

**TOWN OF SANDWICH
2009 ANNUAL TOWN MEETING
May 4, 2009**

The Annual 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 472 voters. The total number of eligible voters was 15,291. The Moderator thanked David Golden, Gavin Jones, Luke Martin, and Dana Murphy for providing band music before the meeting opened. Julia C. Hendy was elected Temporary Town Clerk for the purpose of the Annual Town Meeting. The Reverend Marcel Bouchard, Pastor of Corpus Christi Church, gave the invocation, and Linell M. Grundman, Chair of the Board of Selectmen, led the Pledge of Allegiance.

The Moderator had sworn in the following Sandwich residents as counters: Nancy Crossman, Carolyn Crowell, Elaine Davis, Rene Douglas, Patricia Emery, Mary Fishman, Regina Peters, Blake Raftery, Priscilla Raftery, Carl Watters, and Mary Watters. Matthew Teehan served as Timekeeper. The Moderator called for a moment of silence in memory of Estelle V. Duncan, Norman E. Weekes, Sr., Barbara J. Walling, and Donna M. Boardman, all of whom served the Town in various capacities for many years.

In tribute to Barbara J. Walling, a two-minute slide show depicting highlights of her life was shown. Ms. Teehan announced she was using a gavel given by the Friends of Sandwich Town Archives (FOSTA) in Barbara's name and inscribed with her name and dates of service, 1982-2008.

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 2008 Annual Town Report. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 2

To see if the Town will vote to hear the report of the Finance Committee and to see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$62,914,468.00, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2009 to June 30, 2010 as itemized below in the third column entitled FY'10 Recommendation, or take any action relative thereto.

Finance Committee Budget Message, given by Paul Kilty, Chair

The purpose of the Finance Committee is to act on behalf of the taxpayers of the Town of Sandwich. Our charge, according to the Town Charter, is to review and make recommendations for all financial articles in the warrant for Town Meetings. We have met with department heads and have held, for the first time, public forums to get taxpayer comments.

Our financial future should be sustainable if we all work together. We are grateful for the cooperation of the unions and the respective department heads for their proactive sacrifice of pay raises for FY2010. These are difficult financial times and every effort is appreciated.

Planning for FY2010 has given us all the warning signs needed to plan for FY2011. This year's budget has the benefit of a property tax sale of \$1.2 million. As the budget is presented, you will see the positive bottom line would not have been possible without this one-time addition, ideally placed in the Stabilization Fund. Often called a 'rainy day fund', the Stabilization Fund can only be accessed by a two-thirds majority vote at a Town Meeting. A well-funded Stabilization Fund balance is essential for the financial security of the town. Therefore, we endorse the transfer of funds in the FY2010 budget.

The one time revenue from the property tax sale has allowed us to have a more optimistic budget than otherwise would have been available. The Board of Selectmen and the School Committee will have a difficult task balancing the budget in FY2011. Currently, our anticipated deficit for FY2011 is in excess of

\$2.7 million. Therefore, the Finance Committee encourages cost saving measures be identified and acted upon in all budget related areas.

An ongoing concern for town officials and managers has been the maintenance of buildings and capital assets; both budgeted and deferred. Our present funding support is inadequate. Maintenance costs which would be considered necessary, but not immediate, have been deferred to future years. Facilities will need substantial upgrades and renovations. The roads are the largest town asset. The declining road conditions must be addressed. Planning and engineering work will be needed and accurate cost estimates will be mandatory to ensure adequate capital improvement planning. The state of our capital infrastructure is an opportunity to plan for our town's future in a cost effective way. The Local Comprehensive Plan and the Capital Improvement Planning Committee's report will show the importance of making decisions to replace or renovate key Capital Facilities. This is important for the quality, safety and health of our town. It is likely a debt exclusion will become necessary to respond to these capital needs.

Consistent with the Town's Charter, the Finance Committee, for the first time, has reviewed the articles for the projects of the Community Preservation Committee. Our recommendations are based upon information and financial data provided by the CPC and the Town Manager. The Finance Committee's role is not to endorse the projects, but rather validate their financing within the Community Preservation Act funds.

Within the \$65.5 million budget there are many areas of concern. Both of our elected bodies, the Board of Selectmen and the School Committee, have insisted upon fair and accurate delineation of the various choices that would lead to a balanced FY2010 budget. The Finance Committee has looked at the detailed data and has offered careful criticism and thoughtful suggestions. Each of the departments who presented before the Finance Committee has done a commendable job presenting the state of affairs and budget requirements for this next fiscal year. We thank them for their conscientious work. Many of the departments in the Town of Sandwich excel in efficient use of tax dollars.

We can all be proud of the town of Sandwich, Massachusetts. It is a well-presented community of high qualities which reflect its citizens. We are honored to have served our community during this past year.

FY'10 BUDGET TOTALS

No.	Department	FY'08 Appropriation	FY'09 Appropriation	FY'10 Recommendation
114	Moderator	450	450	1
123	Selectmen/Administrator	315,317	360,172	382,310
	Personnel Expenses	233,693	145,580	76,799
131	Finance Committee	2,200	2,200	2,200
135	Accounting	146,918	168,310	172,844
141	Assessing	313,686	323,884	338,531
145	Treasurer	171,617	171,762	164,030
146	Tax Collector	207,151	224,586	229,981
147	Tax Title	15,000	15,000	25,000
151	Legal	200,000	225,000	225,000
152	Human Resources	107,419	123,329	143,842
161	Town Clerk	136,986	150,801	153,934
162	Elections & Registrations	51,400	51,500	35,500
171	Natural Resources	218,760	225,126	233,008
175	Planning & Development	141,003	143,549	150,849
190	Facilities Management	387,281	394,463	410,784
195	Town Reports	13,000	13,000	11,000
196	Bind Town Records	1,000	1,000	1,000
197	Data Processing	295,678	315,020	331,156
	Total 100s	2,958,559	3,054,732	3,087,769

