

**TOWN OF SANDWICH
SPECIAL TOWN MEETING
January 22, 2002**

The Special Town Meeting was called to order by Moderator Garry Blank at 7:15 p.m. after ascertaining a quorum was present. A total of 516 voters were checked in by the clerks. Selectman Ronald Larkin led the Pledge of Allegiance.

The Moderator swore in the following persons as tellers: Sarah M. Regan, Diane M. Bonavist, Wayne G. Sellin, Peggy Z. Ehrman, and Douglas S. Dexter. George H. Dunham, Town Administrator, was designated as timekeeper.

It was moved by Mr. Larkin, seconded and voted to allow the Moderator to summarize all articles rather than being read totally as printed in the warrant.

It was also moved by Mr. Larkin, seconded and voted to allow the Moderator the discretion to take all votes requiring a two-thirds majority in the same manner in which he conducts the taking of a vote when a majority vote is required.

ARTICLE 1

To see if the Town will vote to transfer and appropriate \$4,792,861.00, received or to be received, under the Chapter 70 Education Reform Act Program, said funds to be expended under the direction of the School Committee, for School Department purposes during FY'02, or take any action thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$4,792,861.00, received or to be received, under the Chapter 70 Education Reform Act Program, said funds to be expended under the direction of the School Committee, for School Department purposes during FY 2002.

ARTICLE 2

To see if the Town will vote to appropriate the sum of \$187,129.27, 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'02, or take any action relative thereto.

UNANIMOUSLY VOTED; That the Town transfer and appropriate \$187,129.27 received, or to be received, from the Chapter 90 State Aid to Highways program under Chapter 235 of the Acts of 1999 for highway construction and/or maintenance on any state-approved road.

ARTICLE 3

To see if the Town will vote to transfer and appropriate the sum of \$31,876.51 from the FY'02 Barnstable County Surplus Donation Account for the purpose of improving the Town's data processing and computer networking and geographic information systems, and for purchasing associated equipment and professional services, said funds to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$31,876.51 received, or to be received, from the Barnstable County Surplus Donation account, to be expended under the direction of the Board of Selectmen, for improving the Town's data processing and computer networking and geographic information systems and for purchasing associated equipment and professional services.

ARTICLE 4

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$50,000.00 to pay employee Medicare and FICA benefit assessments during FY'02, or take any action relative thereto.

VOTED: To transfer and appropriate \$50,000.00 from Surplus Revenue, to be expended under the direction of the Board of Selectmen, for paying employee Medicare and FICA benefit assessments during FY'02. This was a voice vote and declared carried by the Moderator.

ARTICLE 5

To see if the Town will vote to transfer and appropriate the sum of \$35,000.00 from the Beach and Recreation Account for the purpose of completing repairs and improvements at the Ryder Conservation Property and the Wakeby Pond Bathhouse and related facilities, said funds to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$35,000.00 from the Beach Parking Account, to be expended under the direction of the Board of Selectmen, for completing repairs and improvements at the Ryder Conservation Property and the Wakeby Pond Bathhouse and related facilities.

ARTICLE 6

To see if the Town will vote to transfer the sum of \$5,000.00 from the FY'01 capital budget appropriation originally appropriated for the purpose of installing a handicap access ramp at the 16 Jan Sebastian Drive office building as authorized at the 2000 Annual Town Meeting under Article 5 to be used for the purpose of completing repairs and improvements at the 16 Jan Sebastian Drive office building, said funds to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$5,000.00 from the Fiscal Year 2001 Capital Budget appropriation originally appropriated for the installation of a handicap access ramp at the 16 Jan Sebastian Drive office building to be reappropriated for completing repairs and improvements at the 16 Jan Sebastian Drive office building, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 7

To see if the Town will vote to transfer and appropriate a sum of \$130,000.00 which was received as surety reimbursement for the Sandwich High School wastewater treatment system, to be expended under the direction of the School Building Committee, for the purpose of completing repairs and improvements to Sandwich High School as authorized by the November 17, 1997 Special Town Meeting under Article 12, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$130,000 received as surety reimbursement for the Sandwich High School wastewater treatment system, to be expended under the direction of the School Building Committee, for completing repairs and improvements to Sandwich High School authorized by the November 17, 1997 Special Town Meeting under Article 12.

ARTICLE 8

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$92,000.00, to be expended under the direction of the Board of Selectmen, for the purpose of providing the Town's matching share of a Coastal Zone Management Coastal Pollution Remediation grant for Town Neck drainage improvements and construction and for any additional costs incurred by the Town in completing the improvements, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$92,000.00 from Surplus Revenue, to be expended under the direction of the Board of Selectmen, for providing the Town's matching share of a Coastal Zone Management Coastal Pollution Remediation grant for Town Neck drainage improvements and construction and for any additional costs incurred by the Town in completing the improvements. This was a voice vote and declared carried by the Moderator.

ARTICLE 9

To see if the Town will vote to reauthorize the Board of Selectmen to petition the Legislature for such approval as may be necessary from the Legislature pursuant to Article 97 of the Massachusetts Constitution to accomplish the land exchange between the Town and the Division of Fisheries and Wildlife that Town Meeting previously voted to approve on May 5, 1997 under Article 34 concerning two 3-acre parcels of land that are estimated to be of comparable value, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town reauthorize the Board of Selectmen to petition the Legislature for such approval as may be necessary from the Legislature pursuant to Article 97 of the Massachusetts Constitution to accomplish the land exchange between the Town and the Division of Fisheries and Wildlife that Town Meeting previously approved on May 5, 1997 under Article 34.

ARTICLE 10

To see if the Town will vote to amend the Sandwich Town ByLaws, Section 3.45, Alarm System Use, by adding the following subpart thereto, or take any action relative thereto.

Part 7A. The owner of an alarm system that automatically summons the Fire Department shall install the required lock box at the time that the system is installed. As to any such alarm system installed prior to the effective date of this provision and for which a lock box was not and has not been installed, the owner shall install the required lock box within thirty (30) business days after adoption of this provision. Any owner who receives a written notice from the Fire Chief or his or her designee and fails or refuses to comply with this bylaw within thirty (30) business days after receipt of the notice shall be punished by a fine of \$300.00 per day until the lock box is installed.

When the motion was made and seconded by the Selectmen, the fine was reduced from \$300.00 per day to \$50.00 per day.

VOTED: That the Town amend the Sandwich Town ByLaws, Section 3.45, Alarm System Use, by adding Part 7A as follows:

Part 7A. The owner of an alarm system that automatically summons the Fire Department shall install the required lock box at the time that the system is installed. As to any such alarm system installed prior to the effective date of this provision and for which a lock box was not and has not been installed, the owner shall install the required lock box within thirty (30) business days after adoption of this provision. Any owner who receives a written notice from the Fire Chief or his or her designee and fails or refuses to comply with this bylaw within thirty (30) business days after receipt of the notice shall be punished by a fine of \$50.00 per day until the lock box is installed.

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

ARTICLE 11

To see if the Town will vote to amend the Sandwich Protective Zoning ByLaws, Article IV, Section 4432, by deleting the phrase “eight (8) acres of land” and inserting the phrase “twice the lot area required in the district” in its place, or take any action relative thereto.

4432. Submission. Proposed Cluster Developments shall comply with the “Cluster Development Special Permit Regulations” of the Sandwich Planning Board. A Cluster Development shall encompass at least ~~eight (8) acres of land~~ twice the lot area required in the district. A new or existing Cluster Development may include a Village Cluster, which meets the requirements of Section 4444 of the Sandwich Protective Zoning ByLaws. In the case of an application to amend an existing Cluster Special Permit to permit a Village Cluster, the procedures in Section 4440 through Section 4448 inclusive shall apply, except as to such materials as the Planning Board may waive as duplicative of materials previously submitted.

VOTED: That the Town amend the Sandwich Protective Zoning ByLaws, Article IV, Section 4432, Cluster Development – Submission, by deleting the phrase “eight (8) acres of land” and inserting the phrase “twice the lot area required in the district” in its place as printed in the warrant under Article 11. This was a counted hand vote. The tally of 223 Yes and 160 No did not meet the required two-thirds vote and was declared **not carried** by the Moderator.

ARTICLE 12

To see if the Town will vote to amend the Sandwich Protective Zoning ByLaws, Article IV, Section 4441 by deleting the word “units” and inserting the words “single-family” in lines one and two before the word “dwelling” and by adding the words “single-family dwellings” in place of the word “units” in the first and last line of Section 4441a. and in the second line of Section 4441b., or take any action relative thereto:

4441. Number of Single-Family Dwellings ~~Units.~~ The maximum number of single-family dwellings ~~units~~ allowed in a Cluster Development shall be calculated as follows:

- a.) The number of single-family dwellings ~~units~~ that could be constructed with a conventional grid subdivision that complies with the zoning in the district and the Subdivision Rules and Regulations of the Planning Board, and any other applicable laws or regulations of the Town and Commonwealth. A preliminary layout of a conventional grid subdivision meeting the above requirements shall be submitted to demonstrate the allowable number of ~~units~~ single-family dwellings.
- b.) Where the Cluster Development includes more than one ownership and/or lies in more than one zoning district, the number of single-family ~~units~~ allowed shall be calculated as above for each district and summed to give an overall allowable total.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning ByLaws, Article IV, Section 4441, Cluster Development – Number of Dwelling Units, by deleting the word “units” and inserting the words “single-family” in lines one and two before the word “dwelling: and by adding the words “single-family dwellings” in place of the word “units” in the first and last line of Section 4441a. and in the second line of Section 4441b. as printed in the warrant under Article 12. Section 4441 will now read as follows:

4441. Number of Single-Family Dwellings. The maximum number of single-family dwellings allowed in a Cluster Development shall be calculated as follows:

- a.) Equal the number of single-family dwellings that could be constructed with a conventional grid subdivision that complies with the zoning in the district and the Subdivision Rules and Regulations of the Planning Board, and any other applicable laws or regulations

of the Town and Commonwealth. A preliminary layout of a conventional grid subdivision meeting the above requirements shall be submitted to demonstrate the allowable number of single-family dwellings.

- b.) Where the Cluster Development includes more than one ownership and/or lies in more than one zoning district, the number of single-family allowed shall be calculated as above for each district and summed to give an overall allowable total.

