

Town of Sandwich
Annual Town Meeting

WARRANT

Monday, May 4, 2009
7:00 p.m. – Sandwich High School



BOARD OF SELECTMEN

Linell M. Grundman, Chair
John G. Kennan, Vice-Chair
Dana P. Barrette
F. Randal Hunt
Frank Pannorfi

MODERATOR

Jan L. Teehan

FINANCE COMMITTEE

Paul Kilty, Chair
John D. Vibberts, Vice-Chair
William Diederling
Thomas R. Hickey
Veronica Mooney
Glenn Pare
Ellen E. Scott
Hank Tuohy
Ellen Yaffe

**Index of Warrant Articles
May 4, 2009**

2009 ANNUAL TOWN MEETING

1. Report of Town Officials (p. 3)
2. FY'10 Budget (p.3)
3. Reappropriation of FY'09 Funds & Transfer for Capital Budget (p. 8)
4. Reappropriation of FY'09 Funds for FY'09 Snow & Ice Deficit (p. 8)
5. Reappropriation of FY'09 Funds for Unpaid FY'08 Invoice (p. 9)
6. Appropriation to Stabilization Fund (p. 9)
7. Hoxie House / Grist Mill Income Transfer (p. 9)
8. FY'10 Golf Department Operating Budget (p. 9)
9. Sandwich Promotions Fund Appropriation (p. 9)
10. Ch. 90 State Aid to Highways Program (p. 9)
11. Establish Variable Interest Rate for FY'10 Tax Deferral Program (p. 10)
12. FY'09 Transfer for Shellfish Propagation (p. 10)
13. Confirm Special Legislation Authorization for Town Charter Amendments (p. 10)
14. Confirm Special Legislation Authorization for Visitor Services Board Amendments (p. 10)
15. Confirm Special Legislation Authorization for Sandwich High School Communication Leases as Receipt Reserved for Appropriation Account (p. 10)
16. CPA Fund Expenditure – Administrative Costs & 10% Allocations (p. 11)
17. CPA Fund Expenditure – Town Hall Restoration (p. 11)
18. CPA Fund Expenditure – Sandwich Housing Authority George Fernandes Way Expansion Project (p. 11)
19. CPA Fund Expenditure – Deacon Eldred House (p. 12)
20. CPA Fund Expenditure – Open Space Purchase in Maple Swamp Conservation Area (p. 12)
21. Sandwich Local Comprehensive Plan (p. 12)
22. Special Legislation for Establishment of Sandwich Economic Initiative Corporation (p. 13)
23. Special Act to Remove Chief of Police Position from Civil Service (p. 13)
24. Authorize Membership in Cape & Vineyard Electric Cooperative, Inc. & Authorize Selectmen to Determine Terms and Conditions of Membership (p. 13)
25. Town Bylaw Amendment: Capital Improvement Planning Committee (p. 14)
26. Zoning Amendment: Certificate of Water Quality Requirements (p. 15)
27. Elect Officers (p. 15)

Reference Material & Volunteer Service Form

1. Article 2 – FY'09 Projected Revenues & Expenses – Board of Selectmen (p. 18)
2. Article 22 – Proposed Special Legislation for Sandwich Economic Initiative Corporation (p. 19)
3. A Glossary of Commonly Used Terms (p. 34)
4. Table of Basic Points of Motions (p. 37)
5. Volunteer Service Form (p. 38)

Note: Petition articles, if any, have been printed as submitted and may contain typographic and other errors.

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

Warrant

Barnstable, ss.

To the Constables of the Town of Sandwich, in the County of Barnstable,

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sandwich qualified to vote in elections and Town affairs to meet at the Sandwich High School on Quaker Meetinghouse Road in said Sandwich on

Monday, May 4, 2009, at 7:00 p.m.,

then and there to act on the following articles, and for election on

Thursday, May 7, 2009, at 7:00 a.m.

Those residing within the area of Precincts 1 and 2 meet at the Henry T. Wing School. Those residing within the area of Precinct 3 meet at the Sandwich High School. Those residing within the area of Precincts 4 and 5 meet at the Oak Ridge School. Those residing within the area of Precincts 6 and 7 meet at the Forestdale School.

