

**Town of Mashpee
Mashpee High School
Annual Town Meeting
Monday, May 1, 2017**

**Town Meeting opened at 7:25 PM
Voters Present 207
Quorum 0**

Barnstable, ss:

Greetings to the Constables of the Town,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and summon the inhabitants of the Town of Mashpee who are qualified to vote in the elections to meet at the Mashpee High School on Monday, the 1st day of May 2017 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

Article 1

To see if the Town will vote to accept the reports of the Town officers, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: The 2016 Annual Town Report in which the reports of Town officers are presented is available at the Town Meeting and at the Town Hall.

The Board of Selectmen recommend approval of Article 1 by a vote of 5-0.

The Finance Committee recommend approval of Article 1 by a vote of 6-0.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to accept the reports of the Town officers.

Motion passes unanimously at 7:26 PM.

Article 2

To see if the Town will vote to fix the salaries of the following elected officers as provided in Chapter 41, Section 108, of the Massachusetts General Laws for the period of July 1, 2017 to June 30, 2018, and further, to see if the Town will vote to appropriate, raise, and/or transfer a sum of money to defray the Town's expenses for the ensuing fiscal year, according to the following line item budget, with the maximum amount to be appropriated as shown in the

column entitled “FY 2018DepartmentRequest” (see Omnibus Budget), or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article seeks to fund the annual operating budgets for the various Town Departments.

The Board of Selectmen recommend approval of Article 2 by a vote of 5-0.

The Finance Committee recommend approval of Article 2 by a vote of 5-0.

DEPARTMENT		FY 2017	FY 2018	FY 2018	FY 2018
		DEPT BUDGET	DEPT REQUEST	FINANCE COMM RECOMMEND	TOWN MGR RECOMMEND
MODERATOR					
SALARY	1	200	200	200	200
TOTAL		200	200	200	200
SELECTMEN					
SALARY-ELECTED	2	15,500	15,500	15,500	15,500
SALARY/WAGE	3	337,979	345,930	341,530	341,530
EXPENSE	4	38,500	38,500	38,500	38,500
LEG/ENG/CONSULTING	5	290,000	310,000	310,000	310,000
TOTAL		681,979	709,930	705,530	705,530
FINANCE COMMITTEE					
RESERVE FUND	6	82,500	100,000	100,000	100,000
EXPENSE	7	65,000	65,000	65,000	65,000
TOTAL		147,500	165,000	165,000	165,000
TOWN ACCOUNTANT					
SALARY/WAGE	8	229,025	235,375	235,375	235,375
EXPENSE	9	1,955	2,790	2,790	2,790
TOTAL		230,980	238,165	238,165	238,165
ASSESSORS					
SALARY-APPOINTED	10	3,000	3,000	3,000	3,000
SALARY/WAGE	11	241,731	251,916	247,416	247,416
EXPENSE	12	7,050	7,750	7,750	7,750
TOTAL		251,781	262,666	258,166	258,166
TREASURER/COLLECTOR					
SALARY/WAGE	13	208,812	234,009	229,503	229,503
EXPENSE	14	52,200	53,700	53,700	53,700
DEBT SERVICE	15	3,270	2,000	2,000	2,000
FORECLOSURE	16	10,000	10,000	10,000	10,000
TOTAL		274,282	299,709	295,203	295,203

DEPARTMENT		FY 2017	FY 2018	FY 2018	FY 2018
		DEPT BUDGET	DEPT REQUEST	FINANCE COMM RECOMMEND	TOWN MGR RECOMMEND
HUMAN RESOURCES					
SALARY/WAGE	17	312,613	292,541	292,161	292,161
EXPENSE	18	57,725	86,084	86,084	86,084
TOTAL		370,338	378,625	378,245	378,245
INFO TECH (IT)					
SALARY/WAGE	19	231,288	234,691	234,691	234,691
EXPENSE	20	232,554	243,178	243,178	243,178
EQUIPMENT REPLACEMENT	21	27,000	27,000	27,000	27,000
TOTAL		490,842	504,869	504,869	504,869
GIS					
SALARY/WAGE	22	67,153	67,270	67,270	67,270
EXPENSE	23	21,595	10,037	10,037	10,037
TOTAL		88,748	77,307	77,307	77,307
TOWN CLERK					
SALARY-ELECTED	24	70,603	73,490	73,490	73,490
SALARY/WAGE	25	80,682	83,944	83,219	83,219
EXPENSE	26	9,185	11,485	9,785	9,785
TOTAL		160,470	168,919	166,494	166,494
ELECTIONS & REGISTRATIONS					
SALARY/WAGE	27	51,759	46,847	46,847	46,847
EXPENSE	28	36,476	13,000	13,000	13,000
TOTAL		88,235	59,847	59,847	59,847
CONSERVATION					
SALARY/WAGE	29	153,400	186,157	185,257	185,257
EXPENSE	30	4,100	4,620	4,620	4,620
HERRING EXPENSE	31	500	500	500	500
TOTAL		158,000	191,277	190,377	190,377

DEPARTMENT		FY 2017	FY 2018	FY 2018	FY 2018
		DEPT BUDGET	DEPT REQUEST	FINANCE COMM RECOMMEND	TOWN MGR RECOMMEND
NATURAL RESOURCES					
SALARY/WAGE	32	307,205	403,215	369,311	369,311
EXPENSE	33	73,000	55,500	55,500	55,500
PROPAGATION	34	157,000	160,000	50,000	50,000
TOTAL		537,205	618,715	474,811	474,811
PLANNING BOARD					
EXPENSE	35	7,765	7,765	7,765	7,765
TOTAL		7,765	7,765	7,765	7,765
PLANNING DEPARTMENT					
SALARY/WAGE	36	153,088	194,850	114,524	114,524
EXPENSE	37	5,555	5,555	5,555	5,555
TOTAL		158,643	200,405	120,079	120,079
TOWN HALL					
EXPENSE	38	274,000	274,000	274,000	274,000
TOTAL		274,000	274,000	274,000	274,000
POLICE					
SALARY/WAGE	39	3,558,126	3,576,728	3,423,280	3,423,280
EXPENSE	40	347,681	347,681	347,681	347,681
DISPATCHERS SALARY/WAGE	41	464,303	463,978	463,978	463,978
TOTAL		4,370,110	4,388,387	4,234,939	4,234,939
FIRE					
SALARY/WAGE	42	3,335,376	3,343,024	3,249,207	3,249,207
EXPENSE	43	468,129	485,453	462,093	462,093
TOTAL		3,803,505	3,828,477	3,711,300	3,711,300
BUILDING INSPECTOR					
SALARY/WAGE	44	296,977	304,836	304,836	304,836
EXPENSE	45	13,255	17,471	17,225	17,225
TOTAL		310,232	322,307	322,061	322,061

DEPARTMENT		FY 2017	FY 2018	FY 2018	FY 2018
		DEPT BUDGET	DEPT REQUEST	FINANCE COMM RECOMMEND	TOWN MGR RECOMMEND
TREE WARDEN					
EXPENSE	46	425	425	425	425
TOTAL		425	425	425	425
SCHOOL					
BUDGET	47	20,841,556	21,295,383	20,870,383	20,870,383
TOTAL		20,841,556	21,295,383	20,870,383	20,870,383
D.P.W.					
SALARY/WAGE	48	2,399,023	2,395,370	2,395,370	2,395,370
EXPENSE	49	678,876	812,465	672,565	672,565
BUILDINGS & GROUNDS	50	1,242,770	1,307,025	1,209,600	1,209,600
TOTAL		4,320,669	4,514,860	4,277,535	4,277,535
SNOW & ICE					
EXPENSE	51	116,570	116,570	116,570	116,570
TOTAL		116,570	116,570	116,570	116,570
STREET LIGHTING					
EXPENSE	52	28,000	28,000	28,000	28,000
TOTAL		28,000	28,000	28,000	28,000
TRANSFER STATION					
EXPENSE	53	778,075	846,623	846,623	846,623
TOTAL		778,075	846,623	846,623	846,623
SEWER COMMISSION					
EXPENSE	54	180	180	180	180
TOTAL		180	180	180	180
CEMETERY					
EXPENSE	55	15,000	15,000	15,000	15,000
TOTAL		15,000	15,000	15,000	15,000

