

**TOWN OF SANDWICH  
ANNUAL TOWN MEETING  
May 1, 2023**

The Annual Town Meeting was called to order in the Sandwich High School Auditorium by Moderator Garry Blank at 7:10 pm. The total number of eligible voters for this meeting was 17,026 and the clerks checked in a total of 593 voters, which is a 3.4% turnout.

The Moderator swore in the following Sandwich residents as tellers: Sharon Walker, Candus Thomson, William Fleming, Sean Rausch, Robert King, Tobin Wirt, Jeff Picard, Erik Tarvin, Carol Peterson, Kim Rutt, Sherrill Rutt, Robert Thomson, Daryl Crossman, and Linda Paltrineri. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers. Group of Sandwich High School students led Town Meeting in the Pledge of Allegiance. Pastor Peter Axelson from Covenant Community Church gave the invocation.

**ARTICLE 1**

To see if the Town will vote to hear the reports of all Town Officers and Committees and to act thereon and to hear the report of the Board of Selectmen on the Long Range Plan, or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town accept the Report of all Town Officers and Committees as printed in the 2022 Annual Town Reports and to hear the report of the Board of Selectmen on the 2023 Long Range Plan. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 2**

To see if the Town will vote to hear the report of the Finance Committee and to see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$91,750,617.00, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2023 to June 30, 2024 as itemized below in the third column entitled FY'24 Recommendation, or take any other action relative thereto.

**Fiscal Year 2024 Finance Committee Budget Message:**

The Town Charter 7.2 (b) states that: "The finance committee shall conduct a detailed line-item review of the town and school budgets and submit a written budget report to the annual town meeting and a written report to the annual town meeting and any special town meeting with its advisory recommendations on all financial warrant articles and the projected tax impact consistent with its recommendations."

Your Finance Committee is made up of nine residents with diverse backgrounds, appointed by the Town Moderator. We are dedicated to following this charge by hearing presentations by Department Heads and discussing their proposed budgets. We also assess impact on future expenditures for current and proposed projects. We commend the work of all the Department Heads, the Town Manager, Assistant Town Manager, and Superintendent of Schools for their diligence in not only preparing their budgets, but also for providing backup support information to answer our questions.

This year, the budget is in good shape with no additional articles for extraordinary expenditures. However, as we look forward, we will be asked to consider several proposals that include: a possible move of Station #1 from Route 6A to near the DPW building, a renovated DPW

building, an increase in WIIF (wastewater) funding, and an increase in Community Preservation Act funding. All of these proposals are currently in the early stages of discussion.

The Sandwich Public Schools budget is challenged by declining enrollment, state mandated increases for out of district Special Education students, and area-wide substantial increases in energy costs. In May 2022 a five-year plan to address school buildings and grounds was approved by the residents, and several projects are currently in early stages of progress.

Charter School costs continue to severely impact our town budget annually due to underfunding from the State.

The Department of Public Works is utilizing the recent approval of an additional \$650,000 into their working budget, allowing them to prioritize road maintenance more efficiently. We need to continue to make maintenance a priority, although it is a challenge due to the number of road miles in our town.

Beach nourishment is being addressed by the Town Manager and Board of Selectmen, but progress is frustratingly slow for the Section 111 Project for proper funding and nourishment. Flood Risk Mitigation remains a concern. We have been awarded Municipal Vulnerability Preparedness (MVP) grants which, along with Town funding, will allow projects in Historic Sandwich Village and the Jones Road culverts to proceed.

Efforts to address wastewater by establishing the Water Infrastructure Investment Fund (WIIF) has proved beneficial to the planning process. Implementation will be the biggest expenditure in the town's history in the future, and the Finance Committee will continue to hold sessions to stay abreast of the project's scope, costs, and overall financial management.

Police and Fire Departments report stable budgets and exemplary community involvement.

The Long Range Capital Plan continues to evolve as major projects are completed. It is a balancing act to prioritize future needs as the Assistant Town Manager has shown in her presentation to us.

The Finance Committee works to thoroughly review each section of the budget, gathering sufficient information to make informed decisions when voting each article that has financial implications. We are honored to serve in this capacity and thank all who come before us for their dedication and input to each budget.

Respectfully submitted,  
Sandwich Finance Committee

**FY'24 BUDGET**

| <b>NO.</b> | <b>DEPARTMENT</b>            | <b>FY'22 APPROP</b> | <b>FY'23 APPROP</b> | <b>FY'24 RECOMM</b> |
|------------|------------------------------|---------------------|---------------------|---------------------|
| 114        | Moderator                    | 450                 | 500                 | 500                 |
| 123        | Selectmen/Manager            | 487,401             | 487,559             | 639,239             |
|            | Personnel Expense            | 338,973             | 670,113             | 450,000             |
| 131        | Finance Committee            | 3,400               | 2,875               | 2,875               |
| 135        | Accounting                   | 195,491             | 208,499             | 251,061             |
| 141        | Assessing                    | 392,599             | 354,630             | 410,946             |
| 145        | Treasurer                    | 271,194             | 539,359             | 530,826             |
| 146        | Tax Collector                | 228,060             | -                   | -                   |
| 147        | Tax Title                    | 35,000              | 35,000              | 30,000              |
| 151        | Legal                        | 300,000             | 325,000             | 325,000             |
| 152        | Human Resources              | 196,878             | 200,822             | 203,927             |
| 161        | Town Clerk                   | 209,194             | 209,419             | 220,323             |
| 162        | Election and Registration    | 48,000              | 70,750              | 55,800              |
| 171        | Natural Resources            | 313,356             | 322,012             | 307,528             |
| 175        | Planning and Development     | 262,703             | 264,912             | 284,570             |
| 190        | Facilities Management        | 747,325             | 847,007             | 971,344             |
| 195        | Town Reports                 | 12,500              | 12,500              | 12,500              |
| 196        | Bind Records                 | 7,000               | 7,000               | 3,500               |
| 197        | Information Technology       | 708,152             | 711,521             | 723,000             |
|            | <b>Total 100s</b>            | <b>4,757,676</b>    | <b>5,269,478</b>    | <b>5,422,939</b>    |
| 210        | Police Department            | 4,923,555           | 5,126,589           | 5,397,283           |
| 220        | Fire Department              | 3,925,753           | 4,135,558           | 4,422,777           |
| 241        | Inspections                  | 314,226             | 332,534             | 302,757             |
| 244        | Sealer of Weights & Measures | 14,350              | 14,709              | 15,500              |
| 291        | Emergency Management         | 22,500              | 22,500              | 20,000              |
| 294        | Forest Warden                | 1,500               | 1,500               | 1,500               |
| 297        | Bourne Shellfish             | 4,000               | 4,000               | 4,000               |
| 299        | Greenhead Fly                | 2,500               | 2,500               | 2,500               |
|            | <b>Total 200s</b>            | <b>9,208,384</b>    | <b>9,639,890</b>    | <b>10,166,316</b>   |
| 300        | School Department            | 36,058,894          | 36,923,875          | 38,273,702          |
| 313        | Upper Cape Tech              | 2,433,216           | 2,668,824           | 2,871,394           |
|            | <b>Total 300s</b>            | <b>38,492,110</b>   | <b>39,592,699</b>   | <b>41,145,096</b>   |
| 410        | DPW-Engineering              | 289,071             | 295,937             | 327,037             |
| 420        | DPW                          | 1,990,283           | 2,652,396           | 2,757,467           |
| 421        | Snow & Ice                   | 400,000             | 400,000             | 400,000             |
| 424        | Streetlights                 | 20,000              | 20,000              | 20,000              |
|            | <b>Total 400s</b>            | <b>2,699,354</b>    | <b>3,368,333</b>    | <b>3,504,504</b>    |