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.

No Recommendation Required.

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.

Recommended by the Board of Selectmen and Finance Committee.

Finance Committee Budget Message:

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.

Respectfully submitted,
Town of Sandwich Finance Committee

Paul C. Kilty, Chair
John D. Vibberts, Vice-Chair
Glenn Pare
Ellen E. Scott
Hank Tuohy
Veronica Mooney
Bill Diederling
Ellen Yaffe
Thomas R. Hickey

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

No.	Department	FY'08 Appropriation	FY'09 Appropriation	FY'10 Recommendation
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.

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
---	------------

or take any action relative thereto.

Recommended by the Board of Selectmen, Finance Committee, and Capital Improvement Planning Committee.

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.

Recommended by the Board of Selectmen and Finance Committee.

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.

Recommended by the Board of Selectmen and Finance Committee.

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.

Recommended by the Board of Selectmen and Finance Committee.

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.

Recommended by the Board of Selectmen and Finance Committee that \$40,000.00 be appropriated for said purpose.

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.

Recommended by the Board of Selectmen and Finance Committee that \$1,049,359.00 be appropriated for said purpose.

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.

Recommended by the Board of Selectmen and Finance Committee.

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.

Recommended by the Board of Selectmen and Finance Committee.

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.

Recommended by the Board of Selectmen and Finance Committee.

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.

Recommended by the Board of Selectmen and Finance Committee.

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.

Recommended by the Board of Selectmen.

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.

Recommended by the Board of Selectmen.

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.

Recommended by the Board of Selectmen.

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.

Recommended by the Board of Selectmen, Finance Committee, and Community Preservation Committee.

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.

Recommended by the Board of Selectmen, Finance Committee, and Community Preservation Committee.

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.

Recommended by the Board of Selectmen, Finance Committee, and Community Preservation Committee.

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.

Recommended by the Board of Selectmen, Finance Committee, and Community Preservation Committee.

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.

Recommended by the Board of Selectmen, Finance Committee, and Community Preservation Committee.

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.

Recommended by the Board of Selectmen.

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.

Recommended by the Board of Selectmen.

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.

Recommended by the Board of Selectmen.

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.

Recommended by the Board of Selectmen.

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 ~~45~~ 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.

Recommended by the Board of Selectmen.

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.

No Recommendation Required.

ARTICLE 27

To Elect the following Officers:

- One Selectmen for a term of three years;
- One Assessor for a term of three years;
- One Town Clerk for an unexpired term of one year;
- One Moderator for a term of three years;
- One Constable for a term of three years;
- Three School Committee members for a term of three years;
- One Board of Health member for a term of three years;
- Three Trustees of the Sandwich Public Library for a term of three years;
- One Trustee of the Weston Memorial Fund for a term of three years;
- Two Planning Board members for a term of three years;

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

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

THURSDAY, THE SEVENTH DAY OF MAY, 2009.

And you are hereby directed to serve this Warrant by posting attested copies thereof, one at the Town Hall, and one at each of the Post Offices in Sandwich, the last posting to be at least fourteen days prior to the time of holding said meeting,

given under our hands this 16th Day of April, 2009.

Linell M. Grundman, Chairman

John G. Kennan, Vice Chairman

Dana P. Barrette

F. Randal Hunt

Frank Pannorfi

SELECTMEN OF SANDWICH

I hereby certify that I have posted attested copies of this warrant at Sandwich Town Hall, Town Hall Annex, Sandwich Post Office, East Sandwich Post Office and Forestdale Post Office, all located within the Town of Sandwich, on

Date

Constable

Reference Material & Volunteer Service Form for Residents

(**NOTE**: Reference material is provided for informational purposes only.)