DEPARTMENT		FY 2017	FY 2018	FY 2018	FY 2018
		DEPT BUDGET	DEPT REQUEST	FINANCE COMM RECOMMEND	TOWN MGR RECOMMEND
HEALTH					
SALARY-APPOINTED	56	3,000	3,000	3,000	3,000
SALARY/WAGE	57	222,702	235,080	232,495	232,495
EXPENSE	58	22,355	24,005	24,005	24,005
TOTAL		248,057	262,085	259,500	259,500
COUNCIL ON AGING					
SALARY/WAGE	59	229,180	232,173	225,207	225,207
EXPENSE	60	38,097	37,950	37,950	37,950
TOTAL		267,277	270,123	263,157	263,157
VETERANS					
EXPENSE	61	98,000	105,000	105,000	105,000
MEMBERSHIP	62	33,800	35,143	35,143	35,143
TOTAL		131,800	140,143	140,143	140,143
HUMAN SERVICES					
SALARY/WAGE	63	66,295	66,357	66,357	66,357
EXPENSE	64	44,168	51,910	51,910	51,910
TOTAL		110,463	118,267	118,267	118,267
LIBRARY					
SALARY/WAGE	65	442,074	452,021	451,946	451,946
EXPENSE	66	173,598	178,012	178,012	178,012
TOTAL		615,672	630,033	629,958	629,958
RECREATION					
SALARY/WAGE	67	262,394	308,175	258,625	258,625
EXPENSE	68	40,250	40,290	35,570	35,570
TOTAL		302,644	348,465	294,195	294,195

DEPARTMENT		FY 2017	FY 2018	FY 2018	FY 2018
		DEPT BUDGET	DEPT REQUEST	FINANCE COMM RECOMMEND	TOWN MGR RECOMMEND
HISTORICAL					
TEMP WAGE	69	7,500	8,412	8,412	8,412
EXPENSE	70	1,375	1,375	1,375	1,375
TOTAL		8,875	9,787	9,787	9,787
CULTURAL COUNCIL					
EXPENSE	71	90	90	90	90
TOTAL		90	90	90	90
PRINCIPAL INSIDE 2 1/2	72	1,190,151	1,190,403	1,190,403	1,190,403
PRINCIPAL OUTSIDE 2 1/2	73	1,975,000	615,000	615,000	615,000
INTEREST INSIDE 2 1/2	74	305,480	213,125	213,125	213,125
INTEREST OUTSIDE 2 1/2	75	294,463	195,025	195,025	195,025
TEMP BORROW INSIDE 2 1/2	76	15,000	30,000	30,000	30,000
RETIREMENT EXPENSE	77	2,718,138	2,843,559	2,843,559	2,843,559
UNEMPLOYMENT	78	60,000	60,000	60,000	60,000
MEDICAL INSURANCE	79	6,997,678	7,715,400	7,715,400	7,715,400
GROUP INSURANCE	80	20,000	14,700	14,700	14,700
MEDICARE	81	456,000	450,000	450,000	450,000
TOWN INSURANCE	82	792,000	792,000	792,000	792,000
GRAND TOTAL		55,014,078	55,411,816	54,173,383	54,173,383

Motion made by Selectman Andrew Gottlieb.

Motion: I move the Town vote to fix the salaries of the elected officers as specified under the column entitled “Town Manager Recommendation”: in line items 2 and 24 of the “Omnibus

Budget” as distributed to voters at the Town Meeting and further the Town defray the expenses for the ensuing fiscal year by appropriation, those amounts shown under column entitled “Town Manager Recommendation” and that to fund said appropriation, the Town raise and appropriate \$51,333,050; and further appropriate and transfer from the Ambulance Receipts Reserved for Appropriation Account \$450,000 to line item 42, \$50,000 to line item 43, \$100,000 to line item 72, and \$6,800 to line item 74; appropriate and transfer from the Hotel/Motel Receipts Account \$65,000 to line item 79; appropriate and transfer from the Conservation Revolving Account \$15,000 to line item 29; appropriate and transfer from the Shellfish Receipts Reserved for Appropriation Account \$25,000 to line item 34; appropriate and transfer from the Cemetery Receipts Reserved for Appropriation Account \$15,000 to line item 55; appropriate and transfer from the Street Betterment Receipts Reserved for Appropriation Account \$425,000 to line item 72, \$101,950 to line item 74; appropriate and transfer from the Septic Betterment Receipts Reserved for Appropriation Account \$29,196 to line item 72, \$23,712 to line item 57; and appropriate and transfer from the Community Preservation Act Fund \$470,000 to line item 72, \$63,675 to line item 74; and appropriate and transfer from Revenue Available for Appropriation \$1,000,000 to line item 79.

Motion passes unanimously at 7:41 PM.

Article 3

To see if the Town will vote to appropriate and transfer the sum of \$812,167 from available funds to various department Capital Accounts, as specified in the chart accompanying this Article, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article is to appropriate funds for the FY 2018 capital budget.

The Board of Selectmen recommend approval of Article 3 by a vote of 5-0.

The Finance Committee recommend approval of Article 3 by a vote of 6-0.

DEPARTMENT		FY 2018 CIP COMMITTEE REPORT		FY 2018 TOWN MANAGER RECOMMENDATION
Police				
10 Police Vehicles - Year 1 of 3	1	\$ 175,000		\$ 175,000
4 Police Vehicles - Year 3 of 3	2	\$ 48,000		\$ 48,000
Total Police		\$ 223,000		\$ 223,000
Fire				
Purchase (1) Ambulance	3	\$ 250,000		\$ 250,000
Total Fire		\$ 250,000		\$ 250,000
DPW				
2016 Inter'l Dump Truck - Year 3 of 3	4	\$ 48,722		\$ 48,722
2017 F-550 w/Dump - Year 2 of 2	5	\$ 35,525		\$ 35,525
Replace 2004 Kubota Tractor (M72799)	6	\$ 55,000		\$ 55,000
Replace 2012 John Deere Mower	7	\$ 50,000		\$ 50,000
Replace 2009 Ford Escape (M86388)	8	\$ 30,000		\$ 30,000
Total DPW		\$ 219,247		\$ 219,247
Info Tech (IT)				
NAS Storage at Town Hall	9	\$ 50,000		\$ 50,000
Upgrade VMWare Server/Switch at Fire	10	\$ 35,000		\$ 35,000
Total IT		\$ 85,000		\$ 85,000
Recreation				
12 Passenger Van - Year 3 of 3	11	\$ 9,920		\$ 9,920
Total Recreation		\$ 9,920		\$ 9,920
School				
Air Conditioning Network Closets	12	\$ 25,000		\$ 25,000
Total School		\$ 25,000		\$ 25,000
TOTAL CAPITAL APPROPRIATION		\$ 812,167		\$ 812,167

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to appropriate and transfer from the Ambulance Receipts Reserved for Appropriation Account \$250,000 to line item 3; appropriate and transfer from the Mashpee Cable and Advanced Technology Account \$50,000 to line item 9; appropriate and transfer from the Recreation Revolving Fund \$9,920 to line item 11; and appropriate and transfer from Revenue Available for Appropriation \$502,247 to the remaining various department Capital Accounts.

Motion passes unanimously at 7:44 PM.

Article 4

To see if the Town will vote to approve the annual regional school district budget for the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2017, in the amount of \$14,732,000, and further, to see if the Town will vote to raise and appropriate the sum of \$1,135,010 to meet its share of the cost of operation and maintenance of the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2017, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: Mashpee's share of the Regional Technical High School budget is \$1,135,010. There are 57 students from Mashpee at the Regional Technical High School, a decrease of 2 students from last year.

The Board of Selectmen recommend approval of Article 4 by a vote of 5-0.

The Finance Committee recommend approval of Article 4 by a vote of 6-0.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to approve the annual regional school district budget for the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2017, in the amount of \$14,732,000, and further, to see if the Town will vote to raise and appropriate the sum of \$1,135,010 to meet its share of the cost of operation and maintenance of the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2017.

Motion passes at 7:46 PM.

Article 5

To see if the Town will vote to appropriate and transfer from revenue available for appropriation a sum of money to fund the Firefighters Union Contract effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will fund year one of a three-year contract between the Town of Mashpee and the Mashpee Permanent Firefighters Association, Local 2519.

The Board of Selectmen recommend approval of Article 5 by a vote of 5-0.

The Finance Committee recommend approval of Article 4 by a vote of 6-0.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to appropriate and transfer from revenue available for appropriation the sum of \$133,000 to fund the Firefighters Union Contract effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant.

Motion passes unanimously at 7:49 PM.