ARTICLE 13

To see if the Town will vote to discontinue under Massachusetts General Laws Chapter 81, Section 21, to the extent that it may be a public way, that certain portion of West Meetinghouse Road, Sandwich, Massachusetts, that extends from the easterly line of the intersection of Crescent Hill Road and said West Meetinghouse Road to the Barnstable town boundary, and as shown on a plan entitled "Definitive Plan of Land of Great Hills East, Cluster Subdivision in Sandwich, MA for J. Kevin O'Haire, Trustee, Wings Farm Realty Trust, P. O. Box 444, East Sandwich, Mass. 02537 dated May 10, 2000, revised September 1, 2000, Scale: 1" = 60', Prepared by Advanced Technical Solutions, P. O. Box 99, East Sandwich, MA 02537, which Plan shall be attached to the Vote on this Article, or take any action relative thereto. (By petition)

After considerable discussion, Robert A. Burgmann moved that the article be indefinitely postponed.

VOTED: That the Town indefinitely postpone the article. This was a voice vote and declared carried by the Moderator.

ARTICLE 14:

To see if the Town will vote to amend the Sandwich Protective Zoning ByLaws by adding Assessors Map No 6, Parcel No. 296 to the Wireless Telecommunications Overlay District or take any action relative thereto. (By petition)

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning ByLaws by adding Assessors Map No. 6, Parcel No. 296 to the Wireless Telecommunications Overlay District as printed in the warrant under Article 14.

ARTICLE 15:

I as a citizen of Sandwich request a special town meeting to hear the following: Amendment to Article 40 (Prohibition of smoking in certain places within the town of Sandwich)

Amendment to Section 4: Exceptions

Smoking shall be permitted in Bar and Pub type areas as to be determined by the Sandwich Board of Health, persons under the age of 18 shall be excluded from such areas. Furthermore, said areas shall conform to standards of separation and ventilation as set forth by the Sandwich Board of Health. (By Petition)

Michael P. MacNeil offered the following amendment to replace the motion:

Exceptions: Smoking shall be permitted in Bars. Said areas shall be subject to Sandwich Board of Health Regulations Affecting Smoking In Certain Places, Section 3, Effective January 11, 1999. This amendment failed to carry 183 Yes, 185 No.

VOTED: That the Town amend the Sandwich Town ByLaws Chapter 10, Prohibition of Smoking in Certain Places within the Town of Sandwich, Section 10.4, Exceptions, by permitting smoking in Bar and Pub type areas as printed in the warrant under Article 15. This was a counted hand vote and was declared **not carried** by a vote of 159 Yes and 294 No.

The meeting was adjourned at 9:30 p.m.

I certify that this is a true record of the Special Town Meeting held on January 22, 2002.

Barbara J. Walling
Town Clerk

**TOWN OF SANDWICH
2002 ANNUAL TOWN MEETING
May 6, 2002**

The Annual Town Meeting was called to order by Moderator Garry Blank at 7:21 p.m. after ascertaining a quorum was present. A total of 387 voters were checked in by the clerks. Regan Hiatt, Katherine Packard, and Julie Sears, students at Sandwich High School, sang "The Star Spangled Banner". Selectman Ron Larkin led the Pledge of Allegiance. Reverend John H. Thomas, retired pastor of St. John's Episcopal Church, gave the invocation.

The Moderator swore in the following persons as tellers: Elizabeth F. DeSaulniers, Walter T. Fagnant, Jr., John S Jillson, Richard H. Loring, and Susan L. Sundermeyer. Craig Sanderson was designated as timekeeper. Mr. Larkin paid tribute to Richard F. Judge, who is not seeking re-election as member of the Board of Selectman.

Mr. Larkin moved that the Moderator be allowed to summarize all articles rather than being read totally as printed in the warrant. It was seconded and carried.

Mr. Larkin moved to allow the Moderator the discretion to take all votes requiring a two-thirds majority in the same manner in which he conducts the taking of a vote when a majority vote is required. It was seconded and carried.

ARTICLE 1

To see if the Town will vote to hear the reports of all Town Officers and Committees and to act thereon, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town accept the Report of all Town Officers and Committees as printed in the 2001 Annual Town Report.

ARTICLE 2

To see if the Town will vote to authorize the Board of Selectmen to apply for and expend any available grants during Fiscal Year 2003, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to apply for and expend any available grants during Fiscal Year 2003. This was a voice vote and declared unanimous by the Moderator.

ARTICLE 3

To see if the Town will vote to fix the salaries of all Elected Officers for Fiscal Year 2003 in accordance with the following list, as provided in M.G.L. c. 41, §108, or take any action relative thereto.

Moderator	450.00
Selectmen (4)	1,500.00 each
Chairman – Selectmen	2,000.00
Assessors (2)	1,000.00 each
Chairman – Assessors	1,500.00
Tax Collector	46,113.00
Town Clerk	46,113.00

UNANIMOUSLY VOTED: That the Town fix the salaries of all elected officers for Fiscal Year 2003 according to the following:

Moderator	450.00
Selectmen (4)	1,500.00 each
Chairman – Selectmen	2,000.00
Assessors (2)	1,000.00 each
Chairman Assessors	1,500.00
Tax Collector	46,113.00
Town Clerk	46,113.00

ARTICLE 4

Move that the Town hear the report of the Finance Committee and raise and appropriate the sum of \$31,150,310.00 to defray Town expenses for the Fiscal Year July 1, 2002 to June 30, 2003 as itemized below in the column entitled FY'03 Total, or take any action relative thereto. The amounts set forth herein shall not be exceeded except upon the reduction of a corresponding amount from elsewhere within the budget.

S. Michael Baker, Chairman of the Finance Committee gave the **Finance Committee Budget Message** as follows: **The budget being presented for FY'03 is influenced by several factors beyond the control of local government, including:**

- An anticipated 10% reduction in state aid to local cities and towns
- Level funded state aid for education (Chapter 70 aid)

- A substantial increase in the employee benefit assessments for town employees
- An outlook for FY'04 that appears to be at least as challenging as FY'03

The Finance Committee recommends approval of the FY'03 operating budget in the amount of \$31,150,310 as presented in the Annual Town Meeting warrant. Included in the total is a 2% increase in both the School Department and General Government appropriations. This proposal represents the joint efforts of the Town Administrator, the Board of Selectmen, the School Committee and Department Heads in arriving at a budget that continues to provide essential services, meets the town's obligations to its employees, avoids the use of reserves that may be needed in the future and does not require an override. If the assumptions made regarding state assistance are correct, there should be little change in the average real estate tax bill.

The School Committee has presented a budget that anticipates no increase in state aid and a minimal 2% increase in local funding. The resulting overall increase of 1.4% is the smallest in recent memory, at a time when the school population continues to grow. This budget provides for the maintenance of current programs and staffing at the expense of technology improvements, the acquisition of equipment, and professional development. There is no capacity in this budget to absorb additional cuts or expenses. If the state reduces Chapter 70 aid, or special education costs increase more than is anticipated, reductions in personnel are likely. This budget ensures that we will continue to rank well below other Cape Cod towns in per pupil expenditures for education and well below the state average, a situation we will be unable to remedy without additional state aid.

The increase of 2% in the general government budget includes a \$100,000 addition to the insurance account resulting from higher expected premiums for liability insurance. The remaining increase of \$123,000 (1.25%) is insufficient to cover contractual salary increases, requiring cuts in most departments. Savings were achieved by leaving unfilled positions vacant, reducing part-time and seasonal hours and by reducing or eliminating operating expenses. The result is a general government operating budget increase that should cost the average taxpayer less than \$20 while the town continues to maintain essential government services.

The Finance Committee also recommends approval of a number of other financial warrant articles. The Capital Improvement Planning Committee is requesting a capital budget of \$400,000, equal to the amount approved in FY'02. They have also recommended that up to \$400,000 be set aside from the capital portion of the Stabilization Fund to cover the cost of installing the new septic system at the Wing School which the Dept. of Environmental Protection has required. A portion of the Stabilization Fund was set aside several years ago to be used for large capital expenditures of an emergency nature which could not be funded from the operating budget, and this is an appropriate use of that resource.

As noted earlier, employee benefit assessments have risen 22% or \$1.2 million, with the largest increase coming in health insurance premiums. This increase alone will absorb virtually all of the revenue raised from the allowed 2.5% addition to the tax levy and from new growth. However, anticipated increases in local receipts and other income, combined with the discipline imposed on the operating budget, should help to maintain taxes at or near their current level.

Debt service remains at approximately the same level as FY'02, but the amount needed to be raised through taxation in order to meet that obligation should be reduced when the state reimburses the town \$1.2 million for High School construction debt. A delay in last year's payment forced the town to raise taxes to meet debt service that the state was expected to cover. This year the town expects to receive reimbursement for both FY'02 and FY'03, reducing the average tax bill by approximately \$120. However, if the State fails to make the promised payment due to the current budget crisis, the Town will once again be forced to raise the amount needed to service debt and no such reduction will be possible.

A number of financial articles deal with requests to transfer balances from existing accounts in order to establish reserves for FY'03. This budget contains a number of uncertainties, not the least of which is the expected level of state support for local government and for the schools in FY'03 and beyond. These reserve accounts are intended to provide some insurance against those uncertainties. Notable among the articles is one to re-appropriate a portion of the funds raised by the fire department override in FY'02. This article proposes that a total of \$325,000 be transferred to the reserve fund and to a special account established to fund the open position of Deputy Chief should it become feasible to do so. The Finance Committee joins the Board of Selectmen in supporting this article.

Preparing a budget for FY'03 that provides essential services to the public while being sensitive to the needs of the taxpayers was a challenging task. Indications are that FY'04 will be even more difficult. The Finance Committee feels that the interests of the residents of the town are best served by a public and collaborative budget process that involves all

local government agencies. That happened this year. Our hope is that it will continue to happen in the future.

