

# TOWN OF SANDWICH

## 2006 ANNUAL TOWN MEETING

May 1, 2006

The Annual Town Meeting was called to order in the Sandwich High School auditorium by Moderator Garry Blank at 7:20 p.m. after ascertaining a quorum was present. The clerks checked in a total of 479 voters.

The Sandwich Schools Jazz Band under the direction of George Machon and Scott Thomas played selections from 6 to 7 p.m. The Moderator swore in the following volunteers from the American Government Club of Sandwich High School: Mackenzie Henderson, Andrew Parisi, James Steeves, Leia Pankovich, Christopher Wiklund, Philip Wuthrich, Michael McGrath, Alexander Terry, Cayla Tetzlaff and David Shorten as counters and Daniel Mantenfel and Jeremy Shea as timekeepers. Jamie L. Fallon of Sandwich High School sang "The Star Spangled Banner." William Diederling, Chairman of the Board of Selectmen, led the Pledge of Allegiance. The Reverend Bruce R. Bardon, pastor of Covenant Baptist Church, gave the invocation.

### ARTICLE 1

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

**The Moderator declared the reports received as printed in the Town Report.**

### ARTICLE 2

To see if the Town will vote to hear the report of the Finance Committee and to see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$57,447,048.00, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2006 to June 30, 2007 as itemized below in the third column entitled FY'07 Recommendation, or take any action relative thereto.

Clive Beasley, Chairman of the Finance Committee, gave the Finance Committee Budget Message: In the last fiscal year the voters of Sandwich authorized a 3.1 million dollar override to fund the operating budgets of the town. At that time town officials promised the voters to work to make sure that this financial supplement would not need to be repeated for at least three years. In order to meet that promise while continuing to provide for the needs of town services, safety and education, the Finance Committee, the Board of Selectmen, the School Committee, and the Town Administrator have prepared the budgets for fiscal year 2007, which begins July of 2006, by considering projections of both expenses and revenues through 2010.

The Finance Committee is a body of Sandwich citizens appointed by the Town Moderator who strives to appoint a group that is reflective of the overall diversity of opinions regarding fiscal and town matters that exists in town. Chapter 39, Section 16 of the Massachusetts General Laws provides the enabling legislation for Finance Committees and includes the following description: "Every town whose valuation for the purpose of apportioning the state tax exceeds one million dollars shall, and any other town may, by by-law provide for the election or the appointment and duties of appropriation, advisory or finance committees, who shall consider any or all municipal questions for the purpose of making reports or recommendations to the town." In Sandwich the Board of Selectmen presents the budget and warrant to the town and the Finance Committee issues its recommendations to the Town Meeting body, in essence acting as its adviser.

Beginning in the first part of calendar year 2006, the Finance Committee began meeting on almost a weekly basis to understand the fiscal conditions of the Town and to initiate deliberations about the specific amounts to be raised and appropriated by Town Meeting today. These meetings continued throughout the spring.

In order to fulfill the obligation not to return to the voters for another override at least until 2009, it was necessary to consider numerous scenarios of revenues and expenses. The budget process is, in many instances, more of an art than a science or mathematical exercise. It is hard to predict with any certainty just how much money will be required to deliver a service under changing conditions, just what the state will do relative to state aid, how property valuations will be impacted by economic conditions and all of the other imponderables which make up the complexity of municipal budgeting. But, the Board of Selectmen, the School Committee, the Town Administrator and the Finance Committee took the time to look into the future through 2010 and eventually settled on a recommended overall Operating Budget and Town Meeting expenditures.

In addition to needing to keep a lid on costs and raise an appropriate amount of revenue to cover these costs, another important objective was to maintain level services in all departments while adhering to what was eventually determined to be the optimal increase that the town could afford going forward set at 4 per cent. We all know that our own personal expenses seem to increase every year, fuel bills go up, insurance rises, and health care costs definitely climb. In addition, town departments through negotiation or based on personnel rules must pay their employees more each year. The charge to the administration of the town was to not reduce services while

utilizing no more than a 4 per cent increase to meet this flood of increasing expenses. The departments and overall administration of the town is to be credited with meeting this objective.

Sandwich Public Schools have long been faced by a state funding formula which apportions an inadequate amount of funding for each of the pupils in our system. In order to make up this discrepancy, more than the usual statewide average for schools' percentage of raised and appropriated local tax funding is used for the schools. Approximately 70 per cent of Sandwich's operating budget is dedicated to the schools. The town's average spending on a per pupil basis is close to the bottom in Massachusetts, with some municipalities with similar socio-economic profiles spending almost twice what we do. In addition the schools are now faced with the need to integrate statewide standards and frameworks into the curricula in order to better prepare students to excel on their testing scores which, for better or worse, now dominate the public educational system.

The schools' need to make changes while maintaining their current well-regarded educational system appears to require approximately 7 per cent to 8 per cent more funding according to school administrators and School Committee deliberations. The 4 per cent increase, although welcome, was inadequate to fund recommended initiatives to address current challenges. Although the Finance Committee was not able to immediately address this request for additional funding, it did feel there was a potential partial solution.

One of the hardest challenges inherent to setting a budget for the town in the spring is that we do not know what our total state aid will be, a number which represents about 20 per cent of our total spending. This money includes funding for the schools in the form of Chapter 70 funds. These numbers are not available until after the governor and legislature set a state budget and the so-called (because they are pink) cherry sheets which are the official notifications to the town of the next fiscal year's state aid and assessments are sent out. This is frequently not until well into the fiscal year beginning on July 1.

Projecting accurate revenue numbers when working with such tight margins and not knowing what 20 per cent of your income will be requires a policy decision as to just how to handle this situation when the budget is set in the spring. The decision made by the Board of Selectmen and supported by the Finance Committee was to assume no increases to state funding until the actual numbers were known. Although this approach means that this additional money, if it is actually appropriated by the legislature, will not be available to help either the schools or general government in this budget.

There is, though, another tactic many municipalities employ in this situation, which is to hold a special town meeting and raise, or lower, budgets at that time. In this way the real numbers are known and before setting a tax rate, which is the greatest source of revenue for the town at close to 65 per cent, Town Meeting can make a much more rational assessment and decision. The Finance Committee recommends that the Board of Selectmen call a Special Town Meeting upon receipts of the cherry sheet numbers to address school and general government needs, if the amount of Chapter 70 funding increases by at least \$165,000.

The Capital Budget at \$400,000 is a number not really meeting the capital needs of a municipality this size. The town's administration and employees are to be credited for "making do" with such a small budget. This year, on a one-time basis, the Finance Committee agrees to an additional \$235,000 requested by the Town Administrator and agreed to by the Board of Selectmen and Capital Improvement Planning Committee.