Article 6

To see if the Town will vote to appropriate and transfer from revenue available for appropriation a sum of money to fund the Sergeants Contract effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will fund year one of a three-year contract between the Town of Mashpee and the Mass C.O.P., Local 320, Sergeants Unit.

The Board of Selectmen recommend approval of Article 6 by a vote of 5-0.

The Finance Committee recommend approval of Article 4 by a vote of 6-0.

Motion made by Selectman Andrew Gottlieb.

Motion: I move the Town vote to appropriate and transfer from revenue available for appropriation the sum of \$26,017 to fund the Sergeants Contract effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant.

Motion passes unanimously at 7:50 PM.

Article 7

To see if the Town will vote to appropriate and transfer from revenue available for appropriation a sum of money to fund the Patrol Officers & Detectives Contract effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will fund year one of a three-year contract between the Town of Mashpee and the Mass C.O.P., Local 324, Patrol Officers & Detectives Unit.

The Board of Selectmen recommend approval of Article 7 by a vote of 5-0.

The Finance Committee recommend approval of Article 4 by a vote of 6-0.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to appropriate and transfer from revenue available for appropriation the sum of \$196,000 to fund the Patrol Officers & Detectives Contract effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant.

Motion passes unanimously at 7:51 PM.

Article 8

To see if the Town will vote to appropriate and transfer from revenue available for appropriation a sum of money to fund the Administrators Contract, Units A, B and C effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will fund year one of a three-year contract between the Town of Mashpee and the Laborers' District Council of the Laborers' International Union of North America, Units A, B and C.

The Board of Selectmen recommend approval of Article 8 by a vote of 5-0.

The Finance Committee recommend approval of Article 4 by a vote of 6-0.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to appropriate and transfer from revenue available for appropriation the sum of \$64,000 to fund the Administrators Contract, Units A & B, effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant.

Motion passes unanimously at 7:52 PM.

Article 9

To see if the Town will vote to appropriate and transfer from revenue available for appropriation a sum of money to fund the Clerical Unit Contract effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will fund year one of a three-year contract between the Town of Mashpee and the SEIU, Local 888, AFL CIO, Clerical Unit.

The Board of Selectmen recommend approval of Article 9 by a vote of 5-0.

The Finance Committee recommend approval of Article 4 by a vote of 6-0.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to appropriate and transfer from revenue available for appropriation the sum of \$54,000 to fund the Clerical Unit Contract effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant.

Motion passes unanimously at 7:53 PM.

Article 10

To see if the Town will vote to appropriate and transfer from revenue available for appropriation a sum of money to fund the Public Works Unit Contract effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will fund year one of a three-year contract between the Town of Mashpee and the SEIU, Local 888, AFL CIO, Public Works Unit.

The Board of Selectmen recommend approval of Article 10 by a vote of 5-0.

The Finance Committee recommend approval of Article 4 by a vote of 6-0.

Motion made by Selectman Andrew Gottlieb.

Motion: I move the Town vote to appropriate and transfer from revenue available for appropriation the sum of \$84,000 to fund the Public Works Contract, Units A & B, effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant.

Motion passes unanimously at 7:54 PM.

Article 11

To see if the Town will vote to appropriate and transfer from revenue available for appropriation a sum of money to fund the Personnel Administration Plan (P.A.P.) Appendix B and Appendix C employees, including the Plumbing and Wiring Inspectors, effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will fund a cost of living adjustment for FY 2018 for employees whose positions are classified under the Town's Personnel Administration Plan.

The Board of Selectmen recommend approval of Article 11 by a vote of 5-0.

The Finance Committee recommend approval of Article 4 by a vote of 6-0.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to appropriate and transfer from revenue available for appropriation the sum of \$66,350 to fund the Personnel Administration Plan (P.A.P.) Appendix B and Appendix C employees, including the Plumbing and Wiring Inspectors, and the Personal Service Contract for the Deputy Fire Chief, effective July 1, 2017, with said funds to be distributed to various salary line items by the Town Accountant.

Motion passes unanimously at 7:55 PM.

Article 12

To see if the Town will vote to appropriate and transfer the sum of \$50,000 from revenue available for appropriation to the Other Postemployment Benefits Irrevocable Trust Fund, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article is to add funds to the OPEB Irrevocable Trust Fund which was established in FY 2013. This trust fund was established to assist the Town with meeting its potential post-employment benefits obligation.

The Board of Selectmen recommend approval of Article 12 by a vote of 5-0.

The Finance Committee recommend approval of Article 12 by a vote of 6-0.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to appropriate and transfer the sum of \$50,000 from revenue available for appropriation to the Other Postemployment Benefits Irrevocable Trust Fund.

Motion passes unanimously at 7:56 PM.

Article 13

To see if the Town will vote to establish a Capital Stabilization Fund in accordance with the provisions of General Law Chapter 40, Section 5B for purposes of funding Town capital expenses, including debt service and other related costs, and to appropriate and transfer the sum of \$500,000 from revenue available for appropriation, to be deposited into said Fund, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will create a Capital Stabilization account to set aside funds for future capital expenditures in an effort to ensure the Town will maintain its assets at a level adequate to protect the Town's capital investment and to minimize future maintenance and replacement costs. A 2/3 vote is required to establish, appropriate funds into, and withdraw funds out of this account.

The Board of Selectmen recommend approval of Article 13 by a vote of 5-0.

The Finance Committee recommend approval of Article 13 by a vote of 4-0.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to establish a Capital Stabilization Fund in accordance with the provisions of General Law Chapter 40, Section 5B for purposes of funding Town capital expenses, including debt service and other related costs, and to appropriate and transfer the sum of \$500,000 from revenue available for appropriation, to be deposited into said Fund.

Motion passes unanimously at 7:57 PM.

Article 14

To see if the Town will vote to appropriate the sum of \$1,500,000 to pay costs associated with the various building and road improvements identified below, and to determine whether this amount should be raised by taxation, by transfer of available funds, by borrowing or otherwise. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relating thereto.

PROPOSED PROJECTS

- Replace generator at Quashnet School
- Upgrade security camera/access control at various buildings
- Re-caulk expansion joints/windows at MHS
- Replace RTU 1, 2 at MHS (HVAC)
- Replace MAU 1 at MHS (HVAC)
- Upgrade interior lighting at Quashnet School (led lamp replacement)
- Install energy management system at KC Coombs School
- Replace smoke/heat detectors at KC Coombs School
- Replace window glass at KC Coombs School
- Reconstruct parking lot at Police Station (balance)
- Re-caulk expansion joints/windows at Town Hall
- Refurbish gym floor at MHS
- Install vehicle exhaust system at DPW
- Road Improvements per the Town's Pavement Management Plan

Submitted by the Board of Selectmen

Explanation: This article would authorize the Board of Selectmen to borrow up to \$1,500,000 to pay costs associated with the maintenance and repair of Town buildings and roadways. This article allows continuation of maintenance/repairs and improvements as outlined in a previous needs study by the Planning and Construction Committee and the Capital Improvement Committee's 5-Year Plan, as well as addresses the need to provide funds for various road repair/maintenance as outlined in the Town's Pavement Management Plan and as recommended by the Board of Selectmen.

The Board of Selectmen recommend approval of Article 14 by a vote of 5-0.

The Finance Committee recommend approval of Article 14 by a vote of 4-0.

Motion made by Selectman Andrew Gottlieb.

Motion: I move that the sum of \$1,500,000 be and hereby is appropriated to pay costs of road repairs, equipment, and improvements to Town and school buildings, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,500,000 under Chapter 44 of the General Laws or any other enabling authority; and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out the projects. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion passes by 2/3rds vote at 8:00 PM.

Article 15

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the Planning & Construction Committee for replacement of roofs, soffits, windows and doors at the Quashnet School, 150 Old Barnstable Road, Mashpee, MA 02649, including the payment of costs incidental or related thereto, for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that Town of Mashpee may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty-seven and ninety-five hundredths percent (37.95%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

Submitted by the Board of Selectmen

Explanation: This article seeks an appropriation of funds with respect to which the Town may be eligible for reimbursement pursuant to a school construction grant from the Massachusetts School Building Authority (MSBA). The Massachusetts School Building Authority (MSBA) has accepted the Town's application to participate in their Accelerated Repair Program. Through this program, the Town would receive reimbursement of up to 37.95% of the costs to replace the windows and doors at the Quashnet School. The windows and doors are original to the school's construction in 1978 (Liberty Wing addition was constructed in 1992). The condition of the windows is poor, resulting in heat loss, moisture penetration, and clouding of glass. The proposed window and door

replacement project would materially extend the useful life of the school, and preserve a capital asset that is otherwise capable of supporting the required educational programs.

