See attached meeting notices for October 22, 2015 and January 21, 2016 Board of Selectmen meetings. The agenda item on the October 22, 2015 meeting notice stated: “Executive Session M.G.L. c. 30A, §21(a) ... Purpose #6: Disposition of Real Property – Town SSVL Land RFP & Compliance with Terms of Purchase and

¹ The Dyson complaint was subsequently filed with the Division of Open Government, apparently by letter dated January 13, 2016.

² The Board’s initial response to the Crossman complaint was via letter dated February 16, 2016; the Board has not been informed whether he has subsequently filed a complaint with the Division of Open Government.

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

Sales Agreement.” The agenda item on the January 21, 2016 meeting notice was essentially the same: “Executive Session M.G.L. c. 30A, §21(a) ... Purpose #6: Disposition of Real Property – Town SSVC Land RFP - Compliance with Purchase and Sales Agreement Requirements.”

The Board does not repeat its responses made to the Dyson and Crossman complaints, but has attached copies of those responses (without exhibits) and incorporates them by reference herein. The Board additionally notes that it did first convene in open session on January 21, 2016, at approximately 5:38 p.m., prior to voting to go into executive session pursuant to G.L. c. 30A, §21(a).³

On the propriety of the Board’s continued invocation of Purpose #6 to discuss ongoing issues related to the development of the South Sandwich Village Center (SSVC), also known as the “Golden Triangle” or alternatively referred to as the Clark Sports Complex project, the Board continues to maintain that use of Purpose #6 is appropriate in the circumstances. As explained in response to the Dyson OML complaint, despite the fact that the Town has entered into a Purchase and Sales Agreement (“P&S”) with Clark Consulting Group, LLC, the project has not closed. Per Section 6 of the P&S, the date of closing is contingent upon “satisfaction of the contingencies set forth in Section 20” of the Agreement. Broadly stated, these contingencies relate to project financing and permitting. Furthermore, Section 20 allows the developer to request, and the Board of Selectmen to grant, extensions of time to perform the obligations under the P&S. Additionally, the P&S (Section 23) prohibits the assignment by the Buyer of the Agreement as a whole, or any rights thereunder, without the express permission of the Seller (i.e., the Town, acting through the Board of Selectmen). Without disclosing the specific topics discussed in executive session relative to this project that have occurred since the execution of the P&S, the Board notes that there continues to be items under discussion, such as with respect to project financing and permitting. These discussions and/or negotiations may lead to additional or revised terms being proposed as an amendment to the P&S. In these circumstances, the Board continues to have a direct negotiating position to protect.

Significantly, one topic discussed during the January 21st executive session was, in fact, the Board’s response to a December 16, 2015 letter from a representative of Clark Consulting, LLC for an extension of the time periods to obtain a Groundwater Discharge Permit and to satisfy all of the

³ Although the minutes from this executive session meeting have not yet been completed and approved, the clerk’s notes reflect that the meeting was called to order at this time, prior to the vote to go into executive session.

Ms. Amy Nable
Assistant Attorney General
February __, 2016
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conditions set forth in Paragraph 20 of the P&S. The Board authorized Town Counsel (who was present at the meeting) to send the attached letter, dated January 27, 2016, in response to this request for an extension. That letter was released publicly by the Board on or about January 28th, and covered in the local media.

See <http://www.capecodtimes.com/article/20160128/NEWS11/160129398>.

See also <http://www.capecodtimes.com/article/20160129/NEWS/160129384>;

<http://www.capecodtimes.com/article/20160203/NEWS/160209853>.

The fact that the attached letter has been made available publicly does not mean, however, that either the purpose for the January 21st executive session has been satisfied, or that the continued use of Purpose #6 to discuss issues relating to the development of the SSVC as contemplated under the existing P&S is inappropriate. Indeed, the substantive discussion with Town Counsel at the January 21, 2016 executive session meeting, including any rationale for the Board's decision (as reflected in the January 27th letter), the ramifications to same, and/or the Board's position on extensions of the Agreement generally, are all matters which, if discussed publicly at this point could very well jeopardize the project in its entirety, with the obvious impacts upon the valuation of the property to be sold by the Town under the P&S. Of course, the Board remains mindful of the fact that its continued executive session discussions on the project have been challenged as violative of the open meeting law (in the Dyson OML complaint as well as the present complaint). The Board disclosed this letter publicly, precisely to provide the public with what information it felt it could about the status of the ongoing project, without jeopardizing its negotiating position.

As stated in response to the Dyson OML complaint, given the contingencies and lengthy time frames for permitting compliance (including the ability of the developer to request an extension of time), all expressly set forth in the P&S, the Board feels strongly that it is appropriate for it to continue to have executive session discussions for the Board to review its options with respect to the existing P&S and the various contingencies and options thereunder, which are all matters concerning the value of the Town's interest in real estate, and the Board asserts that having these discussions in open session will have a detrimental impact upon its negotiating position. Town Counsel has continued to advise the Board that executive session discussions are indeed appropriate, given all of the circumstances.