210	Police Department	2,973,135	3,005,303	3,058,024
220	Fire Department	3,486,970	*3,560,155	3,631,921
241	Inspections	208,807	222,944	229,480
244	Weights & Measures	1,200	1,200	1,200
291	Emergency Management	2,000	5,250	5,250
294	Forest Warden	1,500	1,500	1,500
297	Bourne Shellfish	4,000	4,000	4,000
299	Greenhead Fly	1,500	1,500	1,500
	Total 200s	6,679,112	6,801,852	6,932,875
300	School Department	28,549,981	30,086,416	30,550,780
313	UCCRVTS	1,606,650	1,755,017	1,575,093
	Total 300s	30,156,631	31,841,433	32,125,873
410	DPW – Engineering	125,235	117,795	123,293
420	DPW – Highways	1,203,710	1,446,213	1,478,417
421	Snow & Ice	250,006	250,007	250,008
424	Streetlights	30,000	30,000	30,000
435	DPW – Sanitation	780,069	787,569	765,569
	Total 400s	2,389,020	2,631,584	2,647,287
510	Health Department	152,803	161,236	166,464
522	Nursing Department	115,172	121,865	126,322
541	Council on Aging	131,515	140,043	145,369
543	Veterans Services	29,349	31,759	37,591
547	Disabilities Commission	500	500	0
	Total 500s	429,339	455,403	475,746
610	Library	800,219	849,225	866,210
629	Youth Task Force	500	500	0
630	Recreation Department	61,439	69,258	70,849
650	DPW – Parks	23,250	13,850	13,850
671	Hoxie House / Grist Mill	20,000	20,000	0
693	Memorial Day	1,200	1,200	1,200
694	Historic District	11,500	11,500	11,500
	Total 600s	918,108	965,533	963,609
	OPERATING SUBTOTAL:	43,530,769	45,750,537	46,233,159
135	Marina & SHGC Indirect Costs Transfers			30,000
171	Waterways Fund Transfer			17,500
171	DNR Consultant Balance Transfer			23,902
210	Ambulance Fund Transfer			150,000
630	Beach and Recreation Account Transfers (incl. Sandy Neck)			168,634
645	Community Preservation Act Debt			948,892
650	Cemetery Trust Fund Transfer			22,000
	INTER-FUND TRANSFERS SUBTOTAL:			1,360,928
132	Reserve Fund			300,000
540	Social Services Programs			21,200
710	Short Term Debt			100,000
750	Debt			3,447,264
910	Group Health Insurance			7,850,000
912	Medicare			439,740
940	Property & Liability Insurance			728,000
941	Unemployment Account			200,000
950	Retirement Assessment			2,234,177

OTHER ACCOUNTS SUBTOTAL: 15,320,381

FY'10 BUDGET TOTAL: 62,914,468

***Note:** The FY'09 Fire Department budget appropriation does not include the \$710,980 added at the October 27, 2008 Special Town Meeting. The majority of these funds are proposed to be reappropriated in Articles 3-5 of this Town Meeting.

UNANIMOUSLY VOTED: That the Town hear the report of the Finance Committee and raise and appropriate \$58,308,745; transfer and appropriate \$2,344,795 from Free Cash; transfer and appropriate \$900,000 from the ambulance receipts reserved for appropriation account; transfer and appropriate \$150,000 from overlay surplus; transfer and appropriate \$948,892 from the Community Preservation Fund Fiscal Year 2010 estimated annual revenues; transfer and appropriate \$15,000 from Sandwich Marina funds; transfer and appropriate \$168,634 from the beach parking receipts reserved for appropriation account; transfer and appropriate \$23,902 from the Department of Natural Resources Consultant account; transfer and appropriate \$17,500 from the Waterways Fund; 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 2010 as itemized in the third column entitled FY'10 Recommendation, as printed in the Warrant under Article 2, and set the compensation of elected officials as follows:

Moderator	1
Chairman Board of Selectmen	2
Selectmen – 4 each	1
Chairman Board of Assessors	1,500
Assessors – 2 each	1,000
Town Clerk	65,520

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

ARTICLE 3

To see if the Town will vote to hear the report of the Capital Improvement Planning Committee, and further, to see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$400,000.00, 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:

Police Department – Portable Radios Replacement	120,000.00
Emergency Management – EOC Communication Equipment	20,000.00
DPW – Pick-up Truck & Plow Replacement	45,000.00
DPW – Purchase of Multi-Purpose Basin Truck	135,000.00
Council on Aging – Replace 12-Passenger Van	15,000.00
Grist Mill – Replace Walkways & Planking	20,000.00
School Department – Carpeting & Painting	14,000.00
Natural Resources – Various Equipment	7,000.00
Engineering – Surveying Laser Level	8,000.00
School – Thermal Windows Replacement	7,000.00
Building Repairs / Capital Purchases	9,000.00

and further,

to see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$180,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing a vehicle in accordance with the following list, with any unexpended balance to be

placed in the Building Repairs / Capital Purchases account to be expended under the direction of the Board of Selectmen:

Fire Department – Ambulance Replacement	180,000.00
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or take any action relative thereto.

The report of the Capital Improvement Planning Committee was given by S. Michael Baker as follows: Before you is the FY '10 Capital Budget. If you support it, you should not leave here thinking you have addressed the Town's capital needs.

What the budget **DOES NOT** include:

1. Approximately \$3 million in capital requests for the next four fiscal years (\$750,000 per year)
2. The cost of deferred maintenance (routine maintenance that has been postponed for lack of funds.) The complete list will run 8-10 pages and cost millions to address.
3. The cost of meeting the need for new capital facilities, including (but not limited to):
 - a. Public safety building
 - b. Senior citizens center
 - c. Branch library
 - d. Municipal building
 - e. Road maintenance
 - f. Old harbor projectEstimated to cost \$40 million or more.

The Capital Improvement Planning Committee expects to present proposals to begin addressing some of these needs in the coming months. In the meantime, we ask your support for this article.

UNANIMOUSLY VOTED: That the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$400,000 from Fiscal Year 2009 unexpended balances in the Fire Department and transfer and appropriate \$180,000 from the ambulance receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing and repairing equipment, vehicles, and buildings, and providing related services as listed in Article 3 of the warrant, with any unexpended balance for each item identified below to be placed in the Building repairs/Capital Purchases account to be expended under the direction of the Board of Selectmen. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 4

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$256,413.32, or any other amount, said funds to be expended under the direction of the Board of Selectmen, for the purpose of reducing a projected FY'09 deficit in the Snow and Ice Account, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$256,413.32 from Fiscal Year 2009 unexpended balances in the Fire Department for funding the Fiscal Year 2009 Snow and Ice deficit. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 5

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$543.61, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of paying a FY'08 invoice from Cape Cod Hospital related to a Police and Fire Accident claim, or take any action relative thereto

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$543.61 from Fiscal Year 2009 unexpended balances in the Fire Department to pay a Fiscal Year 2008 invoice for a

Police & Fire Accident insurance claim. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$500,000.00, or any other amount, to the Stabilization Fund, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town raise and appropriate \$500,000 to be placed in the Stabilization Fund in accordance with M.G.L. c.40, §5B. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 7

To see if the Town will vote to transfer and appropriate the FY'09 income from the Hoxie House and Grist Mill for the FY'10 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 2009 income from the Hoxie House and Grist Mill for the Fiscal Year 2010 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. This was a voice vote and declared carried unanimously by the Moderator.