The Board of Selectmen recommend approval of Article 15 by a vote of 5-0.

The Finance Committee recommend approval of Article 15 by a vote of 4-0.

Motion made by Selectman John Cahalane.

Motion: I move that the Town of Mashpee vote to appropriate the sum of ten million four hundred seventy-seven thousand eight hundred eighty-four dollars (\$10,477,884) for replacement of roofs, soffits, windows and doors at the Quashnet School, 150 Old Barnstable Road, Mashpee, MA 02649, including the payment of costs incidental or related thereto, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program (the "Project"). Said sum to be expended under the direction of the Planning & Construction Committee, and to meet said appropriation, five hundred thousand dollars (\$500,000) is transferred from Revenue Available, and the Treasurer, with the approval of the Selectmen, is authorized to borrow the sum of nine million nine hundred seventy-seven thousand eight hundred eighty-four dollars (\$9,977,884) under M.G.L. Chapter 44, or any other enabling authority; that the Town of Mashpee acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town of Mashpee incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Mashpee; provided further that any grant that the Town of Mashpee may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty-seven and ninety-five hundredths percent (37.95%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 21/2); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any amounts received or expected to be received from the MSBA prior to the issuance of any bonds or notes under this vote as set forth in the Project Funding Agreement that may be executed between the Town of Mashpee and the MSBA. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion passes by 2/3rds vote at 8:11 PM.

Article 16

To see if the Town will vote to create one new full-time position, Assistant Town Planner, within the Planning Department, with said position to be classified under Unit A of the Managers Laborers' International Union of North America, to be effective July 1, 2017, and to appropriate

and transfer the sum of \$25,365 from revenue available for appropriation, with said funds to be distributed as follows: \$25,000 to the Planning Department Salary/Wage Account and \$365 to the Medicare Account, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: In October 2008, under the Administrative Code, the Assistant Town Planner was reclassified as the GIS Coordinator. The newly created Assistant Town Planner position would work under the direct supervision of the Town Planner, with the primary function of providing assistance and advice to the Mashpee Planning Board and the secondary function of assisting the Town Planner in performing other duties of his position.

The Board of Selectmen recommend approval of Article 16 by a vote of 5-0.

The Finance Committee recommend approval of Article 16 by a vote of 5-0.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to create one new full-time position, Assistant Town Planner, within the Planning Department, with said position to be classified under Unit A of the Managers Laborers' International Union of North America, to be effective July 1, 2017, and to appropriate and transfer the sum of \$25,365 from revenue available for appropriation, with said funds to be distributed as follows: \$25,000 to the Planning Department Salary/Wage Account and \$365 to the Medicare Account.

Motion passes at 8:22 PM.

Article 17

To see if the Town will vote to create one new full-time position, Assistant Tax Collector/Treasurer, within the Tax Collector Treasurer Department, with said position to be classified under the Personnel Administration Plan (P.A.P.), and to appropriate and transfer the sum of \$915 from revenue available for appropriation, with said funds to be distributed as follows: \$901 for the Tax Collector/ Treasurer Department for salaries/wages and \$14 to the Medicare Account, or take any other action relating thereto.

Submitted by the Tax Collector/Treasurer

Explanation: This article is to create a position in the Tax Collector/Treasurer department for an Assistant Tax Collector/Treasurer. Presently, there is no assistant position and the office manager provides coverage when the Tax Collector/Treasurer is absent. This article provides the Town of Mashpee insurance of performance of legal duties if the Tax Collector/Treasurer is absent for a short or extended period of time.

The Board of Selectmen recommend approval of Article 17 by a vote of 5-0.

The Finance Committee recommend approval of Article 17 by a vote of 5-0.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to create one new full-time position, Assistant Tax Collector/Treasurer, within the Tax Collector Treasurer Department, with said position to be classified under the Personnel Administration Plan (P.A.P.), and to appropriate and transfer the sum of \$915 from revenue available for appropriation, with said funds to be distributed as follows: \$901 for the Tax Collector/ Treasurer Department for salaries/wages and \$14 to the Medicare Account.

Motion passes unanimously at 8:26 PM.

Article 18

To see if the Town will vote to appropriate the sum of \$540,607 to establish a budget for the PEG Access and Cable Related Fund for FY 2018, with said appropriation to be funded through the current balance of the fund, or take any other action relating thereto.

Submitted by the Town Accountant/Finance Director

Explanation: The Department of Revenue now requires the Town to vote a yearly budget based on estimated expenditures from the fund for the upcoming fiscal year. The total budget voted may not exceed the current balance within the fund.

The Board of Selectmen recommend approval of Article 18 by a vote of 5-0.

The Finance Committee recommend approval of Article 18 by a vote of 4-0.

Motion made by Selectman Andrews Gottlieb.

Motion: I move the Town vote to appropriate the sum of \$540,607 to establish a budget for the PEG Access and Cable Related Fund for FY 2018, with said appropriation to be funded through the current balance of the fund.

Motion passes unanimously at 8:27 PM.

Article 19

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money to provide for road improvement projects under the Chapter 90 program, or take any other action relating thereto.

Submitted by the Department of Public Works

Explanation: This article authorizes use of funds which will be 100% reimbursed by the Commonwealth of Massachusetts. The budget approved each fiscal year by the Legislature and

Governor establishes the total funding available for Chapter 90 local transportation aid for that year. These funds are then apportioned to the 351 Massachusetts towns and cities. The funding authorized by this article is the maximum anticipated Town's share of the FY 2018 Chapter 90 program.

The Board of Selectmen recommend approval of Article 19 by a vote of 5-0.

The Finance Committee recommend approval of Article 19 by a vote of 4-0.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to appropriate \$602,807 to provide for road improvement projects in and for the Town, in accordance with the provisions of Chapter 90 of the Massachusetts General Laws, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum of \$602,807 under and pursuant to the provisions of MGL, Chapter 44, Sections 7&8, or any other enabling authority, and to issue bonds and notes of the Town therefor.

Motion passes unanimously at 8:28 PM.

Article 20

To see if the Town will vote to appropriate the sum of \$383,885 for the operation of the Kids Klub Enterprise Fund for FY 2018; such sums to be raised from \$383,885 in receipts of the Enterprise, or take any other action relating thereto.

Submitted by the Recreation Department

Estimated Revenues

Registration Fees	\$ 5,250
Tuition	\$ 378,350
Investment Income	\$ 185
Late Fees	<u>\$ 100</u>
Total Budgeted Revenue	\$ 383,885

Estimated Expenses

Salary (full-time; including longevity)	\$ 257,125
Salary (part-time)	\$ 51,000
Benefits (Health, Life, Medicare)	\$ 42,500
Building Expenses	<u>\$ 33,260</u>
Total Budgeted Expenses	\$ 383,885
Net Profit/Loss	\$ 00.00

Explanation: The proposed Recreation Enterprise budget for next year will authorize the department to operate a Toddler/Pre-School Program as a self-sufficient, self-funded operation. All costs related to the operation of the program are projected to be offset by the program revenues. All surpluses of this account at the end of the year will remain within the account.

The Board of Selectmen recommend approval of Article 20 by a vote of 5-0.

The Finance Committee recommend approval of Article 20 by a vote of 4-0.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to appropriate the following sums for the operation of the Kids Klub Enterprise Fund for FY 2018:

Personnel	\$308,125
Benefits	\$ 42,500
Operating Expense	<u>\$ 33,260</u>
TOTAL	\$383,885

such sums to be raised from \$383,885 in receipts of the Enterprise.

Motion passes unanimously at 8:30 PM.

Article 21

To see if the Town will vote to appropriate and transfer the sum of \$49,500 from revenue available for appropriation to the Department of Natural Resources to fund the second year of a monitoring contract with the University of Massachusetts Dartmouth for monitoring water quality associated with Shellfish Aquaculture in Popponesset Bay and Waquoit Bay and its effectiveness in reducing water-column nutrient concentrations, or take any other action related thereto.