It should be pointed out that Sandwich is by all accounts running a very lean budget and set of operations. The schools' per pupil cost is in the lowest bracket in the Commonwealth of Massachusetts. General Government is functioning effectively with one of the lowest amounts on a per capita basis in the state meaning that public safety, public works and town government are all running stripped down departments in terms of numbers of employees compared to all other towns in Massachusetts. Sandwich's Stabilization Fund which most towns maintain for "rainy days" or emergencies has an effective balance of \$550,000, less than 1 per cent of its total budget. The accepted guideline for such a "savings" fund is 5 per cent of total expenses which would amount to some \$3,000,000.

With all of this, Sandwich is a desirable and pleasant town we can all be proud of. Town employees, board and committee members, and all the volunteers helping out are to be commended for a wonderful job. Democracy works when people become involved and engage.

Members of the Finance Committee are Mr. Beasley, Lisa P. Kirkwood, S. Michael Baker, Jean M. Hood, Linda Calmes Jones, Paul Kilty, Donald R. Leighton, Joanne O'Keefe, and Hank Sennott.

#### FY '07 BUDGET TOTALS

No.	Department	FY'05 Appropriated	FY'06 Appropriated	FY'07 Recommended
114	Moderator	450	450	450

123	Selectmen/Administrator	289,936	290,033	293,380
	Personnel Expenses	3,776	100,000	253,178
131	Finance Committee	2,200	2,200	2,200
135	Accounting	128,393	138,791	142,056
141	Assessing	287,855	289,662	299,204
145	Treasurer	153,246	161,864	166,744
146	Tax Collector	187,884	196,994	205,539
147	Tax Title	30,000	30,000	15,000
151	Legal	175,000	175,000	200,000
152	Human Resources	97,413	97,457	101,000
152	Town Clerk	120,389	127,562	130,012
162	Elections & Registrations	58,300	38,900	53,400
171	Natural Resources	105,651	107,930	167,597
175	Planning & Development	118,402	122,475	136,919
188	Recreation Center	3,500	0	0
189	JSD Building	12,400	0	0
190	Facilities Management	263,675	371,641	376,006
193	Town Hall	9,540.	0	0
194	Town Hall Annex	10,040	0	0
195	Town Reports	15,000	15,000	13,000
196	Bind Town Records	1,500	1,500	1,000
197	Data Processing	254,500	279,500	281,269
	<b>Total 100s</b>	<b>2,329,050</b>	<b>2,546,959</b>	<b>2,839,954</b>
210	Police Department	2,731,813	2,789,387	2,839,954
220	Fire Department	3,001,319	3,089,197	3,152,535
241	Inspections	189,381	190,992	196,696
244	Weights & Measures	2,000	1,200	1,200
291	Emergency Management	480	480	1,000
294	Forest Warden	1,200	1,200	1,200
297	Bourne Shellfish	4,000	4,000	4,000
299	Greenhead Fly	1,500	1,500	1,500
	<b>Total 200s</b>	<b>5,931,693</b>	<b>6,077,956</b>	<b>6,130,149</b>
300	School Department	25,179,724	26,070,445	27,113,263
313	UCCRTS	920,548	1,057,273	1,261,967
	<b>Total 300s</b>	<b>26,100,272</b>	<b>27,127,718</b>	<b>28,375,230</b>
410	DPW – Engineering	120,753	120,771	121,297
420	DPW – Highways	1,414,563	1,093,554	1,157,677
421	Snow & Ice	250,003	250,004	250,005
424	Streetlights	26,000	23,500	23,500
435	DPW – Sanitation	721,288	748,716	780,069
	<b>Total 400s</b>	<b>2,259,607</b>	<b>2,236,545</b>	<b>2,332,548</b>
510	Health Department	142,995	144,749	146,986
522	Nursing Department	90,593	91,915	90,902
541	Council on Aging	115,527	116,617	122,671
543	Veterans Services	30,806	30,806	28,991
544	Human Services Building	11,040	0	0
547	Disabilities Commission	500	500	500
	<b>Total 500s</b>	<b>391,461</b>	<b>384,587</b>	<b>390,050</b>
610	Library	682,104	730,602	759,826
629	Youth Task Force	500	500	500
630	Recreation Department	54,742	54,455	58,239
650	DPW – Parks	20,425	20,250	23,250
670	Archives	2,500	2,500	2,500
671	Hoxie House/Grist Mill	0	0	0
693	Memorial Day	1,200	1,200	1,200
694	Historic District	11,000	11,000	11,000
	<b>Total 600s</b>	<b>708,988</b>	<b>772,471</b>	<b>820,507</b>
	<b>TOTAL TOWN BUDGET</b>	<b>772,471</b>	<b>820,507</b>	<b>856,515</b>
	<b>OPERATING SUBTOTAL</b>	<b>37,784,544</b>	<b>39,194,272</b>	<b>40,924,446</b>
135	Marina & SHGC Indirect Cost Transfers			22,200
630	Beach & Recreation Account Transfers			165,875
645	Community Preservation Act Debt			1,017,242

650	Cemetery Trust Fund Transfer			22,000
	INTER-FUND TRANSFERS			1,227,317
	SUBTOTAL			
132	Reserve Fund			400,000
540	Social Services Programs			21,200
710	Short Term Debt			75,000
750	Debt			5,838,067
910	Group Health Insurance			6,250,000
912	Medicare			369,215
940	Property & Liability Insurance			722,416
941	Unemployment Account			50,000
950	Retirement Assessment			1,766,060
	OTHER ACCOUNTS SUBTOTAL			15,491,958
	FY'07 BUDGET TOTAL:			57,643,721
Note	Expected Appropriation under	Article 2		57,447,048
	Expected Appropriation under	Article 3		196,673
	Total Expected FY'07 Budget	Appropriation		57,643,721

**VOTED:** The Town hear the report of the Finance Committee and raise and appropriate \$54,894,984.58; transfer and appropriate \$324,746.42 from Surplus Revenue; transfer and appropriate \$750,000.00 from the ambulance receipts reserved for appropriation account, transfer and appropriate \$250,000.00 from overlay releases; transfer and appropriate \$1,017,242.00 from Community Preservation Act funds; transfer and appropriate \$7,200.00 from Sandwich Marina funds; transfer and appropriate \$165,875.00 from the beach parking receipts reserved for appropriation account; transfer and appropriate \$22,000.00 from cemetery trust funds; and transfer and appropriate \$15,000.00 from the Sandwich Hollow Golf Club enterprise fund to defray Town expenses for the Fiscal Year 2007 as itemized in the third column entitled FY'07 Recommendation, as printed in the Warrant under Article 2, and set the compensation of elected officials as follows:

Moderator	450.00
Chairman, Board of Selectmen	2,000.00
Selectmen – 4 each	1,500.00
Chairman, Board of Assessors	1,500.00
Assessors – 2 each	1,000.00
Town Clerk	53,182.00
Town Collector	53,107.00

This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

#### ARTICLE 3

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money from the Stabilization Fund for the FY'07 budget, or take any action relative thereto.

**VOTED:** That the Town transfer and appropriate \$196,673.00 from the Stabilization Fund for funding the FY'07 budget. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

At 8:25 p.m. the meeting was temporarily recessed and the Special Town Meeting was convened by the Moderator.

