

Town of Sandwich

THE OLDEST TOWN ON CAPE COD

130 MAIN STREET
SANDWICH, MA 02563

E-MAIL: selectmen@sandwichmass.org
E-MAIL: townhall@sandwichmass.org



BOARD OF
SELECTMEN

TOWN
MANAGER

TEL: 508-888-4910 AND 508-888-5144
FAX: 508-833-8045

BOARD OF SELECTMEN AGENDA

November 10, 2022 – 9:30 A.M.
Sandwich Town Hall – 130 Main Street

TOWN CLERK
TOWN OF SANDWICH

NOV 07 2022

11 H 37 M A M
RECEIVED & RECORDED

1. Convene Open Session Meeting in Auditorium
2. Pledge of Allegiance
3. Public Comment
4. Review & Approval of Minutes
5. Town Manager Report
6. Correspondence / Statements / Announcements / Future Items / Follow-up
7. Old Business
 - Special Town Meeting Overview – 11/14/22
 - Boardwalk Reconstruction Update
 - Planned 100 Route 6A Move
 - Other Matters Not Reasonably Anticipated by the Chairman
8. New Business
 - Other Matters Not Reasonably Anticipated by the Chairman
9. Public Comment
10. Closing Remarks
11. Executive Session – M.G.L. c.30A, §21(a) – The Chair declares that having an open session may have a detrimental effect upon the Town's bargaining, litigating, or negotiating position, as applicable.
 - Purpose #3: Litigation Strategy – Army Corps of Engineers Section 111 Project
 - Purpose #3: Collective Bargaining Strategy – Police Sergeant Union
 - Purpose: (to comply with the Open Meeting Law, G.L. c. 30A, §22(f)): Review, Potential Approval, & Potential Release of Executive Session Meeting Minutes – 10/12/22
12. Adjournment

NEXT MEETING: Thursday, 11/14/22, 7:00 P.M., High School – *Special Town Meeting*
Thursday, 12/1/22, 7:00 P.M., Town Hall

Melissa C. Coughlin

Town of Sandwich
Special Town Meeting

WARRANT

Monday, November 14, 2022

7:00 p.m. – Sandwich High School



BOARD OF SELECTMEN

Shane T. Hocr, Chair
Charles M. Holden, Vice-Chair
R. Patrick Ellis
Robert J. George
Michael J. Miller

TOWN MODERATOR

Garry N. Blank

FINANCE COMMITTEE

Nancy A. Crossman, Chair
Edward Collupy, Vice-Chair
Matthew D. Anderson
Adam G. Chaprales
Kevin Klein
James W. McCormick
Peter C. Meomartino
Jeremy M. Shea

INDEX OF WARRANT ARTICLES

November 14, 2022 Special Town Meeting

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2. Local Retail Marijuana Sales Tax Adoption (p. 4)
3. Authorize Revolving Fund for Center for Active Living & Corresponding Appropriation (p. 4)
4. Payment of Legal Bill from Prior Fiscal Year (p. 4)
5. Special Legislation Authorization – Joint Base Cape Cod Wastewater Solution & Procurement, Acceptance of Easements, State Revolving Fund Eligibility, & Partnering with Neighboring Towns (p. 4)
6. CPA Project: Decrease Prior Appropriation for Meiggs-Backus Road Property Purchase (p. 6)
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8. Zoning Amendment: Article II, Section 2600, Intensity Use Schedule (p. 7)
9. Zoning Amendment: Article IV, Section 4133, Use & Dimensional Requirements (p. 7)
10. Zoning Amendment: Article IV, Sections 4182 & 4190, Large Scale Canopy Solar Procedures & Dimensional & Density Requirements, & Article VIII, Definitions (p. 8)
11. Zoning Amendment: Article IV, Section 4453, Affordability Requirement Standards (p. 8)
12. Boardwalk Reconstruction Appropriation (p. 10)

NOTE: Petition articles have been printed as submitted and may contain typographic and other errors.