Submitted by the Board of Selectmen

Explanation: The Town's wastewater program relies heavily on aquaculture to reduce nitrogen in the bays. While the Town has an excellent understanding of the nitrogen reduction reductions from each clam or oyster, it is less clear what nitrogen reductions occur in the sediments beneath healthy shellfish populations. This study will quantify the additional nitrogen reductions that are a distinct benefit from the aquaculture program. The results of this study will enable the Town to understand the additional incremental reductions in nitrogen that it can take credit for with state and federal regulatory agencies, and therefore, offset and avoid additional and more expensive means of nitrogen management. This is the second year of a three year analysis.

The Board of Selectmen recommend approval of Article 21 by a vote of 5-0.

The Finance Committee recommend approval of Article 21 by a vote of 4-0.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote appropriate and transfer the sum of \$49,500 from revenue available for appropriation to the Department of Natural Resources to fund the second year of a monitoring contract with the University of Massachusetts Dartmouth for monitoring water quality associated

with Shellfish Aquaculture in Popponesset Bay and Waquoit Bay, and its effectiveness in reducing water-column nutrient concentrations.

Motion passes unanimously at 8:31 PM.

Article 22

To see if the Town will vote to amend the General By-Laws as follows:

Add the following new Article under Chapter 6:

ARTICLE IX – Revolving Funds

§6-25 Authorization of Funds. Pursuant to the provisions of G.L. c. 44, § 53E1/2, as amended by Chapter 218, §86 of the Acts of 2016, The Town hereby authorizes the establishment and use of the following revolving funds, with the programs or activities for which the revolving fund may be expended, the departmental receipts in connection with such programs or activities to be credited to the revolving funds, the board, department or officer authorized to expend from such funds, and any reporting or other requirements imposed upon such funds specified below.

- A. The Council on Aging Revolving Account, administered by the Town Accountant, to be expended under the direction of the Council on Aging; said account to be funded by revenues collected from Council on Aging program income and expended for purposes furthering the operation of programs by the Council on Aging.
- B. The Library Revolving Account, administered by the Town Accountant, to be expended under the direction of the Library Board of Trustees; said fund to be funded by revenues collected from fines and fees and expended to further the operation of programs and services of the Library.
- C. The Recreation Revolving Account, administered by the Town Accountant, to be expended under the direction of the Recreation Department, said account to be funded by revenues collected from the various Recreation Department Programs and expended for the purpose of paying such wages, benefits, and other related costs and expenses as are necessary to conduct Recreation Department Programs.
- D. The Historical Commission/Archives Revolving Account, administered by the Town Accountant, to be expended under the direction of the Historical Commission; said account to be funded by revenues collected from the sale of books related to the history of the Town of Mashpee, which funds shall be used to further the operations of Historical Commission programs and services.

§6-26. On or before July 1 of each year, the Town Meeting shall vote to establish the limit on the total amount that may be expended from each revolving fund established hereby.

§6-27. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- a. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- b. No liability shall be incurred in excess of the available balance of the fund.
- c. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or an increased amount of that authorization that is later approved during the fiscal year by the Selectmen and Finance Committee.

§6-28. Interest earned on monies credited to a revolving fund established by this Bylaw shall be credited to the general fund.

Submitted by the Board of Selectmen

Explanation: The departmental revolving fund statute, G.L. c. 44, § 53E½, was amended by the Municipal Modernization Act. St. 2016, c. 218, § 86 effective November 7, 2016. These amendments eliminated the caps on the amount that could be spent from the revolving funds authorized for a particular department and in total from all authorized revolving funds. In addition, revolving funds must now be authorized by by-law rather than by an annual Town Meeting vote. Town Meeting must still vote on or before July 1 on the amount that may be spent from each fund during the upcoming fiscal year. The Bylaw proposed by this Article would authorize the establishment of the revolving funds historically used by the Town in the manner required by the statutory amendment for Fiscal Year 2018 and thereafter. Note that the maximum amount that may be spent from each revolving fund must still be established by separate Article on an annual basis.

The Board of Selectmen recommend approval of Article 22 by a vote of 5-0.

The Finance Committee recommend approval of Article 22 by a vote of 4-0.

Motion made by Selectman Andrew Gottlieb.

Motion: I move the Town vote to approve Article 22 as printed in the Warrant.

Motion made and passed to dispense with reading of article at 8:31 PM.

Motion passes unanimously at 8:31 PM

Article 23

To see if the Town will vote to establish the limit on expenditures from the Recreation Department Revolving Account at \$455,500 for FY 2018, or take any other action relating thereto.

Submitted by the Recreation Department

Explanation: It is required that an expenditure limit be established for each revolving fund. The Department responsible for managing the revolving fund determines this limit based on anticipated expenses associated with the various programs that generate revenue for the fund.

The Board of Selectmen recommend approval of Article 23 by a vote of 5-0.

The Finance Committee recommend approval of Article 23 by a vote of 4-0.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to establish the limit on expenditures from the Recreation Department Revolving Account at \$455,500 for FY 2018.

Motion passes unanimously at 8:32 PM.

Article 24

To see if the Town will vote to establish the limit on expenditures from the Council on Aging Revolving Account at \$15,000 for FY 2018, or take any other action relating thereto.

Submitted by the Council on Aging

Explanation: It is required that an expenditure limit be established for each revolving fund. The Department responsible for managing the revolving fund determines this limit based on anticipated expenses associated with the various programs that generate revenue for the fund.

The Board of Selectmen recommend approval of Article 24 by a vote of 5-0.

The Finance Committee recommend approval of Article 24 by a vote of 4-0.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to establish the limit on expenditures from the Council on Aging Revolving Account at \$15,000 for FY 2018.

Motion passes unanimously at 8:33 PM.

Article 25

To see if the Town will vote to establish the limit on expenditures from the Library Revolving Account at \$25,000 for FY 2018, or take any other action relating thereto.

Submitted by the Library Board of Trustees

Explanation: It is required that an expenditure limit be established for each revolving fund. The Department responsible for managing the revolving fund determines this limit based on anticipated expenses associated with the various programs that generate revenue for the fund.

The Board of Selectmen recommend approval of Article 25 by a vote of 5-0.

The Finance Committee recommend approval of Article 25 by a vote of 4-0.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to establish the limit on expenditures from the Library Revolving Account at \$25,000 for FY 2018.

Motion passes unanimously at 8:33 PM.

Article 26

To see if the Town will vote to establish the limit on expenditures from the Historical Commission/Archives Revolving Account at \$2,500 for FY 2018, or take any other action relating thereto.

Submitted by the Historical Commission

Explanation: It is required that an expenditure limit be established for each revolving fund. The Department responsible for managing the revolving fund determines this limit based on anticipated expenses associated with the various programs that generate revenue for the fund.

The Board of Selectmen recommend approval of Article 26 by a vote of 5-0.

The Finance Committee recommend approval of Article 26 by a vote of 4-0.

Motion made by Selectman Andrew Gottlieb.

Motion: I move the Town vote to establish the limit on expenditures from the Historical Commission/Archives Revolving Account at \$2,500 for FY 2018.

Motion passes unanimously at 8:34 PM.

Article 27

To see if the Town will vote to appropriate and transfer from the FY 2018 Community Preservation Fund Estimated Revenues the sum of \$40,000 to the Community Preservation Committee Administrative and Operating Expense Account, pursuant to the provisions of M.G.L., Chapter 44B, §5, including any necessary costs related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: To provide annual funding in FY2018 for the administrative and operational costs of the Community Preservation Committee which includes project costs associated with and incidental to the Community Preservation Committee. Under the CPA Act, up to 5% of the annual CPA funds may be spent on the operation and administrative costs of the Community Preservation Committee. Funding supports legal and professional fees, technical reviews, appraisal costs, signage, annual

Community Preservation Coalition dues, administrative wages, office supplies and similar costs associated with and incidental to the development of a CPA project.

The vote of the Community Preservation Committee was 4-0 in support of this article.

The Board of Selectmen recommend approval of Article 27 by a vote of 5-0.

The Finance Committee recommend approval of Article 27 by a vote of 4-0.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to appropriate and transfer from the FY 2018 Community Preservation Fund Estimated Revenues the sum of \$40,000 to the Community Preservation Committee Administrative and Operating Expense Account.

Motion passes unanimously at 9:35 PM.

Article 28

To see if the Town will vote to continue participation in the Community Septic Management Program and the Massachusetts Clean Water Trust (MCWT) for the purpose of making loans to residents of the Town for repairing and/or upgrading residential septic systems pursuant to agreements between the Board of Health and residential property owners, including all costs incidental and related thereto, or take any other action relating thereto.

