

## TOWN OF SANDWICH

### 2008 SPECIAL TOWN MEETING January 14, 2008

The Special Town Meeting was called to order in the Sandwich High School auditorium by Moderator Jan Levin Teehan at 7:00 p.m. The clerks checked in a total of 339 voters. The total number of eligible voters was 14,936. The Reverend Sandra L. Smith gave the invocation, and Thomas F. Keyes, Chairman of the Board of Selectmen, led the Pledge of Allegiance. The Moderator had sworn in the following Sandwich residents as counters: Nancy Crossman, Cynthia Denmat, Rene Douglas, Elizabeth Fox, Deborah Gannett, Jennifer Hamilton, Donald Hewitt, Rebecca Hewitt, James McIntosh, Karol Maybury, Regina Peters, and Priscilla Raftery. Douglas Lapp, Assistant Town Administrator, was timekeeper.

#### ARTICLE 1

To see if the Town will vote to appropriate under the Community Preservation Act – historic resources program, the sum of \$2,050,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and rehabilitating Sandwich Town Hall; that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose, and that the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow up to \$2,050,000.00 and issue bonds and notes therefor pursuant to M.G.L. c.44B, §11, or any other enabling authority; or take any other action relative thereto.

**VOTED: That the Town appropriate \$2,050,000 from the Community Preservation Fund historic resources reserve for historic resource purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and rehabilitating Sandwich Town Hall, and authorize the Treasurer, with the approval of the Board of Selectmen, to borrow up to \$2,050,000.00 and issue bonds and notes therefor pursuant to M.G.L. c.44B, §11, or any other enabling authority. This was a voice vote and declared passed by the required two-thirds vote.**

#### ARTICLE 2

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 \$25,000.00, or any other amount, from the Golf Enterprise Fund, to be expended under the direction of the Board of Selectmen, for the purpose of increasing the FY'08 operating budget for Sandwich Hollows Golf Club, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$25,000 from the Golf Enterprise Fund surplus revenue in accordance with the provisions of M.G.L. c.44, §53F½, to be expended under the direction of the Board of Selectmen, for the purpose of increasing the FY'08 operating budget for Sandwich Hollows Golf Club.**

#### ARTICLE 3

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53F½ to raise and appropriate or transfer from available funds a sum of \$80,000.00, or any other amount, from the Golf Enterprise Fund to be expended under the direction of the Board of Selectmen, for the purpose of replacing and make extraordinary repairs to the Sandwich Hollows Golf Club clubhouse windows, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$80,000 from the Golf Enterprise Fund surplus revenue in accordance with the provisions of M.G.L. c.44, §53F½, to be expended under the direction of the Board of Selectmen, for the purpose of replacing and make extraordinary repairs to the Sandwich Hollows Golf Club clubhouse windows.**

#### ARTICLE 4

To see if the Town will vote to authorize the Board of Selectmen to accept restrictive covenants from the Housing Assistance Corporation to the Town, as outlined in documents entitled "Restrictive Covenants" and "Acceptance of Deed" and dated July 31, 2007, copies of which are on file with the Town Clerk's Office, or take any action relative thereto.

**UNANIMOUSLY VOTED: That Town authorize the Board of Selectmen to accept restrictive covenants from the Housing Assistance Corporation to the Town, as outlined in documents entitled "Restrictive Covenants" and "Acceptance of Deed" and dated July 31, 2007, copies of which are on file with the Town Clerk's Office.**

#### ARTICLE 5

To see if the Town will vote pursuant to M.G.L. c.40, §4A to authorize the Board of Selectmen to enter into an intermunicipal agreement with one or more other governmental units to amend and extend the intermunicipal agreement for the Otis Regional Transfer Station on such terms and conditions as the Board of Selectmen deems 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 pursuant to M.G.L. c.40, §4A to enter into an intermunicipal agreement with one or more other governmental units to amend and extend the intermunicipal agreement for the Otis**

**Regional Transfer Station on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town.**

**ARTICLE 6**

To see if the Town will vote to authorize the Board of Selectmen to enter into lease or operating and management contracts with respect to any or all of the so-called Roberti Farm property identified as Assessors Map 87, Lot 80 for such period of time as the Board of Selectmen deems to be in the best interests of the Town, which may be in excess of ten years, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to enter into lease or operating and management contracts with respect to any or all of the so-called Roberti Farm property identified as Assessors Map 87, Lot 80 for such period of time as the Board deems to be in the best interests of the Town.**

**ARTICLE 7**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to increase the number of annual all alcohol package licenses issued to the Town by one, with said license to be issued to a business located in downtown Sandwich, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to petition the General Court to increase the number of annual all alcohol package licenses issued to the Town by one, with said license to be issued to a business located in downtown Sandwich.**

**ARTICLE 8**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, substantially in the form as set forth below, relating to the establishment of a Sandwich Economic Initiative Corporation; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

**AN ACT ESTABLISHING THE SANDWICH ECONOMIC INITIATIVE CORPORATION.**

*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.**

(a) The general court finds that:

(1) in the town of Sandwich unused, underused, substandard, undeveloped or underdeveloped areas exist;

(2) these areas constitute a menace, injurious and inimical threat to the health, safety and welfare of the residents of the town;

(3) these areas constitute an economic liability substantially impairing or arresting the sound growth of the town and retarding the economic well-being of the commonwealth;

(4) these areas decrease the value of private investments and threaten sources of public revenue;

(5) redevelopment of these areas in accordance with locally-approved community and economic development, capital improvement or other plans, including the town's master plan, for the elimination of these conditions and prevention of their recurrence is necessary to retain existing enterprises, attract new commercial, industrial or residential development and to promote the sound and orderly growth of the town;

(6) the existence of these unused, underused, undeveloped or underdeveloped areas makes persons unwilling or unable to do business in the town;

(7) the menace of these unused, underused or underdeveloped areas is beyond remedy and control solely by the regulatory process in the exercise of the police powers and cannot be dealt with effectively by the ordinary operations of private enterprise without the assistance provided in this act;

(8) that to prevent a recurrence of these conditions in these areas the improvement of sites for commercial, industrial or residential uses or for necessary public facilities in the areas, the disposition of property for redevelopment incidental to these improvements, the exercise of powers by the corporation, and any assistance which may be given by the town or any other public body in connection with these actions, are public uses and purposes for which public money may be expended; and

(9) the acquisition, planning, clearance, development, rehabilitation or rebuilding of these

unused, underused, substandard and undeveloped areas for commercial, industrial, residential, institutional and public facility purposes are public benefits for which public funds may be expended for the welfare of the town and the commonwealth.

(b) The general court further finds that:

(1) there exists in the town conditions of underemployment which cause hardship to many individuals and families, wastes vital human resources, increases the public assistance burden, impairs the security of family life, impedes the economic and physical development of the town and adversely affects the welfare and prosperity of its people;

(2) obsolete, inefficient or inadequate public facilities and infrastructure are causing injury to the town's economy; and

(3) the unaided efforts of private industry have not provided and cannot provide the necessary sites within the development zone due to problems in the assembly of suitable sites, the provision of adequate public facilities and services, the unavailability of private capital for development and the inability of private enterprise alone to plan, finance and coordinate feasible development projects.

(c) The general court further finds that:

(1) the town of Sandwich has a dire need to develop or redevelop public facilities and infrastructure to stimulate and support economic growth;

(2) without these public facilities and services the town cannot arrest the decline of, revitalize, stabilize or expand its economy or develop a sound, vibrant economic base; and

(3) the development, management and operation of public facilities in support of economic development are essential to the preservation and enhancement of the town's tax base and economy.

(d) The general court further finds that:

(1) the town of Sandwich has a dire need to protect and preserve open space and to develop affordable housing in order to support the objectives of balanced growth;

(2) without sufficient open space and housing affordable to a broad range of incomes, the town cannot develop and sustain a vibrant economic base; and

(3) the protection of open space and the provision of affordable housing are essential to the preservation and enhancement of the town's tax base and economy.

(e) The general court further finds that the purpose of the corporation shall be to serve as a catalyst for stimulating projects that improve the quality of life and help achieve Sandwich's vision for its future, while also being a catalyst for positive change and an advocate of solutions and opportunities for the town's business and economic development through programs, including but not limited to, cultural, historical, economic, housing, educational, industrial, professional, tourism and sports growth.

(f) The general court further finds that the purpose of the corporation shall also be to create a suitable living environment and to strengthen partnerships between all levels of government and non-profit and for-profit organizations in an effort to maximize social and economic opportunities available to the citizens of the town.

(g) The general court further finds that the purpose of the corporation shall also be to enhance the position, image and perception of the town as a desirable place to live, work, visit and invest by providing increased revenue and jobs to the town through programs of planned cultural, historical, economic, housing, educational, industrial, professional, and tourism and sports growth.

(h) The general court further finds a public corporation is necessary to address these and related public purposes. It is the purpose of the corporation created by this act to aid the town, other public agencies, private enterprises and non-profit organizations in the speedy and orderly development or redevelopment of unused, obsolete, underused or underdeveloped areas and in the development, operation and management of facilities and infrastructure necessary to support the economic vitality of the town.

**SECTION 2.** As used in this act the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Board of selectmen", the duly elected board of selectmen of the town of Sandwich.

"Board of directors", the managing body of the corporation consisting of members appointed thereto in accordance with section eight.

"Corporation", the Sandwich Economic Initiative Corporation established pursuant to this act.

"Development project",

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(1) a project to be undertaken in furtherance of the purposes of this act for acquisition or leasing by the corporation of land and improvements thereon and the development of the property so acquired;

(2) a project to be undertaken in furtherance of the purposes of this act for the rehabilitation or conservation of property or for the demolition, removal, rehabilitation or addition of improvements whenever necessary to carry out the purposes of this act;

(3) a project entailing the construction, improvement, or rehabilitation of infrastructure, public facilities, or both, in furtherance of the purposes of this act; or

(4) a project involving a combination of the foregoing types of projects. A development project may include improvements necessary for carrying out the objectives of the project together with such site improvements as are necessary for the preparation of any site for uses in accordance with locally-approved development plans as well as for making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise, including the sale, initial leasing or retention by the corporation for industrial, commercial, business, manufacturing or residential uses contemplated by a development plan. A development project may include the construction by the corporation of any of the buildings, structures or other facilities for industrial, commercial, business, manufacturing or residential uses contemplated by a development plan and the repair, removal or rehabilitation by the corporation of any of the buildings, structures or other facilities located in a development area which are to be repaired, moved or rehabilitated. A development project may also include a preservation project as defined by this act where limited development of land to be preserved primarily for conservation, farming, forestry, recreation or open space uses may be carried out by the corporation in order to finance the cost of acquiring the land and improvements thereon.

“Financial institution”, a banking corporation or institution, trust company, savings bank, cooperative bank, savings or loan association, insurance company or related corporate partnership, foundation or other institution engaged primarily in lending or investing funds.

“Town”, the town of Sandwich.

“Town administrator”, the duly appointed Town Administrator of the Town.

“Town meeting”, the direct democracy of town voters acting in lawfully convened session.

### **SECTION 3.**

(a) There shall be a body politic and corporate to be known as the Sandwich Economic Initiative Corporation. The corporation shall be a public instrumentality separate from the town, and shall not be considered an authority, board or committee of the town. The corporation is empowered to carry out the provisions of this act, and the exercise by the corporation of the powers conferred by this act shall be considered the performance of essential public and governmental functions.

(b) The purposes of the corporation shall be to promote the objectives set forth in section 1 as well as to promote the common good and general welfare of the town, to improve the living standards of its citizens by fostering the improvement of their employment opportunities and to solicit, encourage and induce business organizations and educational institutions to locate in the town with an emphasis on expanding the tax base of the town. The corporation shall assist and promote the development and expansion of business activities and business organizations in the town. In furtherance of the purposes named in this section, and in addition to the powers conferred on the corporation under the provisions of this act, the corporation shall, subject to the restrictions and limitations hereinafter provided, have the following powers:

(1) to sue and be sued in its own name, to plead and to be impleaded;

(2) to adopt by-laws and rules for the regulation of its affairs and the conduct of its business and to alter those by-laws and rules;

(3) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties;

(4) to receive and accept from any federal agency, the commonwealth or any political subdivision thereof any grants, loans or advances for or in aid of a development project or projects and to receive and accept contributions from any other source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which these grants, loans, advances and contributions may be made;

(5) to invest any funds not required for immediate use or disbursement in certificates of deposit or in obligations of the government of the United States or in obligations guaranteed by the government of the United States; and, subject to a specific vote of the board of directors, to invest funds in any fashion in which municipal funds may be invested pursuant to the provisions of chapter 44 of the General Laws;

(6) to own and manage real property;

(7) to make relocation payments to persons and businesses displaced as a result of carrying out a development project under this act, in accordance with chapter 79A of the General Laws;

(8) to provide advisory services and technical assistance necessary or desirable to carry out the purposes of this act;

(9) to prepare or cause to be prepared plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of development projects and, from time to time, modify these plans, designs, drawings, specifications and estimates;

(10) to designate property for development and preservation projects, except that when the property is owned by the town, the designation and use shall have the concurrence of the town meeting;

(11) to procure insurance against any loss in connection with its property, other assets and operations;

(12) to arrange or contract with the town for the planning, preplanning, opening or closing of streets, roads, alleys or other places or for the furnishing of facilities or for the acquisition by the town of property or property rights or for the furnishing of property or services in connection with a development project or projects;

(13) to manage or lease any development project, whether owned or leased by the corporation, and to enter into agreements with the commonwealth or the town or any agency or instrumentality thereof, or with any person, firm, partnership or corporation either public or private for the purposes of causing any development project to be managed;

(14) To establish subsidiary or affiliate legal entities convenient or necessary to advance the purposes of this act;

(15) to establish and collect fees for the use of any properties owned or leased by the corporation, or for the provision of infrastructure, facilities, services and amenities;

(16) To act with respect to one or more development projects as a corporation organized under chapter 121A of the General Laws;

(17) To borrow money for the purposes of aiding in the construction of equipment required by the commonwealth or the United States to abate air or water pollution;

(18) To borrow money for the purposes of aiding in the construction of public facilities, infrastructure and utilities necessary for economic development;

(19) to apply to the federal government or to the commonwealth for housing or economic development assistance grants to carry out approved economic development projects, to receive and administer these grants, to contract with the commonwealth for financial assistance, to apply for and receive advances for the estimated costs of surveys and plans and administrative expenses in preparation for economic development projects, and to apply for, receive and administer community development action grants, all to the same extent and subject to the same terms and conditions as an urban renewal agency pursuant to sections 53 to 57A, inclusive, of chapter 121B of the General Laws.