FY'03 BUDGET TOTALS

		APPROPRIATION	RECOMMENDED
No.	Department	FY'02 Total	FY '03 Total
114	Moderator	450	450
122	Selectmen	89,356	92,452
	Wage Adjust./Personnel	34,965	86,728
123	Town Administrator	177,101	160,877
131	Finance Committee	2,200	2,200
135	Accounting	163,413	163,962
141	Assessing	270,428	273,887
145	Treasurer	142,609	143,657
146	Tax Collector	159,581	174,130
147	Tax Title	30,000	30,000
151	Legal	157,000	177,000
152	Human Resources	86,722	87,871
161	Town Clerk	101,718	110,157
162	Elections & Registrations	39,820	62,294
171	Natural Resources	105,690	98,973
175	Planning & Development	163,947	114,837
188	Recreation Center	7,450	5,500
189	JSD Building	24,245	17,550
190	Town Buildings	7,500	26,250
193	Town Hall	19,840	15,540
194	Town Hall Annex	19,640	15,540
195	Town Reports	10,000	15,000
196	Bind Town Records	1,500	1,500
197	Data Processing	151,000	229,077
	Total 100s	1,966,175	2,105,432
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No.	Department	FY'02 Total	FY'03 Total
210	Police Department	2,336,696	2,446,441
220	Fire Department (+ AF)	2,812,179	2,696,373
241	Inspections	175,222	191,824
244	Weights & Measures	2,545	2,545
291	Emergency Management	945	480
294	Forest Warden	1,200	1,200
297	Bourne Shellfish	4,000	4,000
299	Greenhead Fly	1,500	1,500
	Total 200s	5,334,287	5,344,363
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300	School Department	18,628,917	19,001,496
313	UCCRTS	770,973	785,077
	Total 300s	19,399,890	19,786,573
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410	DPW – Engineering	142,926	143,990
420	DPW – Highways	796,461	736,575
421	Snow & Ice	250,000	250,001
424	Streetlights	32,500	32,500
435	DPW – Sanitation	890,485	895,211
	Total 400s	2,112,372	2,058,277
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510	Health Department	136,279	135,485
522	Nursing Department	118,941	89,634
523	Social Worker	0	29,393
541	Council on Aging	97,462	99,068
543	Veterans Services	29,233	30,480
544	Human Services Building	23,950	15,640
547	Disabilities Commission	1,500	1,500
	Total 500s	407,365	401,200
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610	Library	608,878	620,399
629	Youth Task Force	2,000	2,000
630	Recreation Department	67,235	66,414
650	DPW – Parks	217,291	242,612
670	Archives	8,000	9,100
671	Hoxie House / Grist Mill	12,115	12,115
693	Memorial Day	1,200	1,200
694	Historic District	9,500	9,500
	Total 600s	926,219	961,340

940	Insurance	394,500	493,125
	Total 900s	394,500	493,125
TOTAL TOWN BUDGET		30,540,808	31,150,310

Mr. George H. Dunham, Town Administrator, announced that an error occurred in the printing of the budget, and no money would be appropriated for the Youth Task Force rather than the \$2,000.00 printed in the budget for FY'03.

Mr. John W. DeNaples, Chairman of the Sandwich Youth Task Force moved to restore funding to the Sandwich Youth Task Force (629) in the amount of \$2,000.00 as it is shown in the warrant by moving a corresponding amount of money from other accounts as follows:

The Library Account (610) was supposed to be raised in this article by \$11,521.00 to \$620,399. Change that appropriation to \$619,511. or \$888. less than shown in the warrant. The DPW-Parks Department (650) was supposed to be raised in this article by \$25,321. to \$242,612. Change that appropriation to \$241,500. or \$1,112 less than shown in the warrant. All other departments in the 600 group would remain the same.

The amendment was seconded and failed on a voice vote.

Mr. Richard Bradley moved to amend the Town Budget in order to restore the deleted Sandwich Youth Task Force Fund by taking \$2,000. from the Reserve Fund. This motion was ruled out of order by Town Counsel.

Mr. Bradley then moved to amend the Town Budget in order to restore the deleted Sandwich Youth Task Force Fund by taking \$2,000. from Article 17 of the warrant. This motion was also ruled out of order by Town Counsel.

Mr. DeNaples moved to amend the Town Budget to restore funding in the Sandwich Youth Task Force (629) in the amount of \$2,000. as it is shown in the warrant by moving a corresponding amount of money from the Legal account (151). This amendment passed by a counted hand vote of **175 Yes** and **80 No**.

The budget as amended was then voted.

VOTED: That the Town hear the report of the Finance Committee and raise and appropriate \$30,778,310.00 and transfer and appropriate \$372,000.00 from the Ambulance Fund to defray Town expenses for the Fiscal Year 2003, to be divided among the various departments as printed in the Warrant and as amended. This was a voice vote and declared carried by the Moderator.

ARTICLE 5

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the payment of Principal on Loans, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town raise and appropriate \$3,730,200.00 and transfer and appropriate \$84,800.00 from Surplus Revenue for the payment of principal on loans for FY 2003.

ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the payment of Interest on Loans, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$2,360,337.00 from surplus revenue and transfer and appropriate \$250,000.00 from the golf course income account for the payment of interest on loans for FY 2003.

ARTICLE 7

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the payment of Interest on Loans and Principal on Loans from the Cape Cod Land Bank account as authorized by Chapter 293 of the Acts of 1998, and to raise and appropriate or transfer from available funds the sum of \$20,000.00, to be expended under the direction of the Board of Selectmen, for the purpose of paying any incidental expenses related to the Cape Cod Land Bank account, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$591,906.00 for the payment of principal and interest on loans from the Cape Cod Land Bank account as authorized by Chapter 293 of the Acts of 1998 and to transfer and appropriate \$20,000.00 from the Land Bank Account, to be expended under the direction of the Board of Selectmen for paying any incidental expenses related to the Cape Cod Land Bank Account.

ARTICLE 8

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'03, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town appropriate 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 2003.

ARTICLE 9

To see if the Town will vote to transfer and appropriate \$4,792,861.00, received or to be received, under the Chapter 70 Education Reform Act Program, said funds to be expended under the direction of the School Committee, for School Department purposes during FY'03, or take any action relative thereto.

VOTED: That the Town transfer and appropriate up to \$4,792,861.00 received, or to be received, under the Chapter 70 Education Reform Act Program, said funds to be expended under the direction of the School Committee for School Department purposes during FY 2003. This was a voice vote and declared carried by the Moderator.

ARTICLE 10

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$1,513,486.00 to pay employee benefit assessments as listed below, or take any action relative thereto.

Medicare / FICA	290,000.00
County Retirement Assessment	1,223,486.00

UNANIMOUSLY VOTED: That the Town raise and appropriate \$1,513,486.00 to pay employee benefit assessments as follows:

Medicare/FICA	290,000.00
County Retirement	1,223,486.00

ARTICLE 11

To see if the Town will vote to transfer and appropriate the sum of \$22,000.00 from the Cemetery Trust Fund Account to the FY'03 Department of Public Works Parks, Buildings and Grounds Division operating budget, to be expended under the direction of the Board of Selectmen, for the purpose of maintaining the Town's cemeteries and grounds, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$22,000.00 from the Cemetery Trust Fund account to the FY 2003 Parks, Buildings and Grounds Division of the Department of Public Works, to be expended under the direction of the Board of Selectmen for maintaining the Town's cemeteries and grounds.

ARTICLE 12

To see if the Town will vote to transfer and appropriate money received or to be received from the State Aid to Libraries Account to the FY'03 Library operating budget, to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$22,948.39 from the money received, or to be received, from the State Aid to Libraries Account to the FY 2003 Library operating budget, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 13

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$250,000.00 to establish the Reserve Account for FY'03, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$60,000.00 from the FY 1999 Overlay Reserve and \$190,000.00 from the FY 2000 Overlay Reserve to establish a Reserve Account for FY 2003. This was a voice vote and declared carried by the Moderator.

ARTICLE 14

To see if the Town will vote to transfer the sum of \$325,000.00 from the FY'02 Fire Department operating budget to be reappropriated for the purposes of adding \$245,000.00 to the FY'03 Reserve Fund and \$80,000.00 to the FY'03 Fire Department operating budget, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$325,000.00 from

the FY 2002 Fire Department operating budget for the purpose of adding \$245,000.00 to the FY 2003 Reserve Account and \$80,000.00 to the FY 2003 Fire Department operating budget.

ARTICLE 15

To see if the Town will vote to hear the report of the Capital Improvement Planning Committee, and further, to see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$400,000.00, 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, with any unexpended balance for each item identified below to be placed in the Building/Capital Purchases account to be expended under the direction of the Board of Selectmen:

Foster Road Culvert Repairs	50,000.00
Police Data Processing Upgrade	60,000.00
DPW Salt / Sand Shed	40,000.00
DPW Refuse Vehicle (Lease Purchase)	31,500.00
DPW Aerial Lift (Lease Purchase)	40,000.00
DPW Elm Tree Management	11,000.00
Fire Department Ambulance Chassis	71,000.00
Fire Department Haz-Mat Trailer	18,300.00
Natural Resources Boat Motor	7,500.00
Nursing Department Improvements	1,800.00
Building / Capital Purchases	68,900.00

And further,

Transfer the sum of \$67,579.18 from the following list of unexpended balances to Surplus Revenue to be reappropriated for the purpose of purchasing and repairing equipment, vehicles, and buildings, and providing related services listed above:

Assessing Microfilming	7,500.00
Microfilm Records	828.40
Recreation Building Property Repairs	233.43
JSD Inside Painting	19.73
Comfort Station Repairs	56.07
Human Services Building Repairs	14.43
Fire Station Roof Repairs	3,109.06
Police Electric Repairs	1,090.78
Police Carpeting	36.00
Fire Copier	720.00
Fire Combustible Gas Monitor	1,629.56
Fire – Forestdale Station Repairs	688.69
Inspections Copier	207.00
Animal Control Vehicle Purchase	39.00
Animal Control Radio Purchase	312.87
Engineering Copier	91.50
Engineering Vehicle Purchase	1,716.30
DPW – Town Garage Repairs	27.07
DPW Mower Purchase	1,427.38
Road Takings – 2000	1.00
Road Takings – 2001	9.00
DPW Sanitation Trailer Purchase	2,133.46
DPW Landfill Cover Material	707.29
HSB Exterior Painting / Repairs	108.63
Recreation Sailboat Purchase	304.61
Parks Vehicle Purchase	185.98
Wastewater / Sewerage Account	44,381.94

And further,

Transfer and reappropriate the sum of \$100,000.00 from FY'02 operating budgets for the purpose of purchasing and repairing equipment, vehicles, and buildings, and providing related services listed above; or take any action relative thereto.