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

VOTED: That the Town transfer and appropriate \$1,049,359 to be expended under the direction of the Board of Selectmen for establishing the Fiscal Year 2010 Enterprise Fund operating budget for Sandwich Hollows Golf Club. This was a voice vote and declared carried by the Moderator.

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$24,676.50, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'10 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$24,676.50 from the Sandwich Promotions Fund, to be expended under the direction of the Board of Selectmen, for funding the Fiscal Year 2010 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 10

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'10, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town appropriate \$597,128 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 2010. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 11

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, 2009, or take any action relative thereto.

UNANIMOUSLY VOTED: Move 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, 2009. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 12

To see if the Town will vote to transfer and appropriate the sum of \$8,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for FY'09 shellfish propagation purposes, including supplies and services, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$8,000 from the Waterways Fund for Fiscal Year 2009 shellfish propagation purposes, including supplies and services, to be expended under the direction of the Board of Selectmen. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 13

To see if the Town will vote to confirm the vote of the January 14, 2008 Special Town Meeting under Article 9 authorizing amendments to the Sandwich Town Charter and authorizing the Board of Selectmen to petition the General Court that legislation be adopted in accordance with the special act charter process, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town confirm the vote of the January 14, 2008 Special Town Meeting under Article 9 authorizing amendments to the Sandwich Town Charter and authorizing the Board of Selectmen to petition the General Court that legislation be adopted in accordance with the special act charter process. This was a counted hand vote, 417 Yes, 0 No.

ARTICLE 14

To see if the Town will vote to confirm the vote of the May 5, 2008 Annual Town Meeting under Article 11 authorizing amendments to Section 3 of Chapter 227 of the Acts of 1997 regarding membership requirements for the Town of Sandwich Promotions Fund Visitor Services Board and authorizing the Board of Selectmen to petition the General Court that legislation be adopted accordingly, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town confirm the vote of the May 5, 2008 Annual town Meeting under Article 11 authorizing amendments to Section 3 of Chapter 227 of the Acts of 1997 regarding membership requirements for the town of Sandwich promotions Fund Visitor Services Board and authorizing the Board of Selectmen to petition the General Court that legislation be adopted accordingly. This was a counted hand vote, 413 Yes, 0 No.

ARTICLE 15

To see if the Town will vote to confirm the vote of the May 7, 2007 Annual Town Meeting under Article 19 authorizing the establishment of a receipts reserved for appropriation account for any revenue generated by communication provider leases at Sandwich High School, said account to be used for the maintenance and improvement of exterior athletic fields and facilities at Sandwich High School, and authorizing the Board of Selectmen to petition the General Court that legislation be adopted accordingly, or take any action relative thereto.

VOTED: That the town confirm the vote of the May 7, 2007 Annual Town Meeting under Article 19 authorizing the establishment of a receipts reserved for appropriation account for any revenue generated by communication provider leases at Sandwich High School, said account to be used for the maintenance and improvement of exterior athletic fields

and facilities at Sandwich High School, and authorizing the Board of Selectmen to petition the General Court that legislation be adopted accordingly. This was a counted hand vote, 410 Yes, 4 No, and declared carried by the Moderator.

ARTICLE 16

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation budget and to appropriate from the Community Preservation Fund Fiscal Year 2010 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 2010; 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 2010 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.

Stephen P. Hayes, Chairman of the Community Preservation Committee, gave the report on the several Community Preservation articles.

VOTED: That the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation budget and transfer and appropriate \$75,000 from the Community Preservation Fund Fiscal Year 2010 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 2010; and further reserve for future appropriation from the Fiscal Year 2010 Community Preservation Fund estimated annual revenues the following sums: \$20,588 for open space; \$164,610 for historic resources; \$164,610 for community housing purposes; and \$128,384 to be placed in the 2010 Budgeted Reserve for general Community Preservation Act purposes. This was a voice vote and declared carried by the Moderator.

ARTICLE 17

To see if the Town will vote to appropriate under the Community Preservation Act - historic resources program, the sum of \$950,000.00, 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 \$950,000.00 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.

A motion was made by James W. Pierce to indefinitely postpone the article. This motion was declared FAILED by the Moderator following a voice vote.

VOTED: That the Town appropriate \$950,000 from the Community Preservation Fund 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 \$950,000 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 carried by the required two-thirds majority vote by the Moderator.

ARTICLE 18

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 \$1,850,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of supporting the efforts to expand the George Fernandes Way affordable housing project owned by the Sandwich Housing Authority; 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 \$1,850,000.00 and issue bonds and notes therefor pursuant to M.G.L. c. 44, sections 7 and 8, M.G.L. c. 122B, section 20, and M.G.L. c.44B, §11, or any other enabling authority; and further, to authorize the Board of Selectmen to enter into a grant agreement with said Sandwich Housing Authority, 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 appropriate \$1,850,000 from the Community Preservation Fund for community housing purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of supporting the efforts to expand the George Fernandes Way affordable housing project owned by the Sandwich Housing Authority, and authorize the Treasurer, with the approval of the Board of Selectmen, to borrow up to \$1,850,000 and issue bonds and notes therefor pursuant to M.G.L. c. 44, sections 7 and 8, M.G.L. c. 122B, section 20, and M.G.L. c. 44B, §11, or any other enabling authority; and authorize the Board of Selectmen to enter into a grant agreement with said Sandwich Housing Authority, on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended. This was a voice vote and declared carried by the required two-thirds majority vote by the Moderator.

ARTICLE 19

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 \$50,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving and rehabilitating the Deacon Eldred House, or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$50,000 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 and rehabilitating the Deacon Eldred House. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 20

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, on such terms and conditions as the Board of Selectmen deems appropriate, all or a portion of the land and improvements thereon identified as Assessors Map 24, Lot 205 consisting of 10.00 acres more or less off Maple Swamp Road, said premises believed to be owned by John S. Jillson for open space purposes under the Community Preservation Act and for the purpose of conveyance to the Sandwich Water District for water protection and supply purposes; and further to transfer and appropriate from the Community Preservation Fund the sum of \$160,000.00, or any other amount; and further, to authorize the Board to convey all or a portion of said property to the Sandwich Water District for water protection and supply purposes, and for the purpose of conveying necessary easements to the Sandwich Water District; and further to authorize the Board of Selectmen to grant a conservation restriction meeting the general requirements of M.G.L. c. 184, Section 31, or take any action relative thereto.