Reference Material:

1. Article 1 – FY'23 Estimated General Fund Revenues & Expenses (p. 13)
2. A Glossary of Commonly Used Terms (p. 14)
3. Table of Basic Points of Motions (p. 17)

**TOWN OF SANDWICH
2022 SPECIAL TOWN MEETING
November 14, 2022**

Warrant

Barnstable, ss.

To the Constables of the Town of Sandwich, in the County of Barnstable,

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sandwich qualified to vote in elections and Town affairs to meet at the Sandwich High School, 365 Quaker Meetinghouse Road, in East Sandwich on

Monday, November 14, 2022, at 7:00 p.m.,

then and there to act on the following articles.

ARTICLE 1

To see if the Town will vote to hear the report of the Capital Improvement Planning Committee, and further, to raise and appropriate or transfer from available funds the sum of \$709,468.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing and repairing equipment, vehicles, and buildings, and providing related services in accordance with the following list:

<u>Capital & Special Article List</u>	<u>Amount</u>
Department of Natural Resources – Dump Trailer	18,000
Department of Natural Resources – Patrol Boat	10,000
Fire Department – Pumper Truck Lease Purchase	86,000
Fire Department – Ambulance Fund Medicare Audit	35,000
Department of Public Works – Landfill Flare Blower Replacement	60,000
Department of Public Works – Front End Loader Replacement	275,000
Golf Department – Maintenance Equipment	185,000
Recreation Department – Program & Facility Improvements	55,000
Capital & Expense List Total	724,000
<u>Ambulance Fund Transfer</u>	<u>-121,000</u>
Net Appropriation	603,000

or take any other action relative thereto.

Recommended by the Board of Selectmen, Finance Committee, and Capital Improvement Planning Committee.

ARTICLE 2

To see if the Town will vote to accept Massachusetts General Laws Chapter 64N, Section 3 and impose an excise on the retail sales of marijuana at the rate of 3.0%, effective January 1, 2023, or take any action relative thereto.

Recommended by the Board of Selectmen and Finance Committee.

ARTICLE 3

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53E1/2 to amend the Sandwich Town Bylaws, Section 2.11, Departmental Revolving Funds by adding a new Revolving Fund listing, to read as follows, and to authorize the spending limits of this revolving fund for FY'23 at \$50,000.00, to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund
Center for Active Living Expenses	Town Manager	Facility Rentals & Program Fees	Center for Active Living Expenses

Recommended by the Board of Selectmen and Finance Committee.

ARTICLE 4

To see if the Town will vote to raise and appropriate or transfer from available fund the sum of \$15,780.30, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of paying an invoice for Town Counsel services from FY'21, or take any action relative thereto.

Recommended by the Board of Selectmen and Finance Committee.

ARTICLE 5

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to provide as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Select Board approves amendments to the bill before enactment by the General Court; and further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any action relative thereto.

An Act Relative to Wastewater Treatment and Disposal in the Town of Sandwich

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, the Town of Sandwich is hereby authorized to enter into a contract for wastewater treatment and disposal services for a term not to exceed 99 years with the private operator of the wastewater treatment and disposal facilities located at Joint Base Cape Cod. Said contract shall not be subject to the public bidding requirements of chapter 30B of the General Laws. Said treatment and disposal facilities are located in the Towns of Sandwich and Bourne on land owned in part by the United States of America and in part by the Commonwealth and subject to a lease between the Commonwealth and the United States of America acting through the Secretary of the United States Airforce. A private operator has entered into an exchange agreement with the United States Airforce whereby the ownership of said wastewater treatment and disposal facilities has been transferred to the private operator.