The Report of the Capital Improvement Planning Committee was given, as follows:
 My name is Susan James and I am the Chairman of the Capital Improvement Planning Committee. Committee members have worked diligently this past year, considering capital requests from various departments and monitoring progress on the building maintenance and repairs approved at the Fall Special Town Meeting. I am pleased to report that, with the very capable assistance of the personnel at the Department of Public Works, the first year schedule of maintenance has been reviewed, prioritized, and evaluated, and work has begun. In the way of most repair programs, some cost estimates have come in below what was budgeted and some above. Several projects have been completed, some are waiting for final bids, and some are waiting for good weather to begin.

The capital planning process was a little more difficult this year because of financial constraints, but department heads demonstrated their usual positive collaboration in forming the final capital budget. Article 15 in your Warrant represents a total capital budget of \$400,000. This includes transfers of unexpended balances from previously approved capital items and a transfer from the Ambulance Fund. Article 16, also unanimously approved by the Capital Improvement Planning Committee, is a request for up to \$400,000. for the purposes of upgrading the septic and wastewater management system at the Henry T. Wing School. This is a project that is being mandated by DEP and funded through a transfer from the Capital Stabilization Fund.

During the year, requests from department heads for various capital items have been reviewed and approved by the Committee. These include items such as structural improvements to conservation buildings and specialized vehicles for the DPW. Ongoing requests, such as additional funds for road maintenance, have not been considered because of the present fiscal constraints. I would like to thank Committee members for their commitment to this process and for a job well done. Respectfully submitted, Susan R. James.

UNANIMOUSLY VOTED: That the Town hear the report of the Capital Improvement Planning Committee and to transfer and appropriate \$400,000.00 to be expended under the direction of the Board of Selectmen, for purchasing and repairing equipment, vehicles and buildings, and providing related services in accordance with the list printed in the Warrant under Article 15, and to meet said appropriation, the following transfers be made: \$67,579.18 in unexpended balances as printed in the Warrant under Article 15, \$90,000.00 from unexpended balances in the Snow and Ice Account, \$10,000.00 from the FY 2002 Reserve Fund and \$232,420.82 from the FY 1999 Overlay Reserve.

ARTICLE 16

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, to be expended under the direction of the Board of Selectmen, for the purpose of upgrading the septic and wastewater management system at the Henry T. Wing School, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate up to \$400,000.00 from the Stabilization Fund for upgrading the septic and wastewater management system at the Henry T. Wing School, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 17

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$21,200.00, to be expended under the direction of the Board of Selectmen, to fund various Social Service Programs for services to be performed for and on behalf of Sandwich residents as listed below, or take any action relative thereto.

Independence House	6,400.00
Legal Services of Cape Cod	2,000.00
Nauset Workshop	1,500.00
Gosnold / Children's Services	6,000.00
Special Olympics	400.00
Cape Cod Child Development	1,200.00
Sight Loss Services	600.00
Upper Cape AIDS Council	1,850.00
Big Brothers / Big Sisters	500.00
Consumer Assistance Council	250.00
Elder Services	500.00

UNANIMOUSLY VOTED: That the Town raise and appropriate \$21,200.00 to fund various Social Service programs for services to be performed for and on behalf of Sandwich residents and as printed in the Warrant under Article 17.

ARTICLE 18

To see if the Town will vote to transfer and appropriate the FY'02 income from the Hoxie House and Grist Mill for the FY'03 operation and maintenance of the Hoxie House and Grist Mill, including salaries and expenses, to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$35,000.00 from the FY 2002 income from the Hoxie House and Grist Mill for the FY 2003 operation and maintenance of the Hoxie House and Grist Mill, including salaries and expenses, to be expended under the direction of the Board of Selectmen.

ARTICLE 19

To see if the Town will vote to transfer and appropriate a sum of \$15,458.00, to be expended under the direction of the Board of Selectmen, to be paid to the Town of Barnstable for the residents of Sandwich to have beach privileges at Sandy Neck Beach, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$15,458.00 from the Beach Parking Account, to be expended under the direction of the Board of Selectmen, to be paid to the Town of Barnstable for the residents of Sandwich to have beach privileges at Sandy Neck Beach.

ARTICLE 20

To see if the Town will vote to transfer and appropriate the sum of \$48,195.00, to be expended under the direction of the Board of Selectmen, from the Beach and Recreation Account for the purpose of providing FY'03 Recreation Department, Natural Resources Department and beach cleaning services in accordance with the following list, or take any action relative thereto.

Recreation Department	40,695.00
Natural Resources Department	5,000.00
Beach Cleaning Services	2,500.00

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$48,195.00 from the Beach Parking account, to be expended under the direction of the Board of Selectmen, for the following:

Recreation Department	\$40,695.00
Natural Resources	5,000.00
Beach Cleaning Services	2,500.00

ARTICLE 21

To see if the Town will vote to hear the report of the Board of Selectmen on the acquisition and operation of Sandwich Hollows Golf Club, or take any action relative thereto.

Ron Larkin gave the following Report on Sandwich Hollows Golf Club:

Last June a temporary subcommittee was created with representation from the Board of Selectmen, Finance Committee and Golf Advisory Committee to review the operation of Sandwich Hollows Golf Club, focusing on the financial performance of the course and its various financial obligations, particularly the \$450,000 annual debt service.

One of the subcommittee's recommendations was to have the Selectmen present a report to Town Meeting to update the public on the financial status of the Golf Department, the Board's ongoing commitment to operating the course, and to reaffirm the Town's wise decision to purchase Sandwich Hollows and the contiguous open space in 1999.

As was predicted in the financial analysis conducted prior to acquiring the course, the department has operated at a deficit in terms of making sufficient funds to cover all of its operating and capital expenses as well as the \$450,000 annual debt service. Initially, some funds to pay for the debt service were taken from the additional \$1.75 million the Town borrowed to make capital improvements at the facility and cover any operating shortfalls. In FY'02, the course made sufficient revenue to cover all of its operating expenses and pay \$110,000 of the land acquisition debt. The remaining \$340,000 in debt was funded by the Town and approved at last May's Annual Town Meeting. For FY'03 the course will pay \$250,000 of its debt service, a substantial increase over FY'02, with the remainder coming from taxation. This practice meets the subcommittee's short term financial recommendation.

Based on a realistic projection of Golf Department revenues and expenses, it is anticipated that around FY'07, the course will be making sufficient funds to cover its operating expenses, some capital expenses, and its debt service. A copy of this forecast is now being projected on the screen. Projected FY'02 revenues have increased 29 per cent over FY'01 with future revenues expected to increase 8 per cent annually while estimated expenses increase 5 per cent. The total number of rounds played for FY'02 is expected to exceed 34,000 with a goal of reaching 40,000 by FY'07. If these benchmarks are attained, it is likely that the course will be covering all of its operating expenses and debt service. The only expenses not expected to be covered at this point are major capital projects, such as upgrading the course's irrigation system.

In addition to numerous improvements made at the facility itself, including clubhouse renovations, course improvements and a new driving range, several financial oversight procedures have been implemented. The department budget undergoes the same scrutiny as all other departments through the Finance Committee and Selectmen. In addition, starting next year all major capital expenses greater than \$10,000 will be reviewed by the Capital Improvement Planning Committee and go through the same internal ranking process that all other departments do.

While it was not anticipated that any Town funds would be used for making debt service payments, the Town has had to use some of its own money to pay debt. Recent trends have

shown that the amount the Town contributes toward the debt should decrease over time and eventually stop. Even though town funds have been used when they were not originally anticipated, the Selectmen and Finance Committee still feel the purchase was a very wise investment and one the Town would do again if presented the opportunity.

All of the reasons why the land was originally purchased from Verbon Trust still hold true. A total of 471 acres was acquired, 218 acres using Land Bank funds and 253 acres using golf proceeds and some Town funds. In addition to the recreational benefits for Sandwich residents, seventy-five approved house lots were prevented from construction with a projected \$580,000 annual savings in School Department expenses alone—far more than the debt service for the golf course. Portions of the property have also shown potential for future public water supplies and the land abuts more than 500 acres of the Maple Swamp conservation property. The acquisition benefited many diverse segments of the Town's population and has made a strong, positive statement about the Town's quality of life.

Other recommendations of the subcommittee that have been addressed include the development of a long range financial plan which was presented to the Finance Committee and Selectmen this winter and clarifying a single point of accountability for the golf course. The Golf Director has the day-to-day responsibility for overseeing course operations under the direction of the Town Administrator, a structure similar to all other municipal departments.

In conclusion, I would like to thank the members of the former subcommittee—Chairman Linda Calmes, Patty Nelson, Mike Baker, Mark Haney, Bill Burbank, Bill Diederling and Hank Sennott—for their efforts and recommendations. I would also like to acknowledge the hard work and expertise of current Golf Director Mick Herron, former Director Greg Martzolf, Golf Superintendent Dave Polidor, and the entire staff at Sandwich Hollows for their efforts in making Sandwich Hollows a valued public facility and for the substantial improvements they have completed and will continue to make. Thank you.

UNANIMOUSLY VOTED: That the Town hear the Report of the Board of Selectmen on the acquisition and operation of Sandwich Hollows Golf Club.

ARTICLE 22

To see if the Town will vote in accordance with the provisions of M.G.L. c. 44, §53F1/2 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'03 operating budget for Sandwich Hollows Golf Club, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$1,104,755.00 to be expended under the direction of the Board of Selectmen for establishing the FY 2003 operating budget for the Sandwich Hollows Golf Club.

ARTICLE 23

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, to be expended under the direction of the Board of Selectmen, for the purpose of continuing the Senior Volunteer Tax Credit Program under the provisions of M.G.L. c.59, §5K during FY'03, or take any action relative thereto.

VOTED: That the Town raise and appropriate \$2,500.00, to be expended under the direction of the Board of Selectmen, to continue the Senior Volunteer Tax Credit Program under the provisions of M.G.L., Chapter 59, Section 5K during FY 2003. This was a voice vote and declared carried by the Moderator.

ARTICLE 24

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$49,208.00, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'03 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$49,208.00 from the Sandwich Promotions Fund, to be expended under the direction of the Board of Selectmen, for funding the FY 2003 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997. This was a voice vote and declared carried by the Moderator.

ARTICLE 25

To see if the Town will vote to accept the provisions of G.L. c.33, §59, which addresses military leave for Town employees who are members of the armed forces of the Commonwealth and members of a reserve component of the armed forces of the United States, or take any action relative thereto.

Patrick J. Clougher moved to amend the article to include Federal Law rather than State Law for reserve personnel. The amendment was ruled out of order by the Moderator on advice from Town Counsel.