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

In sum, the Board feels that it did not violate the Open Meeting Law when it convened an executive session on January 21, 2016 under Purpose #6. The Board acknowledges that the meeting notice did not contain a specific indication to the public in attendance that the Board meeting would first convene in open session in the conference room adjoining the Town Manager's office, prior to the executive session. Going forward, the Board reiterates its commitment 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. Finally, as one of Logan's requested measures of relief is that the Board attend an Open Meeting Law training conducted by the State, the Board notes that the Chairman of the Board has watched the entirety of the Open Meeting Law training conducted by the Division of Open Government in Sandwich on September 9, 2015, as it was broadcast via local cable access television.

Very truly yours,

Michele E. Randazzo

MER/
Enc.

cc: Board of Selectman
Ms. Jane Logan

548601/SAND/0246

Ms. Amy Nable
Assistant Attorney General
February ____, 2016
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Hon. Frank Pannorfi and
Members of the Board of Selectmen
Sandwich Town Hall
130 Main Street
Sandwich, MA 02563

Ms. Jane Logan
31 Main Street
Sandwich, MA 02563

Town Of Sandwich
THE OLDEST TOWN ON CAPE COD



PLANNING & DEVELOPMENT OFFICE

16 Jan Sebastian Drive, Sandwich, MA 02563

Phone: 508 833 8001

Fax: 508 833 8006

E-mail: planning@townofsandwich.net

TO: Members of the Board of Selectmen

FROM: Blair Haney, Director, Planning & Development

DATE: February 22, 2016

RE: Chase Road 40B documents

This memo serves to provide guidance to the Board of Selectmen regarding necessary signatures for the approved 40B subdivision at Chase Road. This project was approved by the BOS as a Local Initiative Program (LIP), then filed to the ZBA for a Comprehensive Permit in September 2006 and finally approved by the Board in December 2006. The project then spent years in litigation for the subdivision and an approved cell tower which ended in March 2015. The project, which is a four (4) house subdivision with one (1) affordable unit, is now before both the ZBA and BOS for signatures.

Town Counsel suggested the following vote: "to approve the Regulatory Agreement and authorize (*usually BOS Chairman*) to sign on behalf of the Board of Selectmen." Attached you will see the letter from K&P approving the documents to sign. Also attached is the first page to the Regulatory Agreement for reference. The remaining five copies to the documents will be presented to you in hard copy.

Please contact this office if you have any questions or concerns prior to your meeting.



KOPELMAN AND PAIGE, P.C.
The Leader in Public Sector Law

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Boston, MA 02110
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January 27, 2016

Shirin Everett
severett@k-plaw.com

Zoning Board of Appeals
Members of the Board of Selectmen
Sandwich Town Hall
130 Main Street
Sandwich, MA 02563

Re: Chase 40B Affordable Housing Documents

Dear Members of the Zoning Board of Appeals:

I reviewed the affordable housing documents pertaining to the one (1) affordable housing unit that is to be constructed (as part of a four (4)-unit development under G.L. c.40B) on property located off Chase Road, known as "Chase Circle" (the "Property"). The documents consist of: a Regulatory Agreement, which is to be entered into by and among the Town, Sandwich Housing Partners II, LLC (the "Developer"), and the Department of Housing and Community Development ("DHCD"), a Limited Dividend Monitoring Services Agreement, and an Affordable Housing Monitoring Services Agreements (both, the "Monitoring Agreements"). The Town approves, but is not a party to and does not execute, the Monitoring Agreements.

Enclosed please find five (5) duplicate original copies of the Regulatory Agreement and the Monitoring Agreements, which I approve as to form and which have been signed by the Developer. If the documents are acceptable, the Regulatory Agreement needs to be signed by the Board (the acknowledgement form) and the Board of Selectmen, Chairman. A notary public needs to acknowledge the signature of *both* boards. If you could send me all five (5) fully signed originals, I would appreciate it.

Please contact me if you have any questions.

Very truly yours,

Shirin Everett

SE/
Enc.

cc: Town Administrator (w/o enc.)
Town Planner (w/o enc.)

546685/SAND/0001

RECEIVED

FEB 01 2016

BOARD OF APPEALS

REGULATORY AGREEMENT

***For Comprehensive Permit Projects in Which Funding is Provided
Through Other than a State Entity***

This Regulatory Agreement (this "Agreement") is made as of the day of December 2015, by and between the Massachusetts Housing Finance Agency acting as Subsidizing Agency as defined under the provisions of 760 CMR 56.02 (the "Subsidizing Agency"), and Sandwich Housing Partners II, LLC, a Massachusetts Limited Liability Company, having an address at 270 Communications Way, Hyannis, MA 02601, and its successors and assigns (the "Developer"). The Town of Sandwich, having an address of 130 Main Street, Sandwich, MA 02563, joins in this Agreement for the purposes set forth herein.