Section 2. The Town of Sandwich is hereby authorized to acquire, and the Commonwealth is hereby authorized to grant to the Town of Sandwich, an easement or other interest in the land or wastewater treatment and disposal facilities located on Joint Base Cape Cod for the purpose of securing access and a property interest in all or a portion of such facilities utilized to provide wastewater treatment and disposal facilities on behalf of the Town. The Town of Sandwich is hereby authorized to acquire an access easement for sewer transmission lines from the Town of Mashpee. Any such easement or other interest in land granted to the Town of Sandwich pursuant to this act shall cause the Town of Sandwich to have an ownership interest in any wastewater treatment and disposal facilities constructed within the area of such easement or other interest in land, for purposes of chapter 29C of the General Laws.

Section 3. Notwithstanding any general or special law or regulation to the contrary, any capital contribution made by the Town of Sandwich for improvements to the Joint Base Cape Cod wastewater treatment and disposal facilities that are constructed for the purpose of obtaining treatment and disposal capacity to serve the Town of Sandwich needs shall be eligible for funding under chapter 29C of the General Laws, and the Town may incur debt for a term of not more than 30 years for the purposes of this act, and any such debt shall be excluded from the limitation on indebtedness set forth in section 10 of chapter 44 of the General Laws. Except as otherwise provided herein, any debt issued by the Town of Sandwich for the purposes of this act shall be subject to the provisions of chapter 44 of the General Laws.

Section 4. The Town of Sandwich is hereby authorized to enter into one or more intermunicipal agreements pursuant to section 4A of chapter 40 of the General laws

or joint powers agreements pursuant to section 4A½ of chapter 40 of the General Laws with the Towns of Barnstable, Bourne, Falmouth, and Mashpee, or any other governmental unit for wastewater treatment and disposal services at said facility.

Section 5. This act shall take effect upon passage.

Recommended by the Board of Selectmen and Finance Committee.

ARTICLE 6

To see if the Town will vote to decrease the \$455,000.00 appropriation made at the May 3, 2021 Annual Town Meeting under Article 17 for the purchase of two parcels of land off Meiggs-Backus Road shown on Assessor's Map 4 as Parcels 11 and 39, containing approximately 21.6 acres, from the Community Preservation Fund undesignated fund balance by \$225,827.50, with said decrease being transferred to the undesignated fund balance due to the award of a grant from the Commonwealth of Massachusetts' Drinking Water Supply Grant Program, or take any action relative thereto.

Recommended by the Board of Selectmen and Finance Committee.

ARTICLE 7

To see if the Town will vote to amend the Town of Sandwich Bylaws by inserting a new Chapter 11, Stretch Energy Code, as written below, or take any action relative thereto.

Chapter 11 – STRETCH ENERGY CODE

Section 11.01 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

Section 11.02 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

Section 11.03 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

Section 11.04 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Sandwich General Bylaws, Chapter 11.

The Stretch Code is enforceable by the building commissioner and effective as of July 1, 2023.

Recommended by the Board of Selectmen.

ARTICLE 8

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2600, Intensity Use Schedule, by removing footnote l) in its entirety, as highlighted in strikethrough below, and reordering the remaining footnotes accordingly, or take any action relative thereto.

2600 INTENSITY OF USE SCHEDULE

~~l) Minimum lot area requirements for all principal uses in residential districts located within a Water Resource District, as described in Section 5000, shall be 87,120 square feet~~

(2/3 Vote Required)

Recommended by the Planning Board.

ARTICLE 9

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Section 4133, Use and Dimensional Requirements, by removing footnote i) in its entirety, as highlighted in strikethrough below, and reorder all remaining footnotes accordingly, or take any action relative thereto.

4130. Accessory Dwelling Units (ADU)

~~i. An ADU and principal dwelling shall share common septic/ wastewater and water facilities.~~

(2/3 Vote Required)

Recommended by the Planning Board.

ARTICLE 10

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Sections 4182 and 4190, Large Scale Canopy Solar Procedures and Dimensional and Density Requirements, for the purpose of allowing Large Scale Canopy Solar projects by-right, by inserting the words highlighted in red and by adding a new definition for Large Scale Canopy Solar in Article VIII, Definitions Section, as written below, or take any action relative thereto.