| NO.                                   | DEPARTMENT                              | FY'22 APPROP | FY'23 APPROP | FY'24 RECOMM |
|---------------------------------------|---|--------------|--------------|--------------|
| 510                                   | Health Department                       | 237,259      | 245,425      | 256,955      |
| 522                                   | Nursing Department                      | 178,254      | 182,932      | 184,833      |
| 540                                   | Social Services                         | 35,000       | 35,000       | 35,000       |
| 541                                   | Senior and Community Services           | 248,229      | 265,861      | 276,887      |
| 543                                   | Veterans                                | 105,000      | 117,500      | 117,500      |
|                                       | <b>Total 500s</b>                       | 803,742      | 846,718      | 871,175      |
|                                       |   |              |              |              |
| NO.                                   | DEPARTMENT                              | FY'22 APPROP | FY'23 APPROP | FY'24 RECOMM |
| 610                                   | Library                                 | 1,031,580    | 1,006,435    | 1,061,313    |
| 630                                   | Recreation                              | 251,955      | 310,870      | 313,765      |
| 650                                   | DPW - Parks                             | 30,850       | 30,850       | 30,850       |
| 671                                   | Hoxie / Grist Mill                      | 3,500        | 56,000       | 51,000       |
| 693                                   | Memorial Day                            | 1,200        | 1,200        | 1,200        |
| 694                                   | Historic District                       | 15,550       | 10,700       | 10,700       |
|                                       | <b>Total 600s</b>                       | 1,334,635    | 1,416,055    | 1,468,827    |
|                                       |   |              |              |              |
| <b>Operating Budget Subtotal</b>      |   | 57,295,901   | 60,133,173   | 62,578,857   |
|                                       |   |              |              |              |
| 135                                   | Enterprise Fund Indirect Cost Transfers |              |              | 80,000       |
| 171                                   | Waterways Fund Transfer                 |              |              | 10,000       |
| 220                                   | Ambulance Fund Transfer                 |              |              | 1,950,000    |
|                                       | WIIF Fund Transfer                      |              |              | 20,000       |
| 630                                   | Beach and Recreation Account Transfers  |              |              | 354,588      |
| 650                                   | Cemetery Trust Fund Transfer            |              |              | 35,000       |
| 671                                   | Hoxie House / Grist Mill Transfer       |              |              | 15,000       |
|                                       | Overlay Release                         |              |              | -            |
| <b>Inter-Fund Transfers Subtotal</b>  |   |              |              | 2,464,588    |
|                                       |   |              |              |              |
| 132                                   | Reserve Fund                            |              |              | 500,000      |
| 710                                   | Borrowing Expenses                      |              |              | 100,000      |
| 750                                   | Exempt Debt Outside Prop 2.5            |              |              | 3,394,924    |
| 750                                   | Non-Exempt Debt Inside Prop 2.5         |              |              | 1,333,180    |
| 910                                   | Group Health Insurance                  |              |              | 12,250,000   |
| 912                                   | Medicare                                |              |              | 729,623      |
| 940                                   | Property and Liability Insurance        |              |              | 1,650,000    |
| 941                                   | Unemployment Account                    |              |              | 100,000      |
| 950                                   | Retirement Assessment                   |              |              | 5,049,445    |
| Fund 80                               | OPEB Trust Fund                         |              |              | 1,100,000    |
| Fund 83                               | Stabilization Fund                      |              |              | 500,000      |
|                                       |   |              |              |              |
| <b>Other Budget Accounts Subtotal</b> |   |              |              | 26,707,172   |
|                                       |   |              |              |              |
| <b>FY'24 BUDGET TOTAL</b>             |   |              |              | 91,750,617   |

**VOTED: That the Town hear the report of the Finance Committee and raise and appropriate \$85,661,425; transfer and appropriate \$3,624,604 from Free Cash; transfer and appropriate \$1,950,000 from the ambulance receipts reserved for appropriation account; transfer and appropriate \$40,000 from Sandwich East Boat Basin Marina enterprise fund; transfer and appropriate \$20,000 from the Sandwich Hollows Golf Club enterprise fund; transfer and appropriate \$20,000 from the DPW – Sanitation Division enterprise fund; transfer and appropriate \$354,588 from the beach parking receipts reserved for appropriation account; transfer and appropriate \$20,000 from the Water Infrastructure Investment Fund; transfer and appropriate \$15,000 from the Hoxie House / Grist Mill receipts reserved for appropriation account; transfer and appropriate \$10,000 from the Waterways Fund; and transfer and appropriate \$35,000 from cemetery trust funds; to defray Town expenses for the Fiscal Year 2024 as itemized in the third column entitled FY'24 Recommended Appropriation, as printed in the Warrant under Article 2, and set the compensation of elected officials as follows:**

|                                    |                 |
|------------------------------------|-----------------|
| <b>Moderator</b>                   | <b>\$ 500</b>   |
| <b>Chairman Board of Selectmen</b> | <b>\$7,000</b>  |
| <b>Selectmen – 4 each</b>          | <b>\$3,500</b>  |
| <b>Chairman Board of Assessors</b> | <b>\$2,000</b>  |
| <b>Assessors – 2 each</b>          | <b>\$1,500</b>  |
| <b>Town Clerk</b>                  | <b>\$94,775</b> |

**This was a voice vote and declared carried by the Moderator.**

**Kathleen Barrett of Popple Bottom Road made a motion to advance articles 22 & 23 to be discussed and voted upon immediately following Article 2. There was a second from the floor. This was a voice vote and not declared carried by the Moderator.**

**ARTICLE 3**

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53F½ 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 establishing the FY'24 enterprise fund budgets for the Department of Public Works Sanitation Division, Sandwich Hollows Golf Club, Sandwich Marina, and Cable Public Access, in accordance with the following list, or take any other action relative thereto.

| <b><u>Enterprise Fund</u></b>                  | <b><u>Recommended FY'24 Budget</u></b> |
|--|--|
| Cable Public Access                            | 605,000                                |
| Department of Public Works Sanitation Division | 1,070,888                              |
| Sandwich Hollows Golf Club                     | 1,457,918                              |
| Sandwich Marina                                | 2,352,250                              |

**UNANIMOUSLY VOTED: That the Town establish the FY'24 enterprise fund budgets, to be expended under the direction of the Board of Selectmen, for the Cable Public Access, Department of Public Works Sanitation Division,**

**Sandwich Hollows Golf Club, and Sandwich Marina – East Boat Basin, in accordance with the provisions of M.G.L. c.44, §53F<sup>1</sup>/<sub>2</sub> and the following list:**

**Cable Public Access:**

**Transfer and appropriate \$605,000 from Cable Public Access receipts**

**DPW – Sanitation Division:**

**Transfer and appropriate \$1,010,388 from DPW – Sanitation Division receipts and raise and appropriate \$60,500**

**Sandwich Hollows Golf Club:**

**Transfer and appropriate \$1,357,918 from Golf Department receipts and \$100,000 from the Golf Enterprise Fund retained earnings**

**Sandwich Marina – East Boat Basin:**

**Transfer and appropriate \$2,252,250 from Sandwich East Boat Basin Marina receipts and \$100,000 from the Marina Enterprise Fund retained earnings.**

**This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 4**

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53E1/2 and Section 2.11 of the Sandwich Town Bylaws to authorize the spending limits of revolving funds for the following Town departments for FY'24, to be expended under the direction of the Board of Selectmen, in accordance with the following list:

| <b>Revolving Account</b>                   | <b>Expenditure Limit</b> |
|--|--------------------------|
| Recreation Programs                        | \$525,000                |
| Solar Energy / Town Utilities              | \$125,000                |
| Town Hall Meeting Room                     | \$10,000                 |
| Sand Hill School Community Center Expenses | \$10,000                 |
| Oak Crest Cove Expenses                    | \$12,000                 |
| Center for Active Living Expenses          | \$50,000                 |
| Sandwich: A Cape Cod Town Book             | \$2,000                  |
| Senior & Community Services Programs       | \$60,000                 |
| School Department Book Fines               | \$10,000                 |

or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town set the spending limit for all Town & School Department revolving funds for Fiscal Year 2024, as printed in the Warrant under Article 4. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 5**

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 \$1,698,830.00, or any other amount, and to transfer and appropriate the sum of \$85,000.00 from the Golf Department Enterprise Fund, 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, for a total capital appropriation of \$1,783,830.00:

| <b><u>Capital List</u></b>                                       | <b><u>Amount</u></b> |
|--|----------------------|
| Town Clerk – Election Supplies & Equipment                       | 10,000               |
| Natural Resources – Jones Lane Culvert Fed. Grant Matching Funds | 307,500              |
| Facilities Department – Oak Crest Cove Repairs & Improvements    | 115,000              |
| Facilities Department – Town Building Repairs & Improvements     | 150,000              |
| Police Department – Taser Replacements                           | 16,830               |
| Police Department – Vehicle Mobil Data Terminals                 | 42,500               |
| Police Department – Law Enforcement Safety Equipment             | 25,000               |
| Fire & DPW – Facility Improvements Consulting & Due Diligence    | 300,000              |
| DPW – Roadside Flail Mower Replacement                           | 160,000              |
| DPW – Mower Replacements   | 30,000               |
| DPW – Transfer Station Dump Trailer                              | 75,000               |
| DPW – Tire Changing Equipment                                    | 9,000                |
| DPW – Salt Conveyor & Sprayer                                    | 135,000              |
| Golf Department – Truck, Plow, & Equipment                       | 85,000               |
| School Department – School Building Repairs & Improvements       | 150,000              |
| School Department – Auditorium Curtain Replacement               | 53,000               |
| School Department – Furnishings & Equipment                      | 120,000              |
| <b>Capital List Total</b>  | <b>1,783,830</b>     |
| <b><u>Transfer Funding Sources</u></b>                           | <b><u>Amount</u></b> |
| Golf Department Enterprise Fund                                  | 85,000               |
| <b>Capital Offset Total</b>                                      | <b>85,000</b>        |

or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$1,698,830 from Free Cash and transfer and appropriate \$85,000 from the Sandwich Hollows Golf Club enterprise fund retained earnings; 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 5. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 6**

To see if the Town will vote to appropriate the sum of money, received or to be received, from the Chapter 90 State Aid to Highways Program for highway construction and/or maintenance on any State approved road during FY'24, or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town appropriate the sum of money, received or to be received, from the Chapter 90 State Aid to Highways Program for highway construction and/or maintenance on any State approved road during FY'24. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 7**