(20) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act;

(21) to employ consulting engineers, an executive director, superintendents, managers, and other employees, agents and consultants as may be necessary in its judgment and to fix their compensation;

(22) to accept, acquire, other than by eminent domain, receive and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree or otherwise, for any of its objects and purposes, any property, both real and personal, from any source, including grants, loans or advances for or in aid of the corporation from any federal agency or the commonwealth or any political subdivision thereof;

(23) to sell, convey, mortgage, lease, transfer, exchange, or otherwise dispose of any property, both real and personal, that the objectives and purposes of the corporation may require, subject to any limitations as may be prescribed by law;

(24) to borrow money and, from time to time, to make, accept, endorse, execute and issue bonds, debentures, promissory notes, bills of exchange and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation and to secure the payment of these obligations by mortgage, pledge, deed, indenture, agreement or other instrument of trust, or by lien upon, assignment of or agreement in regard to all or any part of the corporation's property, rights or privileges, whether now owned or later acquired;

(25) to make loans to any person, firm, corporation, joint stock company, association or trust located or doing business in the town, or proposing a development project within the town, for the purpose of promoting and developing business activities;

(26) to acquire improved and unimproved real estate for the purposes of developing, demolishing, constructing or reconstructing commercial, industrial, residential, institutional, or other establishments thereon, or for developing, redeveloping or constructing public facilities, or for the purpose of disposing of such real estate to others for the development, redevelopment, demolition, construction, operation or management of commercial, industrial, residential, institutional or other establishments, or for public facilities, as the objects and purposes of the corporation may require; but nothing contained in this act shall be construed to grant the corporation the power of eminent domain. Acquisition of land from the town of Sandwich shall not be subject to section sixteen of chapter thirty B, and shall only be authorized by a two-thirds vote of town meeting;

(27) To acquire, demolish, construct, reconstruct, alter, maintain, sell, convey, transfer, mortgage, pledge or otherwise dispose of commercial, industrial, residential or business establishments or other property as the objects and purposes of the corporation may require. Notwithstanding the provisions of any general or special law to the contrary, the corporation may enter into a contract, in conformance with chapter thirty B, for the construction, reconstruction, installation, demolition, maintenance or repair of any public building or public work without said contract being subject to the competitive bid process as set forth in sections thirty-eight A1/2 to thirty-eight O, inclusive, of chapter seven, section thirty-nine M of chapter thirty, or sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine.

(28) to acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the bonds, debentures, notes or other securities and evidences of interest in or indebtedness of any person, firm, corporation, joint stock company, association or trust, and, while the owner or holder thereof, to exercise all the rights, powers and privileges of ownership;

(29) to cooperate with and avail itself of the facilities and programs of various governmental agencies including, but not limited to, those of the Small Business Development Corporation, the Massachusetts office of business and development, the United States Department of Commerce, the New England Regional Commission and any similar governmental agencies; provided, however, that the corporation shall notify the town administrator of all grant applications prior to the submission of such applications by the Corporation;

(30) To receive stocks, bonds, donations and gifts, and to otherwise raise money for the above purposes;

(31) To promote the town as a retail, commercial, industrial, professional and financial center.

(c) The corporation shall not participate or intervene in any political campaign on behalf of any candidate for public office or publish or distribute any statements with respect thereto. Notwithstanding any other provision of this act, neither the members, directors, officers, nor the corporation shall participate in any prohibited transactions, as defined in section 503 of the Internal Revenue Code, nor shall the corporation accumulate income or engage in any activities if the accumulation of income or the activities so engaged in are, or would be, within the prohibitions of section 504 of said Internal Revenue Code, nor shall the corporation be operated at any time for the primary or sole purpose of carrying on a trade or business for profit.

**SECTION 4.** The principal office of the corporation shall be located in the town of Sandwich.

**SECTION 5.** The corporation shall not be subject to chapter 63 of the General Laws, nor shall the corporation be liable for any taxes based upon or measured by income. The securities and evidences of indebtedness issued by the corporation shall be free from taxation by the commonwealth.

**SECTION 6.** In order to carry out the purposes of this act and exercise the powers of the corporation, the town may raise and appropriate, or may borrow in aid of the corporation, such sums as may be necessary to make a loan or grant to the corporation. The town of Sandwich shall not incur any financial obligation to the corporation or resulting from any action of the corporation absent a two-thirds vote of town meeting. Notwithstanding the provisions of section twenty-three B of chapter thirty-nine, the board of selectmen of the town of Sandwich is hereby authorized to meet with the board of directors in executive session for the purpose of considering proposed development plans of the corporation. The board of directors is hereby authorized to meet with persons proposing a development plan in executive session.

**SECTION 7.** Notwithstanding any general or special law to the contrary, or any provision in their respective charters, agreements of associations, articles of organization, or trust indentures, domestic corporations organized for the purpose of carrying on business within the commonwealth, including without implied limitation any electric or gas company as defined in section 1 of chapter 164 of the general laws, railroad corporations as defined in section 1 of chapter 160 of the general laws, financial institutions, trustees and the town may acquire, purchase, hold, sell, assign, transfer, or otherwise dispose of any bonds, securities or other evidence of indebtedness of the corporation and may make contributions to the corporation, all without the approval of any regulatory authority of the

commonwealth.

A contribution made under this section to the corporation shall be in addition to contributions authorized by section 12C of chapter 155 of the general laws and by other general or special law.

**SECTION 8.** The corporation shall be managed by a board of directors consisting of nine voting members, each serving a term of three years. The board of selectmen shall make the initial appointments to the board of directors. Initial appointments shall be for staggered terms of one, two, and three years so that an even number of seats as nearly as possible shall be subject to reappointment in subsequent years. In making the initial appointments, the board of selectmen shall designate, as to each appointment, the seat being filled as set forth herein. Thereafter, membership on the board of directors shall be determined as follows: the Sandwich board of selectmen shall choose three directors, including one director from the persons among the current membership of the board of selectmen, one director from the general citizenry of the town of Sandwich, and one director from those individuals, entities, or organizations engaged in non-profit enterprises in the town of Sandwich; the Sandwich chamber of commerce shall choose one director; and the board of directors shall choose five directors from the general citizenry of the town of Sandwich with education and experience in the fields of economic development, finance, real estate, retail, and related business activities. The power to appoint such directors shall include the power to fill vacancies for those directors.

Each member shall be sworn to the faithful performance of his official duties as a member of the board of directors. A majority of the nine members shall constitute a quorum for the transaction of any business; provided, however, that any action of the board of directors shall require the affirmative vote of a majority of the entire board.

A member of the board of directors may be removed for cause after a hearing by a majority vote of all of the members of the board of selectmen and the remaining members of the board of directors. The members of the board of directors shall be deemed to be special municipal employees for the purposes of chapter 268A of the General Laws.

There shall be elected by and from the board of directors a president, treasurer, secretary/clerk, and any other officers as may be considered necessary by the board.

The members of the board of directors shall not receive compensation for the performance of their duties under this act, but each member may be reimbursed by the corporation for expenses actually incurred in the performance of his duties.

**SECTION 9.** The board of directors shall adopt a corporate seal for the corporation and designate the custodian thereof. The board of directors shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the corporation and shall make a report annually to the board of selectmen, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for property acquisition, contracts for construction of facilities and for the leasing thereof, and such other detailed information as may be helpful. The corporation shall cause an audit of its books and accounts to be made biannually by certified public accountants and the cost thereof shall be treated as a current expense. Except as otherwise provided in this act, the corporation shall have the full power to exercise care of its property and the management of its business and affairs. The treasurer shall give bond for the faithful performance of his duties, with a surety company authorized to do business in the commonwealth as surety, in such sum as the board of directors may determine, the premium of which shall be paid by the corporation.

**SECTION 10.** The corporation, from time to time, may provide by resolution for the issuance of revenue bonds of the corporation for the purposes of paying all or any part of the cost of a development project or projects. The principal of and interest on the bonds shall be payable solely from the funds herein provided for the payment. The bonds of each issue shall be dated, shall bear interest at the rates and shall mature at the time or times not exceeding 20 years from their date or dates, as determined by the corporation, and may be redeemable before maturity, at the option of the corporation, at the price or prices and under the terms and conditions fixed by the corporation before the issuance of the bonds. The corporation shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the commonwealth. In case any officer whose signature, or a facsimile thereof, shall appear on any bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes as if that officer had remained in office until the delivery. The bonds may be issued in coupon or registered form or both, as the corporation may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest. The corporation may sell the bonds in a manner and for a price, either at public or private sale, as it may determine to be for the best interests of the corporation.

The proceeds of the bonds shall be used solely for the payment of the cost of a development project and shall be disbursed in a manner and under such restrictions, if any, as the corporation may provide. Before the preparation of definitive bonds, the corporation may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when the bonds have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Revenue bonds may be issued under this act subject only to those proceedings, conditions or things which are

specifically required by this act.

The corporation may provide by resolution for the issuance of revenue refunding bonds of the corporation for the purpose of refunding any revenue bonds then outstanding and issued under this act, including the payment of any redemption premium thereon on any interest accrued or to accrue to the date of redemption of the bonds and, if deemed advisable by the corporation, for the additional purpose of construction or reconstructing and extensions or improvements of the development project. The issue of the bonds, the maturities, and other details thereof, the rights of the holders thereof, and the duties of the corporation relative thereto shall be governed by this act insofar as it is applicable.

While any bonds issued by the corporation remain outstanding, the powers, duties or existence of the corporation shall not be diminished or impaired in any way that will adversely affect the interests and rights of the holders of the bonds.

Revenue and revenue refunding bonds issued under this act, unless otherwise authorized by law, shall not constitute a debt of the commonwealth or the town, or a pledge of the full faith and credit of the commonwealth or of the town, but the bonds shall be payable solely from the funds herein provided therefore from revenues generated by the corporation. If the corporation or the town or commonwealth is not obliged to pay the revenue or revenue refunding bonds, all the revenue and revenue refunding bonds shall contain on the face thereof a statement to the effect that neither the corporation nor the commonwealth nor the town shall be obliged to pay the same or the interest thereon except from revenues, and that neither the faith and credit nor taxing power of the commonwealth or of the town is pledged to the payment on the bonds.

All revenue and revenue refunding bonds issued under this act shall have all the qualities and incidents of negotiable instruments as defined in section 3-104 of chapter 106 of the General Laws.

**SECTION 11.** In the discretion of the corporation, the revenue bonds or revenue refunding bonds may be secured by a trust agreement by and between the corporation and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth. The trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any development project or part thereof.

Either the resolution providing for the issuance of bonds or the trust agreement may contain provisions for protecting and enforcing the rights and remedies of the bondholders, including, without limitation, provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities, and covenants setting forth the duties of and limitations on the corporation in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, operation, repair, insurance and disposition of property, the custody, safeguarding, investment and application of moneys, the use of any surplus bond or note proceeds and the establishment of reserves. The resolution or trust agreement may also contain covenants by the corporation in relation to:

(1) the establishment, revision and collection of rents and charges for services of facilities furnished or supplied by the corporation that provide revenues sufficient with other revenues of the development project, if any, to pay

(i) the cost of maintaining, repairing and operating the development project and of making renewals and replacements in connection therewith,

(ii) the principal of and the interest on the revenue bonds as they become due and payable,

(iii) payments in lieu of taxes, betterment and special assessments, and

(iv) reserves for such purposes;

(2) the purpose or purposes for which the proceeds of the sale of the bonds will be applied and the use and disposition thereof;

(3) the use and disposition of the gross revenues of the corporation from the development project, any additions thereto and extensions and improvements thereof, including the creation and maintenance of funds for working capital and for renewals and replacements to the development project;

(4) the amount, if any, of additional revenue bonds payable from the revenues of the development project and the limitations, terms and conditions on which the additional revenue bonds may be issued; and

(5) the operation, maintenance, management, accounting and auditing of the development project and of the income and revenues of the corporation.

It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of the proceeds of the bonds or of revenues and to furnish indemnifying bonds or to pledge securities as required by the corporation. The trust agreement may set forth the rights and remedies of the bondholders and of the trustees and may restrict the individual right of action by

bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. The trust agreement may contain other provisions as the corporation considers reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the trust agreement may be treated as a part of the cost of the operation of the development project. The pledge by any trust agreement or resolution shall be valid and binding from the time when the pledge is made; the revenues or other moneys so pledged and then held or later received by the corporation shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act; and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the corporation, irrespective of whether the parties have notice thereof. Neither the resolution nor any trust agreement by which pledge it is created need be filed or recorded except in the records of the corporation, and no filing need be made under chapter 106 of the General Laws.

**SECTION 12.** Revenue bonds and revenue refunding bonds issued under this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section 6 of chapter 167E of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control and belonging to them; and the bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and income thereof in the manner provided by section 2 of said chapter 167F. The bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

**SECTION 13.** To provide funds for the general purposes of the corporation, including working capital, the corporation may, from time to time, issue debentures which, unless otherwise authorized by law, shall not constitute a debt of the commonwealth or of the town, or a pledge of the full faith and credit of the commonwealth or of the town, and shall be subordinated to all other obligations of the corporation and shall be payable at the time and in installments, if any, as the corporation shall determine, but solely out of the net assets of the corporation; and the holders thereof shall be entitled to interest thereon, but only out of the net earnings of the corporation, and in no event at a rate higher than the rate specified therein.