RECITALS

WHEREAS, the Developer intends to construct a housing development known as Chase Circle consisting of four (4) for-sale single family units on a 2.62-acre site located off Chase Road in the Town of Sandwich, MA (the "Municipality"), which property is more particularly described in Exhibit A attached hereto and made a part hereof (the "Project"); and

WHEREAS, the Project is being financed with a construction loan from TD Bank (the "NEF Lender"), a non-governmental entity; and

WHEREAS, the Massachusetts Housing Finance Agency acts as Subsidizing Agency for the Project, on behalf of DHCD, pursuant to Massachusetts General Laws Chapter 40B Sections 20-23 (the "Act"), the regulations at 760 CMR 56.00, and the Comprehensive Permit Guidelines issued pursuant thereto (collectively, the "Comprehensive Permit Rules"); and

WHEREAS, the Developer has received a comprehensive permit (as it may previously have been amended, the "Comprehensive Permit") from the Zoning Board of Appeals of the Municipality or the Housing Appeals Committee in accordance with the Act, which permit is recorded at the Barnstable County Registry of Deeds ("Registry") in Book , Page , as amended by the terms of this Agreement; and

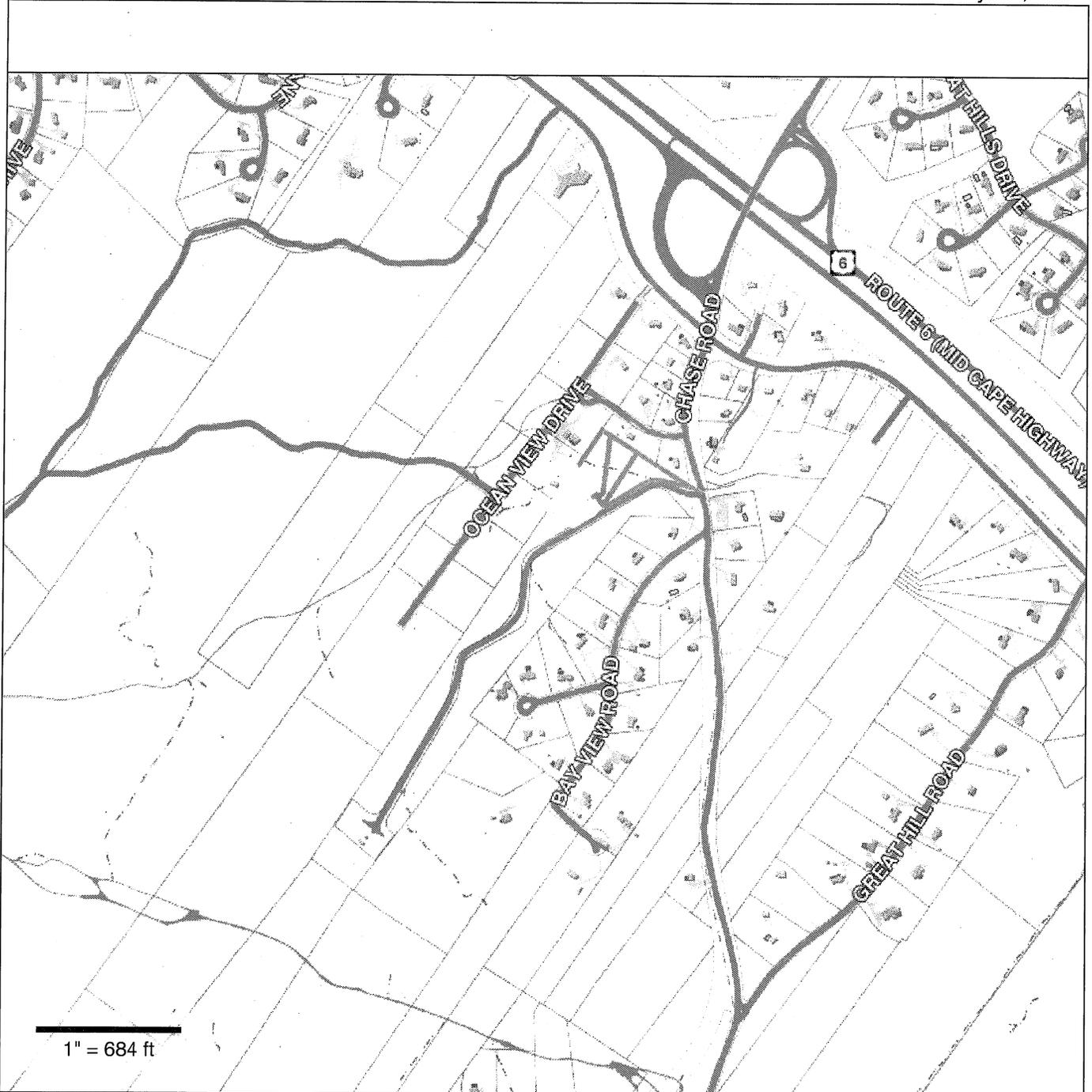
WHEREAS, pursuant to the requirements of the Comprehensive Permit Rules, twenty-five percent (25%) of the units in the Project one (1) unit (the "Affordable Unit") will be sold at prices specified in this Agreement to Eligible Purchasers (as defined herein) and will be subject to the permanent resale restrictions as set forth herein; and