To see if the Town will vote to transfer and appropriate the sum of \$35,597.19, or any other amount, to be expended under the direction of the School Committee, from the Sandwich High School cellular antenna lease receipt reserved for appropriation account, under Chapter 154 of the Acts of 2009, for the purpose of the maintenance and improvement of exterior athletic fields and facilities at Sandwich High School, or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$35,597.19, to be expended under the direction of the School Committee, from the Sandwich High School cellular antenna lease receipt reserved for appropriation account, under Chapter 154 of the Acts of 2009, for the purpose of the maintenance and improvement of exterior athletic fields and facilities at Sandwich High School. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 8**

To see if the Town will vote to transfer and appropriate the sum of \$145,445.54, or any other amount, from the beach renourishment receipts reserved for appropriation account, as established at the 2013 Annual Town Meeting under Article 23, to be expended under the direction of the Board of Selectmen, for the purpose of funding future public ocean beach and dune renourishment projects, or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$145,445.54 from the beach renourishment receipts reserved for appropriation account, as established at the 2013 Annual Town Meeting under Article 23, to be expended under the direction of the Board of Selectmen, for the purpose of funding future public ocean beach and dune renourishment projects. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 9**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$72,499.15, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'24 Sandwich Promotions Fund as established under Chapter 313 of the Acts of 2020, in accordance with the following list; and further, to authorize the Board of Selectmen to enter into a grant agreement with the Sandwich Chamber of Commerce and Canal Region Chamber of Commerce, on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended; or take any other action relative thereto.



| <b>Grant Recipient</b>                | <b>Amount</b>    |
|---------------------------------------|------------------|
| Visitor Services Board                | 28,999.66        |
| Sandwich Chamber of Commerce          | 28,999.66        |
| Canal Region Chamber of Commerce      | 14,499.83        |
| <b>Sandwich Promotions Fund Total</b> | <b>72,499.15</b> |

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$72,499.15, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'24 Sandwich Promotions Fund as established under Chapter 313 of the Acts of 2020, as printed in the warrant under Article 9. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 10**

To see if the Town will vote to transfer and appropriate \$350,000.00, or any other amount, from the Sandwich Marina Enterprise Fund retained earnings, to be expended under the direction of the Board of Selectmen, for the purpose of increasing the FY'23 Sandwich Marina budget for the purchase of fuel, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$350,000 from the Sandwich Marina Enterprise Fund retained earnings, to be expended under the direction of the Board of Selectmen, for the purpose of increasing the FY'23 Sandwich Marina budget for the purchase of fuel. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 11**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$218,651.41, or any other amount, from the national opioid settlement disbursements, to be expended under the direction of the Board of Selectmen, for the purpose of providing public and private social, educational, behavioral, public safety, and other related services, including personnel and operating expenses, for substance abuse prevention, harm reduction, enforcement, outreach, and other related services; or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$218,651.41 from Free Cash, to be expended under the direction of the Board of Selectmen, for the purpose of providing public and private social, educational, behavioral, public safety, and other related services, including personnel and operating expenses, for substance abuse prevention, harm reduction, enforcement, outreach, and other related services. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 12**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY'24 Community Preservation budget and to appropriate from the Community Preservation Fund FY'24 estimated annual revenues the sum of \$75,000.00, or any other sum, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for FY'24; and further to reserve for future appropriation a sum of money from the Community Preservation Fund estimated annual revenues for open space, historic resources, and community housing purposes, as well as a sum of money to be placed in the FY'24 Budgeted Reserve for general Community Preservation Act purposes; and further to appropriate from the Community Preservation Fund a sum or sums

of money for previously authorized Community Preservation Act debt payments; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as recommended by the Community Preservation Committee; or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town hear and act on the report of the Community Preservation Committee on the FY'24 Community Preservation budget and to appropriate from the Community Preservation Fund FY'24 estimated annual revenues the sum of \$75,000, to be expended under the direction of the Board of Selectmen, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for FY'24; and further, reserve for future appropriation from the Fiscal Year 2024 Community Preservation Fund estimated annual revenues the following sums: \$191,041 for open space purposes; \$191,041 for historic resources purposes; and \$191,041 for community housing purposes; and further transfer and appropriate \$575,825 from the Community Preservation Fund undesignated fund balance for debt payments. This was a voice vote and declared carried unanimously by the Moderator.**

### **ARTICLE 13**

To see if the Town will vote to raise and appropriate or transfer from available funds under the Community Preservation Act open space and recreation program, the sum of \$500,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of improving, constructing, rehabilitating, and making extraordinary repairs to the Town owned Sandwich Adventure Playground located at 260 Quaker Meetinghouse Road; or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$500,000 from the Community Preservation Act undesignated fund balance, to be expended under the direction of the Board of Selectmen, for the purpose of improving, constructing, rehabilitating, and making extraordinary repairs to the Town owned Sandwich Adventure Playground located at 260 Quaker Meetinghouse Road, as printed in Article 13. This was a voice vote and declared carried unanimously by the Moderator.**

### **ARTICLE 14**

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$13,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, protecting, and digitizing historic Town of Sandwich records, documents, photographs, and other archival materials; or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$13,000 under the Community Preservation Act historic resources reserve, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, protecting, and digitizing historic Town of Sandwich records, documents, photographs, and other archival materials, as printed in Article 14. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 15**

To see if the Town will vote to transfer and appropriate under the Community Preservation Act affordable housing program the sum of \$43,500.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of supporting the Friends or Relatives with Autism and Related Disabilities, Inc. housing program located at 131 Hokum Rock Road, Dennis, MA, Assessors Map 311, Parcel 3; and further, to authorize the Board of Selectmen to receive an affordable housing restriction and enter into a grant agreement with said Friends or Relatives with Autism and Related Disabilities, Inc., on such terms and conditions as the Board of Selectmen deems appropriate; or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$43,500 from the Community Preservation Act affordable housing reserve, to be expended under the direction of the Board of Selectmen, for the purpose of supporting the Friends or Relatives with Autism and Related Disabilities, Inc. housing program located at 131 Hokum Rock Road, Dennis, MA, Assessors Map 311, Parcel 3; and further, to authorize the Board of Selectmen to receive an affordable housing restriction and enter into a grant agreement with said Friends or Relatives with Autism and Related Disabilities, Inc., on such terms and conditions as the Board of Selectmen deems appropriate, as printed in Article 15. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 16**

To see if the Town will authorize the Board of Selectmen to petition the General Court for a special act in the form set forth below, authorizing the Board of Selectmen to issue an additional number of annual off premises all alcohol liquor licenses, annual on premises all alcohol liquor licenses and annual on premises wine and malt liquor licenses at specified locations; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto:

**AN ACT AUTHORIZING THE TOWN OF SANDWICH TO GRANT ADDITIONAL LICENSES FOR THE SALE OF WINE AND MALT AND ALL ALCOHOLIC BEVERAGES**

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

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the Town of Sandwich may grant to a business located at the following premises:

| <b><u>Location</u></b>   | <b><u>Type</u></b>               |
|--------------------------|----------------------------------|
| 152 Route 6A, Sandwich   | Annual Off-Premises, All Alcohol |
| 80 Route 130, Forestdale | Annual Off-Premises, All Alcohol |
| 1 Water Street, Sandwich | Annual On-Premises, All Alcohol  |

|                             |                                   |
|-----------------------------|-----------------------------------|
| 298 Route 130, Sandwich     | Annual Off-Premises, All Alcohol  |
| 271 Cotuit Road, Sandwich   | Annual Off-Premises, All Alcohol  |
| 422 Route 6A, East Sandwich | Annual Off-Premises, All Alcohol  |
| 280 Route 130, Forestdale   | Annual On-Premises, All Alcohol   |
| 66 Route 6A, Sandwich       | Annual On-Premises, All Alcohol   |
| 145 Main Street, Sandwich   | Annual On-Premises, All Alcohol   |
| 66 Route 6A, Sandwich       | Annual On-Premises, Wine and Malt |

The licenses set forth above shall be subject to all of said chapter 138 except said section 17.

If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the Town of Sandwich and the Town may then grant the license to a new applicant and shall not be limited by location.

SECTION 2. This act shall take effect upon its passage.

**UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to petition the General Court for a special act authorizing the Board of Selectmen to issue an additional number of annual on-premises all alcohol liquor licenses at the following locations: 1 Water Street, Sandwich; 280 Route 130, Forestdale; 66 Route 6A, Sandwich; and 145 Main Street, Sandwich; and to issue an annual on-premises wine and malt liquor license to 66 Route 6A, Sandwich; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, as printed in the Warrant under Article 16. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 17**

To see if the Town will vote in accordance with M.G.L. c.40, §15A to transfer the care, custody, and control of the Human Services Building, located at 270 Quaker Meetinghouse Road, Assessors Map 28, Parcel 120, consisting of approximately 2.74 acres, and all of its buildings and grounds from the Board of Selectmen, currently held for general municipal purposes, to the School Committee, to be held for school purposes, to be effective immediately; or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town vote in accordance with M.G.L. c.40, §15A to transfer the care, custody, and control of the Human Services Building, located at 270 Quaker Meetinghouse Road, Assessors Map 28, Parcel 120, consisting of approximately 2.74 acres, and all of its buildings**

and grounds from the Board of Selectmen, currently held for general municipal purposes, to the School Committee, to be held for school purposes, to be effective immediately. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

#### **ARTICLE 18**

To see if the Town will vote to amend the Sandwich General By-laws, Chapter 9, Boat Operations and Use of Waterways, Section 9.02, Definitions, by removing definitions 15) and 16) in their entirety, as highlighted in strikethrough below, or take any action relative thereto.