The debentures may be secured by a trust agreement by and between the corporation and a corporate trustee, which shall be a trust company or bank located within the commonwealth having the powers of a trust company. The trust agreement shall contain provisions for protecting and enforcing the rights and remedies of the debenture holder. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as a depository under the trust agreement to furnish indemnifying bonds or to pledge securities as required by the corporation. The trust agreement shall set forth the rights and remedies of the debenture holders and of the trustee, and may restrict individual right of action by debenture holders. The trust agreement may contain such other provisions as the corporation may consider reasonable and proper for the security of the debenture holders. All expenses incurred in carrying out the trust agreement may be treated as an item of current expense.

Debentures may be issued under this act without obtaining the consent of any department, division, office, commission, board, bureau or agency of the commonwealth or the town, and without any other proceedings or the happenings of any other condition or things other than those proceedings, conditions or things which are specifically required by this act.

**SECTION 14.** Any holder of bonds or debentures issued under this act or of any coupons appertaining thereto, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce all rights under the laws of the commonwealth or granted hereunder or under the trust agreement, and may enforce and compel the performance of all duties required by this act or by the trust agreement, to be performed by the corporation or by any officer thereof.

**SECTION 15.** The corporation shall not deposit any of its funds in a banking institution not authorized to provide banking services in the Commonwealth of Massachusetts. The designation of a banking institution as a depository shall be subject to a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. Said corporation shall not receive money on deposit.

**SECTION 16.** The corporation shall be liable in contract and in tort in the same manner as a municipal corporation. The directors, employees, officers and agents of the corporation shall be liable in contracts and tort, in the same manner as municipal employees under the General Laws. The corporation shall indemnify the directors, officers, employees and agents of the corporation under sections 9 and 13 of chapter 258 of the General Laws as public employees. The property or funds of the corporation shall not be subject to attachment or to levy and sale on execution, but if the corporation refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court may direct the treasurer of the corporation to pay the judgment. The real estate owned by the corporation shall not be subject to liens under chapter 254 of the General Laws, but sections 28 and 29 of chapter 149 of the General Laws shall be applicable to any construction work by the corporation.

**SECTION 17.** The corporation shall file annual reports with the state secretary and the board of selectmen. These annual reports shall also be published in a newspaper of general circulation in the town within 60 days after the close of the corporation's fiscal year. The state secretary shall make copies of such reports available to the commissioner of insurance and to the commissioner of banks, and the corporation shall also furnish such other information as may, from time to time, be required by the state secretary.

**SECTION 18.** The corporation is hereby designated as a community-based development organization for purposes of carrying out community or economic development projects with federal financial assistance.

**SECTION 19.** The corporation is hereby designated as a non profit organization that may act as a land trust for purposes of carrying out preservation projects as defined in section 2 and for receiving assignment of the town's first refusal options under chapter 61, chapter 61A or chapter 61B of the General Laws.

**SECTION 20.** The corporation may, upon the affirmative vote of two-thirds of its members and upon an authorization vote of town meeting, petition for its dissolution by order of the supreme judicial or superior court, in the manner provided in section 11A of chapter 180 of the General Laws.

**SECTION 21.** If the corporation shall fail to commence operations within 6 years after the effective date of this act, then the provisions of this act shall cease to be effective.

**SECTION 22.** This act shall take effect upon its passage.

or take any action relative thereto.

**A motion was made and seconded to indefinitely postpone this article. This was a counted vote, 172 yes and 94 no, and declared carried by the Moderator.**

**It was moved, seconded and voted to take Article 17 out of order. The Moderator stepped down, and Kevin M. Kirrane, having been sworn in as Assistant Moderator, took over the duties.**

#### **ARTICLE 17**

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, amending The Town Charter to change the procedures used to appoint The Finance Committee for The Town of Sandwich provided that the General Court may make clerical changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, which amendments shall be within the scope of the specific public objectives of the petition.

An act relative to the Charter of The Town of Sandwich

Section 1. The Charter of The Town of Sandwich, which is on file in the office of the archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws, is hereby amended by striking out Section 4.4.1. paragraph (b) and inserting the following:

The Moderator will chair an interview and appointing committee consisting of two members of the current Finance Committee, the Chair of the School Committee or an appointed member of that committee and the chair of the Board of Selectmen or an appointed member of that board.

The Moderator will be responsible for receiving applications from candidates for the Finance Committee, scheduling the interview meetings and presenting the candidates to the Interview and Appointment Committee.

In the case of a candidate who receives equal votes for and against his or her appointment to the Finance Committee, the Moderator will have the tie-breaking vote.

The new appointees to the Finance Committee will be scheduled by the Moderator and/or the Chair of the Finance Committee to meet with the Board of Selectmen and School Committee in open session to introduce themselves to these elected bodies and the general public.

If these changes were enacted, they would not in force until after the next election for Town Moderator in May of 2009.

Should the Interview and Appointment Committee fail to fill a vacancy on the Finance Committee within forty-five (45) days of having been notified in writing by the Town clerk of said vacancy a majority of the remaining members of the Finance Committee may nominate a person for each such vacancy. Should the Interview and Appointment Committee fail to take action on said nomination within 21 days, the nominee shall become a member of the Finance Committee.

Section 2. Article VII, Section 7.2 (a) is hereby amended by striking out "appointed by the Moderator" and inserting "appointed by the Interview and Appointment Committee".

Section 3. The act shall take effect upon passage with the exception noted in Section 1, or take any action relative thereto.

*(Submitted by Petition)*

It was moved and seconded to indefinitely postpone this article. This was a voice vote and declared **not carried** by the Moderator. Voted to move the main motion.

**VOTED: This was a voice vote and declared NOT CARRIED by the Moderator.**

**ARTICLE 9**

To see if the Town will vote to amend the Sandwich Town Charter, as printed below, by deleting those portions of the Town Charter highlighted with strikethrough formatting and inserting those portions of the Town Charter with underline formatting; and further, to authorize the Board of Selectmen to petition the General Court to the end that legislation be adopted precisely as follows in accordance with the special act charter process; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any action relative thereto:

**CHARTER  
TOWN OF SANDWICH**

**PREAMBLE**

Good government can only be defined as that which is wholly and justly participated in by the people who are under its jurisdiction. For that purpose the citizens of Sandwich, in exercising their rights of self-government, do ordain the provisions set forth in the ensuing Charter of this town.

**ARTICLE I  
INCORPORATION, FORM OF GOVERNMENT**

Section 1.1 INCORPORATION

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

Section 1.2 FORM OF GOVERNMENT

The municipal form of government provided by this Charter shall consist of a Town Meeting open to all voters; a Board of Selectmen, elected by the people and accountable to the people; and a Town Manager, appointed by and accountable to the Board of Selectmen for proper administration of the affairs of the town.

Deleted: Administrator

**ARTICLE II  
POWERS OF THE TOWN**

- a) The town shall have all the powers granted to towns by the Constitution and General Laws together with all of the implied powers necessary to execute such granted powers.
- b) The powers of the town under the Charter shall be construed and interpreted liberally in favor of the town, and the specific mention of any particular power is not intended to limit in any way the general powers.
- c) The town may enter into agreements with any other agency of municipal government, agency of the Commonwealth, other states, or the United States government to perform jointly, by contract, or otherwise, any of its powers or functions and may participate in the financing thereof.

**ARTICLE III  
LEGISLATIVE BRANCH**

Section 3.1 OPEN TOWN MEETING

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

Section 3.2 PRESIDING OFFICER

All sessions of the Town Meeting shall be presided over by a Moderator, elected as provided in Section 4.4 of the Charter. The Moderator shall regulate the proceedings, decide questions of order, and make public declarations of all votes. The Moderator shall have all of the powers and duties given to Moderators under the Constitution and the General Laws, and such additional powers and duties as may be authorized by the Charter, by By-law or by other Town Meeting vote.

Section 3.3 ANNUAL TOWN MEETING

The Annual Town Meeting shall be held on such date or dates as may be fixed by the Board of Selectmen as provided in paragraph (e) of Section 4.2.5 of the Charter.

Section 3.4 SPECIAL TOWN MEETINGS

Special Town Meetings shall be held at the call of the Board of Selectmen at such times as it may deem appropriate and whenever a special meeting is requested by the voters in accordance with procedures made available by the General Laws.

Section 3.5 QUORUM

The quorum for both the Annual Town Meeting and any Special Town Meeting shall be set by By-law.

Section 3.6 CLERK OF THE MEETING

The Town Clerk shall serve as the clerk to the Town Meeting. In the event that the Town Clerk is absent, the Assistant Town Clerk will serve.

Section 3.7 WARRANT ARTICLES

- a) Except for procedural matters all subjects to be acted on by Town Meeting shall be placed on warrants issued by the Board of Selectmen.
- b) The Board of Selectmen shall receive all petitions addressed to it which require the submission of particular subject matter to the Town Meeting in accordance with the General Laws. Ten (10) signatures shall be required on a petition to have an article inserted in the warrant for an Annual Town Meeting, and one hundred (100) signatures shall be required on a petition to have an article inserted in a warrant for a Special Town Meeting.
- c) Any warrant article that seeks to raise, transfer, appropriate or expend any funds shall show comparative figures including actual figures for the preceding year, appropriations for the current year, requests for the next fiscal year and amounts recommended by the Finance Committee.

Section 3.8 PUBLICATION AND DISTRIBUTION OF THE WARRANT

In addition to any notice required by the General Laws, the Board of Selectmen shall cause the Annual Town Meeting warrant to be posted on the town bulletin board and otherwise distributed as provided by paragraph (e) of Section 4.2.5 of the Charter. Additional copies shall be kept available for distribution by the Town Clerk. In addition, the Board of Selectmen shall cause the Town Meeting warrant to be posted on the Town's website for the convenience of the residents of the Town; provided, however, that failure to post the warrant on the website or to post it one or more weeks prior to the date of the Town Meeting shall not invalidate or otherwise affect the legality or validity of the actions taken at the Town Meeting.

ARTICLE IV  
ELECTED TOWN OFFICES

Section 4.1 ELECTED TOWN OFFICES, IN GENERAL

The offices to be filled by the voters shall be: a Board of Selectmen, five (5) members; a School Committee, seven (7) members; a Moderator; a Town Clerk; a Board of Assessors, three (3) members; a Board of Health, three (3) members; a Planning Board, seven (7) members; Trustees of the Sandwich Library, nine (9) members; Trustees of the Weston Memorial Fund, three (3) members; Sandwich Historic District, five (5) members; Housing Authority, 5 members, 4 elected 1 appointed by the Governor; and such other regional authorities, districts, or committees as may be required by the General Laws or inter-local agreement. All elected or appointed multiple member boards shall be arranged so that as nearly an equal number of terms as possible shall expire each year. Notwithstanding any other provision of the Charter, all elected officials and officers shall have the powers and duties as prescribed by the General Laws.

Deleted: a Tax Collector

Section 4.2 BOARD OF SELECTMEN

The Board of Selectmen shall be composed of five (5) members. Each member shall be elected from the town at-large to a three (3) year term.

Section 4.2.1 QUALIFICATIONS

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

Section 4.2.2 COMPENSATION

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

Section 4.2.3 CHAIRMAN AND VICE CHAIRMAN

- a) A chairman shall be elected by the Board of Selectmen at the first meeting following each Special Town Meeting, January 14, 2008

regular town election. The chairman shall preside at all meetings of the Board. The chairman shall perform such other duties consistent with this Charter, or as may be imposed on him by the Board.

- b) A vice chairman shall be elected by the Board of Selectmen at the first meeting following each regular town election. The vice chairman shall act as chairman during the disability or absence of the chairman, and in this capacity shall have the rights and duties conferred upon the chairman.

#### Section 4.2.4 VACANCIES

Vacancies in the office of Selectman shall be filled by special election if the vacancy occurs eight (8) months or more prior to the next annual election. In this case, the Board of Selectmen shall, within ten (10) days after the occurrence of a vacancy, call a special election that shall be held not less than sixty-five (65) days nor more than ninety (90) days after issuing the call. Any vacancy which occurs less than eight (8) months prior to the next annual election shall be filled at the next annual election.

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#### Section 4.2.5 GENERAL POWERS AND DUTIES

- a) Except as otherwise provided by the General Laws or this Charter, all executive powers of the Town shall be vested in the Board of Selectmen. The Board of Selectmen shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Town by law.
- b) At least a majority of the Board of Selectmen shall sign all official documents, and approve the financial warrants.
- c) The Board of Selectmen shall serve as the Board of Directors and policy making body of the Town. They shall appoint a Town Manager to carry out the day-to-day operations of the Town within the policies set by the Board of Selectmen. The Board of Selectmen shall appoint members of committees.
- d) No member of the Board of Selectmen may serve in any other elected and/or appointed Town office or committee during his or her term as Selectman, excluding ex-officio positions, except that Selectmen may serve on committees when authorized by State law or Town bylaw. Service as a representative from the Town to another body other than the Town shall not be prohibited by this provision.
- e) The Board of Selectmen shall set guidelines for the preparation of the annual budget and present the budget to the Town Meeting. The Board of Selectmen shall set the date and Warrant Articles for the Town Meeting and any Special Town Meeting. The Board of Selectmen shall make available sufficient copies of the warrant for the Town Meeting for all registered voters. The Board of Selectmen shall either provide direct mailings to households, or publish notice of the availability of said warrants at town facilities and other common locations throughout the town at least two (2) weeks prior to the Town Meeting; provided, however, that failure to post the warrant on the website or to post it one or more weeks prior to the date of the Town Meeting shall not invalidate or otherwise affect the legality or validity of the actions taken at the Town Meeting.
- f) The Board of Selectmen shall be a licensing board for the Town and shall have the power to issue licenses as authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, and to impose restrictions on any such license as it deems to be in the public interest, and to enforce all laws, rules, regulations, and restrictions relating to all such businesses for which it issues licenses.
- g) The Board shall require bonds for all municipal officers and employees who receive or pay out any moneys of the town. The amount of such bonds shall be determined by the Board and the cost thereof shall be borne by the town.
- h) The Board of Selectmen shall be authorized to institute, prosecute, compromise or defend any claim, action, suit or other proceeding in the name of the Town and to settle any claim, action, suit or other proceeding brought by or on behalf or against the Town. In the event that a settlement requires the issuance of a permit or license or the transfer of property, and such matter is not within the Board of Selectmen's jurisdiction, the Town board or officer with legal jurisdiction over the matter shall retain sole authority to act on behalf of the Town.
- i) The Board of Selectmen shall annually review a Long Range Plan to project the future needs of the Town and report on this at Town Meeting.
- j) The Board of Selectmen shall serve as custodians of all Town property except as otherwise provided by the General Laws or by vote of the Town.
- k) The Board of Selectmen shall exercise any other responsibilities as set forth in the General Laws.