ARTICLE 2 – Projected FY'10 Revenues & Expenses

REVENUES

FY'10 Tax Levy:

FY'09 Levy Limit	42,037,302	
2.5% Increase	1,050,933	
Est. New Growth	550,000	
Excess Levy Reserve Est.	0	
Requested Operational Overrides	0	
County Assess. Outside 2.5: CCC	154,968	
Debt Outside 2.5 (- Non-Levy & SBAB)	1,553,421	45,346,623

Other Revenue:

Land Bank Purchases	948,892	
State Aid: Discretionary(Gov.'s)+SBAB	3,470,932	
State Ch. 70 Aid: School (0.00%)	6,873,318	
Estimated Local Receipts	5,000,000	
Ambulance Transportation Receipts	750,000	
Surplus Revenue: Certified	2,344,795	
Overlay Release	150,000	
Reappropriate 10/08 STM Fire Approp.	710,980	20,248,917

Total Estimated Revenues 65,595,540

EXPENSES

ReCap Sheet Items:

Abatements / Overlay	400,000	
County / State Assess.(Actual+10.00%)	1,532,709	1,932,709

Town Meeting Items:

Group Health Insurance (6.08%)	7,850,000	
County Retirement Assess. (10.99%)	2,234,177	
Property & Liability Insurance (12.00%)	728,000	
Medicare (6.00%)	439,740	
Unemployment Account	200,000	
Debt: Long Term	4,396,156	
Debt: Short Term	100,000	
Reserve Fund	300,000	
Social Services	21,200	
Capital Budget	400,000	
Transfer to Stabilization Fund	500,000	
FY'09 Snow & Ice Deficit & FY'08 Bill	256,957	17,426,230

Operating Budgets:

School Budget: Local (2.00%)	23,677,462	
Ch. 70 (0.00%)	6,873,318	30,550,780
UCCRVTS Budget (-10.25%)		1,575,093
General Gov't. Budget (1.42%)		14,107,286

Total Estimated Expenses 65,592,098

Stabilization Fund Balance:

Actual Balance on 12/31/08:	1,848,944
Proposed Transfer to Stabilization Fund:	500,000
Projected Balance for FY'11:	2,348,944

ESTIMATED FY'10 BUDGET BALANCE

3,442

EST. FY'11 BUDGET BALANCE	-2,644,724
EST. FY'12 BUDGET BALANCE	-3,664,712

ARTICLE 22 – Sandwich Economic Initiative Corporation

AN ACT ESTABLISHING THE SANDWICH ECONOMIC INITIATIVE CORPORATION.

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

SECTION 1.

(a) The general court finds that:

(1) in the town of Sandwich unused, underused, 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 if 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.

A GLOSSARY OF COMMONLY USED TERMS

Appropriation – An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited to a specific amount and identifies the timeframe when it will be expended.

Assessed Valuation – A valuation set upon real estate or other property by a government as a basis for levying taxes. Equalized assessed valuation refers to a municipality's assessed valuation, as determined by local assessors, adjusted by the State Department of Revenue to reflect a full and fair market value ("Equalized Valuation").

Betterment – An addition made to, or change made in, a fixed asset which is expected to prolong its life or to increase its efficiency. The term is also applied to sidewalks, water lines, and highways and the corresponding tax assessment abutters may authorize for repairs to their properties.

Bond – A written promise to pay a specified sum of money, called the face value (par value) or principal amount, at a specified date or dates in the future, called the maturity date(s) together with periodic interest at a specified rate. The difference between a note and a bond is that the latter runs for longer period of time and requires greater legal formality.

Bond Anticipation Note (BAN) – Short-term note of a government sold in anticipation of bond issuance. BANs are full faith and credit obligations.

Bond Ratings – Designations used by bond rating services to give relative indications of credit quality.

Budget – A plan of financial operations embodying an estimate of proposed expenditures for a given period and the proposed means of financing them.

Budget Message – Statement summarizing the plans and policies contained in the budget report, including an explanation of the principal budget items and recommendations regarding financial policy for the upcoming year.

Capital Budget – A plan for expenditure of public funds for capital purposes.

Capital Expenditure – Nonrecurring payments for capital improvements including construction, acquisition, site development and overhead costs. The fees for architects, engineers, lawyers, and other professional services plus the cost of financing may be included.