- 15) ~~“Town Hall Annex” shall mean the building at 145 Main Street, Sandwich, Massachusetts.~~
- 16) ~~“Town Office Building” shall mean the building at 16 Jan Sebastian Drive, Sandwich, Massachusetts~~

**UNANIMOUSLY VOTED: That the Town amend the Sandwich General By-laws, Chapter 9, Boat Operations and Use of Waterways, Section 9.02, Definitions, by removing definitions 15) and 16) in their entirety, as printed in the Warrant under Article 18. This was a voice vote and declared carried unanimously by the Moderator.**

#### **ARTICLE 19**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Charter of the Town 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.

*(NOTE: new language is shown as highlighted, bold text; language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text):*

#### **AN ACT AMENDING THE CHARTER OF THE TOWN OF SANDWICH**

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

Section 1. Chapter ~~22 406~~ of the Acts of ~~2014 009~~ is hereby repealed.

Section 2. ~~The following shall be the Charter of the Town of Sandwich~~ **Home Rule Charter of the Town of Sandwich, as established by chapter 22 of the acts of 2014, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended to read as follows:**

#### **ARTICLE I INCORPORATION, FORM OF GOVERNMENT**

Section 1.1 INCORPORATION

The inhabitants of the Town of Sandwich, residing within its corporate boundaries as heretofore established by law, are hereby constituted and shall continue to be a body politic and corporate in perpetuity under the name of the town of Sandwich.

#### Section 1.2 FORM OF GOVERNMENT

a) The municipal form of government provided by this charter shall consist of a town meeting open to all voters of the town of Sandwich; ~~a board of selectmen~~ **a select board**, elected by the people and accountable to the people; and a town manager, appointed by and accountable to ~~the board of selectmen~~ **the select board** for proper administration of the affairs of the town.

b) The schools of the town shall be operated by a school department and supervised by a superintendent of schools under the direction of a school committee, elected by the people of the town of Sandwich and accountable to the people for proper administration of the affairs of the schools.

### ARTICLE II POWERS OF THE TOWN

#### Section 2.1 POWERS

a) The town shall have all the powers granted to towns by the constitution and General Laws together with all of the implied powers necessary to execute such granted powers.

b) The powers of the town pursuant to the charter shall be construed and interpreted liberally in favor of the town and the specific mention of any particular power is not intended to limit in any way the general powers.

c) The town may enter into agreements with any other agency of municipal government, agency of the commonwealth, other states, or the United States government to perform jointly, by contract, or otherwise, any of its powers or functions and may participate in the financing thereof.

### ARTICLE III LEGISLATIVE BRANCH

#### Section 3.1 OPEN TOWN MEETING

The legislative powers of the town shall be exercised by a town meeting open to all voters of the town of Sandwich.

#### Section 3.2 PRESIDING OFFICER

All sessions of the town meeting shall be presided over by a moderator, elected as provided in section 4.4. The moderator shall regulate the proceedings, decide questions of order and make public declarations of all votes. The moderator shall have all of the powers and duties given to moderators pursuant to the constitution and the General Laws, and such additional powers and duties as may be authorized by the charter, by by-law or by other town meeting vote.

#### Section 3.3 ANNUAL TOWN MEEETING

The annual town meeting shall be held on such date or dates as may be fixed by the ~~board of selectmen~~ **select board** as provided in paragraph (e) of section 4.2.5.

#### Section 3.4 SPECIAL TOWN MEETINGS

Special town meetings shall be held at the call of the ~~board of selectmen~~ **select board** such times as it may deem appropriate and whenever a special meeting is requested by the voters in accordance with procedures made available by the General Laws.

#### Section 3.5 QUORUM

The quorum for both the annual town meeting and any special town meeting shall be set by by-law.

#### Section 3.6 CLERK OF THE MEETING

The town clerk shall serve as the clerk to the town meeting. In the event that the town clerk is absent, the assistant town clerk shall serve.

#### Section 3.7 WARRANT ARTICLES

(a) Except for procedural matters, all subjects to be acted on by town meeting shall be placed on warrants issued by the ~~board of selectmen~~ **select board**.

(b) The ~~board of selectmen~~ **select board** shall receive all petitions addressed to it which require the submission of particular subject matter to the town meeting in accordance with the General Laws. Ten (10) signatures shall be required on a petition to have an article inserted in the warrant for an annual town meeting, and 100 signatures shall be required on a petition to have an article inserted in a warrant for a special town meeting.

(c) ~~Any warrant article that seeks to raise, transfer, appropriate or expend any funds shall show comparative figures including actual figures for the preceding year, appropriations for the current year, request for the next fiscal year and amounts, recommended by the finance committee.~~ **Detailed information regarding the budget numbers shall be made available to the appropriate boards and posted on the town website for public access.**

(d) Copies of main motions to be considered on articles in the warrant that were not originally included in the printed warrant or on the script to be read by the ~~selectmen~~ **select board** at town meeting, shall be ~~made available as draft versions in writing to all voters prior to the town meeting and distributed at town meeting~~ **or shown** Final adjustments, if necessary, will be ~~shown~~ on the viewing screen. **In addition, the impact of a yes or no vote will be shown with the motion.** The moderator may require other motions to be submitted in writing. Failure to comply with this subsection shall not invalidate any vote taken by town meeting.

#### Section 3.8 PUBLICATION AND DISTRIBUTION OF THE WARRANT

In addition to any notice required by the General Laws, the ~~board of selectmen~~ **select board** shall cause the annual town meeting warrant to be posted on the town bulletin board and otherwise distributed as provided by paragraph (e) of section 4.2.5. **and by other methods allowed by Massachusetts General Law.** Additional copies shall be kept available for distribution by the town clerk. In addition, the ~~board of selectmen~~ **select board** shall cause the

town meeting warrant to be posted on the town's website for the convenience of the residents of the town; provided, however, that failure to post the warrant on the website or to post it at least 1 week prior to the date of the town meeting shall not invalidate or otherwise affect the legality or validity of the actions taken at the town meeting.

## **ARTICLE IV ELECTED TOWN OFFICES**

### **Section 4.1 ELECTED TOWN OFFICES, IN GENERAL**

The offices to be filled by the voters shall be: a ~~board of selectmen~~ **select board**, consisting of five (5) members; a school committee, consisting of seven (7) members; a moderator; a town clerk; a board of assessors, consisting of three (3) members; a board of health, consisting of three (3) members; a planning board, consisting of seven (7) members; constables, trustees of the Sandwich library, consisting of nine (9) members; trustees of the Weston Memorial Fund, consisting of three (3) members; Sandwich historic district, consisting of five (5) members; a housing authority, consisting of (5) members, (4) of whom shall be elected, and (1) of whom shall be appointed by the governor; and such other regional authorities, districts or committees as may be required by the General Laws or inter-local agreement. All elected or appointed multiple member boards shall be arranged so that as nearly an equal number of terms as possible shall expire each year. Notwithstanding any other provision of the charter, all elected officials and officers shall have the powers and duties as prescribed by the General Laws.

### **Section 4.2 ~~BOARD OF SELECTMEN~~ SELECT BOARD**

The ~~board of selectmen~~ **select board** shall be composed of 5 members. Each member shall be elected from the town at-large to a 3 year term. **The select board shall possess all of the powers and duties of a board of selectmen under the General Laws.**

#### **Section 4.2.1 QUALIFICATIONS**

In addition to any other qualifications prescribed by law, each ~~selectman~~ **member of the board** shall be a qualified voter of the ~~town, and~~ **town and** shall reside within the town while in office.

#### **Section 4.2.2 COMPENSATION**

~~Selectmen~~ **Members of the select board** shall receive such compensation as may be specified in the annual budget, provided, however, that they shall be entitled to all necessary expenses incurred in the performance of their official duties upon approval by the ~~board of selectmen~~ **select board**.

### **Section 4.2.3 ~~CHAIRMAN AND VICE CHAIRMAN~~ CHAIRPERSON AND VICE CHAIRPERSON**

(a) A ~~chairman~~ **chairperson** shall be elected by the ~~board of selectmen~~ **select board** at the first meeting following each regular town election. The ~~chairman~~ **chairperson** shall preside at all meetings of the board. The ~~chairman~~ **chairperson** shall perform such other duties consistent with the General Laws and this charter or as may be imposed on the ~~chairman~~ **chairperson** by the board.



(b) A vice ~~chairman~~ **chairperson** shall be elected by the ~~board of selectmen~~ **select board** at the first meeting following each regular town election. The vice ~~chairman~~ **chairperson** shall act as ~~chairman~~ **chairperson** during the disability or absence of the ~~chairman~~ **chairperson** and in this capacity shall have the rights and duties conferred upon the ~~chairman~~ **chairperson**.