VOTED: That the Town authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, on such terms and conditions as the Board of Selectmen deems appropriate, all or a portion of the land and improvements thereon identified as Assessors Map 24, Lot 205 consisting of 10.00 acres more or less off Maple Swamp Road, said premises believed to be owned by John S. Jillson for open space purposes under the Community Preservation Act and for the purpose of conveyance to the Sandwich Water District for water protection and supply purposes; and further to transfer and appropriate \$15,978 from the Community Preservation Fund open space reserve and \$144,022 from the Community Preservation Act estimated annual reserve to be expended under the direction of the Board of Selectmen; and authorize the Board to convey all or a portion of said property to the Sandwich Water District for water protection and supply purposes, and for the purpose of conveying necessary easements to the Sandwich Water District; and authorize the Board of Selectmen to grant a conservation restriction meeting the general

requirements of M.G.L. c. 184, Section 31. This was a voice vote and declared carried by the Moderator.

ARTICLE 21

To see if the Town will vote pursuant to the provisions of Section 9 of Chapter 716 of the Acts of 1989 to adopt a Local Comprehensive Plan for the Town of Sandwich, dated March 2, 2009, as approved at a November 6, 2008 Planning Board public hearing, a copy of which is on file in the Planning and Development Office, or take any action relative thereto.

VOTED: That pursuant to the provisions of Section 9 of Chapter 716 of the Acts of 1989 the Town adopt a Local Comprehensive Plan for the Town of Sandwich, dated March 2, 2009, as approved at a November 6, 2008 Planning Board public hearing. This was a voice vote and declared carried by the Moderator.

ARTICLE 22

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation entitled "An Act Establishing The Sandwich Economic Initiative Corporation", substantially in the form as set forth in the reference section of the warrant, 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, or take any action relative thereto.

Susan James moved the following amendment to Section 21: To add the phrase "or town meeting may, by a two-thirds vote" so that Section 21 reads as follows: The corporation may, upon the affirmative vote of two-thirds of its members, or town meeting may, by a two-thirds vote, 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. This amendment passed by a voice vote.

VOTED: That the Town authorize the Board of Selectmen to petition the General Court for special legislation relating to the establishment of a Sandwich Economic Initiative Corporation as printed in the Warrant under Article 22 and in the reference material, as amended, 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 counted hand vote, 191 Yes, 17 No and declared carried by the Moderator.

The amended Petition to the General Court will read as follows:

SECTION 1.

(a) The general court finds that:

- (1) in the town of Sandwich unused, underused, undeveloped or underdeveloped areas exist;
- (2) redevelopment of these areas in accordance with locally-approved community and economic development, capital improvement or other plans, including the town's local comprehensive plan and master plan, if any, is necessary to attract new commercial, industrial or residential development and to promote the sound and orderly growth of the town;
- (3) 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;
- (4) 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

(5) the acquisition, planning, clearance, development, rehabilitation or rebuilding of these unused, underused 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) the town of Sandwich has a 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 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, economy and jobs.

(c) The general court further finds that:

(1) the town of Sandwich has developed, as part of its local comprehensive plan, a plan 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.

(d) 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 as an attractive community for its residences in which to live and work, 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.

(e) 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.

(f) 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.

(g) 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 9.

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

"Development project",

(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 manager”, the duly appointed Town manager 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. Development projects undertaken by the Corporation shall be consistent with any master plan adopted by the Sandwich planning board pursuant to section 81D of chapter 41 of the General Laws or a local comprehensive plan adopted by the Town pursuant to section 9 of chapter 716 of the acts of 1989 and in effect when the project is commenced. 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. The procurement of supplies and services by the Corporation shall be subject to chapter 30B of the General Laws;
- (4) subject to subparagraph (29) hereof, 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, including without limitation the requirements of section 16 of chapter 30B of the General Laws;

(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 16 of chapter 30B of the General Laws, 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 30B of the General Laws, 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 38 A1/2 to 38 O, inclusive, of chapter 7, section 39M of chapter thirty, or sections 44A to 44 J, inclusive, of chapter 149. Construction projects undertaken by the Corporation shall be subject to the prevailing wage law requirements of chapter 149 of the General Laws, and shall be subject to all federal, state, and local laws, bylaws, rules, and regulations governing such development, including without limitation, the Sandwich protective zoning by-law.

(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 manager of all grant applications not less than ten business days prior to the submission of such applications by the Corporation. The Corporation shall not submit a grant application if the Town Manager informs the Corporation that the Town will be submitting a competing application for the same grant;

(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. Subject to the limitations set forth in chapter 55 of the General Laws, the Corporation may advocate for the passage or defeat of a state or local ballot question.

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.

SECTION 7. The Corporation shall be deemed a governmental body for purposes of section 23A of the General Laws, provided, however, that notwithstanding the provisions of section 23B of chapter 39, 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. The Corporation shall be subject to section 10 of chapter 66 of the General Laws.

SECTION 8 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 9. 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 10. 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. Upon request of the Board of Selectmen, the Corporation shall make available to the Town its books and records and shall reasonably

cooperate with the Finance Committee of the Town in any investigation of the books and records of the Corporation by the Finance Committee or its designee. 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 11. 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 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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 19. 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 20. 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 21. 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 22. 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 23. This act shall take effect upon its passage.

ARTICLE 23

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 set forth below, relating to the removal of the Chief of Police position from Civil Service law and rules; 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:

AN ACT PROVIDING THAT THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF SANDWICH SHALL BE EXEMPT FROM CIVIL SERVICE LAW AND RULES

Section 1: The office of the Chief of Police of the Town of Sandwich shall be exempt from the provisions of Chapter Thirty-One of the Massachusetts General Laws and all rules adopted thereunder; provided, however, that the present incumbent of such office who is subject to said Chapter Thirty-One shall continue to be subject to said chapter.

Section 2: This act shall take effect upon its passage.

VOTED: That the Town authorize the Board of Selectmen to petition the General Court for special legislation relating to the removal of the Chief of Police position from Civil Service law and rules as printed in the Warrant under Article 23, 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 counted hand vote, 105 Yes, 74 No, and declared carried by the Moderator.

ARTICLE 24

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.