#### SPECIAL TOWN MEETING, MAY 1, 2006

#### ARTICLE 1

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, said funds to be expended under the direction of the Board of Selectmen, for the purpose of reducing a projected FY'06 deficit in the Snow and Ice Account, or take any action relative thereto.

**UNANIMOUSLY VOTED:** That the Town transfer and appropriate \$137,369.62 from Surplus Revenue for funding the Fiscal Year 2006 Snow and Ice deficit.

#### ARTICLE 2

To see if the Town will vote to transfer and appropriate the sum of \$135,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, from the Beach and Recreation Account for the purpose of providing beach facility improvements in accordance with the following list, with any unexpended balance for each item identified below able to be

expended for additional beach facility improvements under the direction of the Board of Selectmen, or take any action relative thereto.

Oakcrest Cove	90,000.00
Ryder Conservation Property	25,000.00
East Sandwich Beach	10,000.00
Expansion of Workcamper Program	10,000.00

**VOTED: That the Town transfer and appropriate \$135,000.00 from the beach parking receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, for the capital improvement and repair projects listed in the warrant under Article 2, with any unexpended balance for each item identified below able to be expended for additional beach facility improvements under the direction of the Board of Selectmen.**

**The Moderator then adjourned the Special Town Meeting and reconvened the Annual Town Meeting.**

**ARTICLE 4**

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 \$635,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing and repairing equipment, vehicles, and buildings, and providing related services in accordance with the following list, with any unexpended balance for each item identified below to be placed in the Building Repairs/Capital Purchases account to be expended under the direction of the Board of Selectmen:

Town Hall Copier	15,000.00
Annex Copier	12,000.00
Assessing Appraisal Software	35,000.00
Natural Resources Dump Trailer	12,000.00
Natural Resources Utility Trail Vehicle	15,000.00
Windows Upgrade of Financial Software	30,000.00
Police Station Renovations	25,000.00
Fire Engine Lease Payment	70,000.00
Remount Ambulance	115,000.00
Fire Prevention Vehicle	35,000.00
DPW Tractor	100,000.00
DPW Trailer	60,000.00
Human Services Building Copier	12,000.00
School Special Education Vehicles	50,000.00
Oak Ridge School Floor Cleaning Machine	11,000.00
Trail Maintenance Equipment & Signage	3,000.00
Murkwood Property Electricity & Alarm Work	4,000.00
Conservation Land Gates	4,000.00
Facilities Management Mower	8,000.00
Facilities Management Flail Mower Attachment	6,000.00
DPW Recycling Container	7,000.00
Oak Ridge School Window Repairs	4,000.00
Building Repairs/Capital Purchases	2,000.00

And further,

To see if the Town will vote to transfer and appropriate the sum of \$152,710.04, or any other amount to be expended under the direction of the Board of Selectmen from the following unexpended balances from prior capital projects for the purpose of funding the Building Repairs/Capital Purchases listed above.

Foster Road Culvert	39,150.34
Appraisal Software Encumbrance	107.15
Natural Resources Vehicle Purchase & Improvements	248.45
Planning & Development Consultant Encumbrance	1,800.00
Various Town Building Repairs	48,983.58
Data Processing Improvements	2,965.86
Fire Vehicle Purchases	1,750.26
School Department Repairs	1,303.85
DPW Vehicle & Repairs	5,631.38
Health Department Vehicle	272.00
Nursing Department Repairs	918.73
Marina Repairs	38,375.92
Parks Tree Funds	10,426.00
Selectmen Disability Funds	776.52

Or take any action relative thereto.

Mr. George H. Dunham, Town Administrator, gave the Capital Improvement Planning Committee report as follows: The Capital Improvement Planning Committee has asked that I speak on their behalf for this article. All of the items listed in this article have been supported unanimously by the CIPC, Finance Committee, and Board of Selectmen.

The first part of the article lists the items approved for purchase as part of the recommended \$635,000 capital budget appropriation. They include replacing several copiers, data processing software upgrades, and several large vehicle replacements – remounting an ambulance, lease payment #2 on a Fire Engine, a Fire Prevention Officer vehicle, a DPW tractor and trailer for Transfer Station operations, and (2) School Special Education vehicles. Any amounts not spent can be used on other building repairs and capital purchases approved by the CIPC and Selectmen.

The second part of the article reappropriates \$152,710.04 in unexpended balances from prior capital budget appropriations to help cover the cost of the \$635,000 capital budget. Relevant department heads have confirmed that the projects and purchases summarized in the Warrant have all been completed or are no longer needed and can be released and reappropriated for the FY'07 capital budget. This is one of the main reasons \$635,000 is being recommended this year as opposed to the usual \$400,000 amount that has been requested the last several years.

**VOTED: That the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$482,289.96 from Surplus Revenue and transfer and appropriate \$152,710.04 of unexpended balances as listed in the warrant under Article 4, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing and repairing equipment, vehicles, and buildings, and providing related services as listed in Article 4 of the warrant, with any unexpended balance for each item identified below to be placed in the Building Repairs/Capital Purchases account to be expended under the direction of the Board of Selectmen. 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 FY'06 income from the Hoxie House and Grist Mill for the FY'07 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 Fiscal Year 2006 income from the Hoxie House and Grist Mill for the Fiscal Year 2007 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 6**

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53F½ to raise and appropriate or transfer from available funds a sum of money, to be expended under the direction of the Board of Selectmen, for the purpose of establishing the FY'07 operating budget for Sandwich Hollows Golf Club, or take any action relative thereto.

**VOTED: That the Town transfer and appropriate \$950,451.00 to be expended under the direction of the Board of Selectmen for establishing the Fiscal Year 2007 operating budget for Sandwich Hollows Golf Club. This was a voice vote and declared carried by the Moderator.**

#### **ARTICLE 7**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$21,559.50, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'07 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$21,559.50 from the Sandwich Promotions Fund, to be expended under the direction of the Board of Selectmen, for funding the Fiscal Year 2007 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997.**

#### **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'07, 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 Fiscal Year 2007.**

## ARTICLE 9

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 reconstructing and making extraordinary repairs to the Upper Shawme Pond Dam, including any costs incidental and related thereto, and to authorize the Board of Selectmen to enter into any and all contracts necessary to carry out such project, provided that said appropriation shall be contingent upon the passage of a so-called Proposition Two and One-half capital outlay expenditure in accordance with M.G.L. c.59, §21C(1 ½), or take any action relative thereto.

**VOTED: That the Town raise and appropriate \$400,000.00, to be expended under the direction of the Board of Selectmen, for the purpose of reconstructing and making extraordinary repairs to the Upper Shawme Pond Dam, including any costs incidental and related thereto contingent upon the passage of a Proposition Two and One-half capital outlay expenditure in accordance with M.G.L. c.59, §21C(1 ½). This was a hand count, 278 Yes and 106 No and was declared carried by the Moderator.**

## ARTICLE 10

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2007 Community Preservation budget and to appropriate from the Community Preservation Fund Fiscal Year 2007 estimated annual revenues the sum of \$50,000.00 or any other sum, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2007; and further to reserve for future appropriation a sum of money from the Community Preservation Fund estimated annual revenues for open space, historic resources, and community housing purposes, as well as a sum of money to be placed in the 2007 Budgeted Reserve for general Community Preservation Act purposes; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as recommended by the Community Preservation Committee; or take any other action in relation thereto.