UNANIMOUSLY VOTED: That the Town accept the provisions of M.G.L., Chapter 33, Section 59, which addresses military leave for town employees who are members of the Armed Forces of the Commonwealth and members of a Reserve Component of the Armed Forces of the United States.

ARTICLE 26

To see if the Town will vote to:

1. Authorize the Board of Selectmen and Conservation Commission to acquire all or portions of six parcels of land off Kiahs Way and Service Road owned by P. A. Landers, Inc. consisting of 133.77 acres more or less, shown as Assessors Map No. 27, Lots 2, 3, 6, and 8 and as Assessors Map No. 33, Lot 61 and as Assessors Map No. 39, Lot 146, as shown on a plan entitled "Landers/Town of Sandwich Land Exchange" dated April 15, 2002 prepared by Atlantic Design Engineers, L.L.C., P.O. Box 1051, Sandwich, MA 02563 on file in the Town Clerk's office, said parcels to be under the care, custody, control and management of the Conservation Commission to be held for conservation purposes;

And further,

2. Transfer the care, custody, control and management of six parcels of land off Kiahs Way consisting of 68.45 acres more or less, shown as Assessors Map No. 27, Lots 4, 5, 7, 9 and 10 and as Assessors Map No. 32, Lot 57, as shown on a plan entitled "Landers/Town of Sandwich Land Exchange" dated April 15, 2002 prepared by Atlantic Design Engineers, L.L.C., P.O. Box 1051, Sandwich, MA 02563 on file in the Town Clerk's office, from the Conservation Commission held for conservation purposes to the Board of Selectmen to be held for the purpose of conveyance to P. A. Landers, Inc., and to authorize the Board of Selectmen to convey all or portions of said parcels to P. A. Landers, Inc. in consideration for the acquisition of all or portions of the parcels identified in Part 1 of this article which will be simultaneously conveyed to the Town from P. A. Landers, Inc., on such terms and conditions as the Board of Selectmen determines to be in the best interests of the Town provided that a minimum of two acres of conservation land are acquired for every one acre conveyed;

And further,

3. Authorize the Board of Selectmen to petition the General Court for a special act authorizing the land exchange pursuant to Article 97 of the Massachusetts Constitution;

or take any action relative thereto.

Robert S. Jones moved that Article 26 be postponed until the next Special or Annual Town Meeting and that the Selectmen present, at that time, an independent and impartial professional real estate appraisal addressing the economic worth to P. A. Landers, Inc. of the land proposed to be transferred to Landers as opposed to the economic worth to the Town of Sandwich of the land proposed to be conveyed to the Town and to be used for conservation purposes only. The motion was seconded and failed by a hand vote of **117 Yes and 152 No**.

The main motion was then voted.

VOTED: That the Town authorize the Board of Selectmen and Conservation Commission to acquire all or portions of six parcels of land off Kiahs Way and Service Road owned by P. A. Landers, Inc. consisting of 133.77 acres more or less; and further transfer the care, custody, control and management of six parcels of land off Kiahs Way consisting of 68.45 acres more or less from the Conservation Commission held for conservation purposes to the Board of Selectmen to be held for the purpose of conveyance to P. A. Landers, Inc., all as printed in the Warrant under Article 26; and further authorize the Board of Selectmen to petition the General Court for a Special Act authorizing the land exchange pursuant to Article 97 of the Massachusetts Constitution and notwithstanding the requirements of General Law, Chapter 30B, the Uniform Procurement Act. This was a voice vote and declared carried by the Moderator.

ARTICLE 27

To see if the Town will vote to amend General Bylaw Chapter 1, §1.20 by deleting Section 1.20 in its entirety which currently reads as follows, or take any action relative thereto.

At any Regular or Special Town Meeting, the vote upon any article authorizing the expenditure of the sum of \$500,000.00 or more for the acquisition, construction, or improvement of any lands or buildings or equipment shall be taken by written ballot.

VOTED: That the Town amend the Town General Bylaws, Chapter 1, Section 1.20 by deleting Section 1.20 in its entirety and as printed in the Warrant under Article 27. This was a voice vote and declared carried by the Moderator.

ARTICLE 28

To see if the Town will vote to amend General Bylaw Chapter 1 by adding the following new Section 1.50, or take any action relative thereto:

If a two-thirds vote of Town Meeting is required by statute to approve an article at a Special or Annual Town Meeting, the Moderator, upon a voice vote without a count, may declare that a two-thirds vote has been obtained if it appears to the Moderator that a two-thirds vote has been obtained. The Town Clerk shall record the Moderator's declaration that the motion passed by a two-thirds majority vote in favor, unless seven or more voters rise to challenge the Moderator's declaration. If seven or more voters rise to challenge the Moderator's declaration, a counted vote shall be taken in accordance with G.L. c.39, §15.

VOTED: That the Town amend the Town General Bylaws, Chapter 1 by adding a new Section 1.50 as printed in the Warrant under Article 28. This was a hand vote of 246 Yes and 35 No and declared carried by the Moderator.

ARTICLE 29

To see if the Town will vote to amend General Bylaw Chapter 1 by adding the following new Section 1.55, or take any action relative thereto:

At the Moderator's sole discretion, the Moderator may choose to accurately summarize warrant articles, rather than read them verbatim, provided that every such article shall be printed in the warrant and available to the voters at Town Meeting.

VOTED: That the Town amend the Town General Bylaws, Chapter 1 by adding a new Section 1.55 as printed in the Warrant under Article 29. This was a voice vote and declared carried by the Moderator.

ARTICLE 30

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws Article IV, Special Regulations, Section 4310 by correcting the reference to Town of Sandwich, Massachusetts, Flood Insurance Rate Map (FIRM) by changing the date of this map from September 1989 to August 5, 1991 as revised through July 2, 1992, or take any action relative thereto

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning ByLaws, Article IV, Special Regulations, Section 4310 by correcting the reference to Town of Sandwich, Massachusetts, Flood Insurance Rate Map (FIRM) by changing the date of this map from September 1989 to August 5, 1991, as revised through July 2, 1992.

ARTICLE 31

To see if the Town will vote to amend the Town of Sandwich Zoning Map by changing the boundary of the Business Limited-1 zoning district to include the parcel at the corner of River Street and Main Street upon which exists the structure known as the Unitarian Church also known as Yesteryear's Doll Museum as shown on Assessors Map 73, Parcel 17 which is currently within the Residential-1 zoning district.

And further,

Amend the Sandwich Protective Zoning By-laws, Article II, Section 2110 by adding the phrase "*and as further amended and revised through May 6, 2002*" after the words "through May 7, 2001" and before "on file with the Town Clerk."

or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning Map by changing the boundary of the Business Limited-1 Zoning District to include the parcel at the corner of River Street and Main Street upon which exists the structure known as the Unitarian Church also known as Yesteryear's Doll Museum and as printed in the Warrant under Article 31.

ARTICLE 32

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Section 4432 by deleting the word and number "eight (8) acres of land" and adding the words "twice the lot area required in the district" in place of the word and number eight (8), or take any action relative thereto.

4432. Submission. Proposed Cluster Developments shall comply with the "Cluster Development Special Permit Regulations" of the Sandwich Planning Board. A Cluster Development shall encompass at least ~~eight (8) acres of land~~ *twice the lot area required in the district*. A new or existing Cluster Development may include a Village Cluster, which meets the requirements of Section 4444 of the Sandwich Zoning By-laws. In the case of an application to amend an existing Cluster Special Permit to permit a Village Cluster, the procedures in Section 4440 through Section 4448, inclusive shall apply,

except as to such materials as the Planning Board may waive as duplicative of materials previously submitted.

VOTED: That the Town amend the Sandwich Protective Zoning ByLaws, Article IV, Section 4432 by deleting the word and number “eight (8) acres of land” and adding the words “twice the lot area required in the district” in place of the word and number eight (8) as printed in the Warrant under Article 32. This was a voice vote and declared carried by the necessary two-thirds majority by the Moderator.

ARTICLE 33

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article 1, Administration and Procedures, by adding new Sections 1321.1 and 1321.2 and by amending Sections 1340 and 1342 as follows:

1321.1 Applications for variances shall include as part of the application to the Board of Appeals ten (10) copies of the following:

1. *Completed application form.*
2. *Written request for waiver of any submission requirements.*
3. *A site plan prepared to a scale of 1" = 40' minimum, by a Massachusetts Registered Architect, Landscape Architect, Civil Engineer or Land Surveyor, illustrating the shape and location of the proposed building(s) and proposed addition(s).*
4. *A written narrative describing the variance requested describing the circumstances relating to the soil conditions, shape or topography of such land or structures that do not generally affect the zoning district in which it is located.*

The Board of Appeals is authorized, upon receipt of a written request, to waive specific submission requirements of Section 1322 if the Board of Appeals deems a particular requirement to be duplicative or unnecessary. The granting of such waivers shall be deemed by the Board of Appeals to be in the public interest. The Board of Appeals shall include a written description of the waivers granted within the decision on the application.

1321.2 Referral. The Board of Appeals shall refer variance applications to the Board of Health, Water Quality Review Committee, Conservation Commission, Planning Board, Department of Public Works, and Town Engineer for written comments and recommendations pertaining to the area of responsibility of that particular board or department, before taking final action on said variance application.

In addition to the above noted boards, the Board of Appeals may refer a variance application to any other Town agency/board/department for comments and recommendations if it so desires before taking final action on the variance application. Any such board or agency to which applications are referred to for comments shall make its recommendations and send copies thereof to the Board of Appeals and the applicant within twenty (20) days of receipt of the referral request by said board or agency or there shall be deemed no opposition or desire to comment.

The Board of Appeals shall not act upon said variance until either comments from referred boards or agencies have been received, or twenty (20) days have elapsed, whichever is sooner.

And further, to amend Section 1340 as follows:

1340. Applications for special permits and amendments to special permits for any use which involves existing and/or proposed parking for six (6) or more cars, or involves more than two thousand (2000) square feet of floor area of new construction other than single family residential use, shall include as part of the application to the Special Permit Granting Authority (SPGA) ten (10) copies of the following:

1. *Completed application form. and*
2. *Written request for waiver of any submission requirements.*
(The remainder of Section 1340 to remain unchanged)

And further, to add to the beginning of Section 1342 the following:

1342. The SPGA is authorized, upon receipt of a written request, to waive specific submission requirements of Sections 1330 through Sections 1370 if the SPGA deems a particular requirement to be duplicative or unnecessary. The granting of such waivers shall be deemed by the SPGA to be in the public interest. The SPGA shall include a written description of the waivers granted within the decision on the application.