Cherry Sheet – An annual statement received by the Town from the Department of Revenue detailing estimated receipts for the next fiscal year from various state aid accounts, the lottery, and estimated charges payable in setting the tax rate.

Supplemental Cherry Sheets may be issued during the year and there is no guarantee that the estimated receipts and charges shown thereon will not vary from actual receipts and charges. The name was derived from the pink color of the document.

Debt Service – The cost (usually stated in annual terms) of the principal retirement and interest of any particular bond issue.

Enterprise Fund – Those funds which are established for specific uses under M.G.L. c.44, §53F1/2 that require an annual appropriation to operate (i.e. Sandwich Hollows Golf Club).

Excess Levy Capacity – The difference between a community's maximum tax levy limit as established by Proposition 2.5 and its actual tax levy in the most recent year for which the community has set a tax rate. It is the additional tax levy that a community can raise at Town Meeting without going to the voters for an override or debt exclusion.

Exclusions (Debt Exclusion or Capital Expenditure Exclusion) – Proposition 2.5 allows communities to raise funds for certain purposes above the amount of their levy limits or levy ceilings. Subject to voter approval, a community can assess taxes in excess of its levy limit for the payment of certain capital projects and for the payment of specified debt service costs. Such an exclusion increases the amount of property tax revenue a community may raise for a limited or temporary period of time in order to fund the specific project. Unlike overrides, exclusions do not increase the community's levy limit and do not become part of the base for calculating future years' levy limits.

Fiscal Year – The state and municipalities operate on a fiscal year which begins on July 1 and ends on June 30. For example, the FY'04 fiscal year is from July 1, 2003 to June 30, 2004.

Free Cash (Surplus Revenue) – Free cash represents the portion of surplus revenue which the municipality is able to appropriate. It is money that the community raised to spend for a particular item but was left over because the full appropriation was not expended. From this surplus the municipality's liabilities are subtracted (i.e. any unpaid back taxes). The remainder, if any, is certified annually by the Department of Revenue as the community's free cash. Amounts from certified free cash may be appropriated at Town Meeting by the community for expenditures or to offset property taxes.

General Fund – The fund into which the general (non-earmarked) revenues of the municipality are deposited and from which money is appropriated to pay the general expenses of the municipality.

Growth Revenue (New Growth) – The amount of property tax revenue that a community can add to its allowable tax levy from taxes from new construction, alterations, subdivisions, or changes of use. It is computed by applying the prior year's tax rate to the increase in valuation.

Note – A short-term loan, typically of a year or less in maturity.

Overlay – The amount raised by the assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements and state allowed exemptions.

Overrides – Proposition 2.5 allows a community to assess taxes in excess of the automatic annual 2.5% increase and any increase due to new growth by passing an override. A community can take this action as long as it is below its levy ceiling (2.5% of full and fair cash value of community). When an override is passed, the levy limit for the year is calculated by including the amount of the override. Unlike exclusions, the override results in a permanent increase in the levy limit of a community, which becomes part of the levy limit base and increases along with the base at the rate of 2.5% each year.

Proposition 2.5 – M.G.L. c.59, §21C was enacted in 1980 and limits the amount of revenue a city or town may raise from local property taxes each year. This amount is the community's annual levy limit. The law allows the levy limit to increase each year by 2.5% plus any new growth revenue derived from taxes from new construction and alterations. This amount may not exceed the community's levy ceiling. Proposition 2.5 also established two types of voter approved increases in local taxing authority – overrides and exclusions.

Reserve Fund – A fund established by Town Meeting which is under the control of the Finance Committee and from which transfers may be made for extraordinary and unforeseen expenditures. The appropriation cannot be greater than 5% of the tax levy for the prior fiscal year.

Revolving Funds – Those funds which may be used without appropriation and which are established for particular uses under M.G.L. such as continuing education programs, school lunch programs, self-supporting recreation and park services, conservation services, etc. (i.e. Sandwich Marina, Sandwich Community School).

Stabilization Fund – A special reserve account which is invested until used. Towns may appropriate into this fund in any year an amount no more than 10% of the prior year's tax levy. The outstanding balance in the account cannot exceed 10% of the Town's equalized valuation. Generally, it takes a 2/3 vote of Town Meeting to appropriate money from the Stabilization Fund.