Robert S. Hoxie, Chairman of the Community Preservation Committee, gave the following report: A year ago Town Meeting voted to convert from the Cape Cod Land Bank to the Community Preservation Act making its 3 per cent tax assessment and new state matching funds available for historic preservation, open space and recreation, and community housing.

The Community Preservation Committee is made up of a representative from the Conservation Commission, the Recreation Committee, the Sandwich Housing Authority, the Historic Commission, the Planning Board, and four members at large.

Tonight, the CPC is pleased to present its first slate of projects to Town Meeting in the following six articles. It feels that they represent a balanced and judicious use of Community Preservation funds and recommends their approval.

**VOTED: That the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2007 Community Preservation budget and transfer and appropriate \$50,000.00 from the Community Preservation Fund Fiscal Year 2007 estimated annual revenues, to be expended under the direction of the Board of Selectmen, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2007; and further reserve for future appropriation from the Fiscal Year 2007 Community Preservation Fund estimated annual revenues the following sums: \$232,140.82 for open space; \$232,140.82 for historic resources; \$232,140.82 for community housing purposes; and \$1,624,985.74 to be placed in the 2007 Budget Reserve for general Community Preservation Act purposes. This was a voice vote and declared carried by the Moderator.**

## ARTICLE 11

To see if the Town will vote to transfer from the Community Preservation Fund for historic resources under the Community Preservation Act the sum of \$65,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of completing preservation repairs and improvements to the Hoxie House, or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$65,000.00 from the Community Preservations Fund fund balance for historic resources purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of performing preservation repairs and improvements to the Hoxie House.**

## ARTICLE 12

To see if the Town will vote to transfer from the Community Preservation Fund for historic resources purposes under the Community Preservation Act the sum of \$8,500, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of performing preservation architectural and other professional services for the First Church of Christ; and further, to authorize the Board of Selectmen to enter into a grant agreement, on such

terms and conditions as the Board of Selectmen deems appropriate, with said church setting forth the conditions under which such funds may be expended; or take any other action relative thereto.

**VOTED: That the Town transfer and appropriate \$8,500.00 from the Community Preservation Fund fund balance for historic resources purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of performing preservation architectural and other professional services for the First Church of Christ, and further, authorize the Board of Selectmen to enter into a grant agreement, on such terms and conditions as the Board of Selectmen deems appropriate, with said church setting forth the conditions under which such funds may be expended. This was a voice vote and declared carried by the Moderator.**

#### **ARTICLE 13**

To see if the Town will vote to transfer from the Community Preservation Fund for community housing purposes under the Community Preservation Act the sum of \$110,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of supporting a rental assistance affordable housing program through the Sandwich Housing Authority; and further, to authorize the Board of Selectmen to enter into a grant agreement, on such terms and conditions as the Board of Selectmen deems appropriate, with said Housing Authority setting for the conditions under which such funds may be expended; or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$110,000.00 from the Community Preservation Fund fund balance for community housing purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of supporting a rental assistance affordable housing program through the Sandwich Housing Authority, and further, authorize the Board of Selectmen to enter into a grant agreement, on such terms and conditions as the Board of Selectmen deems appropriate, with said Housing Authority setting for the conditions under which such funds may be expended.**

#### **ARTICLE 14**

To see if the Town will vote to transfer from the Community Preservation Fund for community housing purposes under the Community Preservation Act the sum of \$40,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for engineering, architectural and other professional services to determine the feasibility of expanding the affordable housing program off George Fernandez Way through the Sandwich Housing Authority; and further, to authorize the Board of selectmen to enter into a grant agreement, on such terms and conditions as the Board of Selectmen deems appropriate, with said Housing Authority setting for the conditions under which such funds may be expended; or take any other action relative thereto.

**VOTED: That the Town transfer and appropriate \$40,000.00 from the Community Preservation Fund fund balance for community housing purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for engineering, architectural and other professional services to determine the feasibility of expanding the affordable housing program off George Fernandez Way through the Sandwich Housing Authority, and further, authorize the Board of Selectmen to enter into a grant agreement, on such terms and conditions as the Board of Selectmen deems appropriate, with said Housing Authority setting for the conditions under which such funds may be expended. This was a voice vote and declared carried by the Moderator.**

#### **ARTICLE 15**

To see if the Town will vote to transfer from the Community Preservation Fund for community housing purposes under the Community Preservation Act the sum of \$150,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, to support an affordable housing retention program through the Housing Assistance Corporation; and further, to authorize the Board of Selectmen to enter into a grant agreement, on such terms and conditions as the Board of Selectmen deems appropriate, with said Housing Assistance Corporation setting for the conditions under which such funds may be expended; or take any other action relative thereto.

**VOTED: That the Town transfer and appropriate \$150,000.00 from the Community Preservation Fund fund balance for community housing purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, to support an affordable housing retention program through the Housing Assistance Corporation, and further, authorize the Board of Selectmen to enter into a grant agreement, on such terms and conditions as the Board of Selectmen deems appropriate, with said Housing Assistance Corporation setting for the conditions under which such funds may be expended. This was a voice vote and declared carried by the Moderator.**



## **ARTICLE 16**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, on such terms and conditions as the Board of Selectmen deems appropriate, all or a portion of the land and improvements thereon identified as Assessors Map 25, Lot 13 consisting of approximately 28.00 acres off Popple Bottom Road, said premises believed to be owned by William F. Makepeace in care of John O. Drew, for open space purposes under the Community Preservation Act and for the purpose of conveyance to the Sandwich Water District for water protection and supply purposes; and to appropriate the sum of \$900,000.00, or any other amount, for said acquisition; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$900,000.00 and issue bonds and notes therefore pursuant to G.L. c.44B, §11, or any other enabling authority; and further, to authorize the Board to convey all or a portion of said property to the Sandwich Water District for water protection and supply purposes, and for the purpose of conveying necessary easements to the Sandwich Water District; or take any action relative thereto.