And further, to amend Section 1342 as follows:

In acting on special permits and amendments to special permits under this section, the Board of Appeals shall give consideration to the recommendations, if any, of the Planning

Board and the Town Engineer. These recommendations shall be formulated considering the following criteria: (The remainder of Section 1342 to remain unchanged)

or take any action relative thereto.

VOTED: That the Town amend the Sandwich Protective Zoning ByLaws, Article 1, Administration and Procedures, by adding new Sections 1321.1 and 1321.2 and by amending Sections 1340 and 1342 as printed in the Warrant under Article 33. This was a voice vote and declared carried by the necessary two-thirds majority by the Moderator.

ARTICLE 34

To see if the Town will vote to accept the layout of the street listed below, in accordance with Chapter 80 of the General Laws relating to street betterments, as laid out and recommended by the Board of Selectmen, in accordance with the plans thereof, and as approved by the Town Engineer, and further, to see if the Town will vote to authorize and instruct the Board of Selectmen to take by eminent domain on behalf of the Town such land as may be necessary therefore, and to raise and appropriate or transfer from available funds a sum of money for said purpose, and further, to see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow not more than \$10,000.00 with said amount to be repaid through the betterment process as authorized by a majority of the abutters of the road, or take any action relative thereto.

Bishops Path

UNANIMOUSLY VOTED: That the Town accept the layout of Bishops Path as printed in the Warrant under Article 34 and to raise and appropriate \$1.00 for said purpose and further, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow not more than \$10,000.00 with said amount to be repaid through the betterment process as authorized by a majority of the abutters of the road.

ARTICLE 35

To see if the Town will vote to accept the layout of the street listed below, in accordance with Chapter 80 of the General Laws relating to street betterments, as laid out and recommended by the Board of Selectmen, in accordance with the plans thereof, and as approved by the Town Engineer, and further, to see if the Town will vote to authorize and instruct the Board of Selectmen to take by eminent domain on behalf of the Town such land as may be necessary therefore, and to raise and appropriate or transfer from available funds a sum of money for said purpose, and further, to see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow not more than \$30,000.00 with said amount to be repaid through the betterment process as authorized by a majority of the abutters of the road, or take any action relative thereto.

Pony Lane

UNANIMOUSLY VOTED: That the Town accept the layout of Pony Lane as printed in the Warrant under Article 35 and to raise and appropriate \$1.00 for said purpose and further, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow not more than \$30,000.00 with said amount to be repaid through the betterment process as authorized by a majority of the abutters of the road.

ARTICLE 36

To see if the Town will vote to accept the layout of the street listed below, in accordance with Chapter 80 of the General Laws relating to street betterments, as laid out and recommended by the Board of Selectmen, in accordance with the plans thereof, and as approved by the Town Engineer, and further, to see if the Town will vote to authorize and instruct the Board of Selectmen to take by eminent domain on behalf of the Town such land as may be necessary therefore, and to raise and appropriate or transfer from available funds a sum of money for said purpose, or take any action relative thereto.

Arbutus Lane

UNANIMOUSLY VOTED: That the Town accept the layout of Arbutus Lane as printed in the Warrant under Article 36 and to raise and appropriate \$1.00 for said purpose.

ARTICLE 37

To see if the Town will vote to accept the layout of the street listed below, in accordance with Chapter 80 of the General Laws relating to street betterments, as laid out and recommended by the Board of Selectmen, in accordance with the plans thereof, and as approved by the Town Engineer, and further, to see if the Town will vote to authorize and instruct the Board of Selectmen to take by eminent domain on behalf of the Town such land as may be necessary

therefore, and to raise and appropriate or transfer from available funds a sum of money for said purpose, or take any action relative thereto.

Grandwood Drive

UNANIMOUSLY VOTED: That the Town accept the layout of Grandwood Drive, as printed in the Warrant under Article 37 and to raise and appropriate \$1.00 for said purpose.

ARTICLE 38

To see if the Town will vote to accept the layout of the street listed below, in accordance with Chapter 80 of the General Laws relating to street betterments, as laid out and recommended by the Board of Selectmen, in accordance with the plans thereof, and as approved by the Town Engineer, and further, to see if the Town will vote to authorize and instruct the Board of Selectmen to take by eminent domain on behalf of the Town such land as may be necessary therefore, and to raise and appropriate or transfer from available funds a sum of money for said purpose, or take any action relative thereto.

Arnold Road

UNANIMOUSLY VOTED: That the Town accept the layout of Arnold Road, as printed in the Warrant under Article 38 and to raise and appropriate \$1.00 for said purpose.

ARTICLE 39

To see if the Town will vote to accept the layout of the streets listed below, in accordance with Chapter 80 of the General Laws relating to street betterments, as laid out and recommended by the Board of Selectmen, in accordance with the plans thereof, and as approved by the Town Engineer, and further, to see if the Town will vote to authorize and instruct the Board of Selectmen to take by eminent domain on behalf of the Town such land as may be necessary therefore, and to raise and appropriate or transfer from available funds a sum of money for said purpose, or take any action relative thereto.

Ryder Circle
Manamok Circle
Madaket Way
Sconset Circle
Muskegat Circle

UNANIMOUSLY VOTED: That the Town accept the layout of Ryder Circle, Manamok Circle, Madaket Way, Sconset Circle, and Muskegat Circle, as printed in the Warrant under Article 39 and to raise and appropriate \$5.00 for said purpose.

ARTICLE 40

To see if the Town will vote to accept for no monetary payment a Grant of Easement from Great Hills Homeowners Association, Inc. to the Town for the purposes of passage by emergency vehicles, and by members of the general public by foot or non-motorized bicycles, along, over and across that certain portion of West Meetinghouse Road, Sandwich, Massachusetts, that extends from the easterly line of the intersection of Crescent Hill Road and said West Meetinghouse Road to the Barnstable town boundary, as shown on the plan excerpt from the Plan entitled "Definitive Plan of Great Hills East, A Cluster Subdivision in Sandwich, Mass For: J. Kevin O'Haire, Trustee, Wing Farm Realty Trust, P.O. Box 444, East Sandwich, Massachusetts," dated May 10, 2000, revised through Sept. 1, 2000, Scale: 1" = 60', Prepared by Advance Technical Solutions, P.O. Box 99, East Sandwich, MA 02537", which plan excerpt and a copy of the Grant of Easement shall be attached to the Vote on this Article, or take any action relative thereto.

(By Petition)

VOTED: That the Town accept a Grant of Easement from Great Hills Homeowners Association, Inc. to the Town for the purpose of passage by emergency vehicles, and by members of the general public by foot, horseback, or non-motorized bicycles along, over and across that certain portion of West Meetinghouse Road and as printed in the Warrant under Article 40. This was a voice vote and declared carried by the Moderator.

ARTICLE 41

To see if the Town will vote to discontinue under Massachusetts General Laws Chapter 82, Section 21, to the extent that it may be a public way, that certain portion of West Meetinghouse Road, Sandwich, Massachusetts, that extends from the easterly line of the intersection of Crescent Hill Road and said West Meetinghouse Road to the Barnstable town boundary, as shown on the plan excerpt from the Plan entitled "Definitive Plan of Great Hills East, A Cluster Subdivision in Sandwich, Mass For: J. Kevin O'Haire, Trustee, Wing Farm Realty Trust, P.O. Box 444, East Sandwich, Massachusetts," dated May 10, 2000 revised through September 1, 2000, Scale 1" = 60', Prepared by Advance Technical Solutions, P.O. Box 99, East Sandwich, MA

02537", which plan excerpt shall be attached to the Vote on this Article, or take any other action relative thereto.

(By Petition)

UNANIMOUSLY VOTED: That the Town discontinue under Massachusetts General Laws, Chapter 82, Section 21, to the extent that it may be a public way, that certain portion of West Meetinghouse Road, that extends from the easterly line of the intersection of Crescent Hill Road and said West Meetinghouse Road to the Barnstable Town Boundary and as printed in the Warrant under Article 41.

ARTICLE 42

To see if The Town will vote to transfer from available funds the sum of \$392,559.00 from the capital projects account which represents the unexpended and unencumbered balance from the completed school modular classroom purchase to be expended under the direction of The Board of Selectmen for the purpose of funding the increase in the employee benefits account or take any action relative thereto.

(By Petition)

Selectman Hank Sennott moved that Article 42 be amended to state: Move the Town transfer and reappropriate the sum of \$243,383.09 from the School Modular Classroom Borrowing Account to be expended under the direction of the Board of Selectmen for the purpose of upgrading the wastewater treatment systems at the Oak Ridge and Forestdale Schools. The motion was seconded and the voice vote on the amendment was declared unanimous by the Moderator.

UNANIMOUSLY VOTED: That the Town transfer and reappropriate the sum of \$243,383.09 from the School Modular Classroom Borrowing Account to be expended under the direction of the Board of Selectmen for the purpose of upgrading the wastewater treatment systems at the Oak Ridge and Forestdale Schools.

ARTICLE 43

To see if The Town will vote to rescind the provisions of Chapter 71, section 71e of the Massachusetts General Laws entitled "appropriations for and expenditures of receipts from Adult Education, Continuing Education, Summer School and Community School Programs". This action will eliminate the revolving account and return financial control of Community School receipts to The School Committee. The action derived from rescinding Section 71e will become effective on July 1, 2002 or do anything relative thereto.

(By Petition)

The Moderator explained that the vote for or against Article 43 would be non-binding, since the next year the action could become effective would be 2004. William F. Moore, Jr., Chairman of the School Committee, moved that Article 43 be indefinitely postponed.

VOTED: To indefinitely postpone Article 43. This was a voice vote and was declared carried by the Moderator.

ARTICLE 44

PETITION TO THE TOWN OF SANDWICH BOARD OF SELECTMEN TO REBUILD THE "SWAP SHOP/RECYCLING SHOP"

We, the registered voters of the town of Sandwich, are petitioning the Board of Selectmen to authorize and designate monies be set aside to rebuild the "Swap Shop/Recycling Shop." We wish to have the "Swap Shop" operational by January 1st, 2002.