UNANIMOUSLY VOTED: Move that the Town authorize the Board of Selectmen to apply for membership in the Cape and Vineyard Electric Cooperative, Inc. and 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. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 25

To see if the Town will vote to amend Section 2.01 of the Town Bylaws, Capital Improvement Planning Committee, as written below, or take any action relative thereto.

Section 2.01 Capital Improvement Planning Committee

- Part 1 The Town Moderator shall establish and appoint a five-member committee to be known as the Capital Improvement Planning Committee (CIPC). The CIPC will be composed of one ~~two~~ members of the Finance Committee and four members-at-large. All members must be registered voters and shall not be employees of the town. The Town Manager ~~Administrator~~ shall be an ex-officio Committee staff member without the right to vote. The term of appointment to the Committee will be one year, commencing on the first day of July of the current year. The Committee shall choose its own officers.
- Part 2 The Committee shall define and study all proposed capital projects and improvements involving major non-recurring tangible assets and projects. All officers, boards and committees, including the Selectmen and the School Committee, shall give to the Committee on forms prepared by it the information needed to prepare a Capital Budget for Town Meeting. The Committee shall consider the relative need, impact, timing, cost and finding methodology of these capital expenditures and the effect each will have on the financial position of the Town. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's report, or the Committee shall first have submitted a report to the Finance Committee and Board of Selectmen explaining the omission.
- Part 3 The Committee shall recommend ~~prepare an annual report recommending~~ a Capital Budget for the next fiscal year and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Finance Committee and the Board of Selectmen for their consideration. The Capital Budget shall be presented to ~~the Annual~~ Town Meeting for adoption by the Town.
- Part 4 ~~The Capital Budget, after its adoption, shall permit the expenditure on projects included therein of sums from department budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years or for preliminary planning for projects to be undertaken more than five years in the future.~~
- Part 4~~5~~ The Committee's ~~report and the~~ recommended Capital Budget shall be published and made available to the public ~~in a manner consistent with the distribution of the Finance Committee report.~~

UNANIMOUSLY VOTED: That the Town amend Section 2.01 of the Town Bylaws, Capital Improvement Planning Committee, as printed in the Warrant under Article 25. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 26

To see if the Town will vote to amend Section 5030 (g) of the Sandwich Protective Zoning By-laws, Use Regulations, Prohibited Uses, to read as follows:

Boat and motor vehicle service and repair may be allowed upon the issuance of a Certificate of Water Quality Compliance by the Board of Health.

or take any action relative thereto.

VOTED: That the Town amend Section 5030 (g) of the Sandwich Protective Zoning By-laws, Use Regulations, Prohibited Uses, as printed in the Warrant under Article 26. This was a voice vote and declared carried by the required two-thirds vote by the Moderator.

ARTICLE 27

To Elect the following Officers:

One Selectmen for a term of three years

	P1	P2	P3	P4	P5	P6	P7	Total
James W. Pierce	418	379	295	182	242	242	221	1979
R. Patrick Ellis	6	6	1	1	0	2	1	17
Richard W. Augustine	5	2	0	0	3	2	1	13
All Others	2	6	10	4	3	8	4	37
Blanks	169	174	124	86	103	101	103	860
Total	600	567	430	273	351	355	330	2906

One Assessor for a term of three years

	P1	P2	P3	P4	P5	P6	P7	Total
Nicholas E. Fernandes, Jr.	400	342	276	175	240	235	213	1881
All Others	1	1	1	1	0	1	0	5
Blanks	199	224	153	97	111	119	117	1020
Total	600	567	430	273	351	355	330	2906

One Town Clerk for an unexpired term of one year

	P1	P2	P3	P4	P5	P6	P7	Total
Julia C. Hendy	291	244	191	85	126	126	114	1177
Susan M. Lundquist	53	69	53	44	51	46	13	359
Taylor D. White	252	247	181	141	170	181	171	1343
All Others	0	0	0	0	0	0	0	0
Blanks	4	7	5	3	4	2	2	27
Total	600	567	430	273	351	355	330	2906

One Moderator for a term of three years

	P1	P2	P3	P4	P5	P6	P7	Total
Jan Levin Teehan	352	330	287	168	246	225	199	1807
Garry N. Blank	211	210	115	93	90	115	106	940
All Others	0	0	2	1	1	0	1	5
Blanks	36	27	26	11	14	15	24	154
Total	600	567	430	273	351	355	330	2906

One Constable for a term of three years

	P1	P2	P3	P4	P5	P6	P7	Total
James Joseph Sullivan	354	312	246	105	180	180	156	1533
Robert John Steele	100	102	67	92	86	98	91	636
All Others	0	0	1	0	0	0	2	3
Blanks	146	153	116	76	85	77	81	734
Total	600	567	430	273	351	355	330	2906

Three School Committee members for a term of three years

	P1	P2	P3	P4	P5	P6	P7	Total
Shaun Patrick Cahill	384	323	255	167	215	188	212	1744
Bob Guerin	311	276	194	113	151	121	150	1316
Andrea M. Killion	267	285	203	141	200	187	170	1453
Jessica A. Linehan	326	315	242	154	202	219	195	1653
All Others	1	0	2	0	1	3	0	7
Blanks	511	502	394	244	284	347	263	2545
Total	1800	1701	1290	819	1053	1065	990	8718

One Board of Health member for a term of three years

	P1	P2	P3	P4	P5	P6	P7	Total
Rebecca Lovell Scott	433	349	294	181	239	243	228	1967
All Others	2	2	2	2	0	0	0	8
Blanks	165	216	134	90	112	112	102	931
Total	600	567	430	273	351	355	330	2906

Three Trustees, Sandwich Public Library for a term of three years

	P1	P2	P3	P4	P5	P6	P7	Total
Joseph V. Maruca	382	341	280	166	222	212	199	1802
Marie Champagnay Hayes	339	294	235	156	211	194	175	1604
Barbara A. Finn	364	302	241	163	214	201	179	1664
All Others	2	0	0	0	0	1	0	3
Blanks	713	764	534	334	406	457	437	3645
Total	1800	1701	1290	819	1053	1065	990	8718

One Trustee, Weston Memorial Fund for a term of three years

	P1	P2	P3	P4	P5	P6	P7	Total
Geoffrey F. Lenk	416	343	296	185	244	242	219	1945
All Others	0	0	0	1	0	0	0	1
Blanks	184	224	134	87	107	113	111	960
Total	600	567	430	273	351	355	330	2906

Two Planning Board members for a term of three years

	P1	P2	P3	P4	P5	P6	P7	Total
Amy L. Lipkind	385	339	283	183	233	225	199	1847
Daniel Edward Marsters	374	332	252	166	230	202	224	1780
All Others	1	0	0	0	0	1	1	3
Blanks	440	463	325	197	239	282	236	2182
Total	1200	1134	860	546	702	710	660	5812

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 2,906, which is 19 per cent of the voters. The total number of voters at the close of registration prior to the election was 15,291. 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, 33; Precinct 2, 37; Precinct 3, 11; Precinct 4, 7; Precinct 5, 12; Precinct 6, 16; Precinct 7, 6, for a total of 122 voters.