**VOTED: That the Town authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, on such terms and conditions as the Board of Selectmen deems appropriate, all or a portion of the land and improvements thereon identified as Assessors Map 25, Lot 13 consisting of approximately 28.00 acres off Popple Bottom Road, said premises believed to be owned by William F. Makepeace in case of John O. Drew, for open space purposes under the Community Preservation Act and for the purpose of conveyance to the Sandwich Water District for water protection and supply purposes; and as funding therefore, to appropriate \$900,000.00, for said acquisition; and authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said \$900,000.00 and issue bonds and notes therefore pursuant to G.L. c.44B, §11, or any other enabling authority; and further, authorize the Board to convey all or a portion of said property to the Sandwich Water District for water protection and supply purposes, and for the purpose of conveying necessary easements to the Sandwich Water District; and further, authorize the Board of Selectmen to accept from said Water District a deed restriction in said property meeting the requirements of G.L. c. 184, §§31-34 and to grant a non-profit, charitable corporation or foundation a deed restriction or restrictions in the remainder of said property meeting the requirements of G.L. c. 184, §§31-34. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.**

## **ARTICLE 17**

To see if the Town will vote to confirm the vote of the 2005 Annual Town Meeting under Article 16 to authorize the Board of Selectmen to file special legislation to amend the Town Charter to change the office of Tax Collector from an elected office to an appointed office, or take any action relative thereto.

**VOTED: That the Town confirm the vote of the 2005 Annual Town Meeting under Article 16 to authorize the Board of Selectmen to file special legislation to amend the Town Charter to change the office of Tax Collector from an elected office to an appointed office. This was a voice vote and declared carried by the Moderator.**

## **ARTICLE 18**

To see if the Town will vote pursuant to M.G.L. c.40, §4A to authorize the Board of Selectmen and Board of Health to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, on such terms and conditions as the Board of Selectmen and Board of Health deem to be in the best interests of the Town, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen and Board of Health pursuant to M.G.L. c.40, §4A to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, on such terms and conditions as the Board of Selectmen and Board of Health deem to be in the best interests of the Town.**

## **ARTICLE 19**

To see if the Town will vote to transfer the care, custody, control and management from the Conservation Commission for conservation purposes to the Conservation Commission for conservation purposes and also for the purpose of conveyance of non-exclusive easements for public utility purposes and will authorize the Board of Selectmen and Conservation Commission, on such terms and conditions as the Board of Selectmen and Conservation Commission may determine, to convey necessary non-exclusive easements for public utility purposes to NSTAR, or any other public utility, on the Ryder Conservation Area, as shown on Assessors Maps 8, Lots 1, 3, and 198 consisting of approximately 242.93 acres; and further to authorize the Board of Selectmen to petition the General Court for special legislation authorizing this transfer and the conveyance of said easements pursuant to Article 97 of the Massachusetts Constitution;

**And further,**

To see if the Town will vote to authorize the Board of Selectmen, on such terms and conditions as the Board of Selectmen may determine, to convey necessary non-exclusive easements for public utility purposes to NSTAR, or any other public utility, on the Oakcrest Cove property, as shown on Assessors Map 17, Lot 196 consisting of approximately 83.01 acres;

Or take any action relative thereto.

**UNANIMOUSLY VOTED: To approve Article 19 as printed in the warrant.**

#### **ARTICLE 20**

To see if the Town will vote to rescind \$208,000.00 of the Land Bank authorization granted by the 2004 Annual Town Meeting under Article 39 which authorized the Board of Selectmen to acquire a parcel of land identified as Assessors Map 14, Lot 322 consisting of approximately 2.48 acres off Farmersville Road, said premises believed to be owned by Erik J. and Mark A. VanBuskirk, which the Town was unable to acquire, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town rescind \$208,000.00 of the Land Bank Authorization granted by the 2004 Annual Town Meeting under Article 39 which authorized the Board of Selectmen to acquire a parcel of land identified as Assessors Map 14, Lot 322, consisting of approximately 2.48 acres off Farmersville Road, said premises believed to be owned by Erik J. and Mark A. VanBuskirk, which the Town was unable to acquire.**

#### **ARTICLE 21**

To see if the Town will vote to accept the layouts of the streets listed below, 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 the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, 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 authorize the Board of Selectmen, on such terms and conditions as the Board of Selectmen may determine, to convey necessary easements within said streets for public health and water protection purposes, including monitoring wells, to the United States of America Department of the Army and/or any other such public entity associated with the Massachusetts Military Reservation, or take any action relative thereto.

Dogwood Drive (private portion)  
Grand Oak Road (private portion)  
Pleasantwood Drive (private portion)  
Ladyslipper Lane  
Lichen Lane  
Windsong Road

**VOTED: That the Town vote to accept the layouts of Dogwood Drive (private portion), Grand Oak Drive (private portion), Pleasantwood Drive (private portion), Ladyslipper Lane, Lichen Lane, and Windsong Road, 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, authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, on behalf of the Town such land as may be necessary therefore, and to raise and appropriate \$6.00 for said purpose; and further authorize the Board of Selectmen, on such terms and conditions as the Board of Selectmen may determine, to convey necessary easements within said streets for public health and water protection purposes, including monitoring wells, to the United States of America Department of the Army and/or any other such public entity associated with the Massachusetts Military Reservation. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.**

#### **ARTICLE 22**

To see if the Town will vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under M.G.L. c.59, §5, Clause 41A, the so-called Property Tax Deferral for Seniors program, from 8.0% to 5.0%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2006, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town reduce the rate of interest that accrues on property taxes deferred by eligible seniors under M.G.L. c.59, §5, Clause 41A, the so-called Property Tax Deferral for Seniors Program, from 8.0% to 5.0%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2006.**

#### **ARTICLE 23**

**Whereas,**

Health care coverage has become less affordable and less available to growing numbers of people in our community, despite all efforts to date at both the state and federal level; and

Each person who lacks adequate health care coverage faces increased risks of illness, disability, and premature death. Our region has well above state-average rates of uninsured- and underinsured- people; and

The families of such individuals are faced with growing out-of-pocket costs. These families must now confront the soaring expenses of health coverage, and the worry about bankruptcy or impoverishment in the event of serious illness. Their caregiver stress increases with the need to provide more and more uncovered care; and

Small businesses face the soaring expenses of covering their employees: health premiums, passing some of these costs along to employees in the form of rising premiums and out-of-pocket payments. Our regional predominance of small businesses and self-employed individuals is, understandably, a key factor in the low rates of health care coverage; and

Our Town governments struggle with the costs of health coverage for town employees. We the people are regularly forced to choose among other important and accustomed community services for budget cuts; and

Our community health care providers and institutions are caught in the inescapable financial squeeze of rising administrative costs and declining reimbursements. They are forced to reduce staffing, cut services, or close. Access to care for all they serve is diminished.

**And whereas,**

These consequences represent losses in quality of life for many (if not all) members of the Cape and Islands community, and a threat to our collective welfare.

**Now Therefore:**

We call upon Town officials to petition our County Government to support the development of a proposed regional universal health care program, known as Cape Care, which would, at a minimum, meet these criteria:

- provide board health care coverage for ALL residents of the Cape and Islands, to improve individual and community health; and
- control health care cost inflation by reducing excessive administrative expenses, as well as through bulk discount purchasing of necessary medications and medical supplies; and
- shape health care delivery to meet community needs for appropriate care, through a representative policy-making board of community members and health care providers; and
- strengthen the ability of our existing network of health care providers and institutions to provide high-quality care, by assuring adequate funding for necessary services.