#### Section 4.2.4 VACANCIES

Vacancies in the office of a ~~selectman~~ **select board member** shall be filled by special election if the vacancy occurs 8 months or more prior to the next annual election. If a vacancy occurs, the ~~board of selectmen~~ **select board** shall, within 10 days after the occurrence of a vacancy, call a special election that shall be held not less than 65 days nor more than 90 days after issuing the call. ~~A vacancy which occurs less than eight 8 months prior to the next annual election shall be filled at the next annual election.~~ **If a vacancy occurs fewer than 8 months prior to the next annual election the select board may call for a special election to fill the vacancy or the vacancy shall be filled at the next annual election.**

#### Section 4.2.5 GENERAL POWERS AND DUTIES

(a) Except as otherwise provided by the General Laws or this charter, all executive powers of the town shall be vested in the ~~board of selectmen~~ **select board**. The ~~board of selectmen~~ **select board** shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the town by law.

(b) ~~At least a majority of the board of selectmen~~ **select board shall sign all official documents and approve the financial warrants.** ~~Need language to allow for one designated member to sign.~~ **One member of the select board shall be designated to sign official payroll and vendor warrants.**

(c) The ~~board of selectmen~~ **select board** shall serve as the board of directors and policy-making body of the town. They shall appoint a town manager to carry out the day-to-day operations of the town within the policies set by the ~~board of selectmen~~ **select board**. The ~~board of selectmen~~ **select board** shall appoint members of committees.

(d) No member of the ~~board of selectmen~~ **select board** may serve in any other elected or appointed town office or committee during that member's term, ~~as selectman~~ excluding ex-officio positions, except that ~~selectmen~~ **members** may serve on committees when authorized by state law or town by-law. Service as a representative from the town to another body other than the town shall not be prohibited by this provision.

(e) The ~~board of selectmen~~ **select board** shall set guidelines for the preparation of the annual budget and present the budget to the town meeting. The ~~board of selectmen~~ **select board** shall set the date and warrant articles for the town meeting and any special town meeting. The ~~board of selectmen~~ **select board** shall make available sufficient copies of the warrant for the town meeting for all registered voters. The ~~board of selectmen~~ **select board** shall ~~either provide direct mailings to households or~~ publish notice of the availability of and make available the warrants at town facilities and other common locations throughout the town at least two 2 weeks prior to the town meeting; provided, however, that failure to post the warrant on the website or to post it 1 week prior to the date of the town meeting shall not invalidate or otherwise affect the legality or validity of the actions taken at the town meeting.

(f) The ~~board of selectmen~~ **select board** shall be a licensing board for the town and shall have the power to issue licenses as authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, and to impose restrictions on any such license as it deems to be in the public interest, and to enforce all laws, rules, regulations, and restrictions relating to all such businesses for which it issues licenses.

(g) The board shall require bonds for all municipal officers and employees who receive or pay out any moneys of the town. The amount of such bonds shall be determined by the board and the cost thereof shall be borne by the town.

(h) The ~~board of selectmen~~ **select board** shall be authorized to institute, prosecute, compromise or defend any claim, action, suit or other proceeding in the name of the town and to settle any claim, action, suit or other proceeding brought by or on behalf or against the town. If a settlement requires the issuance of a permit or license or the transfer of property, and such matter is not within the ~~board of selectmen's~~ **select board's** jurisdiction, the town board or officer with legal jurisdiction over the matter shall retain sole authority to act on behalf of the town.

(i) The ~~board of selectmen~~ **select board** shall annually review a long-range plan, including capital planning, to project the future needs of the town and report on this at town meeting.

(j) The ~~board of selectmen~~ **select board** shall serve as custodians of all town property except as otherwise provided by the General Laws or by vote of the town.

(k) The ~~board of selectmen~~ **select board** shall be authorized to formally investigate cases of any suspected serious misconduct or criminal wrongdoing by the town manager or other officers or employees of the town; provided that such investigation is approved by a vote of 4 out of 5 ~~selectmen~~ **select board members**.

(l) The ~~board of selectmen~~ **select board** shall exercise any other responsibilities as set forth in the General Laws.

#### Section 4.2.6 MEETINGS OF THE BOARD

(a) The ~~board of selectmen~~ **select board** shall hold at least 2 regular meetings each month. The board shall fix, ~~by resolution,~~ the days, times and location of its regular meetings.

(b) The ~~board of selectmen~~ **select board** may hold such special meetings as it deems necessary and appropriate, ~~which may be called for by 3 members of the board~~ which may be called by the chair or **requested by a the majority of board members at a posted meeting of the board**. Such regular or special meetings shall be held only in a facility or at a location readily accessible to the public or handicap accessible.

#### Section 4.2.7 RULES OF PROCEDURE

(a) The ~~board of selectmen~~ **select board** shall by resolution, determine its own rules and order of business; provided however, the rules shall provide that citizens of the town shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

(b) Voting, except on procedural motions, shall be by roll call if requested by a ~~selectman~~ **select board member**, and the ayes and nays shall be recorded in the minutes.

(c) Three ~~selectmen~~ **members of the select board** shall constitute a quorum to transact business.

~~(d) No action of the board of selectmen shall be valid or binding unless adopted by the affirmative vote of 3 or more members of the board.~~

#### Section 4.2.8 PROHIBITIONS

(a) Except if authorized by law, no ~~selectman~~ **member of the select board** shall hold any other town office or town employment during ~~the selectman's~~ **that member's** term, nor shall any former ~~selectman~~ **member of the board** hold any compensated appointed town office or town employment until 1 year after the expiration of term as a member of the ~~selectmen~~ **select board**.

(b) The ~~selectmen~~ **select board** shall not, in any manner, dictate the appointment or removal of any town administrative officers or employees whom the town manager or any of the town manager's subordinates are empowered to appoint. The ~~board of selectmen~~ **select board** may express its views and fully and freely discuss with the town manager anything pertaining to appointments and removal of such officers and employees.

(c) The ~~board of selectmen~~ **select board** and its members shall deal with town officers and employees who are subject to the direction and supervision of the town manager solely through the town manager, and neither the ~~board of selectmen~~ **select board** nor any of its members shall give orders to any such officer or employee, either publicly or privately.

#### Section 4.3 SCHOOL COMMITTEE

The school committee shall be composed of 7 members. Each member shall be elected from the town at-large to a three 3 year term. The 3 year terms of office for school committee members shall be staggered.

##### 4.3.1 QUALIFICATIONS

In addition to any other qualifications prescribed by law, each member of the school committee shall be a qualified voter of the town and shall reside within the town while in office.

##### 4.3.2 COMPENSATION

School committee members shall receive no compensation; provided, however, that they shall be entitled to all necessary expenses incurred in the performance of the members' official duties upon approval by the school committee.

##### 4.3.3 ~~CHAIRMAN~~ **CHAIRPERSON** AND VICE ~~CHAIRMAN~~ **CHAIRPERSON**

(a) A ~~chairman~~ **chairperson** shall be elected by the school committee at the first meeting following each regular town election. The ~~chairman~~ **chairperson** shall preside at all meetings of the committee. The ~~chairman~~ **chairperson** shall perform such other duties consistent with Massachusetts General Laws and this charter or as may be imposed by the committee.

(b) A vice ~~chairman~~ **chairperson** shall be elected by the school committee at the first meeting following each regular town election. The vice ~~chairman~~ **chairperson** shall act as ~~chairman~~ **chairperson** during the disability or absence of the ~~chairman~~ **chairperson** and in this capacity shall have the rights and duties conferred upon the ~~chairman~~ **chairperson**.

#### Section 4.3.4 VACANCIES

**If a vacancy occurs on the school committee, the vacancy may ~~shall~~ be filled through a joint appointment by the select board and school committee to serve until the next annual election in accordance with section 11 of chapter 41 of the General Laws.**

~~Vacancies in the school committee shall be filled by special election if the vacancy occurs at least 8 months prior to the next annual election. In this case, the board of selectmen select board shall within 10 days after the occurrence of a vacancy, call a special election that shall be held not less than 65 days nor more than 90 days after issuing the call. Any vacancy which occurs less than 8 months prior to the next annual election shall be filled at the next annual election.~~

#### Section 4.3.5 GENERAL POWERS AND DUTIES

(a) The school committee shall have all the powers and duties given to school committees by the General Laws. The school committee shall have the power to select, oversee and to terminate the superintendent of schools and establish educational goals and policies for the schools consistent with requirements of the General Laws and standards established by the commonwealth.

(b) The superintendent of schools shall be chosen upon the basis of the individual's executive and administrative training, education, experience and ability, and any other factors the school committee deems appropriate. The superintendent of schools shall be bonded at town expense.

(c) The superintendent of schools shall have the duties and responsibilities provided by the General Laws, this charter and vote of the school committee.

#### Section 4.3.6 MEETINGS OF THE BOARD

The school committee shall hold at least 1 regular meeting each month while school is in session. The committee shall fix the days, times and location of its regular meetings.

The school committee may hold such special meetings as it deems necessary and appropriate, which may be called by the chair or 4 members of the committee. Such regular or special meetings shall be held in any facility or at any location readily accessible to the public or handicap accessible.

#### Section 4.3.7 RULES OF PROCEDURE

The school committee shall determine its own rules and order of business; provided however, the rules shall provide that citizens of the town shall have a reasonable opportunity to be heard in regard to any matter under consideration.