Submitted by the Board of Health

Explanation: The Commonwealth of Massachusetts, through the Clean Water Trust, has provided approximately \$660,000.00 at 0% interest to the Town of Mashpee to assist homeowners in complying with Title V since 1998. The loans are available to homeowners at 5% interest, to cover any ongoing costs of the program. Loans must be secured by a betterment assessed by the Town on the property being improved by the loan. In 2006, Barnstable County took over issuance of new loans. The repayment of the loans to the Town with the 5% interest is being made through previously issued property betterments. In order for the Town to be able to re-loan funds to future additional septic projects, the Town must annually reauthorize/re-approve participation in the Community Septic Management Program. Failure to reauthorize participation in the Program will restrict the Town from re-lending funds to homeowners with failed septic systems. The repaid monies will be held in an account with the principal amount repaid to the MCWT as scheduled.

The Board of Selectmen recommend approval of Article 28 by a vote of 5-0.

The Finance Committee recommend approval of Article 28 by a vote of 4-0.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to continue participation in the Community Septic Management Program and the Massachusetts Clean Water Trust (MCWT) for the purpose of making loans to

residents of the Town for repairing and/or upgrading residential septic systems pursuant to agreements between the Board of Health and residential property owners, including all costs incidental and related thereto.

Motion passes unanimously at 8:36 PM.

Article 29

To see if the Town will vote pursuant to G.L. c. 40, §15A and Mashpee General Bylaw §3-21 to authorize the Board of Selectmen to transfer title, care, management, custody and/or control of the real property identified as 209 Old Barnstable Road (Mashpee Assessors Map 60, Parcel 2-0) to the Mashpee Affordable Housing Trust for purposes of developing affordable housing, and to authorize the Board of Selectmen to prepare and execute such agreements, deeds, and other instruments necessary to effect such transfer upon such terms and conditions as the Selectmen shall deem to be in the interest of the Town, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This Article seeks Town Meeting authorization to transfer care, management and control of the subject parcel of Town owned land to the Mashpee Affordable Housing Trust for purposes of developing affordable housing. Since the subject parcel was acquired by tax foreclosure, pursuant to General Bylaw §3-21, Town Meeting must first determine whether or not said land shall be held by the Town as conservation land for purposes described in General Law C. 40, Section 8C or shall be held by the Town for another municipal purpose before it can be sold or otherwise transferred. If the Town Meeting determines that the subject parcel shall not be held as conservation land and would be suitable for the proposed affordable housing use, the Selectmen would effect the formal transfer of the parcel to the Mashpee Affordable Housing Trust for the purpose of developing much needed affordable housing in the Town.

The Board of Selectmen recommend approval of Article 29 by a vote of 5-0.

The Finance Committee recommend approval of Article 29 by a vote of 4-0.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote pursuant to G.L. c. 40, §15A and Mashpee General Bylaw §3-21 to authorize the Board of Selectmen to transfer title, care, management, custody and/or control of the real property identified as 209 Old Barnstable Road (Mashpee Assessors Map 60, Parcel 2-0) to the Mashpee Affordable Housing Trust for purposes of developing affordable housing, and to authorize the Board of Selectmen to prepare and execute such agreements, deeds, and other instruments necessary to effect such transfer upon such terms and conditions as the Selectmen shall deem to be in the interest of the Town.

Motion passes 2/3 rds vote at 8:47 PM.

Article 30

To see if the Town will vote pursuant to G.L. c. 40, §15A and Mashpee General Bylaw §3-21 to authorize the Board of Selectmen to transfer title, care, management, custody and/or control of the real property identified as 950 Falmouth Road (Mashpee Assessors Map 93, Parcels 6-0 and 7-0 and Map 94, Parcel 7-0) to the Mashpee Affordable Housing Trust for purposes of developing affordable housing, and to authorize the Board of Selectmen to prepare and execute such agreements, deeds, and other instruments necessary to effect such transfer upon such terms and conditions as the Selectmen shall deem to be in the interest of the Town, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This Article also seeks Town Meeting authorization to transfer care, management and control of the subject parcel of Town owned land to the Mashpee Affordable Housing Trust for purposes of developing affordable housing. Since the subject parcel was acquired by tax foreclosure, pursuant to General Bylaw §3-21, Town Meeting must first determine whether or not said land shall be held by the Town as conservation land for purposes described in General Law C. 40, Section 8C or shall be held by the Town for another municipal purpose before it can be sold or otherwise transferred. If the Town Meeting determines that the subject parcel shall not be held as conservation land and would be suitable for the proposed affordable housing use, the Selectmen would effect the formal transfer of the parcel to the Mashpee Affordable Housing Trust for the purpose of developing much needed affordable housing in the Town.

The Board of Selectmen recommend approval of Article 30 by a vote of 5-0.

The Finance Committee recommend approval of Article 30 by a vote of 4-0.

Motion made by Selectman Andrew Gottlieb.

Motion: I move the Town vote pursuant to G.L. c. 40, §15A and Mashpee General Bylaw §3-21 to authorize the Board of Selectmen to transfer title, care, management, custody and/or control of the real property identified as 950 Falmouth Road (Mashpee Assessors Map 93, Parcels 6-0 and 7-0 and Map 94, Parcel 7-0) to the Mashpee Affordable Housing Trust for purposes of developing affordable housing, and to authorize the Board of Selectmen to prepare and execute such agreements, deeds, and other instruments necessary to effect such transfer upon such terms and conditions as the Selectmen shall deem to be in the interest of the Town.

Motion passes unanimously at 8:48 PM.

Article 31

To see if the Town will vote to authorize the Board of Selectmen to accept a deed in lieu of tax foreclosure, pursuant to G.L. c.60, §77C, conveying fee title to the parcel of real estate owned by the Lakewood Homeowners Association, Inc. shown on Mashpee Assessors Map 28 as Parcel 36-0, and further identified as 50 Lakewood Drive (as more particularly described in Barnstable Registry

of Deeds Book 5252, Page 289); said land to be conveyed to the Town free and clear of any liens or encumbrances except for municipal tax liens securing payment of outstanding real estate taxes, and upon conveyance to the Town, to be held for general municipal purposes. Furthermore, to authorize the Board of Selectmen to undertake any act or to execute any document necessary to consummate this transaction, in accordance with the provisions of G.L. c.60, §77C, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: General Law c. 60, §77C allows towns to acquire title to tax delinquent parcels without the need of going through the cost, expense and time required to obtain a judicial foreclosure judgment provided that Town Meeting authorizes the acquisition and there are no liens or encumbrances on the parcel other than Town liens securing the payment of taxes.

The Board of Selectmen recommend approval of Article 31 by a vote of 5-0.

The Finance Committee recommend approval of Article 31 by a vote of 4-0.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to accept a deed in lieu of tax foreclosure, pursuant to G.L. c.60, §77C, conveying fee title to the parcel of real estate owned by the Lakewood Homeowners Association, Inc. shown on Mashpee Assessors Map 28 as Parcel 36-0, and further identified as 50 Lakewood Drive (as more particularly described in Barnstable Registry of Deeds Book 5252, Page 289); said land to be conveyed to the Town free and clear of any liens or encumbrances except for municipal tax liens securing payment of outstanding real estate taxes, and upon conveyance to the Town, to be held for general municipal purposes. Furthermore, to authorize the Board of Selectmen to undertake any act or to execute any document necessary to consummate this transaction, in accordance with the provisions of G.L. c.60, §77C.

Motion passes unanimously at 8:51 PM.

Article 32

To see if the Town will vote to adopt Massachusetts General Laws, Chapter 64L, Section 2(a), the local option meals excise; or take any other action relative thereto.

Submitted by the Board of Selectmen

Explanation: Adoption of this statute would impose a local option meals excise tax upon the sale of restaurant meals originating within the Town by a vendor at a rate of 0.75% of the gross receipts of the vendor from the sale of restaurant meals. The vendor pays the local sales tax imposed under this section to the Commissioner of Revenue at the same time and in the same manner as the sales tax due to the Commonwealth, and all sums received by the Commissioner under this section shall, at least quarterly, be distributed, credited and paid to the Town in proportion to the sums received

from the sales of restaurant meals in the Town. The Department of Revenue projects that Mashpee's annual revenue under this statute will be approximately \$400,000.

The Board of Selectmen recommend approval of Article 32 by a vote of 5-0.