We call for a public hearing process in Barnstable County, to include analysis of the proposed plan's organization and governance, its expected effects on community health, and its financial modeling, to be initiated by the end of the year 2006.

**The Clerk of the Town is instructed to give Notice of Passage of this Resolution to all Representatives at the County, State and Federal level.** (Submitted By Petition)

**VOTED: This was a hand count, 110 Yes and 134 No and was declared not carried by the Moderator.**

**ARTICLE 24**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$895,197, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2005 to June 30, 2006 as itemized below in the column entitled "Recommended FY '07 Total," or take any action relative thereto.

Nos.	Department(s)	Approp. FY'05 Total	Approp. FY'06 Total	Recommended FY'07 Total
300.1000	School Department, Technology Services	0	0	180,000
300.1000	School Department, Curriculum Initiative	0	0	165,000
300.2300	School Department, Teaching	12,057,598	12,305,829	396,000
300.2400	School Department, Textbooks	0	345,000	85,000

300.2700	School Department, Guidance	237,615	268,870	34,200
300.3200	School Department, Health Services	225,576	235,105	19,997
300.4110	School Department, Custodial Services	744,411	852,363	15,000
	Total			895,197

It is the intent of this Article to allow for one or more motions that would give Town Meeting the opportunity to consider appropriating funds that would provide:

- A Technology Services Initiative that acquires new computer equipment and employs one, part-time network specialist (\$180,000)
- A Curriculum Initiative that provides six Educational Support Personnel in the elementary schools, six stipends at the high school, and professional development in reading and math (\$165,000)
- Teaching staff, to include one teacher at the Wing School, one teacher at the Oak Ridge School, two teachers at the Forestdale School, four teachers (English, Music, Math, Art) one Educational Support Personnel at the High School, one K-9 music teacher, and one Educational Support Personnel for k-8 music instruction (\$396,000)
- Partial textbook replacements (\$85,000)
- A social worker to service each of the elementary schools (\$34,200)
- A part-time nurse at the wing School (\$15,000)

(Submitted by Petition)

**UNANIMOUSLY VOTED: To indefinitely postpone Article 24.**

**ARTICLE 25**

To Elect the following Officers:

BOARD OF SELECTMEN, For Three Years

Vote for not more than one

	P1	P2	P3	P4	P5	P6	P7	TOTALS
George M. Hammond	199	167	196	180	180	140	141	1203
Frank Pannorfi	362	335	310	204	224	288	214	1937
All Others	3	0	1	0	1	1	2	8
Blanks	48	39	28	22	30	19	27	213
Total	612	541	535	406	435	448	384	3361

BOARD OF ASSESSORS, For Three Years

Vote for not more than one

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Nicholas E. Fernandes, Jr.	412	344	360	278	288	302	254	2238
All Others	0	1	2	1	2	2	4	12
Blanks	200	196	173	127	145	144	126	1111
Total	612	541	535	406	435	448	384	3361

MODERATOR, For Three Years

Vote for not more than one

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Garry N. Blank	203	146	139	102	101	105	94	890
Kevin Michael Flannigan	190	160	154	141	132	129	111	1017
Jan Levin Teehan	197	219	224	157	194	208	174	1373
All Others	0	0	1	0	0	0	1	2
Blanks	22	16	17	6	8	6	4	79
Total	612	541	535	406	435	448	384	3361

CONSTABLE, For Three Years

Vote for not more than one

	P1	P2	P3	P4	P5	P6	P7	TOTALS
James Joseph Sullivan	428	354	371	280	289	305	269	2296
All Others	2	0	1	3	1	0	0	7
Blanks	182	187	163	123	145	143	115	1058
Total	612	541	535	406	435	448	384	3361

SCHOOL COMMITTEE, For Three Years

Vote for not more than two

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Trish Lubold	269	254	212	155	191	196	116	1393
Shaun Cahill	300	234	212	151	169	190	141	1397
Richard J. England	113	111	103	84	122	86	121	740
Bob Guerin	234	186	260	173	191	182	136	1362
Linus T. Hart	148	142	129	94	105	96	92	806
Sarah M. Regan	153	143	125	118	135	177	126	977
James Michael Schneider	131	126	179	140	134	129	195	1034
All Others	0	3	2	0	1	4	0	10
Blanks	488	424	383	303	257	284	225	2364
Total	1836	1623	1605	1218	1305	1344	1152	10083

SCHOOL COMMITTEE, For One Year  
Vote for not more than 1

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Richard E. Longueil	298	281	236	155	175	195	99	1439
Robert F. Simmons, Jr.	210	164	223	192	204	196	258	1447
All Others	0	1	1	1	1	1	0	5
Blanks	104	95	75	58	55	56	27	470
Total	612	541	535	406	435	448	384	3361

BOARD OF HEALTH, For Three Years  
Vote for not more than one

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Rebecca Lovell Scott	425	345	368	274	298	309	265	2284
All Others	1	1	2	2	1	2	2	11
Blanks	186	195	165	130	136	137	117	1066
Total	612	541	535	406	435	448	384	3361

TRUSTEE, SANDWICH PUBLIC LIBRARY, For Three Years  
Vote for not more than 3

	P1	P2	P3	P4	P5	P6	P7	TOTALS
David Ernest Goehringer	427	361	371	275	299	311	265	2309
Vivien B. Kellerman	23	20	10	8	19	10	5	95
Joseph V. Maruca	17	12	12	2	10	4	5	62
All Others	14	6	6	0	5	1	8	40
Blanks	1355	1224	1206	933	972	1018	869	7577
Total	1836	1623	1605	1218	1305	1344	1152	10083

TRUSTEE, WESTON MEMORIAL FUND, For Three Years  
Vote for not more than 1

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Geoffrey F. Lenk	421	346	375	273	289	306	262	2272
All Others	1	2	0	0	1	1	1	6
Blanks	190	193	160	133	145	141	121	1083
Total	612	541	535	406	435	448	384	3361

PLANNING BOARD, For Three Years  
Vote for not more than 2

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Joshua Greeley	337	303	320	251	260	266	235	1972
Paul Michael Taverna	338	280	288	219	228	236	209	1798
All Others	1	3	1	2	1	3	0	11
Blanks	548	496	461	340	381	391	324	2941
Total	1224	1082	1070	812	870	896	768	6722

PLANNING BOARD, For One Years  
Vote for not more than 1

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Peter Watts	420	338	357	265	300	300	265	2245
All Others	2	3	0	1	1	2	2	11
Blanks	190	200	178	140	134	146	117	1105
Total	612	541	535	406	435	448	384	3361

SANDWICH HOUSING AUTHORITY, For Five Years  
Vote for not more than 1

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Daniel N. DiGiandomenico	407	336	354	268	294	302	271	2232
Richard Johnson	14	8	5	2	15	4	5	53
All Others	4	4	2	2	3	6	4	25
Blanks	799	734	709	540	558	584	488	4412

Total	1224	1082	1070	812	870	896	768	6722
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**BALLOT QUESTION #1**

Shall the Town of Sandwich be allowed to assess an additional \$400,000 in real estate and personal property taxes for the purposes of reconstructing and making extraordinary repairs to the Upper Shawme Pond Dam, including any costs incidental and related thereto, for the fiscal year beginning July first two thousand and six?