- Voting, except on procedural motions, shall be by roll call if requested by a school committee member and the ayes and nays shall be recorded in the minutes.

#### Section 4.3.8 BUDGET HEARING

The School Committee shall prepare an annual line-item operating budget and hold a public hearing on its proposed annual budget, required pursuant to section 38N of chapter 71 of General Laws, by March 1.

#### Section 4.4 MODERATOR

A moderator shall be elected by the voters for a term of 3 years. In the event of absence of the moderator, the town meeting may elect a temporary moderator to preside over the town meeting.

##### Section 4.4.1 POWERS AND DUTIES

(a) The moderator shall have the powers and duties provided by the General Laws, by this charter, by by-law or by any other town meeting vote.

(b) The moderator shall appoint members of the finance committee which shall consist of 9 members. If the moderator fails to fill a vacancy on the finance committee within 45 days of having been notified in writing by the town clerk of said vacancy, a majority of the remaining members of the finance committee may nominate a person for each such vacancy. Should the moderator fail to take action on said nomination within 21 days, the nominee shall become a member of the finance committee.

(c) To assist in the application and appointment process and better prepare potential committee members, the moderator may ~~at his discretion~~, include participation by the ~~chairman~~ **chairperson** of the ~~board of selectmen~~ **select board**, ~~chairman~~ **chairperson** of the finance committee or the ~~chairman~~ **chairperson** of the school committee or their designated representatives.

(d) The moderator shall appoint members to other committees as directed by town meeting.

**(e) The moderator shall use reasonable efforts, including utilization of technology and other means such as electronic voting, at town meeting in the interest of conducting official business in an efficient manner.**

#### Section 4.5 TOWN CLERK

A town clerk shall be elected by the voters at the annual town election, for a term of 3 years.

#### Section 4.6 BOARD OF LIBRARY TRUSTEES

The board of library trustees shall be composed of 9 members. Each member shall be elected from the town at-large ~~to a three 3-year term~~ **for a term of 3 years.**

##### Section 4.6.1 QUALIFICATIONS

(a) Each member of the Board of Library Trustees shall be a qualified registered voter of the town and shall reside within the Town while in office.

#### Section 4.6.2 GENERAL POWERS AND DUTIES

(a) Notwithstanding any other provision of this charter to the contrary, the board of library trustees shall have all the powers and duties given to boards of library trustees pursuant to chapter 78 of the General Laws and any other applicable law, except as otherwise provided herein. The board of library trustees shall, except in case of those employees subject to chapter 150E of the General Laws, appoint the director of the library and all employees thereof and may enter into a contract with said director; provided, however, that such contract shall meet minimum **legal standards established by the select board and town manager**. ~~legal standards established by the board of selectmen select board and town manager.~~ The board of library trustees shall implement such human resources practices and standards as established by the town manager for all other town employees and employees of the library shall be subject to the other personnel policies and procedures adopted by the town and such other personnel policies and procedures agreed upon in writing by the board of library trustees and town manager. The town manager shall be responsible for the procurement of all contracts on behalf of the library.

#### Section 4.6.3 VACANCIES

Vacancies shall be filled by election pursuant to section 10 of chapter 41 of the General Laws or by the ~~board of selectmen~~ **select board** and the remaining members of the board of library trustees pursuant to section 10 of chapter 41 of the General Laws

#### Section 4.7 BOARDS, COMMITTEES AND OFFICERS

(a) Each board or committee shall be organized and charged with the powers and duties specified in the General Laws and special acts of the commonwealth, town by-law or elsewhere in this charter. The ~~board of selectmen~~ **select board** may also, from time to time, establish boards or committees to address specific needs or issues. Each board or committee shall, at its annual organization meeting, elect a presiding officer and shall cause the ~~selectmen~~ **select board** and the town clerk to be notified of its selection. **A member may hold the position of presiding officer or chair for no longer than two consecutive years, except for the time served filling the unexpired term of the previous chair.** Such boards and committees shall make a written annual report of its activities to the ~~board of selectmen~~ **select board**.

(b) Members of ~~permanent~~ committees shall be elected for a staggered term of 3 years **or appointed to a term as determined by the select board**, unless otherwise provided for by the General Laws or this charter. Appointees to temporary and special committees shall be appointed by the ~~selectmen~~ **select board** for the duration of the charge of the board or committee. Boards, committees or officers specifically provided for by the General Laws or this charter may be continued or terminated only by the ~~board of selectmen~~ **select board**.

(c) No resignation of any town officer, including members of a board or committee, shall be deemed effective unless and until such resignation is filed with the town clerk or such later time certain as may be specified in such resignation. In the event an appointed board or committee member misses 3 consecutive meetings without the permission of the chair, the chair shall notify the ~~board of selectmen~~ **select board**, which may, after opportunity for a hearing, deem such position to be vacant.

### ARTICLE V

## ADMINISTRATIVE SERVICES

### Section 5.1 TOWN MANAGER

#### Section 5.1.1 APPOINTMENT AND QUALIFICATIONS

The ~~board of selectmen~~ **select board** shall by majority vote of the entire board appoint a town manager. The method of selection shall be left to the discretion of the ~~board of selectmen~~ **select board** so long as the method of selection insures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The town manager shall be chosen solely upon the basis of the individual's executive and administrative training, education, experience and ability, ~~and need not, when appointed, be a resident of the town of Sandwich, provided however, that the town manager shall establish such residence within 6 months following the effective date of appointment and provided further that the board of selectmen~~ **select board** may, by a unanimous vote of all members of the ~~board of selectmen~~ **select board** then in office, ~~extend to a time certain the time the time for establishing residence or waive this requirement in its entirety.~~ The town manager shall be bonded at town expense.

#### Section 5.1.2 COMPENSATION

The town manager shall receive compensation as may be fixed by the ~~board of selectmen~~ **select board** according to the town manager's expertise, education and training. Any contract between the ~~board of selectmen~~ **select board** and the town manager shall be made pursuant to section 108N of chapter 41 of the General Laws.

#### Section 5.1.3 TERM AND REMOVAL

The town manager may be appointed for a definite term, but may be removed at the discretion of the ~~board of selectmen~~ **select board** by vote of the majority of the entire board. The action of the ~~board of selectmen~~ **select board** in suspending or removing the town manager shall be final. It is the intention of this charter to invest all authority and fix all responsibilities of such suspension or removal in the ~~board of selectmen~~ **select board**.

#### Section 5.1.4 POWERS AND DUTIES

The town manager shall be responsible to the ~~board of selectmen~~ **select board** for the proper administration of all the affairs of the town consistent with the General Laws and this charter, and shall:

(a) appoint, discipline, suspend, or remove town employees, including civil service positions, except that the approval of the ~~board of selectmen~~ **select board** ~~shall be required for appointment of department heads and the assistant town manager~~ **shall be required for the town manager to appoint department heads and the assistant town manager.**

(b) supervise and direct all appointed department heads and organize and structure all town departments

(c) administer and enforce the General Laws or special acts of the commonwealth or town by-laws and all regulations established by the ~~board of selectmen~~ **select board**.

(d) coordinate activities of all town departments;

- (e) attend all sessions of the town meeting and answer all questions addressed to the town manager which are related to the warrant articles and to matters under the general supervision of the town manager;
- (f) keep the ~~board of selectmen~~ **select board** fully informed as to the needs of the town and recommend to the ~~selectmen~~ **select board** for adoption such measures requiring action by the board or by the town as the manager deems necessary or expedient;
- (g) ensure that complete and full records of the financial and administrative activity of the town are maintained and render reports to the ~~board of selectmen~~ **select board** as may be required;
- (h) be responsible for the rental, use, maintenance, repair and the development of a comprehensive maintenance program for all town facilities;
- (i) serve as the chief procurement officer and be responsible for the purchase of all supplies, materials, and equipment, and approve the award of all contracts; provided, however that any contract over \$1,000,000 **\$2,000,000** shall require approval by the ~~board of selectmen~~ **select board**;
- (j) develop and maintain a formal and complete inventory of all town-owned real and personal property and equipment;
- (k) administer personnel policies, practices, rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements entered into by the town;
- (l) fix the compensation of all town employees and officers appointed by the town manager; within the limits established by appropriation and any applicable compensation plan and collective bargaining agreements;
- (m) be responsible for the negotiation of all contracts with town employees regarding wages and other terms and conditions of employment, except employees of the school department. The town manager may, subject to the approval of the ~~board of selectmen~~ **select board** employ ~~special~~ counsel to assist in the performance of these duties. Collective bargaining agreements shall be subject to the approval of the ~~board of selectmen~~ **select board** and to chapter 150E of the General Laws;
- (n) prepare and submit an annual operating budget and capital improvement program as provided in paragraph (b) of section 7.1 and be responsible for its administration after its adoption. The town manager may transfer funds between individual line items within a department account at any time during the fiscal year, and further, may transfer during the last 2 months of any fiscal year or during the 15 days of the new fiscal year to apply to the previous fiscal year, any amount appropriated for the use of any department other than a ~~municipal light department~~ or the school department to the appropriation for any other department. **The town manager shall provide written notice to the select board and the finance committee within 10 working days of the transfer;**
- (o) keep the ~~board of selectmen~~ **select board** and the finance committee fully informed as to the financial condition of the town and make recommendations to the ~~board of selectmen~~ **select board**;



- (p) prepare and submit to the ~~board of selectmen~~ **select board** at the end of the fiscal year a comprehensive report on the finances and the activities and operations of all departments, boards and committees of the town;
- (q) investigate or inquire into the affairs of any town department or office;
- (r) have full authority to act on behalf of the town during emergencies, including direction of town personnel, declaring states of emergency, opening the emergency operations center and shelters and the emergency expenditure of funds;
- (s) delegate, authorize or direct any subordinate or employee in the town to exercise any power, duty, or responsibility that the office of town manager may exercise, provided, that all acts performed under such delegation shall be deemed the acts of the town manager; and
- (t) perform such other duties as necessary or as may be assigned by this charter, town by-law, town meeting vote, or vote of the ~~board of selectmen~~ **select board**.