WHEREAS, the Subsidizing Agency may delegate to an affordability monitoring agent (the "Affordability Monitoring Agent") certain administration, monitoring and enforcement services regarding compliance of the Project with the Comprehensive Permit Rules during the period of affordability of the Affordable Unit; and

RECEIVED

FEB 01 2016

BOARD OF APPEALS



Property Information

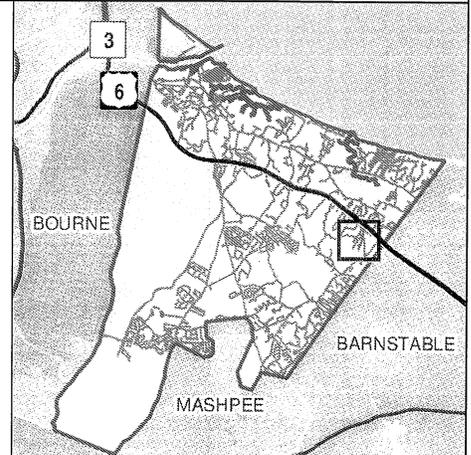
Property ID 25-123-
Location 40 COLONIAL WAY
Owner SEACOAST TOWER DEVELOPMEN



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

The Town makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated January 1, 2014





Print

PART I ADMINISTRATION OF THE GOVERNMENT**TITLE VII** CITIES, TOWNS AND DISTRICTS**CHAPTER 44** MUNICIPAL FINANCE**Section 31D** Snow and ice removal; emergency expenditures; reporting requirements

Section 31D. Any city or town may incur liability and make expenditures in any fiscal year in excess of available appropriations for snow and ice removal, provided that such expenditures are approved by the town manager and the finance or advisory committee in a town having a town manager, by the selectmen and the finance or advisory committee in any other town, by the city manager and the city council in a city having a city manager or by the mayor and city council in any other city; provided, however, that the appropriation for such purposes in said fiscal year equaled or exceeded the appropriation for said purposes in the prior fiscal year. Expenditures made under authority of this section shall be certified to the board of assessors and included in the next annual tax rate.

Every city or town shall annually, not later than September fifteenth, report to the division of local services of the department of revenue the total amounts appropriated and expended, including any funding or reimbursements received from the commonwealth, for snow and ice removal in the fiscal year ending on the preceding June thirtieth.



2016

CITY/TOWN:

DATE:

Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114

To the members of the Alcoholic Beverages Control Commission:

Acting under the authority contained in M.G.L. Ch. 138, §17, as amended the undersigned local licensing authority at a meeting held on:

Date of Meeting

estimated that the temporary increased resident population of:
City/Town

As of July 10, 2016 will be

Estimate Resident Population

This estimate was made and voted upon by the undersigned at a meeting called for the purpose, after due notice to each of the members of the time, place, and purpose of said meeting, and after investigation and ascertainment by us of all the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief.

THE ABOVE STATEMENTS ARE MADE UNDER THE PENALTIES OF PERJURY

Very Truly Yours,
Local Licensing Authorities

THIS CERTIFICATION MUST BE SIGNED BY A MAJORITY OF THE MEMBERS OF THE LOCAL LICENSING AUTHORITIES.

**BOARD OF SELECTMEN MEETING SCHEDULE
WINTER & SPRING 2016**

TENTATIVE AGENDA TOPICS

February 4	Meeting
February 11	Meeting
February 18	No Meeting – School Vacation Week
February 25	Meeting
March 3	Meeting
March 10	Meeting
March 17	Meeting
March 24	Meeting
March 31	Meeting
April 7	Meeting
April 14	Meeting
April 21	No Meeting – School Vacation Week
April 28	Meeting
May 2	<i>ANNUAL TOWN MEETING</i>
May 5	No Meeting – <i>ANNUAL TOWN ELECTION</i>
May 12	Meeting
May 19	No Meeting
May 26	Meeting
June 2	No Meeting – <i>MMMA Annual Conference</i>
June 9	Meeting
June 16	No Meeting
June 23	Meeting
June 30	No Meeting