4182. Procedure

Large scale ground-mounted solar photovoltaic installations located within the Industrial Limited District and the Ground Mounted Solar Overlay District are allowed by right subject to compliance with sections 4180 through 4196 and other applicable sections of this bylaw. **Large Scale canopy solar arrays are allowed by right subject to compliance with sections 4180 through 4196 and other applicable sections of this bylaw.**

4190. Dimensional and Density Requirements

All sites and construction thereon shall conform to the area, frontage, building height, coverage and setbacks set forth in Section 2600 of this bylaw appropriate for the zoning district in which the installation is located except that the minimum lot area in R-2, RD-1 and RD-2 shall be 15 acres. The 15 acre minimum lot area may be reduced by special permit if after hearing, the Planning Board finds that a smaller lot area will meet the standards and purposes of Sections 1330 and 4181 through 4195 and approves a specific smaller lot area. Lot coverage calculations shall not include the area of the solar panels.

All large scale canopy solar arrays and construction thereon shall conform to the area, frontage, building height, coverage and setbacks set forth in Section 2600 of this bylaw appropriate for the zoning district in which the installation is located.

Definitions

Large Scale Canopy Solar – A solar array used for generating power installed on top of a parking surface or pedestrian walkway in a manner that maintains the function of the area beneath the canopy. Large Scale Canopy Solar shall have a minimum rated capacity of 250kW individually.

(2/3 Vote Required)

Recommended by the Planning Board.

ARTICLE 11

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Section 4453, Affordability Requirement Standards, for the purpose of reducing the affordability requirements, increasing density and allowing a consistent ratio of units for both rental and homeownership, by inserting the words highlighted in red and deleting

the words highlighted in strikethrough as written below, or take any action relative thereto.

4450. Affordable Housing Conditional Density Development

4453. Standards.

a) **Number Of Dwelling Units** (~~Amended ATM-2007~~). The number of units allowed in an Affordable Housing Conditional Density Development shall be as follows:

HOMEOWNERSHIP		
Number of Dwelling Units	Percent Affordable	Maximum Number of Units
4 Units per acre	100% Affordable Units	40
2 Units per acre	50% Affordable Units	20
RENTAL		
1 Bedroom Units or Units Deed Restricted Affordable to Age 55 and older*		
Number of Dwelling Units	Percent Affordable	Maximum Number of Units
10 Units per acre	100% Affordable Units	40
6 Units per acre	25% Affordable Units	20
2 BEDROOM UNITS		
Number of Dwelling Units	Percent Affordable	Maximum Number of Units
4 Units per acre	50% Affordable Units	20

HOMEOWNERSHIP OR RENTAL		
Number of Dwelling Units	Percent Affordable	Maximum Number of Units
4 Units per acre, 2 bedroom maximum	25% Affordable Units	40
RENTAL		
1 Bedroom Units or Units Deed Restricted Affordable to Age 55 and older*		
Number of Dwelling Units	Percent Affordable	Maximum Number of Units
10 Units per acre	100% Affordable Units	40
6 Units per acre	25% Affordable Units	20

(2/3 Vote Required)

Recommended by the Planning Board.

ARTICLE 12

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money, to be expended under the direction of the Board of Selectmen, for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the boardwalk and related structures, located over Mill Creek between Boardwalk Road and Town Neck Beach, and all other costs incidental and related thereto, or take any action relative thereto.

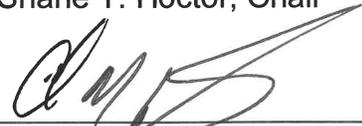
Recommended by the Board of Selectmen.

And you are hereby directed to serve this Warrant by posting attested copies thereof, one at the Town Hall, and one at each of the Post Offices in Sandwich, the last posting to be at least fourteen days prior to the time of holding said meeting,

given under our hands this 20th Day of October, 2022.