I hereby certify that this is a true record of the Annual Town Meeting held on May 4, 2009.

Julia C. Hendy
Acting Town Clerk

I hereby certify that this is a true record of the Annual Town Election held on May 7, 2009.

Deborah F. Dami
Acting Town Clerk for this Election

**TOWN OF SANDWICH
2009 SPECIAL TOWN MEETING
October 26, 2009**

The Special Town Meeting was called to order in the Sandwich High School auditorium by Moderator Jan Levin Teehan at 7:01 p.m. The clerks checked in a total of 344 voters. The total number of eligible voters was 15,323. The invocation was delivered by Reverend Warren Washburn from the United States Coast Guard Auxiliary, and John G. Kennan led the Pledge of Allegiance. The Moderator swore in the following Sandwich residents as tellers: Nancy Comer, Robert Coolidge, Nancy Crossman, Carolyn Crowell, Rene Douglas, Pat Emery, Rebecca Hewett, Suzanne Miller, Carl Watters and Mary Watters. Rene Douglas served as the timekeeper.

ARTICLE 1

To see if the Town will vote to decrease the FY'10 School Department budget by \$137,466.00, or any other amount, or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town decrease the FY'10 School Department budget appropriation as voted at the May 4, 2009 Annual Town Meeting under Article 2 by \$137,466.

ARTICLE 2

To see if the Town will vote to transfer and appropriate the sum of \$325,000.00, or any other amount, from the Stabilization Fund to fund the FY'10 operating budget as voted at the May 4, 2009 Annual Town Meeting under Article 2, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$325,000.00 from the Stabilization Fund to fund the FY'10 operating budget as voted at the May 4, 2009 Annual Town Meeting under Article 2. This was a voice vote and declared passed by the required two-thirds majority.

ARTICLE 3

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$150,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing and repairing equipment and for providing related services for the School Department wastewater treatment facilities, or take any action relative thereto.

Earl Lantery, Jr. moved to postpone Article 3 until Annual Town Meeting in May, at which time the School Administration can present a proposal to bring the wastewater treatment plants into compliance with the groundwater discharge

permits. His motion was seconded. On a voice vote the Moderator declared the motion failed.

VOTED: That the Town transfer and appropriate \$150,000.00 from Free Cash, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing and repairing equipment and for providing related services for the School Department wastewater treatment facilities.

ARTICLE 4

To see if the Town will vote to authorize the Board of Selectmen to grant to Donald L. Segur and Margaret Segur, the present owners of 143 Main Street, Sandwich, a non-exclusive perpetual easement over the portion of the property known as the Town Hall Annex parcel on 145 Main Street, shown as the "Parking Lot Easement" on a plan on file with the Office of the Town Clerk, for the purpose of exiting and maneuvering from the Segur's garage and exiting the parking lot by vehicle to Main Street, on such terms and conditions and for such consideration as the Board of Selectmen may determine, which may be nominal consideration, and to further authorize the Board of Selectmen to execute any and all instruments and to take such other action necessary to effectuate this vote; or to take any action relative thereto.

UNANIMOUSLY VOTED: Move that the Town authorize the Board of Selectmen to grant to Donald L. Segur and Margaret Segur, the present owners of 143 Main Street, Sandwich, a non-exclusive perpetual easement over the portion of the property known as the Town Hall Annex parcel on 145 Main Street, shown as the "Parking Lot Easement" on a plan on file with the Office of the Town Clerk, for the purpose of exiting and maneuvering from the Segur's garage and exiting the parking lot by vehicle to Main Street, on such terms and conditions and for such consideration as the Board of Selectmen may determine, which may be nominal consideration, and to further authorize the Board of Selectmen to execute any and all instruments and to take such other action necessary to effectuate this vote.

ARTICLE 5

To see if the Town will vote to amend the 2009 Sandwich Local Comprehensive Plan in accordance with Section III C of the Cape Cod Commission's Local Comprehensive Plan Regulations dated March 2005 to address requirements that the Local Comprehensive Plan reflect inconsistencies between towns and with the Regional Policy Plan where overlapping mutual interests exist by including the following text:

Water/wastewater management planning

Sandwich is working with the towns of Bourne, Falmouth and Mashpee on a coordinated approach to comprehensive water resource management planning. The water management plan that may be undertaken in 2010 (pending the award of funding from the Natural Resources Damages or NRD fund) will identify all

significant threats to groundwater quality and quantity and develop comprehensive strategies for sustainable water resource management. Sandwich shares watersheds with the surrounding down gradient communities of Mashpee, Falmouth and Barnstable. These communities are currently well ahead of Sandwich with regard to undertaking comprehensive wastewater management planning. In concert with these management plans, Sandwich's water management plan, anticipated infrastructure upgrades and revised land use planning efforts will directly affect the groundwater, surface water bodies and natural resources of these towns.

The Town is currently participating in the Mass Estuaries Program (MEP), with assessments for Scorton Creek and Sandwich Harbor scheduled for completion in 2010. In addition, Sandwich is located in the upper reaches of numerous watersheds shared with other adjacent communities, including the watersheds of Popponnessett Bay, Three Bays in Barnstable and Waquoit Bay East in Mashpee and Falmouth. These neighboring communities have begun their comprehensive wastewater management plans, and Sandwich now needs to implement its own plan to avoid delaying the neighboring communities and to make sure the regional policy decisions made by all involved communities are appropriate for Sandwich's water resource and economic development plans.

Sandwich staff has attended several meetings with adjacent towns, primarily focused on facilitating discussions about regional wastewater planning. The Town of Falmouth is presently the lead community and has invited Sandwich representatives to meet regularly to discuss both the aforementioned town's wastewater management plans and determine if there is a benefit for regional collaboration. Also, the Town of Sandwich staff attended several meetings in February 2009 with adjacent communities to gain their support for the Town's application to the Executive Office of Energy and Environmental Affairs NRD program for its proposed comprehensive water management plan.

