



**AGENDA
SELECT BOARD
TUESDAY, OCTOBER 24, 2023
WAQUOIT MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649**

Broadcast Live on Local Cable Channel 8

Streamed Live on the Town of Mashpee Website: <https://www.mashpeema.gov/channel-8>

3:30 p.m. – Convene Meeting in Open Session

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

NEW BUSINESS

- Discussion of Publication of November 7, 2023 Election Notice and Possible Remedial Action Relative Thereto
- Questions/Comments from the Public on the Above Agenda Item only

ADDITIONAL TOPICS

(This space is reserved for topics that the Chair did not reasonably anticipate would be discussed)

ADJOURNMENT

MASHPEE TOWN CLERK
OCT 19 '23 PM2:33

AN ACT VALIDATING THE RESULTS OF THE SPECIAL ELECTION HELD IN THE TOWN OF MASHPEE ON NOVEMBER 7, 2023.

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

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to validate the actions taken by the town of Mashpee at its special town election held on November 7, 2023, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

SECTION 1. Notwithstanding any general or special law to the contrary, all acts and proceedings taken by the town of Mashpee at the special town election held on November 7, 2023 and all actions taken pursuant thereto are hereby ratified, validated and confirmed, notwithstanding any failure to publish the warrant for the special election in a newspaper of general circulation within the Town at least 30 days prior to said election.

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

VOTE OF THE BOARD OF SELECTMEN
to Request Passage of Special Legislation

I, the Clerk of the Board of Selectmen of the Town of Mashpee, Massachusetts, certify that at a meeting of the board held on _____, 2023, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed by a vote of ____ in the affirmative, ____ in the negative, and ____ abstaining, all of which appears upon the official record of the board in my custody:

Voted: that the Town request the introduction and passage of special legislation in substantially the form attached hereto, which special legislation will ratify, validate and confirm the Town's November 7, 2023 special town election and all actions taken pursuant thereto.

I further certify that the vote was taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above vote) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the vote were taken in executive session, all in accordance with G.L. c.30A, §§18-25.

Dated: _____, 2023

Clerk of the Board of Selectmen

[Letterhead of Town]

_____, 2023

The Honorable _____
State [Senator] [Representative]
State House, Room _____
Boston, Massachusetts 02133

Dear [Senator] [Representative] _____:

We are writing to formally ask for your assistance in forwarding a request to the Governor's office for Governor Healey to file on the Town's behalf validating legislation to ratify the actions taken by the Town at the November 7, 2023 special town election.

The proposed corrective legislation (enclosed) was drafted by the Town's bond counsel, Locke Lord LLP. The November 7, 2023 special town election was called for the purpose of presenting a debt exclusion question to voters with respect to the second phase of the Town's wastewater infrastructure project. Pursuant to the Town's bylaws, the warrant for a special town election is required to be posted at Town Hall and on the town bulletin boards and be published in a newspaper of general circulation within the Town at least 30 days prior to the election. The warrant was posted at the Town Hall and each of the Town bulletin boards at least 30 days prior to the election. However, Bond counsel has explained that this legislation is necessary because the warrant was not published in a newspaper of general circulation within the Town of at least 30 days prior to the election. The publication of the warrant occurred on _____, 2023, which was _____ days prior to the election. The special town election was conducted on November 7, 2023, and the ballot question was approved by a vote of _____ in favor and _____ opposed.

As always, we appreciate your assistance. Since the Town needs to borrow funds to undertake this significant project as soon as possible, any efforts you can make to expedite this bill would be of tremendous help to the Town.

If you have any questions on this matter, please let me know.

Sincerely,