Shane T. Hoctor, Chair



Charles M. Holden, Vice-Chair



R. Patrick Ellis



Robert J. George



Michael J. Miller

SANDWICH BOARD OF SELECTMEN

I hereby certify that I have posted attested copies of this warrant at Sandwich Town Hall, Town Hall Annex, Sandwich Post Office, East Sandwich Post Office and Forestdale Post Office, all located within the Town of Sandwich, on

10/25/2022
Date


Constable

Reference Material

NOTE: Reference material is provided for informational purposes only.)

ARTICLE 1 – FY'23 ESTIMATED GENERAL FUND REVENUES & EXPENSES

REVENUES

<u>FY'23 Tax Levy:</u>		
FY'22 Levy Limit	70,893,641	
2.5% Increase	1,772,341	
Est. New Growth	500,000	
Excess Levy Reserve Est.	-3,250,000	
Overrides / Exclusions	0	
County Assess. Outside 2.5: CCC	201,475	
Exempt Debt: GF Outside Prop. 2.5	2,283,713	72,401,170
<u>Other Revenue:</u>		
State Aid: Discretionary (28.52%)	3,073,250	
State Ch. 70 Aid: School (2.01%)	7,371,508	
Est. Local Receipts	5,500,000	
Free Cash Certification - STM Capital	2,792,528	
Overlay Release	100,000	
Transfer from Stabilization Fund	0	<u>18,837,286</u>
Total Estimated Revenues		91,238,456

EXPENSES

<u>ReCap Sheet Items:</u>		
State Assess: Tuition Assess (12.84%)	4,860,174	
State Assess: All Other (1.37%)	716,985	
Abatements / Overlay	550,000	
FY'22 Snow & Ice Deficit	0	6,127,159
<u>Town Meeting Items:</u>		
Group Health Insurance (3.48%)	11,900,000	
County Retirement Assess. (4.14%)	4,802,452	
Property & Liability Insurance (11.63%)	1,500,000	
Medicare (4.00%)	724,132	
GF Sanitation Ent. Fund Approp.	60,500	
Unemployment Account	100,000	
OPEB Trust Fund	250,000	
Exempt Debt: GF Outside Prop. 2.5	2,283,713	
Non-Exempt Debt: GF Inside Prop. 2.5	1,276,872	
Borrowing Expenses	150,000	
Reserve Fund	500,000	
Capital Budget - ATM - Net	300,000	
Capital Budget - Fall 2022 STM - Net	<u>603,000</u>	
Transfer to Stabilization Fund	100,000	24,550,669
<u>Operating Budgets:</u>		
School Budget: Local (2.75%)	29,625,027	
Ch. 70 (2.01%)	7,371,508	36,996,535
UCCRVTS Budget (9.68%)		2,668,824
General Gov't. Budget (9.24%)		<u>20,540,474</u>
Total Estimated Expenses		90,883,661
ESTIMATED FY'23 BUDGET BALANCE		354,795

<u>Stabilization Fund & OPEB Trust Fund Balances:</u>		
	<u>Stab. Fund</u>	<u>OPEB Fund</u>
Actual Balance on 12/31/21:	2,539,419	1,252,894
Proposed Transfer From/To Fund:	<u>100,000</u>	<u>250,000</u>
Projected Post ATM Balance:	2,639,419	1,502,894

A GLOSSARY OF COMMONLY USED TERMS

Appropriation – An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited to a specific amount and identifies the timeframe when it will be expended.

Assessed Valuation – A valuation set upon real estate or other property by a government as a basis for levying taxes. Equalized assessed valuation refers to a municipality's assessed valuation, as determined by local assessors, adjusted by the State Department of Revenue to reflect a full and fair market value ("Equalized Valuation").

Betterment – An addition made to, or change made in, a fixed asset which is expected to prolong its life or to increase its efficiency. The term is also applied to sidewalks, water lines, and highways and the corresponding tax assessment abutters may authorize for repairs to their properties.