Solid Waste Management planning

The Town of Sandwich has been working collaboratively with the towns of Bourne, Falmouth, Mashpee and the MMR on solid waste management planning and service delivery. This service involves the collection, transportation and delivery of municipal solid waste (MSW) for the respective towns that is delivered to the Upper Cape Regional Transfer Station (UCRTS) on the MMR. The solid waste is then hauled via the state's rail line from the MMR to Rochester, MA. This approach to solid waste management has worked very well for the communities since the mid-1980's and the towns continue to explore the long-term viability of this regional approach to managing its MSW. The Town is represented on the Board of Managers that oversees the operations of the UCRTS. The Town also has representation on the Council of SEMASS Communities board, as well as with the Barnstable County Solid Waste Advisory Committee. These various boards and communities provide a forum for the Town to discuss regional solid waste and recycling planning issues. The Town has been recently meeting on a frequent basis with all of the Cape towns to discuss the benefits and potential opportunities of a new regional waste disposal contract.

Transportation Planning

The Town also recognizes the need for transit services that could connect with adjacent communities that currently operate transit services. However, due to the current densities in Sandwich, combined with the fiscal constraints facing both the community and the Commonwealth, new transit services are unlikely at this time. However, as the Town moves forward with the implementation of the LCP and redeveloping the identified Strategic Planning Areas, the opportunities to introduce transit services to the Town and provide interconnects with the adjacent communities may be more viable. The Town will continue to discuss these plans with both all adjacent towns as well as with the regional planning agency.

Economic Development

The Town of Sandwich has aggressive intermediate and long-term economic development plans for several specific, targeted areas in town that are elaborated on extensively in the LCP. These four Strategic Planning Areas (SPA's) are South Sandwich Village, the Route 130 Industrial Park, Historic Downtown and the Marina District. The Town's economic development plans for these areas will directly compete with the economic development plans of the Town's adjacent communities, specifically Bourne (Buzzards Bay and MacArthur Boulevard), Mashpee (primarily Mashpee Commons), Falmouth (the commercial strip of Route 28) and Barnstable (Hyannis/Route 132 and the Growth Incentive Zone District of downtown Hyannis). Each community is undertaking extensive economic development planning that will seek to provide the Town with the highest level of economic return on those areas that are posed for redevelopment. The Town of Sandwich has had several discussions with representatives from Bourne regarding the Town's Chapter 43-D application to the Commonwealth of Massachusetts and hopes to make a 43-D application to the state for designation of two parcels in town as Priority Development Sites.

or to take any action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the 2009 Sandwich Local Comprehensive Plan in accordance with Section III C of the Cape Cod Commission's Local Comprehensive Plan Regulations dated March 2005 to address requirements that the Local Comprehensive Plan reflect inconsistencies between towns and with the Regional Policy Plan where overlapping mutual interests exist, as printed in the Warrant under Article 5.

ARTICLE 6

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2300, Use Regulation Schedule, Section 2310, Principal Uses, Commercial Use, by changing the use of "Medical Offices" in the Business Limited "BL-1 and BL-2" Districts from a prohibited use to a use authorized by Special Permit and further, by changing the "N" symbol to the "S" symbol in the BL-1 and BL-2 columns for the Medical Offices use.

2300. USE REGULATION SCHEDULE

	Zoning District						
	R-1 R-2 (6)	BL-1 BL-2	IND	MAR	RD-1 RD-2	S	GD
2310. PRINCIPAL USES							
COMMERCIAL USE							
Medical Offices	N	S	N	N	RD-1 N RD-2 Y	N	N

or to take any action relative thereto.

VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article II, Section 2300, Use Regulation Schedule, Section 2310, Principal Uses, Commercial Use, by changing the use of “Medical Offices” in the Business Limited “BL-1 and BL-2” Districts from a prohibited use to a use authorized by Special Permit and further, by changing the “N” symbol to the “S” symbol in the BL-1 and BL-2 columns for the Medical Offices use, as printed in the Warrant under Article 6. This was a voice vote and declared passed by the required two-thirds majority.

ARTICLE 7

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2300, Use Regulation Schedule, Section 2310, Principal Uses, Residential Use, by changing the use of “Two-Family Dwelling” in the Business Limited “BL-1 and BL-2” Districts from a prohibited use to a use authorized by Special Permit and further, by changing the “N” symbol to the “S” symbol in the BL-1 and BL-2 columns for the Two-Family Dwelling” use.

2300. USE REGULATION SCHEDULE

	Zoning District						
	R-1 R-2 (6)	BL-1 BL-2	IND	MAR	RD-1 RD-2	S	GD
2310. PRINCIPAL USES							
RESIDENTIAL USE							
Dwelling:							
Two-family	S	S	N	N	N	N	N

or to take any action relative thereto.

VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article II, Section 2300, Use Regulation Schedule, Section 2310, Principal Uses, Residential Use, by changing the use of “Two-Family Dwelling” in the Business Limited “BL-1 and BL-2” Districts from a prohibited use to a use authorized by Special Permit and further, by changing the “N” symbol to the “S” symbol in the BL-1 and BL-2

columns for the Two-Family Dwelling” use, as printed in the Warrant under Article 7. This was a voice vote and declared passed by the required two-thirds majority.

ARTICLE 8

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2300, Use Regulation Schedule, Section 2320, Accessory Uses, by changing the use of “Accessory Apartment” in the Business Limited “BL-1 and BL-2” Districts from a prohibited use to a permitted use and further, by changing the “N” symbol to the “Y” symbol in the BL-1 and BL-2 columns for the Accessory Apartment” use.

2300. USE REGULATION SCHEDULE

	Zoning District						
	R-1 R-2 (6)	BL-1 BL-2	IND	MA R	RD-1 RD-2	S	GD
2320. ACCESSORY USES							
Accessory Apartment (see Section 4115)	Y	Y	N	N	Y	Y	N

or to take any action relative thereto.

VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article II, Section 2300, Use Regulation Schedule, Section 2320, Accessory Uses, by changing the use of “Accessory Apartment” in the Business Limited “BL-1 and BL-2” Districts from a prohibited use to a permitted use and further, by changing the “N” symbol to the “Y” symbol in the BL-1 and BL-2 columns for the Accessory Apartment” use, as printed in the Warrant under Article 8. This was a voice vote and declared passed by the required two-thirds majority.