We also suggest the following guidelines below and we would also consider any further suggestions from the Dept. of Public Works Dept.

Swap shop open Fridays, Saturdays and Sundays Only
All Rules and Guidelines set by director of Dept. Public Works/DPW
Volunteers or Gate Keeper supervise & assist with operation.
Everyone allowed Maximum of 1 hour only daily.

(By Petition)

VOTED: A voice vote was taken on the article. Since the article was non-binding, the Moderator made a determination not to count the vote.

ARTICLE 45

To Elect the following Officers:

Two Selectmen for a term of three years;
One Assessor for a term of three years;

One Constable for a term of three years;
 Two School Committee members for a term of three years;
 One Board of Health member for a term of three years;
 Three Trustees of the Sandwich Public Library for a term of three years;
 One Trustee of the Weston Memorial Fund for a term of three years;
 Two Planning Board members for a term of three years;
 One Planning Board member for a term of two years;
 One Sandwich Housing Authority member for a term of five years;

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

The polls for the election will be open at 8:00 o'clock in the forenoon on said

THURSDAY, THE NINTH DAY OF MAY, 2002

The results of this election are as follows:

BOARD OF SELECTMEN, For Three Years

Vote for not more than two	P1	P2	P3	P4	P5	P6	P7	TOTAL
Richard F. Judge	38	24	24	32	26	20	2	166
Ron Larkin	261	222	229	155	168	144	146	1,325
Dick Bradley	76	63	40	38	52	93	46	408
Robert S. Jones	114	102	76	58	75	70	66	561
Thomas Francis Keyes	270	259	229	146	169	173	135	1,381
Frank Pannorfi	302	296	244	134	151	159	116	1,402
All Others	5	2	0	0	2	2	0	11
Blanks	94	116	78	57	61	73	55	534
Total	1,160	1,084	920	620	704	734	566	5,788

BOARD OF ASSESSORS, For Three Years

Vote for not more than one	P1	P2	P3	P4	P5	P6	P7	TOTAL
Madlon Caterino Jenkins	393	343	331	210	258	258	197	1,990
All Others	3	2	0	2	1	1	3	12
Blanks	184	197	129	98	93	108	83	892
Total	580	542	460	310	352	367	283	2,894

CONSTABLE, For Three Years

Vote for not more than one	P1	P2	P3	P4	P5	P6	P7	TOTAL
Clyde S. Gill	392	368	303	191	240	231	179	1,904
Richard L. Capelotti, Jr.	110	102	83	63	58	86	56	558
All Others	0	1	0	0	0	0	1	2
Blanks	78	71	74	56	54	50	47	430
Total	580	542	460	310	352	367	283	2,894

SCHOOL COMMITTEE, For Three Years

Vote for not more than two	P1	P2	P3	P4	P5	P6	P7	TOTAL
Sharron L. Marshall	273	246	211	172	200	188	184	1,474
Steven P. Marshall	264	237	239	157	171	199	163	1,430
Steven Carl Grundman	356	349	292	170	199	208	127	1,701
James S. Goddard	6	6	18	4	3	3	2	42
All Others	4	3	1	0	1	6	1	16
Blanks	257	243	159	117	130	130	89	1,125
Total	1,160	1,084	920	620	704	734	566	5,788

BOARD OF HEALTH, For Three Years

Vote for not more than one	P1	P2	P3	P4	P5	P6	P7	TOTAL
Kevin S. Kelly	263	291	291	180	230	207	157	1,619
Charles W. Kleekamp	270	196	131	89	98	123	89	996
All Others	1	0	0	2	0	2	2	7
Blanks	46	55	38	39	24	35	35	272
Totals	580	542	460	310	352	367	283	2,894

TRUSTEE, SANDWICH PUBLIC LIBRARY, For Three Years

Vote for not more than three	P1	P2	P3	P4	P5	P6	P7	TOTAL
Jeanie M. Vanderpyl	383	340	307	195	237	222	169	1,853
Dean M. Coe	315	265	259	149	180	203	132	1,503
Janet E. Klapper	267	228	177	142	177	164	125	1,280
Joan S. Martinelli	277	284	239	153	170	195	141	1,459
All Others	3	0	2	1	3	2	1	12
Blanks	495	509	396	290	289	315	281	2,575
Totals	1,740	1,626	1,380	930	1,056	1,101	849	8,682

TRUSTEE, WESTON MEMORIAL FUND, For Three Years

Vote for not more than one	P1	P2	P3	P4	P5	P6	P7	TOTAL
Peter N. Conathan	446	391	350	219	269	274	202	2,151
All Others	1	0	3	1	1	1	2	9
Blanks	133	151	107	90	82	92	79	734
Totals	580	542	460	310	352	367	283	2,894

PLANNING BOARD, For Three Years

Vote for not more than two	P1	P2	P3	P4	P5	P6	P7	TOTAL
John L. Holmgren, Jr.	358	319	301	191	228	220	182	1,799
Lawrence S. Spiegel	348	303	306	190	237	243	187	1,814
All Others	2	2	1	3	1	0	1	10
Blanks	452	460	312	236	238	271	196	2,165
Totals	1,160	1,084	920	620	704	734	566	5,788

PLANNING BOARD, For Two Years, Unexpired Term

Vote for not more than one	P1	P2	P3	P4	P5	P6	P7	TOTAL
Douglas Edward Klapper	405	335	318	209	257	253	198	1,975
All Others	1	2	1	1	2	4	0	11
Blanks	174	205	141	100	93	110	85	908
Totals	580	542	460	310	352	367	283	2,894

SANDWICH HOUSING AUTHORITY, For Five Years

Vote for not more than one	P1	P2	P3	P4	P5	P6	P7	TOTAL
Kristi L. Perry	403	359	332	216	265	263	213	2,051
All Others	2	0	1	1	1	2	4	11
Blanks	175	183	127	93	86	102	66	832
Total	580	542	460	310	352	367	283	2,894

The Polls were closed at 8:00 p.m. The total vote cast was 2,894. The total number of voters at the close of registration prior to the election was 13,351. The voting lists of Checkers and Ballot Clerks were checked and found in order and agreed with Ballot Box totals.

The total number of absentee ballots was 111, which included P1 – 27, P2 – 27, P3 – 17, P4 – 3, P5 – 11, P6 – 20, P7 – 6.

I certify that this is a true record of the Annual Town Meeting and Election held on May 6 and May 9, 2002.

Barbara J. Walling
Town Clerk

**TOWN OF SANDWICH
SPECIAL TOWN MEETING
November 18, 2002**

The Special Town Meeting was called to order by Moderator Garry Blank at 7:18 p.m. after ascertaining a quorum was present. A total of 428 voters was checked in by the clerks. Selectman William Diederling led the Pledge of Allegiance.

The Moderator swore in the following persons as tellers: John S. Jillson, Raymond L. Gehling, Jr., Barbara S. Kirsch, Robert H. Loring, John D. Harris, and James Kelly. Marie Buckner was designated as timekeeper.

ARTICLE 1

To see if the Town will vote to transfer the sum of \$7,063.44 from the FY'00 capital budget appropriation originally appropriated for the purpose of completing roof repairs at the Sandwich Public Library as authorized at the 1999 Annual Town Meeting under Article 17 to be used for the purpose of building and capital purchases for the FY'03 capital budget, said funds to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

UNANIMOUSLY VOTED: That \$7,063.44 be appropriated and transferred from the FY'00 capital budget for completing repairs at the Sandwich Public Library, said funds to be expended under the direction of the Board of Selectmen for building and capital purchases.

ARTICLE 2

To see if the Town will vote to amend the Sandwich Town Bylaws by deleting Section 2.95, Tax Title Land, in its entirety, or take any action relative thereto. Said Section 2.95 currently provides as follows:

Part 1: No land acquired by the Town through tax title proceedings shall be sold or otherwise disposed of until it shall have first been determined by a vote at a Town Meeting whether or not said land shall be held by the Town as Conservation Land, with the custody and control thereof being transferred to the Conservation Commission for all purposes included in Section 8C of Chapter 40 of the General Laws as it now reads or may hereafter be amended, or shall be held by the Town for some other specific municipal purpose.

Part 2: All land approved for sale in accordance with the provisions of Part 1 of this Bylaw shall be sold by the Selectmen at public auction after foreclosure by the Town of rights of redemption pertaining thereto, first advertising three times in a newspaper published in the County, with general circulation in the Town and posting notices at the Town Hall and Post Offices in the Town stating the time and place of said sale. The last advertisement and posted notice is to be at least seven (7) days prior thereto, provided that the Selectmen or whomever they may authorize holds such public auction may reject any and all bids for which they may deem to be inadequate.

(Explanation: The purpose of this article is to allow land acquired by the Town through the tax title foreclosure process to be disposed of as provided for under state law—i.e. either as approved by Town Meeting vote under M.G.L. c.40, §3 or by public auction under M.G.L. c.60, §77, et. seq.)

VOTED: That the Town amend the Sandwich Town Bylaws by deleting Section 2.95, Tax Title Land, in its entirety. This was a voice vote and declared carried by the Moderator.

ARTICLE 3

To see if the Town will vote to appropriate by borrowing under the statutes referred to in this Article the sum of \$3,000,000.00 for the purpose of acquiring all or a portion of the land and improvements thereon identified as Assessors Map 42, Lot 56 and Assessors Map 43, Lots 1 and 1-002 consisting of approximately 42.04 acres off Route 130 (Water Street) and Union Braiding Road, said premises believed to be owned by Penny Rubincam; and to authorize the Board of Selectmen on such terms and conditions as the Selectmen may determine, to acquire such real and personal property by gift, purchase or eminent domain for the purposes set out in Section 3 of Chapter 293 of the Acts of 1998; and to authorize the Treasurer to borrow a sum of money by issuance of general obligation bonds or notes under Section 7 of Chapter 293 of the Acts of 1998 in anticipation of revenues to be received under Section 6 of said Chapter 293, or any other enabling authority, for the purpose; or take any action relative thereto.