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#### Section 4.2.6 MEETINGS OF THE BOARD

- a) The Board of Selectmen shall hold at least two regular meetings each month. The board shall fix, by resolution, the days, times and location of its regular meetings.
- b) The Board of Selectmen may hold such special meetings as it deems necessary and appropriate, which may be called for by three members of the Board. In no event shall a regular or special meeting be held in any facility or at any locations which are not readily accessible to the public or handicap accessible.

Section 4.2.7 RULES OF PROCEDURE

- a) The Board of Selectmen shall by resolution, determine its own rules and order of business; however, the rules shall provide that citizens of the town shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.
- b) Voting except on procedural motions, shall be by roll call if requested by a Selectman, and the ayes and nays shall be recorded in the minutes.
- c) Three Selectmen shall constitute a quorum for the purposes of transaction of business.
- d) No action of the Board of Selectmen shall be valid or binding unless adopted by the affirmative vote of three or more members of the Board.

Section 4.2.8 PROHIBITIONS

- a) Except where authorized by law, no Selectman shall hold any other town office or town employment during his term as Selectman, nor any former Selectman shall hold any compensated appointed town office or town employment until one year after the expiration of his term as Selectman.
- b) The Selectmen shall not in any manner dictate the appointment or removal of any town administrative officers or employees whom the Town Manager or any of his subordinates are empowered to appoint. The Board of Selectmen may express its views and fully and freely discuss with the Town Manager anything pertaining to appointments and removal of such officers and employees.
- c) Except for the purpose of inquiries and investigations, the Board of Selectmen and its members shall deal with town officers and employees who are subject to the direction and supervision of the Town Manager, solely through the Town Manager, and neither the Board of Selectmen nor any of its members shall give orders to any such officer or employee, either publicly or privately.

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Section 4.3 SCHOOL COMMITTEE

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

Section 4.3.1 GENERAL POWERS AND DUTIES

The School Committee shall have all the powers and duties given to school committees by the General Laws. The School Committee shall have the power to select, oversee, and to terminate the Superintendent of Schools, establish educational goals and policies for the schools consistent with requirements of the General Laws and standards established by the Commonwealth.

Section 4.3.2 BUDGET HEARING

The School Committee shall hold a public hearing on its proposed annual budget pursuant to General Laws, Chapter 71, Section 38N, on or before the first day of March.

Section 4.3.3 VACANCIES

Vacancies in the School Committee shall be filled by special election, if the vacancy occurs eight (8) months or more prior to the next annual election. In this case, the Board of Selectmen shall, within ten (10) days after the occurrence of a vacancy, call a special election that shall be held not less than sixty-five (65) days nor more than ninety (90) days after issuing the call. Any vacancy which occurs less than eight (8) months prior to the next annual election shall be filled at the next annual election.

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Section 4.4 MODERATOR

A Moderator shall be elected by the voters for a term of three years. In the event of absence of the Moderator, the Town Meeting may elect a temporary Moderator, for the purpose of presiding over the Town Meeting.

Section 4.4.1 POWERS AND DUTIES

- a) The Moderator shall have the powers and duties provided by the General Laws, by this Charter, by By-law or by any other Town Meeting vote.

- b) The Moderator shall appoint members of the Finance Committee which shall consist of nine (9) members. Should the Moderator fail to fill a vacancy on the Finance Committee within forty-five (45) days of having been notified in writing by the Town Clerk of said vacancy, a majority of the remaining members of the Finance Committee may nominate a person for each such vacancy. Should the Moderator fail to take action on said nomination within 21 days, the nominee shall become a member of the Finance Committee.
- c) The Moderator shall appoint members to other committees as directed by Town Meeting.

Section 4.5 TOWN CLERK

A Town Clerk shall be elected by the voters at the annual town election, for a term of three years.

Section 4.7 BOARDS, COMMITTEES AND OFFICERS

- a) Each Board or Committee will be organized and charged with the powers and duties specified in the General Laws and Special Acts of the Commonwealth, Town By-law or elsewhere in this Charter. The Board of Selectmen may also, from time to time, establish boards or committees to address specific needs or issues. Each board or committee shall, at its annual organization meeting, elect a presiding officer and shall cause the Board of Selectmen and the Town Clerk to be notified of its selection. Such boards and committees shall make a written annual report of its activities to the Board of Selectmen.
- b) Members of permanent committees shall be elected for a staggered term of three years unless otherwise provided for by the General Laws or this Charter. Appointees to temporary and special committees shall be appointed by the Board of Selectmen for the duration of the charge of the board or committee. Boards, committees or officers specifically provided for by the General Laws or this Charter may be continued or terminated only by the Board of Selectmen.

**Deleted:** Section 4.6 . TAX COLLECTOR¶  
¶ A Tax Collector shall be elected by the voters at the annual town election, for a term of three years.

ARTICLE V  
ADMINISTRATIVE SERVICES

Section 5.1 TOWN MANAGER

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Section 5.1.1 APPOINTMENT AND QUALIFICATIONS

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

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Section 5.1.2 COMPENSATION

The Town Manager shall receive compensation as may be fixed by the Board of Selectmen according to his/her expertise, education and training. Any contract between the Board of Selectmen and the Town Manager shall be made pursuant to Section 108N of Chapter 41 of the General Laws.

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Section 5.1.3 TERM AND REMOVAL

The Town Manager may be appointed for a definite term but may be removed at the discretion of the Board of Selectmen, by vote of the majority of the entire Board. The action of the Board of Selectmen in suspending or removing the Town Manager shall be final. It is the intention of this Charter to invest all authority and fix all responsibilities of such suspension or removal in the Board of Selectmen.

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Section 5.1.4 POWERS AND DUTIES

The Town Manager shall be responsible to the Board of Selectmen for the proper administration of all the affairs of the town consistent with the General Laws and this Charter, and shall:

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- a) appoint, discipline, suspend, or remove Town employees, including Civil Service positions, except that the approval of the Board of Selectmen shall be required for appointment of Department Heads and the Assistant Town Manager;
- b) supervise and direct all appointed Department Heads;

**Deleted:** Administrator

- c) administer and enforce all provisions of General Laws or Special Acts of the Commonwealth, or Town By-laws, and all regulations established by the Board of Selectmen;
- d) coordinate activities of all town departments;
- e) attend all sessions of the Town Meeting and answer all questions addressed to the Town Manager, which are related to the warrant articles and to matters under the general supervision of the Town Manager;
- f) keep the Board of Selectmen fully informed as to the needs of the town, and recommend to the Selectmen for adoption such measures requiring action by them or by the town as the Town Manager deems necessary or expedient;
- g) ensure that complete and full records of the financial and administrative activity of the town are maintained and render reports to the Board Selectmen as may be required;
- h) be responsible for the rental, use, maintenance, repair and the development of a comprehensive maintenance program for all town facilities;
- i) serve as the chief procurement officer and be responsible for the purchase of all supplies, materials, and equipment, and approve the award of all contracts. Any contract over \$500,000 will require approval by the Board of Selectmen;
- j) develop and maintain a formal and complete inventory of all town owned real and personal property and equipment;
- k) administer personnel policies, practices, rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements entered into by the town;
- l) fix the compensation of all town employees and officers appointed by the Town Manager; within the limits established by appropriation and any applicable compensation plan and collective bargaining agreements;
- m) be responsible for the negotiation of all contracts with town employees regarding wages, and other terms and conditions of employment, except employees of the School Department. The Town Manager, may, subject to the approval of the Board of Selectmen, employ special counsel to assist in the performance of these duties. Collective bargaining agreements shall be subject to the approval of the Board of Selectmen, and to Chapter 150E of the General Laws;
- n) prepare and submit an annual operating budget and capital improvement program as provided in paragraph (b) of Section 7.1 of this Charter and be responsible for its administration after its adoption. The Town Manager, may transfer funds between individual line items within a department account at any time during the fiscal year, and further, may transfer during the last two (2) months of any fiscal year or during the fifteen (15) days of the new fiscal year to apply to the previous fiscal year, any amount appropriated for the use of any department other than a municipal light department or the school department to the appropriation for any other department, but the amount transferred from one department to another may not exceed three per cent (3%) of the annual budget of the department from which the transfer is made, with the approval of the Selectmen and Finance Committee;
- o) keep the Board of Selectmen and the Finance Committee fully informed as to the financial condition of the town and make recommendations to the Board of Selectmen;
- p) prepare and submit to the Board of Selectmen at the end of the fiscal year a comprehensive report on the finances and the activities and operations of all departments, boards and committees of the town;
- q) investigate or inquire into the affairs of any town department or office;
- r) delegate, authorize or direct any subordinate or employee in the town to exercise any power, duty, or responsibility which the office of Town Manager, is authorized to exercise, provided, that all acts performed under such delegation shall be deemed the acts of the Town Manager; and
- s) perform such other duties as necessary or as may be assigned by this Charter, Town By-law, Town Meeting vote, or vote of the Board of Selectmen.

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Section 5.1.5 ACTING TOWN MANAGER,

The Assistant Town Manager, shall perform the duties of the Town Manager, in his/her absence. In the event of long-term disability, resignation, termination, or vacancy of both the Town Manager, and the Assistant Town Manager, at the same time, the Board of Selectmen shall appoint an Acting Town Manager, for the duration of any such disability, or until appointment of a permanent Town Manager, or Assistant Town Manager. No member of the Board of Selectmen shall serve as Acting Town Manager.

Section 5.2 TOWN COUNSEL

The Board of Selectmen shall appoint a competent and duly qualified and licensed attorney practicing in the Commonwealth, who shall be the counsel for the town. He/she shall receive for his/her services such compensation as may be fixed by the Board of Selectmen and shall hold his/her office at the pleasure of the Board. The Town Counsel shall be the legal adviser of all of the offices and departments of the town, and he/she shall represent the town in all litigation and legal proceedings; provided, that the Board of Selectmen may retain special counsel at any time they deem appropriate and necessary. He/she shall review and concur or dissent upon all documents, contracts, and legal instruments in which the town may have an interest. The Town Counsel shall perform other duties prescribed by this Charter, Town By-law, or as directed by the Board of Selectmen. No employee, committee or board, elected or appointed, other than the Board of Selectmen, shall contact or otherwise interact with the Town or Labor Counsel in a manner inconsistent with the policy relative to access to counsel established by the Town Manager.

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

All boards, committees, and commissions shall comply with Sections 23A, 23B, and 23C of Chapter 39 of the General Laws, popularly known as the "Open Meeting Law", in the conduct of any town business.

All officers or employees of any agency, office, department, board, commission, bureau, division or authority of the Town shall comply with the provisions of Chapter 66, Section 10 and Chapter 4, Section 7, clause twenty six (26) of the General Laws, popularly known as the "Public Records Law."

All employees of the Town, as that term is defined in Chapter 269A, Section 1, shall comply with the requirements of Chapter 268A, Section 1, et. seq., commonly known as the "Conflict of Interest Law."

ARTICLE VII  
FINANCIAL PROVISIONS AND ADMINISTRATION

Section 7.1 SUBMISSION OF BUDGET AND BUDGET MESSAGE

- a) Annually, prior to the first day of November, the Town Manager shall establish and issue a budget schedule which shall set forth the calendar dates for developing the annual budget for the next fiscal year.
- b) On or before the first day of February, the Town Manager and School Committee shall each submit to the Board of Selectmen and Finance Committee a proposed line item budget and accompanying message.
- c) The Budget shall provide a complete financial plan of all town funds and activities, including details on debt and debt service, anticipated income, and proposed expenditures. The Budget shall include proposals for capital improvements for the next five (5) years. The budget message shall begin with a clear general summary of its content, and explain in both fiscal terms and work program objectives, proposed expenditures for each department, capital expenditures, and the projected tax rate.
- d) The Board of Selectmen shall review the proposed Town Budget and refer it, including the School Department Budget and recommendations, to the Finance Committee, on or before the first day of March.
- d) The Board of Selectmen shall review the proposed Town Budget and refer it, including the School Department Budget and recommendations, to the Finance Committee, on or before the first day of March.

Section 7.2 FINANCE COMMITTEE

- a) There shall be a permanent committee known as the Finance Committee, composed of nine (9) registered voters of the town appointed by the Moderator. They shall serve for three (3) year terms. Terms shall be staggered. Members shall serve without compensation and no member shall be an employee of the Town nor hold an elected or appointed town position during their term of office, excluding ex-officio positions.
- b) The Finance Committee shall conduct a detailed line item review of the Town and School budgets and submit a written budget report to the Annual Town Meeting and a written report to the Annual Town Meeting and any Special Town Meeting with its advisory recommendations on all financial warrant articles, and the projected tax impact consistent with its recommendations.