The Finance Committee recommend approval of Article 32 by a vote of 4-0.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to adopt Massachusetts General Laws, Chapter 64L, Section 2(a), the local option meals excise.

Motion passes at 8:54 PM.

Article 33

To see if the Town will vote to amend the General Bylaws in accordance with the provisions of the Mashpee Home Rule Charter, Section 5-1(b) and Section 5-5, by adopting the following By-law as Division 1, Part 1, Chapter 1, Article V, Section 1-8, *Department of Municipal Finance*, or take any other action relating thereto.

§1-8. Department of Municipal Finance

- A. There shall be a consolidated Department of Municipal Finance as provided for under the Mashpee Home Rule Charter Article 5-5, which shall be responsible for all the fiscal and financial affairs of the Town and for the supervision and coordination of all activities of all government agencies in relation to any fiscal or financial matters. This department shall include the following existing entities, which shall become divisions of the consolidated department: Accountant, Treasurer/Tax Collector and the Assessor's Office, including the Board of Assessors. Additionally, the functions of budget coordination shall also become part of the responsibilities of this department. Any consolidation of School Department administrative functions with the consolidated Department of Municipal Finance shall be conducted under the provisions of Massachusetts General Laws, Chapter 71, Section 37M.
- B. There shall be a Director of Municipal Finance/Town Accountant reporting to the Town Manager, who shall be appointed by the Town Manager. The term of office for the said position shall be determined by the Town Manager. All other conditions of employment will be outlined in the provisions of the Town Personnel Bylaws/ Policies. The Director shall be fully qualified by training, experience and executive ability to discharge the duties of the office.
- C. The Treasurer/Tax Collector shall be responsible for all treasury and collection functions of the Town. The Treasurer/Tax Collector, an officer of the Finance Department reporting to the Director of Municipal Finance, shall be appointed by the Town Manager for a term to be determined by the Town Manager and shall be subject to such conditions of employment as may be provided in the Town Personnel Bylaws/ Policies.
- D. The Town Manager, in consultation with the Director of Municipal Finance and Board of Assessors, shall appoint a Director of Assessing, The Director of Assessing, an officer of the

Department of Municipal Finance, reporting to the Director of Municipal Finance, shall be responsible for management of all the assessing functions for the Town. A three member Board of Assessors appointed by the Board of Selectmen shall be a part of the Department of Municipal Finance, and shall continue to make decisions on any matters of statutory independence, which they are required to make under Massachusetts General Laws.

E. The functions of the consolidated Department of Municipal Finance shall include the following:

- 1) Coordination of all fiscal and financial activities and services;
- 2) Maintenance of all accounting records and other financial statements;
- 3) Payment of all financial obligations;
- 4) Receipt of all fines due, either directly or via the responsible Department Head;
- 5) Assistance to all other Town departments or offices in any matter related to financial affairs;
- 6) Specifically, discharge the duties of Town government related to accounting, treasury, revenue collection, assessing and financial risk management;
- 7) Responsibility for financial planning, and coordination of all financial planning and the capital budgets;
- 8) Monitor the expenditures of all funds, including periodic reporting to the appropriate agencies of the status of accounts;
- 9) Such matters as may be determined necessary from time to time by the Town Manager and the Board of Selectmen.
- 10) The Director of Municipal Finance, in conjunction with the Town Manager, shall be responsible for coordinating the annual Town operating budget process as well as the capital budget process. This would include activities such as requests and guidelines for department budgets, preparation of financial forecasts of receipts, working with and providing necessary advice to the Town Manager, the Board of Selectmen and the Finance Committee during their evaluation and consideration of the Town budget, consolidating and preparing the final budget submission to the Town Meeting.
- 11) While it is the intent of this article to create a Department of Municipal Finance under the management of a Director of Municipal Finance who initially will also be the Town Accountant, the Director of Municipal Finance may also serve as Treasurer/Tax Collector, Director of Assessing, Accountant, or any combination of the above, provided that no one person shall hold both the Accountant and Treasurer/Tax Collector positions at the same time. Likewise the officers appointed may serve in more than one capacity provided that Accountant and Treasurer shall not be combined.

Submitted by the Board of Selectmen

Explanation: Pursuant to the provisions of the Mashpee Home Rule Charter, Section 5-1(b) and Section 5-5, Town Meeting may adopt a By-law establishing a Department of Municipal Finance responsible for the performance of the fiscal and financial duties and responsibilities of the Town. The consolidated Department of Municipal Finance proposed by this Bylaw will consolidate the functions of the offices of the Town Accountant, Town Treasurer/ Tax Collector and Board of Assessors under the supervision and control of the Director of Municipal Finance/Town Accountant who will report to the Town Manager and who shall be appointed by the Town Manager. Each of

the respective Offices within the Department of Municipal Finance will retain its respective statutory duties, responsibilities and powers. The consolidation of these Offices under the direct supervision and control of the Director of Municipal Finance/ Town Accountant will facilitate the interactions of these essential Town departments and provide a more streamlined organizational structure for the related financial functions performed by these Town officers and their staff, as contemplated by the Town Charter.

The Board of Selectmen recommend approval of Article 33 by a vote of 5-0.

The Finance Committee recommend approval of Article 33 by a vote of 4-1 (Avis opposed).

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to approve Article 33 as written in the warrant, with the exception of the last sentence in §1-8. A, which shall be deleted from the bylaw and with the exception of the phrase “or take any action relating thereto”.

Motion made and passed to dispense with reading of article at 8:54 PM.

Motion passes at 8:58 PM.

Article 34

To see if the Town will vote to amend the General By-laws as follows:

Delete Chapter 107 in its entirety and replace with the following:

CHAPTER 107 – MASHPEE NUTRIENT CONTROL BYLAW

§107-1. Purpose

A Town Bylaw to conserve valuable waterways and other resources that increase our property values, that protect our unique environment vital to our economy, and that reduce the financial burden on taxpayers and property owners by regulating the outdoor application of nitrogen and phosphorous on turf. The regulation of fertilizer applications will reduce the overall amount of excess nitrogen and phosphorus entering the town’s Resource Areas as defined in The Mashpee Wetlands Protection Bylaw (Chapter 172; Section 2) and Regulations. Reducing excess phosphorous helps protect the water quality of Mashpee’s ponds and streams. Reducing excess nitrogen helps protect and improve the water quality of Mashpee’s two valuable estuaries—Waquoit Bay and Popponesset Bay—and their associated bays, coves and waterways; as well as Mashpee’s many ponds and streams.

This Town Bylaw is also critical to reducing Mashpee’s Total Maximum Daily Load (TMDL) of nitrogen. Mashpee waters do not meet Clean Water Act standards because of excess nitrogen entering the Town’s estuaries. The Cape Cod Commission has estimated that reducing nitrogen from outdoor lawn applications to coastal estuaries and embayments by fifty percent (50%) could

save the taxpayers of Mashpee \$40 million dollars in sewerage and other wastewater treatment expenses. Scientifically we know this can be done without affecting the quality of turf in Mashpee.

§107-2. Applicability

This Bylaw shall apply to and regulate any and all applications of nitrogen and/or phosphorous (phosphate) fertilizer on managed turf areas within the Town of Mashpee.

§107-3. Definitions

“Agriculture” includes farming in all its branches, generally as the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, floricultural, viticultural or horticultural commodities, and shellfishing, including preparations and delivery to storage or to market or to carriers for transportation to market.

“Best Management Practices” (BMP), means a sequence of activities designed to limit a nonpoint pollution source. For the purposes of this Bylaw, BMP means the most current edition of “Best Management Practices for Soil and Nutrient Management in Turf Systems,” prepared by University of Massachusetts Extension, Center for Agriculture, Turf Program.

“Certified Fertilizer Applicator” means a person certified by the Cape Cod Commission, Cape Cod Cooperative Extension, or Town of Mashpee departments, or any combination thereof, to apply fertilizer and manage turf in conformance with the BMP.

“Compost” or “Organic Compost” means the biologically stable, humus-like material derived from composting or the aerobic, thermophilic decomposition of organic matter.

“Fertilizer” means a substance that enriches the soil with elements essential for plant growth, such as nitrogen, phosphorus, potassium or other substances; fertilizer does not include those nutrients that are normally excluded from fertilizer such as chemicals that are part of horticultural gypsum, dolomite, limestone, lime, Jersey greensand, grass clippings, or compost topdressing; compost tea and liquid seaweed, as defined and applied in accordance with standards in Section 5(f), is also excluded from the definition of fertilizer.