Ballot Question No. 1	P1	P2	P3	P4	P5	P6	P7	TOTALS
Yes	308	224	249	143	168	199	130	1421
No	262	285	240	225	238	219	229	1698
Blanks	42	32	46	38	29	30	25	242
Total	612	541	535	406	435	448	384	3361

The Polls were closed at 8:00 p.m. The total vote cast was 3,361, which is 22.5 per cent of the voters. The total number of voters at the close of registration prior to the election was 14,929. The voting lists of Ballot Clerks and Checkers were checked and found in order and agreed with Ballot Box totals.

The number of absentee ballots cast was 132, which included P1 – 34, P2 – 37, P3 – 20, P4 – 4, P5 – 14, P6 – 12, P7 – 11.

I certify that this is a true record of the Annual Town Meeting and Election held on May 1 and May 4, 2006.

Barbara J. Walling  
Town Clerk

After the filing of the proper recount petitions by Richard E. Longueil, a recount of the one-year unexpired term for School Committee was scheduled by the Board of Registrars. The recount was held on Saturday, May 20, 2006 at 12:30 p.m. at the Sandwich Public Library. The results of the recount were as follows:

**SCHOOL COMMITTEE, For One Year**  
Vote for not more than 1

	P1	P2	P3	P4	P5	P6	P7	TOTALS
Richard E. Longueil	300	281	236	155	176	197	99	1444
Robert F. Simmons, Jr.	211	164	225	192	203	196	258	1449
All Others	0	1	1	1	3	1	0	7
Blanks	103	95	73	58	53	54	27	461
Total	612	541	535	406	435	448	384	3361

I certify that this is a true record of the recount held on May 20, 2006.

Barbara J. Walling  
Town Clerk

**TOWN OF SANDWICH  
SPECIAL TOWN MEETING  
September 25, 2006**

The Special Town Meeting was called to order by Moderator Jan Levin Teehan at 7:30 p.m. after ascertaining a quorum was present. The clerks checked in a total of 1079 voters. The total number of voters for this meeting was 15,014. Selectman F. Randal Hunt led the Pledge of Allegiance.

The Moderator swore in the following persons to serve as tellers: John S. Jillson, Assistant Town Moderator; Penelope J. Blackwell, Elaine Davis, Rene L. Douglas, Patricia A. Emery, Rebecca G. Hewett, D. Stephen Hewett, Robert S. Jones, Judith E. Koenig, Alan D. MacKay, Veronica M. Mooney, Regina T. Peters, Frederick Sabetta, and Jonathan A. Shaw. Douglas A. Lapp, Assistant Town Administrator, was designated as timekeeper. The invocation was given by Reverend John H. Thomas, Rector Emeritus of St. John's Church.

**ARTICLE 1**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$165,000.00, or any other amount, to supplement the budget of the School Department for the Fiscal Year July 1, 2006 to June 30, 2007 as voted at the 2006 Annual Town Meeting, or take any action relative thereto.

Dana P. Barrette, Chairman of the School Committee, presented the following amendment: "Move that the main motion under Article 1 be amended to increase the supplemental appropriation for the School Department by \$413,242.00, for a total appropriation of \$578,242.00." The amendment received a counted vote of 765 Yes and 256 No and was declared carried by the Moderator. The main motion as amended was voted as follows:

**VOTED: That the Town raise and appropriate \$578,242.00 to supplement the budget of the School Department for Fiscal Year 2007. This was a voice vote and declared carried by the Moderator.**

**ARTICLE 2**

To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$215,000.00, or any other amount, to be expended under the direction of the Board of Selectmen for purpose of purchasing and repairing equipment 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 Repairs/Capital Purchases account to be expended under the direction of the Board of Selectmen:

School Department Information Technology	\$165,000.00
General Government Information Technology	\$ 50,000.00

or take any action relative thereto.

**VOTED: That the Town raise and appropriate \$50,000.00, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing and repairing equipment and providing related services for General Government information technology initiatives, with any unexpended balance to be placed in the Building Repairs/Capital Purchases account to be expended under the direction of the Board of Selectmen. This was a voice vote and declared carried by the Moderator.**

**ARTICLE 3**

"To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$578,000, or any other amount, to supplement the budget of the School Department for the Fiscal Year July 1, 2006 to June 30, 2006, as voted at the 2006 Annual Town Meeting as itemized below in the column entitled :STM FY'07 Recommendation," or take any action relative thereto.

Nos	Department(s)	FY'05 Appropriation	FY'06 Appropriation	ATM FY'07 Appropriation	STM FY'07 Recommendation
300	School Department	25,179,724	26,070,445	27,113,263	578,000

It is suggested to the School Department that the supplemental appropriation be used for the following purposes:

- A Technology Services Initiative that acquires new computer equipment and Employs one, part-time network specialist (\$185,000)
- A Curriculum Initiative that provides six Educational Support Personnel in the elementary schools, six stipends at the high school, and professional development in reading and mat (\$165,000)

- Partial textbook replacements (\$85,000)
- Contract social workers to serve each of the elementary schools (\$80,000)
- Increases to the budget for nursing services district-wide (\$46,000)
- Curriculum development stipends at the high school (\$16,000)

Submitted by Petition

A motion to indefinitely postpone the article was made and seconded.

**UNANIMOUSLY VOTED: It was voted to indefinitely postpone this article. This was a voice vote and declared unanimous by the Moderator.**

#### **ARTICLE 4**

To see if the Town will vote in accordance with M.G.L. c.40, §5B to raise and appropriate or transfer from available funds the sum of \$600,000.00, or any other amount, to the Stabilization Fund, or take any action relative thereto.

**VOTED: To raise and appropriate \$350,000.00 to be placed in the Stabilization Fund in accordance with M.G.L. c.40, §5B. This was a voice vote and declared passed by the required two-thirds majority.**

#### **ARTICLE 5**

To see if the Town will vote to transfer from the Community Preservation Fund estimated annual revenues for historic resources purposes under the Community Preservation Act the sum of \$400,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of replacing and completing repairs, renovations, improvements and related professional services to the Upper Shawme Pond Dam, or take any other action relative thereto.