**Deleted: Section 5.3 - PUBLIC FACILITIES ¶**

¶ The Town Administrator shall, under the provisions of clause (a) of Section 5.1.4 of this Charter, appoint an individual as Director of Public Facilities. The Director shall, under the general supervision and direction of the Town Administrator, have general care of all town buildings and property, including but not limited to schools, fire, police, highway, cemetery, recreation and other municipal buildings and property. The Director shall in consultation with department heads, boards and the Capital Planning Committee develop and implement scheduled maintenance and repair of all public properties, excepting that daily maintenance and janitorial duties shall remain the responsibility of each department. The Director shall have overall supervision of all funds specifically appropriated for the purpose of extraordinary maintenance of town property.

Deleted: AND

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c) The Finance Committee ~~can~~ require that the Town ~~Manager, School Committee,~~ any town department, office, board, commission or committee furnish appropriate additional financial information, as needed.

Deleted: may

Deleted: Administrator

d) ~~The Finance Committee shall elect a Chairman and such other officers from among its members and form subcommittees as the Finance Committee deems necessary to accomplish its duties.~~

#### Section 7.3 PUBLIC NOTICE AND PUBLIC HEARING

a) The Finance Committee shall within sixty (60) days following the submission of the draft budget by the Town ~~Manager,~~ review the proposed budget, and shall return it to the Board of Selectmen with their recommendations.

Deleted: Administrator

b) The Board of Selectmen shall conduct at least one public hearing on the proposed budget, including the school budget, prior to the Town Meeting, and include the recommendations of the Finance Committee.

c) The Board of Selectmen shall post in the Town Hall and publish in a daily newspaper of general circulation ~~and on the Town website,~~ a summary of the proposed budget and notice stating:

- 1) the times and places where copies of the message and budget are available for inspection by the public, and
- 2) the date, time and place where the Board of Selectmen shall conduct the public hearing on the budget.

#### Section 7.4 BUDGET ADOPTION

Town Meeting shall adopt the annual operating budget, with or without amendments prior to the beginning of the fiscal year.

#### Section 7.5 ANNUAL AUDIT

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

#### Section 7.6 EMERGENCY APPROPRIATIONS, REDUCTIONS, and TRANSFERS

Any and all emergency appropriations, reductions, and transfers will be made in accordance with the General Laws and the Town By-laws.

### ARTICLE VIII RECALL

#### Section 8.1 RECALL

Any holder of an elected office in the Town of Sandwich may be recalled there from by the qualified voters of the Town as provided in Chapter 408 of the Acts of 1987 for reasons which include but are not limited to the following: embezzlement; influence peddling; refusal to abide by or not comply with the Conflict of Interest Law, Open Meeting Law, Public Records Law, rules and regulations thereto, and the By-laws of the Town of Sandwich which pertains to same; destruction or alteration of public records; nepotism; conviction for a felony; failure to perform the duties of the elected office; or other willful acts of omission or commission which betray the public trust.

#### Section 8.2 RECALL PETITION

A recall petition shall be initiated by request of ten (10) qualified voters. The recall petition shall be signed by twenty-five percent (25%) of the qualified voters and returned within twenty (20) days in accordance with Chapter 408 of the Acts of 1987.

### ARTICLE IX CHARTER

#### Section 9.1 SEVERABILITY

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

#### Section 9.2 CHARTER REVIEW COMMITTEE

At least every five (5) years the Selectmen shall appoint a Charter Review Committee to be composed of seven (7) members for a period not longer than six (6) months, who shall submit their recommendations to the Board of Selectmen and shall file proceedings of their deliberations.

Section 9.3 AMENDMENT TO CHARTER

This Charter may be amended or revised by special act of the General Court, upon the recommendation of Town Meeting, and/or pursuant to Chapter 43B of the General Laws.

**VOTED: That the Town amend the Sandwich Town Charter, as printed in the Warrant under Article 9, by deleting those portions of the Town Charter highlighted with strikethrough formatting and inserting those portions of the Town Charter with underline formatting; and authorize the Board of Selectmen to petition the General Court to the end that legislation be adopted precisely as follows in accordance with the special act charter process; provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition. This was a voice vote and declared carried by the Moderator.**

**ARTICLE 10**

To see if the Town will vote to petition the General Court for special legislation to amend the Sandwich Town Charter, as set forth below, by deleting reference to an elected Town Clerk, thereby creating an appointed Town Clerk, such amendment to be effective at the conclusion of the current Town Clerk's elected term on May 6, 2010; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

An Act Amending the Charter of the Town of Sandwich to Create An Appointed Town Clerk

Section 1. Notwithstanding any general or special law to the contrary, the charter of the Town of Sandwich, as on file with the archivist of the Commonwealth in accordance with section 12 of chapter 43B of the general laws of the Commonwealth of Massachusetts, is hereby amended to create an appointed town clerk by deleting Section 4.5, Town Clerk, in its entirety and by deleting in Section 4.1, Elected Town Offices, the words:- a Town Clerk.

Section 2. The amendments set forth in Section 1 of this Act shall take effect on May 6, 2010.

Section 3. This act shall take effect upon passage.

or take any action relative thereto.

**A motion was made and seconded to indefinitely postpone this article. This was a voice vote and declared carried by the Moderator.**

**ARTICLE 11**

To see if the Town will vote to petition the General Court for special legislation to amend the Sandwich Town Charter, as set forth below, to impose a residency requirement on future Superintendent of Schools provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

An Act Amending the Charter of the Town of Sandwich to Impose a Residency Requirement on the Superintendent of Schools

Section 1. Notwithstanding any general or special law to the contrary, the charter of the Town of Sandwich as on file with the archivist of the Commonwealth in accordance with section 12 of chapter 43B of the general laws of the Commonwealth of Massachusetts, is hereby amended by inserting at the conclusion of Section 4.3.1 of said charter, the following new sentence:- The Superintendent of Schools need not, when appointed, be a resident of the Town of Sandwich; provided, however, the Superintendent of Schools shall establish such residence within six (6) months following the effective date of appointment, and provided further that the School Committee may, by a unanimous vote of all members of the School Committee then in office, extend to a time certain the time for establishing residence or waive this requirement in its entirety. The residency requirement established by the preceding sentence shall not apply to the Superintendent of Schools holding office as of the effective date of this act, and such requirement shall not be triggered by the reappointment of said Superintendent or execution of any contract between said Superintendent and the Town.

Section 2. This act shall take effect upon passage.

or take any action relative thereto.

It was voted to allow Dr. Nancy Young, Superintendent of Schools and a non-resident, to speak to this article.

**VOTED: This was a voice vote on Article 11 and declared NOT CARRIED by the Moderator.**

#### **ARTICLE 12**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by inserting a new Section 4160, Residential Wind Turbines in order to further regulate this use to ensure safe siting, control size, limit visual and noise impacts, and stipulate operations and maintenance, to read as follows:

#### **4160. Residential Wind Turbines.**

**4161. Purpose.** The purpose of this section is to provide for the development and use of residential wind power as an alternative energy source, while protecting public health, safety and welfare, and preserving environmental, historic and scenic resources.

**4162. Applicability.** A Residential Wind Energy System may be constructed and used as accessory to a residential use permitted in the zoning district in which it is located, in accordance with the requirements of this Section 4160.

**4163. Definitions.** The following definitions shall apply to this Section 4160.

**Residential Wind Turbine (RWT)** - A single device that converts wind to electricity or other forms of energy, typically consisting of a rotor and blade assembly, electrical generator, and tower, or appropriate mounting device, and associated control or conversion electronics which has a rated capacity of not more than 10 kw, located on a single lot, intended as an accessory use in areas zoned to allow residential use in an area zoned residential.

**Height** – The height of the RWT measured from the base to the blade tip at its highest point in rotation.

**Fall Zone** – A circle with its center at the base of the RWT and its radius equal to the RWT height.

**4164. Special Permit Granting Authority:** The Zoning Board of Appeals is hereby established as the Special Permit Granting Authority (SPGA) in connection with construction and use of a RWT. The SPGA shall grant a Special Permit only if it finds that the proposal complies with the purpose of this bylaw and the standards contained in Section 4166(unless waived), and is otherwise consistent with the Section 1342 criteria for granting special permits.

**4165. Special Permit Application Filing Requirements.** In addition to special permit application requirements contained in Section 1340 the following must be submitted for an application to be considered complete.

- a. A certified abutters list.
- b. A site plan at a scale of 1"=40' which shall show the following:
  1. Location of RWT, including any guy wires, and tower height.
  2. Accessory buildings, structures, or proposed structures.
  3. Existing access and parking.
  4. Public and private roads adjacent to the subject property.
  5. Direct abutters.
  6. Lot boundaries.
  7. Distance to all lot boundary lines from RWT.
  8. Above ground utility lines and other significant structures on or adjacent to the lot.
  9. Existing vegetation, including the average height of trees on the lot, and identification of any vegetation to be removed.
- c. Applications shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. Documentation showing compliance with the Massachusetts State Building Code shall also be submitted. (Manufacturer specifications may be suitable at the discretion of the SPGA).
- d. Proposed RWT shall conform to all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.
- e. Applicants shall provide a complete description of proposed RWT including technical, economic, environmental, and other reasons for the proposed location, height and design.
- f. Provisions for inspection and maintenance must be submitted to the satisfaction of the SPGA.
- g. RWT must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

#### **4166. Standards.**

- a. There may be no more than one (1) RWT per lot or one RWT on contiguous lots held in common ownership.
- b. Overall height of the RWT shall be measured from the land in its natural state prior to grading or filling to the highest point reached by any part of the wind turbine. The height of the RWT may not exceed 150 feet, including blade length, provided however that:

1. the SPGA may waive the 150 foot height restriction and allow a greater height, not to exceed 180 feet if the applicant demonstrates that the additional height is needed and that the additional benefits of the higher RWT do not increase any adverse impacts;
  2. the maximum height, including blade length, shall be at least equal to, but no greater than the overall fall zone from the closest lot boundary; and
  3. the Height of the RWT may be subject to FAA review and approval. Applications that are within the Route 130 United States Coast Guard Emergency Visual Routes Safety Zone (see map) require mandatory FAA review and approval, should the height of the tower exceed (100) feet. All applications for RWTs within this Safety Zone will be referred at the time of submittal to the SPGA to the USCG Air Station Cape Cod for comment. If the USCG fails to submit its comments to the SPGA within thirty five (35) days of receipt of the referral request by said SPGA there shall be deemed to be no USCG opposition or desire to comment.
- c. The minimum setback (*See Figures A and B*) for the RWT shall be maintained equal to the overall fall zone from all boundaries of the lot(s) on which the RWT is located, provided that:
    1. No part of the RWT support structure, including guy wire anchors, may extend closer to the property boundaries than the applicable front rear and side yards (setbacks) for accessory structures in the district where the lot is located;
    2. RWT shall be set back a distance of at least two times the rotor diameter from public ways, easements, and above ground utility lines;
    3. The SPGA may reduce setback distances for the RWT provided that the abutting property owner(s) have notified the SPGA, in writing, that they have no objection.
  - d. The RWT and associated equipment shall conform to the Massachusetts noise regulation (310 CMR 7.10) or the applicable provisions of the Massachusetts State Building Code as may be in effect at the time of application.
    1. The applicant shall provide documentation demonstrating compliance with these noise standards and be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement. Manufacturer's specifications may be accepted when in the opinion of the SPGA the information provided satisfies the above requirements.
  - e. The applicant shall take reasonable measures to protect the RWT from unlawful access.
  - f. The applicant may be required to employ landscaping and/or alternative siting locations, to minimize the visual impact of all RWT components.
  - g. The SPGA shall consider the height of existing vegetation including the average height of trees on or adjacent to the subject lot and any proposed vegetation removal on the subject lot. The SPGA shall also consider the height of existing and proposed vegetation at maturity
  - h. All components of the RWT and its support structure shall be painted plain non-reflective muted colors without graphics or other decoration.
  - i. No RWT installation shall cause electromagnetic interference. Manufacturers specifications may be accepted when in the opinion of the SPGA the information provided satisfies the above requirements.
  - j. A RWT shall not be artificially lighted unless the FAA or other applicable authority requires such lighting. A temporary light may be used to inspect the turbine, tower, and associated equipment, providing said light is only used for inspection purposes and not left on for an extended period of time.

**4167. Other Conditions:**

- a. The SPGA may require the applicant to retain a technical expert/consultant, acceptable to the SPGA, to address issues relevant to the application. The cost for such a technical expert/consultant will be at the expense of the applicant.
- b. The applicant shall be required to maintain the RWT in good condition. Such maintenance shall include, but not be limited to, the structural integrity of the RWT structure and other apparatus, proper blade maintenance, and inspections, in accordance with the manufacturer's guidelines.

**4168. Modification.** All modifications to a RWT proposed to be made after issuance of the Special Permit shall require additional approval by the SPGA.

**4169. Abandonment Or Discontinuation Of Use.** An RWT special permit shall lapse if the RWT is not operated for a period of two years, or if the Building Inspector has designated the RWT as a safety hazard and ordered it removed. Once a RWT special permit has lapsed, the owner shall be required to physically remove the RWT within 90 days of written notice. "Physically remove" shall include, but not be limited to:

- a. Removal of RWT, any equipment shelters and security barriers from the subject property.
- b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

**4170. Monitoring.** Upon written notification of a complaint of excessive noise, the Building Inspector or a designee shall record the filing of such complaint. The Building Inspector or a designee shall promptly investigate. If noise levels are determined to be excessive, per (310 CMR 7.10) or the Massachusetts State Building Code applicable sections in effect at the time of application, the Building Inspector or a designee shall require the property owner to perform ambient and operating decibel measurements at the nearest point from the wind turbine to the property line of the complainant and to the nearest complainant inhabited residence. If the noise levels are found to have exceeded allowable limits the Building Inspector or a designee shall notify in writing the owner of the property to correct the violation. If the noise violation is not remedied within 30 days the RWT shall remain inactive until the noise violation is remedied.