Bond – A written promise to pay a specified sum of money, called the face value (par value) or principal amount, at a specified date or dates in the future, called the maturity date(s) together with periodic interest at a specified rate. The difference between a note and a bond is that the latter runs for longer period of time and requires greater legal formality.

Bond Anticipation Note (BAN) – Short-term note of a government sold in anticipation of bond issuance. BANs are full faith and credit obligations.

Bond Ratings – Designations used by bond rating services to give relative indications of credit quality.

Budget – A plan of financial operations embodying an estimate of proposed expenditures for a given period and the proposed means of financing them.

Budget Message – Statement summarizing the plans and policies contained in the budget report, including an explanation of the principal budget items and recommendations regarding financial policy for the upcoming year.

Capital Budget – A plan for expenditure of public funds for capital purposes.

Capital Expenditure – Nonrecurring payments for capital improvements including construction, acquisition, site development and overhead costs. The fees for architects, engineers, lawyers, and other professional services plus the cost of financing may be included.

Cherry Sheet – An annual statement received by the Town from the Department of Revenue detailing estimated receipts for the next fiscal year from various state aid accounts, the lottery, and estimated charges payable in setting the tax rate.

Supplemental Cherry Sheets may be issued during the year and there is no guarantee that the estimated receipts and charges shown thereon will not vary from actual receipts and charges. The name was derived from the pink color of the document.

Debt Service – The cost (usually stated in annual terms) of the principal retirement and interest of any particular bond issue.

Enterprise Fund – Those funds which are established for specific uses under M.G.L. c.44, §53F1/2 that require an annual appropriation to operate (i.e. Sandwich Hollows Golf Club).

Excess Levy Capacity – The difference between a community's maximum tax levy limit as established by Proposition 2.5 and its actual tax levy in the most recent year for which the community has set a tax rate. It is the additional tax levy that a community can raise at Town Meeting without going to the voters for an override or debt exclusion.

Exclusions (Debt Exclusion or Capital Expenditure Exclusion) – Proposition 2.5 allows communities to raise funds for certain purposes above the amount of their levy limits or levy ceilings. Subject to voter approval, a community can assess taxes in excess of its levy limit for the payment of certain capital projects and for the payment of specified debt service costs. Such an exclusion increases the amount of property tax revenue a community may raise for a limited or temporary period of time in order to fund the specific project. Unlike overrides, exclusions do not increase the community's levy limit and do not become part of the base for calculating future years' levy limits. Capital expenditure exclusions last for one year while debt exclusions last for the bond term.

Fiscal Year – The state and municipalities operate on a fiscal year which begins on July 1 and ends on June 30. For example, the FY'17 fiscal year is from July 1, 2016 to June 30, 2017.

Free Cash (Surplus Revenue) – Free cash represents the portion of surplus revenue which the municipality is able to appropriate. It is money that the community raised to spend for a particular item but was left over because the full appropriation was not expended. From this surplus the municipality's liabilities are subtracted (i.e. any unpaid back taxes). The remainder, if any, is certified annually by the Department of Revenue as the community's free cash. Amounts from certified free cash may be appropriated at Town Meeting by the community for expenditures or to offset property taxes.

General Fund – The fund into which the general (non-earmarked) revenues of the municipality are deposited and from which money is appropriated to pay the general expenses of the municipality.

Growth Revenue (New Growth) – The amount of property tax revenue that a community can add to its allowable tax levy from taxes from new construction, alterations, subdivisions, or changes of use. It is computed by applying the prior year's tax rate to the increase in valuation.

Note – A short-term loan, typically of a year or less in maturity.

Overlay – The amount raised by the assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements and state allowed exemptions.

Overrides – Proposition 2.5 allows a community to assess taxes in excess of the automatic annual 2.5% increase and any increase due to new growth by passing an override. A community can take this action as long as it is below its levy ceiling (2.5% of full and fair cash value of community). When an override is passed, the levy limit for the year is calculated by including the amount of the override. Unlike exclusions, the override results in a permanent increase in the levy limit of a community, which becomes part of the levy limit base and increases along with the base at the rate of 2.5% each year.