#### Section 5.1.5 ACTING TOWN MANAGER

The assistant town manager shall perform the duties of the town manager in the town manager's absence. In the event of long-term disability, resignation, termination or vacancy of both the town manager and the assistant town manager at the same time, the ~~board of selectmen~~ **select board** shall appoint an acting town manager for the duration of any such disability or until appointment of a permanent town manager or assistant town manager. No member of the ~~board of selectmen~~ **select board** shall serve as acting town manager.

#### Section 5.2 TOWN COUNSEL

The ~~board of selectmen~~ **select board** shall appoint a competent and duly qualified and licensed attorney practicing in the commonwealth to be the counsel for the town. Town counsel shall receive such compensation for services as may be fixed by the ~~board of selectmen~~ **select board** and shall hold office at the pleasure of the board. The town counsel shall be the legal adviser of all of the offices and departments of the town and shall represent the town in all litigation and legal proceedings; provided however, that the ~~board of selectmen~~ **select board** may retain special counsel at any time the board deems appropriate and necessary. The town counsel shall review and concur or dissent upon all documents, contracts and legal instruments in which the town may have an interest. The town counsel shall perform other duties prescribed by this charter, town by-law or as directed by the ~~board of selectmen~~ **select board**. No employee, committee or board, elected or appointed, other than the ~~board of selectmen~~ **select board**, shall contact or otherwise interact with the town or labor counsel in a manner inconsistent with the policy relative to access to counsel established by the Town Manager. This provision shall not limit the school committee from retaining its own legal counsel.

### ARTICLE VI COMPLIANCE WITH LAW - PUBLIC RECORDS, OPEN MEETINGS, AND CONFLICT OF INTEREST

All officers or employees of any agency, office, department, board, commission, bureau, division or authority of the town shall comply with clause twenty-six of section 7 of chapter 4 of the General Laws and Section 10 of chapter 66 of the General Laws.

All employees of the town, as defined in Section 1 of chapter 269A of the General Laws, shall comply with the requirements of chapter 268A.

All boards, committees and commissions shall comply with the requirements of sections 18 to 25, inclusive, of chapter 30A, of the General Laws, the open meeting law.

All board members, committee members and employees shall comply with chapter 268A of the General Laws, the ethics law.

## **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 select board, school committee and finance committee.~~(ab) 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.

(be) On or before December 15, the ~~board of selectmen~~ **select board** shall meet in joint session with the school committee. At this meeting, the ~~board of selectmen~~ **select board** shall set guidelines for the preparation of the annual budget.

(cd) On or before February 1, the town manager and school committee shall each submit to the ~~board of selectmen~~ **select board** and finance committee a proposed line item budget and accompanying message.

~~(de)~~ 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.

(ef) The ~~board of selectmen~~ **select board** 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 7.2 FINANCE COMMITTEE**

(a) There shall be a permanent committee known as the finance committee, composed of 9 registered voters of the town appointed by the moderator. They shall serve for 3-year terms, which shall be staggered. Members shall serve without compensation and no member shall be an employee of the town nor hold an elected or appointed town position during their term of office, excluding ex-officio positions.

(b) The finance committee shall conduct a detailed line-item review of the town and school budgets and submit a written budget report to the annual town meeting and a written report to the annual town meeting and any special town meeting with its advisory recommendations on all financial warrant articles and the projected tax impact consistent with its recommendations.

(c) The finance committee may require that the town manager, school committee, any town department, office, board, commission or committee furnish appropriate additional financial information, as needed. This request shall be made in writing and include a reasonable deadline for submission of the additional information.

(d) The finance committee shall elect a ~~chairman~~ **chairperson** and such other officers from among its members and form subcommittees as it deems necessary to accomplish its duties.

#### 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~~ **select board** with its recommendations.

(b) The ~~board of selectmen~~ **select board** 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~~ **select board** 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 ~~should~~ **shall be posted on the town website, and in other places available to the public, shall be and hard copy 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.

**ARTICLE VIII  
RECALL**

Section 8.1 RECALL

A holder of an elected office in the town of sandwich may be recalled therefrom by the qualified voters of the town as provided in chapter 408 of the acts of 1987 for reasons which shall include, but are not limited to the following: embezzlement; influence peddling; refusal to comply with clause Twenty-six of section 7 of chapter 4 of the General Laws, section 10 of chapter 66 of the General Laws, sections 23A to 23C, inclusive, of chapter 39 of the General Laws or chapter 268A of the General Laws or any rules and regulations thereto, and the by-laws of the town of sandwich that pertain to the same; destruction or alteration of public records; nepotism; conviction for a felony; failure to perform the duties of the elected office; or other willful acts of omission or commission which betray the public trust.

Section 8.2 RECALL PETITION

A recall petition shall be initiated by request of 10 qualified voters. The recall petition shall be signed by 25 per cent of the qualified voters and returned within 20 days in accordance with chapter 408 of the acts of 1987.

**ARTICLE IX  
CHARTER**

Section 9.1 SEVERABILITY

If any section, or part of a section of this charter, shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter.

Section 9.2 GENDER NEUTRALITY

Any reference to gender in this charter shall be construed as meaning any individuals regardless of sex and is contained herein only in the interest of brevity.

Section 9.3 CHARTER REVIEW COMMITTEE

At least every ~~5~~ **10** years **or as deemed necessary by the select board**, the ~~selectmen~~ **select board** shall appoint a charter review committee to be composed of seven ~~7~~ members for a period not longer than ~~6~~ **9** months, **or such other amount of time as determined by the select board in its discretion**, who shall submit their recommendations to the ~~board of selectmen~~ **select board** and shall file proceedings of their deliberations.

Section 9.4 AMENDMENT TO CHARTER

This charter may be amended or revised by special act of the General Court, upon the recommendation of town meeting or pursuant to chapter 43B of the General Laws.

#### Section 9.5 INTERPRETATION OF THE CHARTER

Any question related to the interpretation of the charter shall be presented to the ~~board of selectmen~~ **select board** for such action as it deems appropriate.

#### ~~Section 9.5~~ TIME OF TAKING EFFECT AND TRANSITIONAL PROVISIONS

~~The amendments to the town charter as approved by the May 6, 2013 Annual Town Meeting shall take effect upon the effective date of the special act revising the town charter.~~

~~To implement section 4.6.2 the personnel policies and procedures agreed upon in writing by the board of library trustees and the town manager, and on file with the town clerk as of the effective date of this special act revising the town charter, shall be operative for all employees of the library until such time as the personnel policies and procedures applicable to library employees are amended in accordance with said section 4.6.2.~~

Section 3. This act shall take effect upon its passage.

**Motion that the Town authorize the Board of Selectmen to petition the General Court for special legislation to amend the Charter of the Town as set forth in Article 19 related to general changes to the Town Charter; 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, as printed in the Warrant under Article 19.**

**Peter Ashley of Fort Hill Road made a motion to amend Article 19 by striking changes to 3.7.(c) There was a second from the floor. This was a counted vote and declared carried by the Moderator by a vote of 311 yeas and 142 nays.**

**Gene Parini of Piccadilly Road made a motion to indefinitely postpone Article 19. There was a second from the floor.**

**Carl Johanson of Oxford made a motion to move the question to indefinitely postpone. There was a second from the floor. This was a voice vote and declared carried by the Moderator.**

**COUNTED VOTE: On the motion to indefinitely postpone Article 19. This was a counted vote and declared carried by the Moderator by a vote of 284 yeas to 230 nays.**

#### **ARTICLE 20**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Charter of the Town 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.

*(NOTE: new language is shown as highlighted, bold text; language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

## **AN ACT AMENDING THE CHARTER OF THE TOWN OF SANDWICH**

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

**Section 1:** Section 4.1 of the Home Rule Charter of the Town of Sandwich, as established by chapter 22 of the acts of 2014, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by deleting the words “a town clerk” in the third line.

**Section 2.** Section 9.5 of said charter is hereby amended by adding the following sentences: - ~~After~~ **On** the effective date of this act, **the incumbent elected** town clerk shall **become the first appointed town clerk**. ~~, at the expiration of the then current elected term, be appointed by the town manager.~~ The position of town clerk shall be that of a department head appointed in accordance with the process used for appointing other department heads.