Surplus Revenue – See "Free Cash".

TABLE OF BASIC POINTS OF MOTIONS

Rank	Type of Motion	2nd Req'd.	May Debate	May Amend	Vote Req'd.	May Recons.	May Interrupt
	MAIN MOTIONS						
None	Main Motion	Yes	Yes	Yes	Varies	Yes	No
Same	Reconsider or Rescind	Yes	Same	No	Majority	No	No
None	Take from the Table	Yes	No	No	Majority	No	No
None	Advance an Article	Yes	Yes	Yes	Majority	Yes	No
	PRIVILEGED MOTIONS						
1	Dissolve or Adjourn	Yes	No	No	Majority	No	No
	Adjourn to Fixed						
2	Time/Recess	Yes	Yes	Yes	Majority	No	No
3	Point of No Quorum	No	No	No	None	No	No
4	Fix the Time to Adjourn	Yes	Yes	Yes	Majority	Yes	No
5	Question of Privilege	No	No	No	None	No	Yes
	SUBSIDIARY MOTIONS						
6	Lay on the Table	Yes	No	No	2/3	Yes	No
7	The Previous Question	Yes	No	No	2/3	No	No
8	Limit or Extend Debate	Yes	No	No	2/3	Yes	No
9	Postpone to Time Certain	Yes	Yes	Yes	Majority	Yes	No
10	Commit or Refer	Yes	Yes	Yes	Majority	Yes	No
11	Amend (or Substitute)	Yes	Yes	Yes	Majority	Yes	No
12	Indefinitely Postpone	Yes	Yes	No	Majority	Yes	No
	INCIDENTAL MOTIONS						
Same	Point of Order	No	No	No	None	No	Yes
Same	Appeal	Yes	Yes	No	Majority	Yes	No
Same	Division of a Question	Yes	Yes	Yes	Majority	No	No
Same	Separate Consideration	Yes	Yes	Yes	Majority	No	No
Same	Fix the Method of Voting	Yes	Yes	Yes	Majority	Yes	No
Same	Nominations to Committee	No	No	No	Plurality	No	No
Same	Withdraw or Modify Motion	No	No	No	Majority	No	No
Same	Suspension of Rules	Yes	No	No	2/3*	No	No

* Unanimous if rule protects minorities; out of order if rule protects absentees

Source: Town Meeting Time, 3rd Edition

TOWN OF SANDWICH TALENT BANK

Serve Your Community

Town Government needs citizens who are willing to give time in the service of their community. The Talent Bank was adopted by the Board of Selectmen as a means of compiling names of citizens who are willing voluntarily serve on boards, committees, and as resource people. Names in this file are available for use by the public as well as the Selectmen and all Town offices.

Talent Bank files are being updated to include categories consistent with the changing needs of the Town of Sandwich. Please complete the questions listed below, indicate your areas of interest, and either drop the form off at Town Hall or send it to:

Town of Sandwich Talent Bank
Sandwich Town Hall
130 Main Street
Sandwich, MA 02563

Name: _____ Tel. No.: _____

Address: _____

Occupation / Background / Experience: _____

LIST ORDER OF PREFERENCE:

- | | | |
|-------------------------------|------------------------------|------------------------------------|
| ___ Board of Health* | ___ Econ. Develop. Comm. | ___ Personnel Board |
| ___ Cape Cod Commission | ___ Energy Committee | ___ Planning Board* |
| ___ Capital Planning Comm.** | ___ Emergency Management | ___ Recreation Committee |
| ___ Communications Technology | ___ Finance Committee** | ___ Sandwich Cultural Council |
| ___ Conservation Comm. | ___ Golf Advisory Comm. | ___ Sandwich Housing Authority* |
| ___ Council on Aging | ___ Historic District Comm.* | ___ Sandwich Historical Commission |
| ___ Disabilities Commission | ___ Library Trustees* | ___ Zoning Board of Appeals |

Other: _____

* = Elected

** = Appointed by Moderator