Proposition 2.5 – M.G.L. c.59, §21C was enacted in 1980 and limits the amount of revenue a city or town may raise from local property taxes each year. This amount is the community's annual levy limit. The law allows the levy limit to increase each year by 2.5% plus any new growth revenue derived from taxes from new construction and alterations. This amount may not exceed the community's levy ceiling. Proposition 2.5 also established two types of voter approved increases in local taxing authority – overrides and exclusions.

Receipts Reserved for Appropriation Account – A special revenue account established by Town Meeting where receipts for a specific program or purpose are set aside in the fund. Expenditures from the account must be approved by Town Meeting.

Reserve Fund – A fund established by Town Meeting which is under the control of the Finance Committee and from which transfers may be made for extraordinary and unforeseen expenditures. The appropriation cannot be greater than 5% of the tax levy for the prior fiscal year.

Revolving Funds – Those funds which may be used without appropriation and which are established for particular uses under M.G.L. such as continuing education programs, school lunch programs, self-supporting recreation and park services, conservation services, etc. (i.e. Sandwich Marina, Sandwich Community School).

Stabilization Fund – A special reserve account which is invested until used. Towns may appropriate into this fund in any year an amount no more than 10% of the prior year's tax levy. The outstanding balance in the account cannot exceed 10% of the Town's equalized valuation. Generally, it takes a 2/3 vote of Town Meeting to appropriate money from the Stabilization Fund.

Surplus Revenue – See "Free Cash".

TABLE OF BASIC POINTS OF MOTIONS

Rank	Type of Motion	2nd Req'd.	May Debate	May Amend	Vote Req'd.	May Recons.	May Interrupt
MAIN MOTIONS							
None	Main Motion	Yes	Yes	Yes	Varies	Yes	No
Same	Reconsider or Rescind	Yes	Same	No	Majority	No	No
None	Take from the Table	Yes	No	No	Majority	No	No
None	Advance an Article	Yes	Yes	Yes	Majority	Yes	No
PRIVILEGED MOTIONS							
1	Dissolve or Adjourn	Yes	No	No	Majority	No	No
	Adjourn to Fixed						
2	Time/Recess	Yes	Yes	Yes	Majority	No	No
3	Point of No Quorum	No	No	No	None	No	No
4	Fix the Time to Adjourn	Yes	Yes	Yes	Majority	Yes	No
5	Question of Privilege	No	No	No	None	No	Yes
SUBSIDIARY MOTIONS							
6	Lay on the Table	Yes	No	No	2/3	Yes	No
7	The Previous Question	Yes	No	No	2/3	No	No
8	Limit or Extend Debate	Yes	No	No	2/3	Yes	No
9	Postpone to Time Certain	Yes	Yes	Yes	Majority	Yes	No
10	Commit or Refer	Yes	Yes	Yes	Majority	Yes	No
11	Amend (or Substitute)	Yes	Yes	Yes	Majority	Yes	No
12	Indefinitely Postpone	Yes	Yes	No	Majority	Yes	No
INCIDENTAL MOTIONS							
Same	Point of Order	No	No	No	None	No	Yes
Same	Appeal	Yes	Yes	No	Majority	Yes	No
Same	Division of a Question	Yes	Yes	Yes	Majority	No	No
Same	Separate Consideration	Yes	Yes	Yes	Majority	No	No
Same	Fix the Method of Voting	Yes	Yes	Yes	Majority	Yes	No
Same	Nominations to Committee	No	No	No	Plurality	No	No
Same	Withdraw or Modify Motion	No	No	No	Majority	No	No
Same	Suspension of Rules	Yes	No	No	2/3*	No	No

* Unanimous if rule protects minorities; out of order if rule protects absentees

Source: Town Meeting Time, 3rd Edition

MOTIONS FOR NOVEMBER 14, 2022 SPECIAL TOWN MEETING

ARTICLE 1 – Move that the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$603,000 from Free Cash and transfer and appropriate \$121,000 from the ambulance receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing and repairing equipment, vehicles, and buildings, and providing related services as printed in the Warrant under Article 1.