**Section 3.** This act shall take effect upon passage.

**John Jurors of Cranberry Trail made a motion to move the question. There was a second from the floor. This was a voice vote and declared carried unanimously by the Moderator.**

**COUNTED VOTED: That the Town authorize the Board of Selectmen to petition the General Court for special legislation to amend the Charter of the Town as set forth in Article related to making the Town Clerk position appointed with the incumbent elected town clerk becoming the first appointed town clerk on the effective date of the act; 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, as printed in the Warrant under Article 20. This was a counted vote and declared carried by the Moderator by a vote of 316 yeas to 204 nays.**

### **ARTICLE 21**

To see if the Town will vote a non-binding directive to the Charter Review Committee to propose at a future Town Meeting a home rule petition to revise the Charter of the Town changing the form of government from an open town meeting to an elected representative town meeting, with said change in the form of government requiring public approval at a future town meeting, an annual town election ballot question, and a special act of the state legislature; or take any action relative thereto.

**VOTED: That the Town issue a non-binding directive to the Charter Review Committee to propose at a future Town Meeting a home rule petition to revise the Charter of the Town changing the form of government from an open town meeting to an elected representative town meeting, with said change in the form of government requiring public approval at a future town meeting, an annual town election ballot question, and a special act of the state legislature, as printed in the Warrant under Article 21. This was a voice vote and declared not carried by the Moderator.**

**ARTICLE 22**

We, the undersigned Registered Voters of the Town, hereby petition your honorable board to insert the following Article in the Warrant for the Town Meeting of Sandwich.

To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Sandwich, Massachusetts as Chapter 136 § 136-1.

Effective on December 31, 2023, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Sandwich. Enforcement of this regulation will begin December 31, 2023.

A single-use plastic bottle is a beverage container made from any type of plastic resin, which may contain recycled material, and may be sold as recyclable, biodegradable, or compostable.

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) of an emergency affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate.

Any establishment conducting sales in violation of the article shall be subject to a non-criminal disposition fine as specified in G. L. c. 40 § 21D. The following penalties apply:

- First violation: written warning
- Second violation: \$150 fine
- Third and subsequent violations: \$300 fine

Any such fines collected shall be payable to the Town of Sandwich. Each day the violation continues constitutes a separate violation. After detection of an initial violation, the designated inspection authority will be required to verify subsequent compliance until compliance with this bylaw is established. All businesses will be routinely inspected until the Town Manager deems the inspection to be no longer be required.

*(Submitted by Petition)*

**Geoffrey Glover of Turtle Cove Road made a motion to adopt Article 22 as printed in the Warrant. There was a second from the floor.**

**Christopher Noftall of Marshview Circle made a motion to move the question. Second from the floor. This was a voice vote and declared carried by the Moderator.**

**COUNTED VOTED: That the Town vote to adopt a new General Bylaw banning the commercial sale of single-use plastic bottles of less than one gallon, as printed in the warrant under Article 22; and further, to authorize the Town Clerk to insert the bylaw in the appropriate section of the Town's General Bylaws. This was a counted vote and declared not carried by the Moderator by a vote of 175 yeas to 320 nays.**

**ARTICLE 23**

We, the undersigned Registered Voters of the Town, hereby petition your honorable board to insert the following Article in the Warrant for the Town Meeting of Sandwich.

To see if the Town will vote to amend the Town's General Bylaw by inserting a new bylaw entitled, Plastic Reduction, as follows, and to authorize the Town Clerk to assign appropriate numbering therefor:

CHAPTER \_\_\_\_ : PLASTIC REDUCTION

This bylaw is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the Town.

Effective Date

This Bylaw shall take effect on September 1, 2024.

Purpose and Intent

Plastic food containers and single-use utensils form a significant portion of the solid waste stream going into landfills. Local landfills are running out of room; our future solid waste may have to be transported hundreds of miles to a landfill at considerable cost. Plastic food containers are not recyclable, nor are they biodegradable. Once buried in our landfills, they will persist for centuries. If incinerated the toxins in plastic are linked to cancer and threaten our air quality. Appropriate alternative and sustainable products are readily available from the vendors used by local food establishments; cooperative bulk buying arrangements are possible. Thus, elimination of plastic food containers and utensils is in the best interest of the health and welfare of Town inhabitants.

Definitions

"Disposable Food Service Container" means single-use disposable products for serving or transporting prepared, ready-to-consume food. This includes plates, bowls, trays, hinged or lidded containers, and utensils.

"Food Establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a Food Establishment for purpose of this Bylaw.

"Plastic" is defined as any type of plastic resin, which may contain recycled material, and may be sold as recyclable, biodegradable, or compostable. The material is commonly categorized in terms of #1, #2, #3, #4, #5, #6, #7; plastic as referenced includes all categories.



“Prepared Food” means any food prepared for consumption on the Food Establishment’s premises, using any cooking or food technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

“Town Facility” means any building, structure, land, or park owned or operated by the Town of Sandwich, its agents and departments.

“Town Facility Users” mean all persons, societies, associations, organizations, or special event promoters who require a permission to use a Town Facility. Town Facility Users also includes concession contracts with the Town, Town-managed concessions, Town-sponsored events, and food services provided at the Town’s expense.

Prohibition

A. Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers and utensils made from Plastic.

B. Town Facility Users are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Plastic and providing utensils made from Plastic.

Public and private schools, educational institutions, summer camps, childcare facilities, and other childcare programs approved to participate in USDA Child Nutrition Programs are exempt.

Administration and Enforcement

This Bylaw is enforced by the Town Manager, or any committee appointed by them. Any Food Establishment or Town Facility User which violates any provision of the Bylaw shall be subject to the following penalties:

- First Offense: Written warning
- 2nd Offense: \$150 fine
- 3rd Offense and Subsequent Offenses: \$300 fine

Any such fines collected shall be payable to the Town of Sandwich. Each day the violation continues constitutes a separate violation. After detection of an initial violation, the designated inspection authority will be required to verify subsequent compliance until compliance with this bylaw is established. All businesses will be routinely inspected until the Town Manager deems the inspection to be no longer required.

*(Submitted by Petition)*

**Geoffrey Glover of Turtle Cove Road made a motion to adopt a new General Bylaw entitled “Plastic Reduction”, banning the commercial sale of plastic food containers and single-use utensils, as printed in the Warrant under Article 23 with the following amendments:**

- 1. The effective date of this Bylaw shall be revised from September 1, 2024, to January 1, 2025.**
- 2. Under section entitled “Prohibitions”, the following statement is to be added: This Bylaw excludes all beverages prepared at Food Establishments.**

**There was a second from the floor.**

**Robert George of the Service Road made a motion to move the question. There was a second from the floor. This was a voice vote and declared carried by the Moderator.**

**COUNTED VOTE: On the main motion on Article 23. This was a counted vote and declared not carried by the Moderator by a vote of 131 yeas and 316 nays.**

**ARTICLE 24**

We, the undersigned voters in the Town of Sandwich in accordance with the Bylaws, Section 1.05, Part 1, request the Board of Selectmen place the following Article on the Warrant for the May 1, 2023, Annual Town Meeting

To see if the Town will vote to amend the Town of Sandwich General Bylaws by striking Section 4.05, Part 3 in its entirety. Or take any action relative thereto.

*(Submitted by Petition)*

**No motion was made to move the question. No action taken.**

**ARTICLE 25**

To Elect the following Officers:

- One Board of Assessor member for a term of three years;
- One Board of Health member for a term of three years;
- Two Board of Selectmen members for terms of three years;
- One Constable for a term of three years;
- Two Planning Board members for terms of three years;
- Two School Committee members for terms of three years;
- One School Committee member for an unexpired term of one year;
- One Sandwich Housing Authority member for a term of five years;
- One Sandwich Housing Authority member for an unexpired term of two years;
- Three Sandwich Public Library trustees for terms of three years;
- One Sandwich Public Library trustee for an unexpired term of one year;
- One Weston Memorial Fund trustee for a term of three years;

and all other candidates that may appear on the official ballot,

and to vote YES or No on the following question:

**BALLOT QUESTION #1**

Shall the Town's acceptance of Chapter 31 of the General Laws (Civil Service law) be revoked for the rank of patrol officer within the Police Department?

**Yes \_\_\_\_\_ No \_\_\_\_\_**

SUMMARY: Patrol officers within the Police Department are currently subject to the state Civil Service laws, which govern matters such as original appointments, promotions, and termination from employment. This ballot question would revoke the town's acceptance of General Laws chapter 31, the state Civil Service statute, for the

rank of patrol officer within the Police Department. However, current members of the department in that rank will remain covered by the statute's protections.

The polls for the election will be open at 7:00 a.m. and close at 8:00 p.m. on said

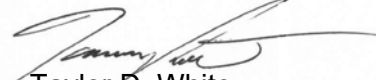
THURSDAY, THE FOURTH DAY OF MAY, 2023.

**VOTED: To adjourn to the Town Elections on May 4, 2023. This was a voice vote and declared carried by the moderator.**

The meeting was adjourned at 10:50 P.M.

I hereby certify that this is a true record of the Annual Town Meeting held on May 1, 2023.

Respectfully Submitted,



Taylor D. White  
Town Clerk