**And further,**

To amend the Sandwich Protective Zoning By-laws, Section 2320, Use Regulation Schedule, in order to make it consistent with the proposed new Section 4160, Residential Wind Turbines by eliminating the use, "Wind generation or turbines" and replacing it with "Residential Wind Turbines (See Section 4160)" and allowing the use with a Special Permit in residential areas and prohibiting the use in non-residential areas so that Section 2320 will read as follows:

	Zoning District						
	R-1 R-2 (6)	BL-1 BL-2	IND	MAR	RD-1 RD-2	S	GD
<b>2320. ACCESSORY USES</b>							
Residential Wind Turbines (See Sec. 4160)	S	N	N	N	S	S	N

**And further,**

To amend the Sandwich Protective Zoning By-laws, Section 2600, Intensity of Use Schedule, Notes: g.) in order to make it consistent with the proposed new Section 4160, Residential Wind Turbines by deleting it in its entirety and replacing it with reference to the new Section 4160, Residential Wind Turbines so that it reads as follows:

g.) A special permit may be granted by the Board of Appeals in accordance with Section 4160 for a height greater than the maximum building height for the District.

or take any action relative thereto.

The following amendment was moved and seconded: "In no case shall a Special Permit be issued for the Sandwich Historic District." This amendment was voted on by a voice vote and declared **failed** by the Moderator.

**VOTED: That the Town amend the Sandwich Protective Zoning By-laws by adding a new Section 4160, Residential Wind Turbine, as printed in the Warrant under Article 12. This was a voice vote and the Moderator declared it carried by the necessary two-thirds.**

**ARTICLE 13**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Section 2550(c), Non-Conforming Lots, in order to clarify its intent by adding the phrase "and at all times thereafter" so that Section 2550(c) will read as follows:

And the lot was held in ownership separate from all abutting property on December 31, 1998 and at all times thereafter.

or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning Bylaws, Section 2550(c), Non-Conforming Lots, as printed in the Warrant under Article 13.**

**ARTICLE 14**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Definitions, Contractor's Yard, by deleting the current definition and replacing it with a new definition to read as follows:

CONTRACTOR'S YARD – A lot with or without structures in the Industrial District used by an individual building contractor or subcontractor for storage of equipment, supplies, and sub-assemblies, or parking of wheeled equipment.

or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning Bylaws, Definitions, Contractor's Yard, by deleting the current definition and replacing it with a new definition, as printed in the Warrant under Article 14.**

**ARTICLE 15**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Sections 4800, Swimming Pools, by deleting Sections 4810, 4820, and 4830 in their entirety and inserting in place thereof, a new Section 4810, Swimming Pools, to read as follows:

**Section 4810. Swimming pools, whether public or private as defined in the Massachusetts State Building Code, shall comply with the applicable provisions of said State Building Code as may be in effect at the time of their construction.**

or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning Bylaws, Sections 4800, Swimming Pools, by deleting Sections 4810, 4820, and 4830 in their entirety and inserting in place thereof, a new Section 4810, Swimming Pools, as printed in the Warrant under Article 15.**

ARTICLE 16

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Section 2420, Change, Extension or Alteration, to allow by-right activities in accordance with M.G.L. c.40A, §6 by inserting a new, second paragraph in Section 2420 to read as follows:

Provided, however, that alteration, reconstruction, extension or structural change to a lawfully existing single or two-family residential structure shall not be subject to the special permit requirements of this Section 2420 if the alteration, reconstruction, extension or structural change does not increase the nonconforming nature of the structure.

or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning Bylaws, Section 2420, Change, Extension or Alteration, to allow by-right activities in accordance with M.G.L. c.40A, §6 by inserting a new, second paragraph in Section 2420, as printed in the Warrant under Article 16.**

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Barbara J. Walling  
Town Clerk

**TOWN OF SANDWICH  
2008 ANNUAL TOWN MEETING  
May 5, 2008**

The Annual Town Meeting was called to order in the Sandwich High School auditorium by Moderator Jan Levin Teehan at 7:02 p.m. The clerks checked in a total of 450 voters. The total number of eligible voters was 15,018. The Reverend Warren "Buddy" Washburn, USCG Auxiliary, representing the USCG Sector SENE Chaplain's Office, gave the invocation, and Thomas F. Keyes, Chairman of the Board of Selectmen, led the Pledge of Allegiance.

The Moderator had sworn in the following Sandwich residents as counters: Nancy Crossman, Elaine Davis, Rene Douglas, Katherine Heras, John Peters, Reggie Peters, Priscilla Raftery, Carl Watters, and Mary Watters. Jacqueline Sayer served as Timekeeper. The Moderator called for a moment of silence in memory of David J. Boles, William G. Bryden, Herbert A. "Red" Hamlen, Robert S. Jones, and Robert W. Singleton, all of whom served the Town in various capacities for many years.

**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 2007 Annual Town Reports.**

**ARTICLE 2**

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'08 deficit in the Snow and Ice Account, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$50,000 from Free Cash for funding the Fiscal Year 2008 Snow and Ice deficit.**

**ARTICLE 3**

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 \$62,317,098.00, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2008 to June 30, 2009 as itemized below in the third column entitled FY'09 Recommendation, or take any action relative thereto.

**Finance Committee Budget Message:**

Hank Sennott, Chair of the Finance Committee, gave the following report: By an 8-1 vote, the Finance Committee is taking the historic step tonight of recommending to Annual Town Meeting a budget different than the one supported by the Board of Selectmen.

You are being asked in Article 3 to approve a Town operating budget that represents a 3.5% increase in spending. The following article with additional spending of \$153,473 – for a 4.0% total increase - represents the added difference in the Finance Committee recommendation.

The Finance Committee did not make this decision lightly or without considerable debate. In the end, however, it was the opinion of the majority that additional funding was necessary to give General Government the resources needed to function properly without increasing the risk of transfers from the Reserve Fund, as well as provide the School Department with the support it needs to continue its improvement plan.

Specifically, a 4.0% budget will provide the General Government departments with more realistic funding for the Legal and Data Processing accounts. It will cover expected increases in SEMASS tipping fees,

help the Library maintain additional hours and services that were added through a donation effort, and more realistically fund the Fuel and Oil Account in the Police budget.

With a 4.0% increase, the School Department will be able to add a High School Biology teacher to help address the new 10th grade MCAS Science requirement, as well as retain one Speech & Language teacher and a 0.5 FTE Music Teacher for the K-8 schools. These are among the positions that would be eliminated with a 3.5% budget increase.

The 4.0% increase is in line with the Board of Selectmen's Long Range Plan. It does not immediately impact the tax rate beyond the 3.5% budget as the additional monies will come from the Stabilization Fund.

The fact that budgets are increasing under either scenario should not be taken as a sign that all is well. Employees are being laid off, budget and staffing remain at a bare minimum and the specter of a potentially insurmountable deficit looms.

For example:

- Overtime in the Police Department continues to run higher than it potentially could because of understaffing by three officers who could support patrol efforts. Hiring civilian dispatchers would put more officers on the road and reduce overtime.
- While touring Town facilities last Fall, Finance Committee members witnessed a situation where the Fire Chief was temporarily the only available firefighter in Town as all other on duty firefighters were responding to incidents.
- We continue to barely fund accounts for street repair and related items at levels below accepted national standards.
- In order for the School Department to continue its improvement plan within budget increases, positions are being eliminated. While this has occurred in other recent budgets, this is the first time staffers are being laid off instead of reductions being made through retirements or turnover.

Sandwich's opportunity to move forward is blocked by a structural deficit made up primarily of salary and benefit increases that consume the Proposition 2½ allowed increase in tax revenue. With a deficit of more than \$2 million projected for FY 2010, difficult decisions are on the horizon.

Our options are limited. Budgets are slim and staffing below that of other neighboring towns and communities of similar size across the Commonwealth. Reductions would be devastating to Town services and our quality of life. It would also discourage economic development. The answer would seem to lie in savings, new development and potential Proposition 2½ options.

Shifting Town employees away from the highest cost insurance choice is a good start on the road to making the savings necessary to address the structural deficit. The Finance Committee acknowledges and thanks our union employees for recognizing the important impact this action will have on our financial picture in future years.

We look forward to the revenue that will be generated by development at the Golden Triangle and urge that work continue to make that a reality in the not too distant future, including consideration of relevant zoning changes later this year. The Finance Committee also acknowledges that a Proposition 2½ override is no doubt likely in the near term and recommends that a discussion of options begins well in advance of presenting a proposal to voters.

The time has also come to end the yearly debate over Sandwich Hollows Golf Course. An overwhelming majority of Town Meeting members voted almost ten years ago in 1999 to purchase 471 acres of private property off the Service Road more than half of which happens to include what was known at the time as Round Hill Country Club. This property is a key link in an open space corridor

between Exits 3 and 4. Part of the purchase was paid for by Land Bank Funds, the rest was assigned to the golf course. This purchase was ratified by Town Meeting four years ago. What's needed now is to support funding the compilation of a long term business plan that will allow Sandwich Hollows to continue to be self sufficient operationally and to generate funds to help pay debt service, something no other land purchase in Town history has been asked to do. To date, SHGC has contributed more than \$1.4 million towards debt service.

The job description of the Finance Committee can be summarized very simply: to be curious. With that as the standard, we believe we have met our charge. We've asked questions until we've received complete answers. We've engaged in spirited and sometimes heated debate – all done with the best interest of Sandwich and its residents in mind. The Committee will continue to tackle the difficult issues in the years ahead in the same manner as we try to find the balance between the taxpayer's ability to pay and the services we expect from our Town Government.

#### FY'09 BUDGET TOTALS

No.	Department	FY'07 Appropriation	FY'08 Appropriation	FY'09 Recommendation
114	Moderator	450	450	450
123	Selectmen/Administrator	293,380	315,317	360,172
	Personnel Expenses	255,178	233,693	131,209
131	Finance Committee	2,200	2,200	2,200
135	Accounting	142,056	146,918	168,310
141	Assessing	299,204	313,686	323,884
145	Treasurer	166,744	171,617	171,762
146	Tax Collector	205,539	207,151	224,586
147	Tax Title	15,000	15,000	15,000
151	Legal	200,000	200,000	215,000
152	Human Resources	101,000	107,419	123,329
161	Town Clerk	130,012	136,986	150,801
162	Elections & Registrations	53,400	51,400	51,500
171	Natural Resources	167,597	218,760	225,126
175	Planning & Development	136,919	141,003	143,549
190	Facilities Management	376,006	387,281	394,463
195	Town Reports	13,000	13,000	13,000
196	Bind Town Records	1,000	1,000	1,000
197	Data Processing	281,269	295,678	312,520
	<b>Total 100s</b>	<b>2,839,954</b>	<b>2,958,559</b>	<b>3,027,861</b>
210	Police Department	2,772,018	2,973,135	3,005,303
220	Fire Department	3,152,535	3,486,970	3,560,155
241	Inspections	196,696	208,807	222,944
244	Weights & Measures	1,200	1,200	1,200
291	Emergency Management	1,000	2,000	5,250
294	Forest Warden	1,200	1,500	1,500
297	Bourne Shellfish	4,000	4,000	4,000
299	Greenhead Fly	1,500	1,500	1,500
	<b>Total 200s</b>	<b>6,130,149</b>	<b>6,679,112</b>	<b>6,801,852</b>
300	School Department	27,691,505	28,549,981	29,795,614
313	UCCRVTs	1,261,967	1,606,650	1,755,017
	<b>Total 300s</b>	<b>28,953,472</b>	<b>30,156,631</b>	<b>31,550,631</b>
410	DPW – Engineering	121,297	125,235	117,795
420	DPW – Highways	1,157,677	1,203,710	1,441,213
421	Snow & Ice	250,005	250,006	250,007
424	Streetlights	23,500	30,000	30,000

435	DPW – Sanitation	780,069	780,069	780,069
	<b>Total 400s</b>	2,332,548	2,389,020	2,619,084

No.	Department	FY'07 Appropriation	FY'08 Appropriation	FY'09 Recommendation
510	Health Department	146,986	152,803	161,236
522	Nursing Department	90,902	115,172	121,865
541	Council on Aging	122,671	131,515	140,043
543	Veterans Services	28,991	29,349	31,759
547	Disabilities Commission	500	500	500
	<b>Total 500s</b>	390,050	429,339	455,403

610	Library	759,826	800,219	846,725
629	Youth Task Force	500	500	500
630	Recreation Department	58,239	61,439	69,258
650	DPW – Parks	23,250	23,250	13,850
670	Archives	2,500	0	0
671	Hoxie House / Grist Mill	0	20,000	20,000
693	Memorial Day	1,200	1,200	1,200
694	Historic District	11,000	11,500	11,500
	<b>Total 600s</b>	856,515	918,108	963,033

**OPERATING SUBTOTAL:** 41,502,688 43,530,769 45,417,864

135	Marina & SHGC Indirect Costs Transfers			22,200
210	Ambulance Fund Transfer			125,000
630	Beach and Recreation Account Transfers (incl. Sandy Neck)			167,191
645	Community Preservation Act Debt			972,725
650	Cemetery Trust Fund Transfer			22,000

**INTER-FUND TRANSFERS SUBTOTAL:** 1,309,116

132	Reserve Fund			400,000
540	Social Services Programs & Senior Tax Credit Program			30,000
710	Short Term Debt			75,000
750	Debt			4,607,236
910	Group Health Insurance			7,400,000
912	Medicare			414,849
940	Property & Liability Insurance			650,000
941	Unemployment Account			0
950	Retirement Assessment			2,013,033

**OTHER ACCOUNTS SUBTOTAL:** 15,590,118

**FY'09 BUDGET TOTAL:** 62,317,098

**VOTED:** That the Town hear the report of the Finance Committee and raise and appropriate \$58,386,728; transfer and appropriate \$1,671,254 from Free Cash; transfer and appropriate \$875,000 from the ambulance receipts reserved for appropriation account; transfer and appropriate \$200,000 from overlay surplus; transfer and appropriate \$972,725 from the Community Preservation Fund Fiscal Year 2009 estimated annual revenues; transfer and appropriate \$7,200 from Sandwich Marina funds; transfer and appropriate \$167,191 from the beach parking receipts reserved for appropriation account; transfer and appropriate \$22,000 from cemetery trust funds; and transfer and appropriate \$15,000 from the Sandwich Hollow Golf Club enterprise fund to defray Town expenses for the Fiscal

**Year 2009 as itemized in the third column entitled FY'09 recommendation, as printed in the Warrant under Article 3, and set the compensation of elected officials as follows:**

<b>Moderator</b>	<b>450.</b>
<b>Chairman, Board of Selectmen</b>	<b>2,000.</b>
<b>Selectmen – 4 each</b>	<b>1,500.</b>
<b>Chairman, Board of Assessors</b>	<b>1,500.</b>
<b>Assessors – 2 each</b>	<b>1,000.</b>
<b>Town Clerk (including longevity)</b>	<b>66,045.</b>

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

**ARTICLE 4**

To see if the Town will vote to raise and appropriate or transfer from available funds an additional sum of \$153,473.00, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2008 to June 30, 2009 as itemized below, or take any action relative thereto.