ARTICLE 2 – Move that the Town accept the provisions of Massachusetts General Laws, Chapter 64N, Section 3 and impose an excise on the retail sales of marijuana at 3.0%, to be effective January 1, 2023.

ARTICLE 3 – Move that the Town, in accordance with the provisions of M.G.L. c.44, §53E1/2, amend the Sandwich Town Bylaws, Section 2.11, Departmental Revolving Funds, by adding a new Revolving Fund listing for Center for Active Living expenses and set the spending limit for said revolving fund for FY'23 at \$50,000, as printed in the Warrant under Article 3.

ARTICLE 4 – Move that the Town transfer and appropriate \$15,780.30 from the FY'23 Legal budget, to be expended under the direction of the Board of Selectmen, to pay for a FY'21 invoice for Town Counsel services.

ARTICLE 5 – Move that the Town authorize the Board of Selectmen to petition the General Court for special legislation to provide for wastewater treatment and disposal for the Town of Sandwich at Joint Base Cape Cod, as printed in the Warrant under Article 5; provided that the General Court may make clerical or editorial changes of form only to the bill unless the Select Board approves amendments to the bill before enactment by the General Court; and further authorize the Select Board to approve amendments which shall be within the scope of the general public objectives of this petition.

ARTICLE 6 – Move that the Town decrease the \$455,000 appropriation made at the May 3, 2021 Annual Town Meeting under Article 17 by \$225,827.50, with said decrease being transferred to the Community Preservation Fund undesignated fund balance due to the award of a grant from the Commonwealth of Massachusetts' Drinking Water Supply Grant Program for the purchase of two parcels of land off Meiggs-Backus Road.

ARTICLE 7 – Move that the Town amend the Town of Sandwich Bylaws by adding a new Chapter 11, Stretch Energy Code, by inserting the words printed in the Warrant under Article 7.

ARTICLE 8 – Move that the Town amend the Sandwich Protective Zoning By-laws, Article II, Section 2600, Intensity Use Schedule, by removing footnote I) in its entirety and reordering the remaining footnotes accordingly, as printed in the Warrant under Article 8.

(2/3 Vote Required)

ARTICLE 9 – Move that the Town amend the Sandwich Protective Zoning By-laws, Article IV, Section 4133, Use and Dimensional Requirements, by removing footnote i) in its entirety and reordering all remaining footnotes accordingly, as printed in the Warrant under Article 9.

(2/3 Vote Required)

ARTICLE 10 – Move that the Town amend the Sandwich Protective Zoning By-laws, Article IV, Sections 4182 and 4190, Large Scale Canopy Solar Procedures and Dimensional and Density Requirements, for the purpose of allowing Large Scale Canopy Solar projects by-right, by inserting the words highlighted in red, and by adding a new definition for Large Scale Canopy Solar in Article VIII, Definitions Section, as printed in the Warrant under Article 10.

(2/3 Vote Required)

ARTICLE 11 – Move that the Town amend the Sandwich Protective Zoning By-laws, Article IV, Section 4453, Affordability Requirement Standards, for the purpose of reducing affordability requirements, increasing density, and allowing a consistent ratio of units for both rental and homeownership, by inserting the words highlighted in red and deleting the words highlighted in strikethrough, as printed in the Warrant under Article 11.

(2/3 Vote Required)

ARTICLE 12 – Move that the Town indefinitely postpone Article 12.

OR Move that the Town transfer and appropriate \$ _____, to be expended under the direction of the Board of Selectmen, for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the boardwalk and related structures, located over Mill Creek between Boardwalk Road and Town Neck Beach, and all other costs incidental and related thereto.