UNANIMOUSLY VOTED: That the sum of \$3,000,000 is hereby appropriated for the purpose of paying costs of acquiring all or a portion of the land and improvements thereon identified as Assessors Map 42, Lot 56, and Assessors Map 43, Lots 1 and 1-002, consisting of approximately 42.04 acres off Route 130 (Water Street) and Union Braiding Road, said premises believed to be owned by Penny Rubincam, and for the payment of all other costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said sum under the pursuant to Section 7 of Chapter 293 of the

Massachusetts Acts of 1998 (“Chapter 293”), as amended, or pursuant to any other enabling authority, and to issue general obligation bonds or notes of the Town therefore; and that the Selectmen are hereby authorized to acquire the aforesaid real and personal property by gift, purchase or eminent domain for the purposes set out in Section 3 of said Chapter 293, upon such terms and conditions as they shall determine to be in the best interest of the Town.

ARTICLE 4

To see if the Town will vote to appropriate by borrowing under the statutes referred to in this Article the sum of \$500,000.00 for the purpose of acquiring development rights through a permanent Conservation Restriction on all or a portion of the land and improvements thereon identified as Assessors Map 19, Lot 6 consisting of approximately 79.00 acres off Stowe Road, said premises believed to be owned by YMCA of Cape Cod; and to authorize the Board of Selectmen on such terms and conditions as the Selectmen and Conservation Commission may determine, to acquire a Conservation Restriction on such real and personal property by gift, purchase or eminent domain for the purposes set out in Section 3 of Chapter 293 of the Acts of 1998; and to authorize the Treasurer to borrow a sum of money by issuance of general obligation bonds or notes under Section 7 of Chapter 293 of the Acts of 1998 in Anticipation of revenues to be received under Section 6 of said Chapter 293, or any other enabling authority, for this purpose; or take any action relative thereto.

VOTED: That the sum of \$500,000.00 is hereby appropriated for the purpose of paying costs of acquiring development rights through a permanent conservation restriction on all or a portion of the land and improvements thereon identified as Assessors Map 19, Lot 7 consisting of approximately 79.00 acres off Stowe Road, said premises believed to be owned by YMCA of Cape Cod, and for the payment of all other costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said sum under and pursuant to Section 7 of Chapter 293 of the Massachusetts Acts of 1998 (“Chapter 293”), as amended, or pursuant to any other enabling authority, and to issue general obligation bonds or notes of the Town therefore; and that the Selectmen are hereby authorized to acquire the aforesaid real and personal property by gift, purchase or eminent domain for the purposes set out in Section 3 of said Chapter 293, upon such terms and conditions as they shall determine to be in the best interests of the Town. This was a voice vote and declared to be carried by the required two-thirds vote by the Moderator.

ARTICLE 5

To see if the Town will vote to appropriate by borrowing under the statutes referred to in this Article the sum of \$3,600,00.00 for the purpose of acquiring all or a portion of the land, together with the improvements and personal property thereon, that consists of approximately 83.01 acres located off of Quaker Meetinghouse and Cotuit Roads and identified as Assessors Map 17, Lot 196 and shown on a plan, entitled “Plan of Land, Sandwich, Massachusetts, Hewlett Packard Recreational Facility, Scale 1” = 100’”, dated April 19, 1991, Eagle Surveying and Engineering, Inc., 441 Route 130, Sandwich, MA 02563, Project number 91-018, which plan is recorded with the Barnstable County Registry of Deeds in Plan Book 480, Page 1, said premises believed to be owned by Agilent Technologies, Inc.; and to authorize the Board of Selectmen on such terms and conditions as the Selectmen may determine, to acquire said real and personal property and improvements by gift, purchase or eminent domain for general municipal purposes, and for the purpose of conveyance to the Sandwich Water District for water protection and supply purposes of any such portion of said real and personal property as the Selectmen determine is no longer needed for general municipal purposes, and for the purpose of conveying necessary easements to the Sandwich Water District; and to authorize the Treasurer to borrow a sum of money by issuance of general obligation bonds or notes under M.G.L. c.44, §8, or any other enabling authority, for this purpose, with such borrowing and expenditure of funds to be contingent upon successful passage of a vote to exclude the debt for this purpose from the provisions of Proposition Two and One-half, so called, as provided for under M.G.L. c.59, §8, or any other enabling authority, for this purpose, with such borrowing and expenditure of funds to be contingent upon successful passage of a vote to exclude the debt for this purpose from the provisions of Proposition Two and One-half, so called, as provided for under M.G.L. c.59, §21C(k), on November 21, 2002; with the Board of Selectmen to prepare and present a business and management plan for the property to Town Meeting within one year of the date of purchase; or take any action relative thereto.

VOTED: That the sum of \$3,600,00.00 is hereby appropriated for the purpose of paying costs of acquiring all or a portion of the land and the improvements thereon identified as Assessors Map 17, Lot 196 and shown on a plan, entitled “Plan of Land, Sandwich, Massachusetts, Hewlett Packard Recreational Facility, Scale 1” = 100’”, dated April 19, 1991, Eagle Surveying and Engineering, Inc., 441 Route 130, Sandwich, MA 02563, Project number 91-018, which plan is recorded with the Barnstable County Registry of Deeds in Plan Book 480, Page 1, consisting of approximately

83.01 acres off Quaker Meetinghouse and Cotuit Roads, said premises believed to be owned by Agilent Technologies, Inc.; and for the payment of all other costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said sum under and pursuant to Sections 7 and 8 of Chapter 44 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; and that the Selectmen are hereby authorized to acquire the aforesaid real and personal property for general municipal purposes and for the purpose of conveyance to the Sandwich Water District for water protection and water supply purposes, such portion of said real and personal property as the Selectmen determine is no longer needed for general municipal purposes and for the purpose of conveying necessary easements to the Sandwich Water District, by gift, purchase or eminent domain, upon such conditions as they shall determine to be in the best interests of the Town; provided, however, that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted at a special Town election to be held on November 21, 2002, to exclude the amounts needed to repay any borrowing authorized by this vote from the limitations imposed by Chapter 59, Section 21C of the General Laws (Proposition 2 ½), with the Selectmen to prepare and present a business and management plan for the property to Town Meeting within one year of the date of purchase. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 6:

To see if the Town will vote to change the purpose for which the following parcels are held from general municipal purposes to the purpose for conveyance and to authorize the Board of Selectmen to convey a maximum of 20.00 acres of Town property located on all or portions of parcels identified as Assessor Map 17, Lots 134, 137, and 138 consisting of approximately 55.95 acres off Quaker Meetinghouse Road; said property to be conveyed on such terms and conditions as the Selectmen deem to be in the best interests of the Town with any and all proceeds from such conveyance to be placed in the Stabilization Fund in accordance with M.G.L. c.40, §5B; or take any action relative thereto.

VOTED: That the Town change the purpose for which the following parcels are held from general municipal purposes to the purpose for conveyance, and to authorize the Board of Selectmen to convey a maximum of 20.00 acres of Town property located on all or portions of parcels identified as Assessors Map 17, Lots 134, 137 and 138 consisting of approximately 55.95 acres off Quaker Meetinghouse Road; said property to be conveyed on such terms and conditions as the Selectmen deem to be in the best interest of the Town, with any and all proceeds from such conveyance to be placed in the Stabilization Fund in accordance with Section 5B of Chapter 40 of the General Laws. This was a counted vote of 181 Yes and 67 No votes and was declared carried by the necessary two-thirds vote by the Moderator.

ARTICLE 7: To vote YES or NO on the following questions:

BALLOT QUESTION #1

Shall the Town of Sandwich be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to acquire the Agilent Technologies, Inc. property consisting of +/- 83.01 acres on Quaker Meetinghouse and Cotuit Roads.

YES _____ NO _____

BALLOT QUESTION #2

Shall an act passed by the general court in the year 2002, entitled, "An Act providing for a charter for the town of Sandwich" be accepted?

The charter establishes an open town meeting-board of selectmen-town administrator form of government. The board of selectmen will serve as the policy making body of the town, and will appoint a town administrator to carry out the day-to-day operations of the town within the policies set by the board of selectmen. The board of selectmen will appoint members of most committees and town counsel. The moderator will appoint the finance committee. The town administrator will appoint town employees, except that the approval of the board of selectmen will be required for appointment of department heads and the assistant town administrator. The town administrator will be responsible for submitting a proposed budget and budget message to the board of selectmen, and the

selectmen will review and forward the proposed budget to the finance committee.
Elected officials will be subject to recall.

YES _____ NO _____

The polls for the election will be open at 7:00 o'clock in the forenoon on said THURSDAY, THE TWENTY FIRST DAY OF NOVEMBER, 2002. The meeting was adjourned at 10:30 p.m.

The results of the election were as follows:

Ballot Question No. 1

Shall the Town of Sandwich be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to acquire the Agilent Technologies, Inc. property consisting of +/- 83.1 acres on Quaker Meetinghouse and Cotuit Roads?

	P1	P2	P3	P4	P5	P6	P6	Total
Yes	243	183	209	133	176	157	134	1,235
No	130	125	67	77	84	97	82	662
Blanks	4	1	0	0	0	1	0	6
Total	377	309	276	210	260	255	216	1,903

Ballot Question No. 2

Shall an act passed by the general court in the year 2002, entitled, "An Act providing for a charter for the town of Sandwich" be accepted?

The charter establishes an open town meeting-board of selectmen-town administrator form of government. The board of selectmen will serve as the policy making body of the town, and will appoint a town administrator to carry out the day-to-day operations of the town within the policies set by the board of selectmen. The board of selectmen will appoint members of most committees and town counsel. The moderator will appoint the finance committee. The town administrator will appoint town employees, except that the approval of the board of selectmen will be required for appointment of department heads and the assistant town administrator. The town administrator will be responsible for submitting a proposed budget and budget message to the board of selectmen, and the selectmen will review and forward the proposed budget to the finance committee. Elected officials will be subject to recall.

	P1	P2	P3	P4	P5	P6	P7	Total
Yes	263	215	209	142	189	170	145	1,333
No	101	91	63	63	66	80	66	530
Blanks	13	3	4	5	5	5	5	40
Total	377	309	276	210	260	255	216	1,903

The Polls were closed at 8:00 p.m. The total vote cast was 1,903. The total number of voters at the close of registration prior to the election was 13,668. The voting lists of the Ballot Clerks and Checkers were checked and found in order and agreed with Ballot Box totals.

There were absentee ballots cast as follows: Precinct 1, 39; Precinct 2, 41; Precinct 3, 36; Precinct 4, 8; Precinct 5, 12; Precinct 6, 18; Precinct 7, 14, for a total of 168

I certify that this is a true record of the Special Town Meeting held on November 18, 2002.

Barbara J. Walling
Town Clerk