Dept. No.	Sub. Acct.	Department Name	Additional FY'09 Approp.
123	5101	Selectmen / Administrator	14,371
151	5301	Legal	10,000
197	5202	Data Processing	2,500
300		School Department	111,602
420	5480	DPW – Highways	5,000
435	5610	DPW – Sanitation	7,500
610		Library	2,500
Total Additional FY'09 Appropriations:			153,473

It was moved that the Town transfer and appropriate \$150,000 from the Stabilization Fund and raise and appropriate \$3,473, to defray Town expenses for the Fiscal Year 2009, as itemized in the Warrant under Article 4.

Hank Sennott, Chair of the Finance Committee, offered the following amendment:  
 Move that the Town vote to raise and appropriate an additional sum of \$153,473. to defray town expenses for the FY'09 budget as itemized in the warrant under Article 4.  
 The amendment **passed** by a vote of 230 yes, 131 no.

**VOTED: That the Town raise and appropriate an additional sum of \$153,473 to defray town expenses for the FY'09 budget as itemized in the warrant under Article 4. It was a counted vote, and the amended article passed by a vote of 269 yes, 137 no.**

**ARTICLE 5**

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 \$500,000.00, 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:

Fire Department – Engine Lease Payment	72,500.00
Fire Department – Ambulance Replacement	155,000.00
Health Department – Mass. Estuaries Program	166,000.00
School Department – HTW Triangular Window Repairs	100,000.00
Building Repairs / Capital Purchases	6,500.00

or take any action relative thereto.

It was moved that the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$350,000 from the Stabilization Fund, 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 5 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.

Hank Sennott, Chair of the Finance Committee, offered the following amendment: Move that Article 5 be amended to read: Move that the town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$500,000 from the stabilization fund, to be expended as itemized in the warrant under Article 5.

The amendment **passed** by a vote of 242 yes, 84 no.

**VOTED: That the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$500,000 from the stabilization fund, to be expended as itemized in the warrant under Article 5. This was a counted vote, and the amended article FAILED by a vote of 192 yes, 125 no, having not met the requirements of a two-thirds vote.**

Stephen C. Grundman moved reconsideration of Article 5. This was a voice vote and the motion for reconsideration was declared **passed** by the Moderator.

**VOTED: That the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$500,000 from the stabilization fund, to be expended as itemized in the warrant under Article 5. This was a voice vote and declared PASSED by the Moderator.**

Christopher E. Richards, Chairman, gave the report of the Capital Improvement Planning Committee, describing the items listed in Article 5 of the warrant.

#### **ARTICLE 6**

To see if the Town will vote to transfer and appropriate the sum of \$20,000.00, 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 and maintenance, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$20,000 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 transfer and appropriate the FY'08 income from the Hoxie House and Grist Mill for the FY'09 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 \$40,000 from the Fiscal Year 2008 income from the Hoxie House and Grist Mill for the Fiscal Year 2009 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 8**

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'09 operating budget for Sandwich Hollows Golf Club, or take any action relative thereto.

**VOTED: That the Town transfer and appropriate \$1,005,508 to be expended under the direction of the Board of Selectmen for establishing the Fiscal Year 2009 Enterprise Fund operating budget for Sandwich Hollows Golf Club. This was a voice vote and declared passed by the Moderator.**

#### **ARTICLE 9**

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 \$250,000.00, or any other amount, from the Golf Enterprise Fund to be expended under the direction of the Board of Selectmen, for the purpose of completing extraordinary repairs to the Sandwich Hollows Golf Club clubhouse to meet accessibility requirements and purposes, and for the purpose of completing a business and management plan for Sandwich Hollows Golf Club operations, or take any action relative thereto.

**VOTED: That the Town transfer and appropriate \$250,000 from the Golf Enterprise Fund, to be expended under the direction of the Board of Selectmen, for the purpose of completing extraordinary repairs to the Sandwich Hollows Golf Club clubhouse to meet accessibility requirements and purposes, and for the purpose of completing a business and management plan for Sandwich Hollows Golf Club operations. This was a voice vote and declared passed by the Moderator.**

#### **ARTICLE 10**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$22,874.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'09 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 \$28,762.50 from the Sandwich Promotions Fund, to be expended under the direction of the Board of Selectmen, for funding the Fiscal Year 2009 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997. This was a voice vote and declared passed by the Moderator.**

#### **ARTICLE 11**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, substantially in the form as set forth below, to amend Section 3 of Chapter 227 of the Acts of 1997 which established the membership requirements for the Town of Sandwich Promotions Fund Visitor Services Board by deleting Section 3 in its entirety and replacing it with the following; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

**SECTION 3.** There is hereby established in the town of Sandwich a visitor services board consisting of seven members to be appointed by the board of selectmen, one of whom shall be nominated by the Cape Cod canal region chamber of commerce, one of whom shall be nominated by the Sandwich chamber of commerce, one of whom shall be nominated by the Sandwich economic development committee, one of whom shall represent the hospitality interests within the town, and three of whom shall be members at large. If any of the organizations with nominating privileges hereunder cease to exist or operate, the board of selectmen may appoint in place of such nominee a member at large to serve on said visitor services board. The board of selectmen shall fill any vacancies on said visitor services board in a like manner.

or take any action relative thereto.

**VOTED: That the Town authorize the Board of Selectmen to petition the General Court for special legislation to amend Section 3 of Chapter 227 of the Acts of 1997 which established the membership requirements for the Town of Sandwich Promotions**

**Fund Visitor Services Board by deleting Section 3 in its entirety and replacing it with the wording printed in the Warrant under Article 11, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition. This was a voice vote and declared passed by the Moderator.**

#### **ARTICLE 12**

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'09, 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 2009.**

#### **ARTICLE 13**

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, 2008, or take any action relative thereto.

**VOTED: That the Town 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, 2008. This was a voice vote and declared passed by the Moderator.**

#### **ARTICLE 14**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation budget and to appropriate from the Community Preservation Fund Fiscal Year 2009 estimated annual revenues the sum of \$75,000.00, or any other sum, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2009; 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 2009 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.

**UNANIMOUSLY VOTED: That the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation budget and transfer and appropriate \$75,000 from the Community Preservation Fund Fiscal Year 2009 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 2009; and further reserve for future appropriation from the Fiscal Year 2009 Community Preservation Fund estimated annual revenues the following sums: \$202,420 for open space; \$152,290 for historic resources; \$48,410 for community housing purposes; and \$369,223 to be placed in the 2009 Budget Reserve for general Community Preservation Act purposes.**

#### **ARTICLE 15**

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 up to \$340,000.00, 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.

**VOTED: That the Town transfer and appropriate \$340,000 by transferring and appropriating \$289,870 from the Community Preservation Fund historic resources reserve and \$50,130 from the Community Preservation Fund Fiscal Year 2009 estimated annual fund revenues for historic resource 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 passed by the Moderator.**

#### **ARTICLE 16**

To see if the Town will vote to transfer from the Community Preservation Fund for open space and recreation purposes under the Community Preservation Act the sum of \$41,497.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of completing professional surveying and engineering at the Ryder and Cook Farm Conservation Properties, or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$41,497 from the Community Preservation Fund general undesignated fund balance for open space and recreation purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of completing professional surveying and engineering at the Ryder and Cook Farm Conservation Properties.**

#### **ARTICLE 17**

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 \$50,000.00 per affordable home, up to a maximum of \$250,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of supporting the Sea Shell Village affordable housing project owned by Asa Meiggs, LLC; and further, to authorize the Board of Selectmen to enter into a grant agreement with said Asa Meiggs, LLC, on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended; or take any other action relative thereto.

**VOTED: That the Town transfer and appropriate from the Community Preservation Fund community housing reserve the sum of \$95,991 and from the Community Preservation Fund Fiscal Year 2009 estimated annual revenues, for community housing purposes, the sum of \$154,009, to be expended by the Board of Selectmen for the purpose of supporting the Sea Shell Village affordable housing project owned by Asa Meiggs, LLC, provided that the Board of Selectmen shall not be authorized to expend more than \$50,000 for each affordable unit created for this project, with the funds appropriated from the Community Housing Reserve to be expended first, and further provided that any unexpended balance remaining after completion of the project shall be returned to the Community Preservation Fund, Community Housing Reserve; and to authorize the Board of Selectmen to enter into a grant agreement with said Asa Meiggs, LLC, on such terms and conditions under which such fund may be expended consistent with this vote; and further to authorize the Board of Selectmen to acquire an affordable housing restriction on the project consistent with the Community Preservation Program.**

At 10:50 p.m. in accordance with the Town Bylaw, a vote to continue the meeting after 11 p.m. was taken. This was voice vote and declared carried by the Moderator.

#### **ARTICLE 18**

To see if the Town will vote to authorize the Board of Selectmen to apply for membership in the Cape and Vineyard Electric Cooperative, Inc., and further, to authorize the Board of Selectmen to negotiate membership in said Cooperative on such terms as conditions as the Board of Selectmen determines to be in the best interests of the Town, or take any action relative thereto.

It was moved and seconded to indefinitely postpone Article 18.

**UNANIMOUSLY VOTED: To indefinitely postpone Article 18.**

**ARTICLE 19**

**“WHEREAS**, the United States has been at war in Iraq for over six years, and;  
**WHEREAS**, the “Coalition of Forces” supporting the war has dissipated, and;  
**WHEREAS**, a majority of American citizens call for an end to the war in Iraq, and;  
**WHEREAS**, the Bush administration has rejected calls for an end to U.S. Military activity, and;  
**WHEREAS**, under the Constitution, Congress is the ultimate check on the Executive branch which is perpetrating the continued occupation of Iraq, and;  
**WHEREAS**, under the Constitution, Congress has the sole responsibility to allocate funds, and;  
**WHEREAS**, almost \$500 billion of taxpayer money has already been spent on the war, depriving American citizens of funds for support for returning veterans, education, health care, other vital human needs and reparations to the people of Iraq.  
**NOW THEREFORE BE IT RESOLVED**, that we call upon our Congressional representatives to vote only for military funding that provides for a safe and rapid withdrawal of all US troops from Iraq, and;  
**FURTHER IT BE RESOLVED**, that the Town Clerk is instructed to send a copy of this resolution to Senator Edward Kennedy, Senator John Kerry, Representative William Delahunt, Senator Harry Reid, Representative Nancy Pelosi, and President George W. Bush.”

Paul W. Schrader moved the above article.

*(Submitted by Petition)*

Taylor D. White proposed the following amendment:

**WHEREAS**, the brave men and women of the United States Military have proudly served their Country in the global battle on terrorism, and;  
**WHEREAS**, a majority of Americans and the Town of Sandwich send our appreciation and gratitude for their service and hope and pray for their safe return, and;  
**WHEREAS**, we send our support and well wishes to all those in uniform serving at home and abroad.  
**NOW THEREFORE BE IT RESOLVED**, that the Town of Sandwich proclaims its support of our troops and urges Congress to express their support for these brave men and women as they complete their mission, and;  
**FURTHER IT BE RESOLVED**, that the Town Clerk is instructed to send a copy of this resolution to Senator Edward Kennedy, Senator John Kerry, Representative William Delahunt, Senator Harry Reid, Representative Nancy Pelosi, President George W. Bush, and the men and women of Sandwich and Cape Cod serving in the armed forces.

Town Counsel ruled the amendment out of order.

**VOTED: To send a copy of the resolution in Article 19 to Senator Edward Kennedy, Senator John Kerry, Representative William Delahunt, Senator Harry Reid, Representative Nancy Pelosi, and President George W. Bush. This was a voice vote and Article 19 was declared FAILED by the Moderator.**

The meeting was adjourned at 11:39 p.m.