Charles Kleekamp offered the following amendment: "Add to the article the words: 'The plans for the Upper Shawme Pond Dam shall include, but not be limited to, provisions for a historically appropriate and scenic open spillway, a footbridge over the spillway, and a portage accommodation to allow the transport of small watercraft from one pond to the other.'" **This amendment failed on a voice vote.**

**VOTED: That the Town transfer and appropriate \$400,000.00 from the Community Preservation Fund annual revenues for historic resources purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of replacing and completing repairs, renovations, improvements and related professional services to the Upper Shawme Pond Dam. This was a voice vote and declared carried by the Moderator.**

#### **ARTICLE 6**

To see if the Town will vote to transfer and appropriate the sum of \$9,500.00, or any other amount, to be expended under the direction of the Board of Selectmen, from the Beach and Recreation Account for the purpose of providing beach facility improvements and maintenance, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$9,500.00 from the beach parking receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, for the purpose of providing beach facility improvements and maintenance.**

#### **ARTICLE 7**

To see if the Town will vote to accept the layouts of the streets listed below, 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 the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, on behalf of the Town such land as may be necessary therefor, and to raise and appropriate or transfer from available funds a sum of money for said purpose; and further to authorize the Board of Selectmen, on such terms and conditions as the Board of Selectmen may determine, to convey necessary easements within said streets for public health and water protection purposes, including monitoring wells, to the United States of America Department of the Army and/or any other such public entity associated with the Massachusetts Military reservation, or take any action relative thereto.

Dogwood Drive (private portion)  
 Grand Oak Road (private portion)  
 Pleasantwood Drive (private portion)  
 Ladyslipper Lane  
 Lichen Lane



Windsong Road

**VOTED:** That the Town vote to accept the layouts of Dogwood Drive (private portion), Grand Oak Drive (private portion), Pleasantwood Drive (private portion), Ladyslipper Lane, Lichen Lane, and Windsong Road, 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, authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, on behalf of the Town such land as may be necessary therefore, and to raise and appropriate \$6.00 for said purpose; and further authorize the Board of Selectmen, on such terms and conditions as the Board of Selectmen may determine, to convey necessary easements within said streets for public health and water protection purposes, including monitoring wells, to the United States of America Department of the Army and/or any other such public entity associated with the Massachusetts Military Reservation. It was a voice vote and declared carried by the required two-thirds.

#### **ARTICLE 8**

To see if the Town will vote to accept, for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of G.L. c.39, §23D, which provides that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely to do the member's absence from one session of such hearing, provided that certain conditions are met, or take any other action relative thereto.

**VOTED:** That the Town accept the provisions of M.G.L. c.39, §23D for all boards, committees or commissions holding adjudicatory hearings in the Town, which provides that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met. This was a voice vote and declared carried by the Moderator.

#### **ARTICLE 9**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a Special Act, as set forth below, authorizing any licensing authority of the Town to deny an application for, or revoke or suspend, any local license or permit for any person, corporation or business enterprise found to be in violation of the provisions of Federal law prohibiting the employment of unauthorized aliens, as such term is defined from time to time by Federal law, and further to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any action relative thereto:

*An Act Concerning the Denial, Revocation or Suspension of  
Local Licenses and Permits in the Town of Sandwich for Violation of Federal Law  
Prohibiting Employment of Unauthorized Aliens*

**Section 1.** Notwithstanding the provisions of any general or special law to the contrary, and consistent with the provisions of 8 U.S.C. §1324a(h)(2), any board, officer, or department in the Town of Sandwich (the "local licensing authority"), may, in accordance with Section 3 of this act, deny any application for, or revoke or suspend, any local license or permit, including renewals and transfers, for any person, corporation or business enterprise conducting operations within the Town of Sandwich (the "applicant") who, having exhausted all administrative and judicial appeals provided under the laws of the United States has been found by the appropriate Federal authority to have hired, recruited or referred for a fee for employment any unauthorized alien in violation of 8 U.S.C. §1324a, or any other provision of Federal law from time to time governing the employment of such aliens.

**Section 2.** Any applicant for a local license or permit, at the time of initial application, or upon renewal, modification or transfer of any local license or permit, shall submit to the local licensing authority a certification, made under the penalties of perjury, in such form as the board of selectmen shall determine, stating whether the applicant has at any time been the subject of a final order finding a violation of any Federal law prohibiting the employment of unauthorized aliens, as such term is defined from time to time by Federal law.

**Section 3.** If the local licensing authority receives a written complaint or allegation made under the penalties of perjury, or otherwise has reasonable cause to believe that the applicant has been the subject of a final order issued pursuant to the provisions of 8 U.S.C. §1324a, or any other provision of Federal law prohibiting the employment of unauthorized aliens, the local licensing authority shall provide the applicant with notice of its intent to deny, revoke or suspend a local license or permit. Upon receipt of a written request from the applicant, made with 30 days of the

date said notice is sent, the local licensing authority shall provide a hearing with respect to the proposed denial, revocation or suspension of the local license or permit. Any such hearing shall be conducted before the local licensing authority, and the sole issue to be determined shall be whether there has been a final order citing the applicant for violation of Federal law pursuant to the procedures set out in 8 USCA, 1324A, or other applicable Federal law, or a finding on appeal by the U.S. Court of Appeals affirming such final order, or the time for filing of such an appeal has expired. In any such hearing, a certified copy of such final order shall constitute prima facie evidence of such order, and the validity or appropriateness of the final order shall not be subject to review.

**Section 4.** Notwithstanding the provisions of sections 1 through 3 of this act, if an applicant has been the subject of a final order issued pursuant to the provisions of 8 U.S.C. §1324a, the local licensing authority may waive the denial, revocation or suspension of any local license or permit for such reasons as the local licensing authority deems appropriate, including but not limited to the following considerations: the final order issued to the applicant relates to a so-called paperwork violation pursuant to the provisions of 8 U.S.C. §1324a(a)(1)(B); the applicant's history of previous violations; the size of the business of the applicant; the seriousness of any previous violations; and the good faith of the applicant. In determining whether to waive the denial, revocation or suspension of any local license or permit, the local licensing authority may request from the applicant whatever additional information or documentation as may be relevant to such decision.

**Section 5.** The board of selectmen may promulgate rules and regulations to effectuate the purposes of this Act. Notwithstanding the foregoing sentence, failure by the board of selectmen to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Act.

**Section 6.** This Act shall take effect immediately upon passage.

A motion was made and seconded to indefinitely postpone this article.

**VOTED: To indefinitely postpone. This was a counted vote, 582 Yes and 201 No.**

**ARTICLE 10**

"We the undersigned would like the board of selectmen to petition the legislature to increase the number of annual all alcohol licenses to the town of Sandwich." (Submitted by Petition.)

**VOTED: That the Town authorize the Board of Selectmen to petition the legislature to increase the number of annual all alcohol package store licenses issued to the Town of Sandwich by one through the filing of a Special Act to read as follows:**

**AN ACT AUTHORIZING THE TOWN OF SANDWICH TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES**

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

**SECTION 1.** Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the town of Sandwich may issue 1 additional license for the sale of all alcoholic beverages not to be drunk on the premises under Section 15 of said Chapter 138. The license shall be subject to all provisions of said Chapter 138 except said Section 17.

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

**This was a counted vote, 297 Yes, 174 No and declared carried by the Moderator.**

The meeting was adjourned at 10:30 p.m.

I certify that this is a true record of the Special Town Meeting held on September 25, 2006.

Barbara J. Walling  
Town Clerk