ARTICLE 9

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2600, Intensity of Use Schedule, by allowing the Board of Appeals the authority to grant exceptions to the front yard dimensional requirements allowing front yard setbacks to be reduced by special permit from the Board of Appeals, to as little as zero, in the Business Limited – 1 Zoning District, notwithstanding any other provisions of the of the bylaw.

2600. INTENSITY OF USE SCHEDULE

(See Section 4640 for Multi-family dwelling requirements)

	R-1	BL-1 (a)	BL-2	IND	R-2	RD-1	RD-2
		MAR			GD		
		S					
Minimum front yard in feet (c)	30	30 (p)	30 (f)	30 (f)	50	40	40

And further,

To see if the Town will vote to add the following note(s) under the Intensity of Use Schedule (Schedule 2600) Notes:

- p. On special permit from the Board of Appeals, front yard setback may be reduced to as little as zero, notwithstanding any other provisions of the bylaw.

or to take any action relative thereto.

VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article II, Section 2600, Intensity of Use Schedule, by allowing the Board of Appeals the authority to grant exceptions to the front yard dimensional requirements allowing front yard setbacks to be reduced by special permit from the Board of Appeals, to as little as zero, in the Business Limited – 1 Zoning District, notwithstanding any other provisions of the of the bylaw, and further, to add note (p) under the Intensity of Use Schedule, Schedule 2600, Notes, as printed in the Warrant under Article 9. This was a voice vote and declared passed by the required two-thirds majority.

ARTICLE 10

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2110, Use and Intensity Regulations, by changing the Zoning Districts for the following parcels as shown on Assessor's Map 11, Parcels 240, 241, 242, a portion of 057, 067 and 068, located along both sides of Route 130 in Forestdale, Massachusetts from Residential – 2 Zoning District to Business Limited – 1 Zoning District, totaling approximately 21.3 acres and to modify the present map on file with the Town of Sandwich Planning Department entitled "Zoning Map, Town of Sandwich, Massachusetts dated April 2008" by incorporating the Business Limited – 1 zoning changes for parcels as shown on Assessor's Map 11, Parcels 240, 241, 242, 057, 067 and 068 and all references thereto in the Protective Zoning By-laws accordingly, or to take any action relative thereto.

Sidney Chase, a non-resident, requested the privilege to speak before Town Meeting. On a voice vote the Moderator declared the privilege granted by a majority vote and Mr. Chase was allowed to speak.

Jim Schneider made a motion to move the question. On a voice vote the Moderator declared the motion passed by a two-thirds majority vote.

VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article II, Section 2110, Use and Intensity Regulations, by changing the Zoning Districts for the following parcels as shown on Assessor's Map 11, Parcels 240, 241, 242, a portion of 057, 067 and 068, located along both sides of Route 130 in Forestdale, Massachusetts from Residential – 2 Zoning District to Business

Limited – 1 Zoning District, totaling approximately 21.3 acres and to modify the present map on file with the Town of Sandwich Planning Department entitled “Zoning Map, Town of Sandwich, Massachusetts dated April 2008” by incorporating the Business Limited – 1 zoning changes for parcels as shown on Assessor’s Map 11, Parcels 240, 241, 242, 057, 067 and 068 and all references thereto in the Protective Zoning By-laws accordingly, as printed in the Warrant under Article 10. This was a voice vote and declared passed by the required two-thirds majority.

ARTICLE 11

To see if the Town will vote to amend the 2009 Sandwich Local Comprehensive Plan, Section 1.0, Land Use and Growth Management by designating the “Business Limited BL-1 District in Forestdale” as a Smart Growth Center and further, by adding the descriptive term “BL-1 District in Forestdale” to the four (4) Smart Growth Centers as listed in Section 1.9 of the Sandwich Local Comprehensive Plan, or to take any action relative thereto.

VOTED: That the Town amend the 2009 Sandwich Local Comprehensive Plan, Section 1.0, Land Use and Growth Management by designating the “Business Limited BL-1 District in Forestdale” as a Smart Growth Center and further, by adding the descriptive term “BL-1 District in Forestdale” to the four (4) Smart Growth Centers as listed in Section 1.9 of the Sandwich Local Comprehensive Plan.

ARTICLE 12

To see if the Town will vote to amend the 2009 Sandwich Local Comprehensive Plan, Background, Purpose & Vision Section by adding “Business Limited BL-1 District in Forestdale” to the list of Strategic Planning Areas under Key Features of the Updated Plan of the 2009 Local Comprehensive Plan, or to take any action relative thereto.

VOTED: That the Town amend the 2009 Sandwich Local Comprehensive Plan, Background, Purpose & Vision Section by adding “Business Limited BL-1 District in Forestdale” to the list of Strategic Planning Areas under Key Features of the Updated Plan of the 2009 Local Comprehensive Plan.

ARTICLE 13

To see if the Town will vote to amend the 2009 Sandwich Local Comprehensive Plan, Section 3.0, Economic Development by adding “Business Limited BL-1 District in Forestdale” to the Business Limited Districts and further, by adding “Business Limited BL-1 District in Forestdale” to the four Strategic Planning Areas under Section 3.3

Existing Land for Economic Development, or to take any action relative thereto.

VOTED: That the Town amend the 2009 Sandwich Local Comprehensive Plan, Section 3.0, Economic Development by adding “Business Limited BL-1 District in Forestdale” to the Business Limited Districts and further, by adding “Business Limited BL-1 District in Forestdale” to the four Strategic Planning Areas under Section 3.3 Existing Land for Economic Development.

ARTICLE 14

To see if the Town will vote to amend the 2009 Sandwich Local Comprehensive Plan, Section 3.0 Economic Development by designating “Business Limited BL-1 District in Forestdale” as a Smart Growth Center and further, by adding the descriptive term “BL -1 District in Forestdale” to the four (4) Smart Growth Centers as listed in Section 3.7 Challenges and Opportunities of the Sandwich Local Comprehensive Plan, or to take any action relative thereto.

VOTED: That the Town amend the 2009 Sandwich Local Comprehensive Plan, Section 3.0 Economic Development by designating “Business Limited BL-1 District in Forestdale” as a Smart Growth Center and further, by adding the descriptive term “BL -1 District in Forestdale” to the four (4) Smart Growth Centers as listed in Section 3.7 Challenges and Opportunities of the Sandwich Local Comprehensive Plan.

The meeting was adjourned at 8:47 p.m.

I hereby certify that this is a true record of the Special Town Meeting held on October 26, 2009.

Taylor D. White
Town Clerk