**ARTICLE 20**

To Elect the following Officers:

Two Selectmen for a term of three years;

	P1	P2	P3	P4	P5	P6	P7	Total
Thomas Francis Keyes	273	263	216	130	160	178	132	1352
Dana Patrick Barrette	281	217	249	108	164	183	180	1382
John G. Kennan, Jr.	313	230	269	131	158	187	163	1451
Mike Merolla	199	198	145	106	113	137	86	984
All Others	0	1	0	0	0	0	4	5

Blanks	106	77	73	39	53	43	45	436
Total	1172	986	952	514	648	728	610	5610

One Assessor for a term of three years;

	P1	P2	P3	P4	P5	P6	P7	Total
Madlon Jenkins-Rudziak	376	289	343	168	214	262	206	1858
All Others	2	0	1	0	0	0	0	3
Blanks	208	204	132	89	110	102	99	944
Total	586	493	476	257	324	364	305	2805

One Constable for a term of three years;

	P1	P2	P3	P4	P5	P6	P7	Total
Clyde S. Gill	408	315	369	165	234	276	217	1984
All Others	2	0	2	1	0	0	1	6
Blanks	176	178	105	91	90	88	87	815
Total	586	493	476	257	324	364	305	2805

Two School Committee members for a term of three years;

	P1	P2	P3	P4	P5	P6	P7	Total
Sharron L. Marshall	326	260	319	144	183	235	174	1641
Barbara A. Susko	355	289	336	168	225	253	237	1863
All Others	1	2	6	1	1	3	1	15
Blanks	490	435	291	201	239	237	198	2091
Total	1172	986	952	514	648	728	610	5610

One Board of Health member for a term of three years;

	P1	P2	P3	P4	P5	P6	P7	Total
Sean Patrick Grady	391	292	355	171	225	269	212	1915
All Others	0	0	1	0	1	1	0	3
Blanks	195	201	120	86	98	94	93	887
Total	586	493	476	257	324	364	305	2805

Three Trustees of the Sandwich Public Library for a term of three years;

	P1	P2	P3	P4	P5	P6	P7	Total
Jeanie M. Vander Pyl	378	296	350	163	211	253	195	1846
Jessica Moon Germain	328	254	317	148	189	225	186	1647
Mark A. Wiklund	355	281	338	146	200	245	179	1744
All Others	0	1	4	0	0	1	0	6
Blanks	697	647	419	314	372	368	355	3172
Total	1758	1479	1428	771	972	1092	915	8415

One Trustee of the Weston Memorial Fund for a term of three years;

	P1	P2	P3	P4	P5	P6	P7	Total
Peter N. Conathan	413	314	368	174	229	267	210	1975
All Others	0	0	1	0	0	0	0	1

Blanks	173	179	107	83	95	97	95	829
Total	586	493	476	257	324	364	305	2805

Three Planning Board members for a term of three years;

	P1	P2	P3	P4	P5	P6	P7	Total
Taylor D. White	363	298	334	148	196	258	188	1785
Alan G. Trebat	325	255	292	139	192	219	181	1603
Ralph Anthony Vitacco	329	251	304	147	199	230	194	1654
All Others	1	1	2	1	0	1	0	6
Blanks	740	674	496	336	385	384	352	3367
Total	1758	1479	1428	771	972	1092	915	8415

One Planning Board member for an unexpired term of one year;

	P1	P2	P3	P4	P5	P6	P7	Total
Amy L. Lipkind	379	289	351	175	227	268	207	1896
All Others	0	1	3	0	0	0	0	4
Blanks	207	203	122	82	97	96	98	905
Total	586	493	476	257	324	364	305	2805

One Sandwich Housing Authority member for a term of five years;

	P1	P2	P3	P4	P5	P6	P7	Total
Harry Earl Lantery, Jr.	394	291	344	165	230	269	216	1909
All Others	1	2	2	1	0	0	0	6
Blanks	191	200	130	91	94	95	89	890
Total	586	493	476	257	324	364	305	2805

and all other candidates that may appear on the official ballot, The polls for the election were opened at 7:00 a.m. and closed at 8:00 p.m. The total vote cast was 2,805, which is 18 per cent of the voters. The total number of voters at the close of registration prior to the election was 15,088. The lists of Ballot Clerk and Checkers were checked and found in order and agreed with Ballot Box totals.

The number of absentee ballots cast was: Precinct 1, 38; Precinct 2, 23; Precinct 3, 28; Precinct 4, 9; Precinct 5, 11; Precinct 6, 13; Precinct 7, 13, for a total of 135 voters.

I hereby certify that this is a true record of the Annual Town Meeting held on May 5, 2008.

Julia C. Hendy  
Assistant Town Clerk

I hereby certify that this is a true record of the Annual Town Election held on May 8, 2008.

Barbara J. Walling  
Town Clerk

**TOWN OF SANDWICH  
SPECIAL TOWN MEETING  
October 27, 2008**

The Special Town Meeting was called to order in the Sandwich High School auditorium by Moderator Jan Levin Teehan at 7:00 p.m. The clerks checked in a total of 287 voters. The total number of eligible voters was 15,665. Linell Grundman of the Board of Selectmen, led the Pledge of Allegiance. The Moderator recognized the death of Barbara J. Walling, Town Clerk on August 31, 2008. Julia C. Hendy was elected Temporary Town Clerk for the purpose of this Special Town Meeting. Jacqueline Fields, Chairperson of the Barnstable County Human Rights Commission, gave the Invocation.

The Moderator had sworn in the following Sandwich residents as counters: Robert Coolidge, Nancy Crossman, Carolyn Crowell, Elaine Davis, Cynthia Denmat, Rene Douglas, Rebecca Hewitt, Alan MacKay, James McIntosh, Blake Raftery, Jonathan Shaw. Matthew Teehan was timekeeper.

**ARTICLE 1**

To see if the town will vote to raise and appropriate or transfer from available funds, the sum of \$179,300.00, or any other amount, to supplement the budget of the School Department for the Fiscal Year July 1, 2008 to June 30, 2009 as voted at the 2008 Annual Town Meeting, or take any other action relative thereto.

**VOTED: That the Town raise and appropriate \$179,300.00 to supplement the budget of the School Department for the Fiscal Year July 1, 2008 to June 30, 2009 as voted at the 2008 Annual Town Meeting. 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 \$1,545.91, or any other amount, to pay an outstanding invoice from a prior fiscal year for the Cape Libraries Automated Materials Sharing system, said funds to be expended under the direction of the Board of Selectmen, or take any action relative thereto. (9/10 Vote Required)

**UNANIMOUSLY VOTED: THAT THE Town raise and appropriate \$1,545.91 to pay an outstanding invoice from a prior fiscal year for the Cape Libraries Automated Materials Sharing system, said funds to be expended under the direction of the Selectmen.**

**ARTICLE 3**

To see if the Town will vote to reappropriate the sum of \$22,255.62, or any other amount, and to redesignate the purpose for which these funds were originally appropriated at the May 7, 2007 Special Annual Town Meeting under Article 1, for the purpose of completing a feasibility study from the Town Neck Beach bath house facilities to the purpose of conducting an endangered species enforcement program, said funds to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

**VOTED: That the Town reappropriate \$22,255.62 and redesignate the purpose for which these funds were originally appropriated at the May 7, 2007 Special Town Meeting under Article 1, from the purpose of completing a feasibility study for the Town Neck Beach bath house facilities to the purpose of conducting an endangered species enforcement program, said funds to be expended under the direction of the Board of Selectmen. This was a voice vote and declared carried by the Moderator.**

**ARTICLE 4**

Move that the Town transfer and appropriate \$150,000.00 from the Stabilization Fund to complete a public safety master plan, study and analysis, said funds to be expended under the direction of the Board of Selectmen. Article 4 was originally declared passed by the Moderator. Seven

voters rose to question the vote. A counted vote resulted in 123 Yes, 119 No. This article required a two-thirds vote to be passed.

**VOTED: That the Town transfer and appropriate \$150,000.00 from the Stabilization Fund to complete a public safety master plan, study and analysis, said funds to be expended under the direction of the Board of Selectmen. This article FAILED since the counted vote of 123 Yes, 119 No did not meet the two-thirds requirement.**

#### **ARTICLE 5**

To see if the Town will adopt the provisions of M.G.L. c. 40, §§42A-42F, inclusive, in order to grant the Mashpee Water District the authority to collect water rates and unpaid and delinquent water charges for Town of Sandwich residents served by the Mashpee Water District in accordance with the April 24, 2008 Intermunicipal Agreement between the Mashpee Water District and the Town of Sandwich and Chapter 71 of the Acts of 2008, An Act Authorizing the Mashpee Water District to Enter into a Certain Agreement with the Town of Sandwich, or take any action relative thereto.

**VOTED: That the Town adopt the provision of M.G.L. c.40, §§42A-42F, inclusive, in order to grant the Mashpee Water District the authority to collect water rates and unpaid and delinquent water charges for Town of Sandwich residents served by the Mashpee Water District in accordance with the April 24, 2008 Intermunicipal Agreement between the Mashpee Water District and the Town of Sandwich and Chapter 71 of the Acts of 2008, An Act Authorizing the Mashpee Water District to Enter into a Certain Agreement with the Town of Sandwich. This was a voice vote and declared passed by the Moderator.**

#### **ARTICLE 6**

To see if the Town will vote to transfer the care, custody, management and control of the parcel of land described below for the purposes for which it is currently held to the Board of Selectmen for the purposes of sale or conveyance; and further, to authorize the Board of Selectmen to convey by sale or other exchange of land a portion of the land off of Water Street, described as Assessors Map 73, Lot 150, and more specifically identified as "Parcel A" on a plan prepared for Richard Cunningham and Sarah DeWalt, entitled "Approval Not Required Plan, 8 Water Street, Sandwich, Massachusetts", dated August 28, 2008, prepared by Daniel W. Mackenzie, PLS, which plan is on file with the Town Clerk's Office upon such terms and conditions as it shall determine to be in the best interests of the Town; and further to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for approval of such change in use, transfer and conveyance pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; and further, to authorize the Board of Selectmen to acquire by gift, purchase or otherwise and to accept the deed to Parcel "B" shown on the above-referenced plan, upon such terms and conditions as it shall determine to be in the best interests of the Town, for purposes set forth in Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer the care, custody, management and control of the parcel of land described as Assessors Map 73, Lot 150, and more specifically identified as "Parcel A" on a plan prepared for Richard Cunningham and Sarah DeWalt, entitled "Approval Not Required Plan, 8 Water Street, Sandwich, Massachusetts", dated August 28, 2008, prepared by Daniel W. Mackenzie, PLS, for the purposes for which it is currently held to the Board of Selectmen for the purposes of sale or conveyance; and further, authorize the Board of Selectmen to convey by sale or other exchange of land a portion of the land off of Water Street, described which plan is on file with the Town Clerk's Office upon such terms and conditions as it shall determine to be in the best interests of the Town; and further authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for approval of such change in use, transfer and conveyance pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; and further, authorize the Board of Selectmen to acquire by gift, purchase or otherwise and to accept the deed to Parcel "B" shown on the above-referenced plan, upon such terms and**

**conditions as it shall determine to be in the best interests of the Town, for purposes set forth in Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.**

**ARTICLE 7**

To see if the Town will vote to authorize the Board of Selectmen to accept by gift on such terms and conditions as the Board of Selectmen shall deem appropriate, the parcels of land identified on Assessors Map 7, as Lots 227 and 228, and also shown as Lots 7 and 8 on a plan of land entitled "Plan of Land in Sandwich, Massachusetts, Pimlico Pond Road, prepared for Phyllis P. Thompson" dated May 19, 2000 by David C. Thulin PE, PLS, which plan is recorded with Barnstable County Registry of Deeds in Plan Book 558, Page 82, located on Pimlico Pond Road, owned by Cranberry Run Realty, LLC, said parcels to be held for general municipal purposes; and further, to authorize the Board of Selectmen to accept a 30' wide drainage easement on land shown as Lot 2 on a plan entitled "Plan of Land of Hittie F. Thompson in Sandwich & Mashpee" dated February 5, 1948 and recorded with Barnstable County Registry of Deeds in Plan Book 83, Page 79 located on Pimlico Pond Road, owned by Pimlico Pines Realty, LLC, and on file with the Town Clerk's Office, on such terms and conditions as the Board of Selectmen may deem appropriate or take any action relative thereto.

**VOTED: That the Town authorize the Board of Selectmen to accept by gift on such terms and conditions as the Board of Selectmen shall deem appropriate, the parcels of land identified on Assessors Map 7, as Lots 227 and 228, and also shown as Lots 7 and 8 on a plan of land entitled "Plan of Land in Sandwich, Massachusetts, Pimlico Pond Road, prepared for Phyllis P. Thompson" dated May 19, 2000 by David C. Thulin PE, PLS, which plan is recorded with Barnstable County Registry of Deeds in Plan Book 558, Page 82, located on Pimlico Pond Road, owned by Cranberry Run Realty, LLC, said parcels to be held for general municipal purposes; and further, authorize the Board of Selectmen to accept a 30' wide drainage easement on land shown as Lot 2 on a plan entitled "Plan of Land of Hittie F. Thompson in Sandwich & Mashpee" dated February 5, 1948 and recorded with Barnstable County Registry of Deeds in Plan Book 83, Page 79 located on Pimlico Pond Road, owned by Pimlico Pines Realty, LLC, and on file with the Town Clerk's Office, on such terms and conditions as the Board of Selectmen may deem appropriate.**

**ARTICLE 8:** To see if the Town of Sandwich will vote to raise and appropriate or transfer from available funds the sum of \$960,000, or any other amount, to hire, train and staff twelve (12) firefighter positions to reopen the East Sandwich Fire Station (Station #2) and to provide living quarters for said firefighters through the purchase of a trailer and corresponding utility improvements, or take any action relative thereto. (Submitted by Petition)

After considerable discussion, It was moved and seconded to indefinitely postpone the article, but this motion failed by a counted vote of 79 Yes, 165 No. After more discussion, a counted vote was taken on the main motion, with the result being 135 Yes and 95 No.

**VOTED: That the Town vote to transfer and appropriate from Certified Free Cash the sum of \$710,980. to hire, train and staff eight (8) firefighter positions and to provide living quarters for said firefighters through the purchase of a trailer and corresponding utility improvements for the purpose of reopening and staffing the East Sandwich Fire Station (Station #2). This was a counted vote, 135 yes, 95 no, and declared passed by the Moderator.**

The meeting was adjourned at 9:27 pm.

I hereby certify that this is a true record of the Special Town Meeting held on Monday, October 27, 2008.

Julia C. Hendy  
Town Clerk