“Heavy rain” is a rainfall greater than 0.25 inches per hour during the next 24 hour period or a rainfall of greater than one inch total in the next 24 hour period.

“Impervious surface” means any structure, surface, or improvement that reduces or prevents absorption of storm water into land, and includes concrete, asphalt, paver blocks, gravel, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

“Lawn Patch Product” is a premixed blend of grass seed, fertilizer, and mulch.

“MDAR Fertilizer Regulations” means the most recent regulations of Mass. General Law 330 CMR 31.00: “Plant Nutrient Application Requirements for Agricultural Land and Land Not Used for Agricultural Purposes”, developed by the Massachusetts Department of Agricultural Resources

(MDAR) pursuant to its authority under M.G.L. c. 128, Sections 2(k) and Section 65(A), as amended by St. 2012, c. 262. 330 CMR 31.00.

“Natural Organic Fertilizer” is a fertilizer product that is derived from either a plant or animal product containing one or more elements, other than carbon, hydrogen and oxygen, which are essential for plant growth. These materials may be subject to biological degradation processes under normal conditions of aging, rainfall, sun-curing, air drying, composting, rotting, enzymatic or anaerobic or aerobic bacterial action or any combination of those conditions. These materials are not mixed with synthetic materials or changed in any physical or chemical manner from the material's initial state except by manipulations such as drying, cooking, chopping, grinding, shredding, hydrolysis or pelleting.

“Naturally Vegetated Buffer Zone” means areas of indigenous vegetation. Plantings may be considered as naturally vegetated if they meet the standards of the Mashpee Conservation Commission and include a low-growing herbaceous layer of vegetation, which includes grassland, heathland or meadow plantings.

“Nitrogen” (N) means an element essential to plant growth. For the purposes of the Bylaw, nitrogen may be available as slow-release, controlled-release, timed-release, slowly available, or water insoluble nitrogen, which means nitrogen in a form that delays its availability for plant uptake and use after application and is not rapidly available to turf and other plants; and/or quick-release, water-soluble nitrogen which means nitrogen in a form that does not delay its availability for turf and other plant uptake and is rapidly available for turf and other plant uptake and use after application.

“Natural-Based Fertilizer” is a fertilizer product that is derived primarily from either a plant or animal product containing one or more elements, other than carbon, hydrogen and oxygen, which are essential for plant growth. These materials may be mixed with lesser amounts of synthetic materials. For the purpose of this Bylaw, Natural-Based Fertilizers are exempt from the restrictions on the application of Phosphorus Containing Fertilizers, if and only if, the phosphate or phosphorus is derived from a natural-organic source.

“Person” is any individual, partnership, corporation, firm, association, authority, trust or group, including, but not limited to, a municipality, county, the Commonwealth and its agencies, and the federal government.

“Phosphorus” (P) is one of three primary nutrients needed by turfgrasses. Although it is present in small amounts in turfgrass tissues (0.3–0.55 percent on a dry weight basis), phosphorus is extremely important for rooting, seedling development, cell division, and the synthesis of various compounds used by plants. Phosphorus (phosphates) can be supplied to turf as inorganic (synthetic) and/or natural organic fertilizers. Inorganic phosphorus fertilizers include superphosphates and ammonium phosphates. Natural organic fertilizers typically contain phosphorus derived from plant or animal by-products.

“Phosphorus Containing Fertilizer” is turf fertilizer labeled for use on lawn or non-agricultural turf in which the available phosphate content is greater than 0.67% by weight, excluding Organic Compost, Natural Organic Fertilizer or Natural-Based Fertilizers where the phosphate is derived from natural-organic sources.

“Saturated ground” means soil soaked with moisture so that it cannot absorb any more liquid.

“Soil Test” is a technical analysis of soil conducted by a laboratory using methods and procedures recommended by the University of Massachusetts Amherst Extension Program as appropriate for Commonwealth soils.

“Turf, Lawn, or Sod” means any non-crop land area that is covered by any grass species, excluding meadows, grasslands, flower or vegetable gardens, pasture, hay land, trees, shrubs, turf grown on turf farms or any form of agricultural production or use.

§107-4. Performance Standards

All application of nitrogen and/or phosphorus to turf shall comply with the following standards:

- A. The application of nitrogen is prohibited between October 30th and April 14th unless specifically permitted by the Town Board of Health, the Town Conservation Commission or the Board of Selectmen, as set out below. The application of phosphorous or Phosphorus Containing Fertilizer, with or without nitrogen, is prohibited in all circumstances between December 1st and March 1st. Based on early spring or fall weather conditions, soil temperature and degree of turf emergence from dormancy, or other relevant condition, and using the guidelines of the BMP, the Town Board of Health, the Town Conservation Commission, or the Board of Selectmen may permit earlier or later application of nitrogen, in which case such extended period shall be announced by notice or publication. A working group may be established by the Board of Selectmen or the Conservation Commission to assist in undertaking the duties referenced in this paragraph.
- B. No person shall cause nitrogen and/or phosphorus from any fertilizer application to apply to, or otherwise be deposited on any impervious surface including parking lot, driveway, roadway, sidewalk, frozen soil or ice. Any fertilizer applied, spilled, and/or deposited on any impervious surface, either intentionally or accidentally, must be immediately and completely removed and contained and either legally applied to turf or any other legal site or returned to an appropriate container.
- C. No person shall apply nitrogen and/or phosphorus 24 hours before or during a heavy rain event or apply nitrogen and/or phosphorus onto saturated ground. An application of nitrogen and/or phosphorus should be watered in with no more than one-quarter inch (0.25 inch) of irrigation or natural rain within the next 24 hour period.
- D. The application of Phosphorus Containing Fertilizer without nitrogen is prohibited within 20’ and the application of nitrogen is prohibited within 100’ of the following Resource Areas, as defined in The Mashpee Wetlands Protection Bylaw, Section 2 and Regulations: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; lakes; ponds; rivers, streams; creeks; and estuaries. Notwithstanding the above, where there is a 50’ naturally vegetated buffer zone to any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; ponds; lakes; and estuaries, an application of nitrogen is prohibited within 50’ of that protected Resource Area. An application of nitrogen is prohibited within 100’ of any rivers; streams; and creeks, as defined in the Rivers Protection Act, Chapter 258 of the Acts of 1996. There are alternative methods of enhancing turf within these prohibited areas without application of nitrogen; see Sections

5(e) and 5(f). A Certified Fertilizer Applicator may apply to the Town Conservation Commission for approval to authorize limited applications of nitrogen on turf within these prohibited areas. A working group may be established by the Town Conservation Commission to assist in undertaking the duties referenced in this paragraph.

E. No person may purchase and apply, or authorize any person, by way of service contract or other arrangement, to apply any Phosphorus Containing Fertilizer on Lawn or Non-agricultural Turf, except when:

- 1) a soil test taken not more than three years before the application indicates that additional phosphorus is needed for growth of that Lawn or Non-agricultural Turf; or
- 2) the Phosphorus Containing Fertilizer is used to establish new Lawn or Non-agricultural Turf on bare ground or as part of renovation of a Lawn or Non-agricultural Turf area. The use of phosphorus for the purposes of establishing a new Lawn or Non-agricultural Turf area, or for renovating an existing Lawn or Non-agricultural Turf, is limited to the first growing season.
- 3) If the soil test indicates that additional phosphorus is needed for growth of a lawn or non-agricultural turf, application of additional phosphorus shall not exceed the UMass Guidelines.
- 4) Any person who applies Phosphorus Containing Fertilizer, except those making non-professional applications, shall maintain records for three years of each application made. The following information shall be recorded, when applicable:
 - (a) Name of Applicator;
 - (b) Date of application;
 - (c) Address or location description of the application site;
 - (d) Soil Test results for Management Units;
 - (e) Type and amount of Phosphorus Containing Fertilizer applied;
 - (f) Size of the area being treated;
 - (g) Representative nutrient value or values;
 - (h) Plant Nutrient analysis of product used;
 - (i) Method and rate of application;
 - (j) Total amount used; and
 - (k) An original or legible copy of the label of the plant nutrient.
- 5) The records required under Section E.4) shall be made available for inspection by the Enforcement Authority upon request.

§107-5. Exemptions

The following activities shall be exempt from Section 4:

- A. Application of nitrogen and/or phosphorus for agriculture and horticulture uses; these applications are regulated by the MDAR Fertilizer Regulations.
- B. Application of fertilizer to golf courses, except that any application of nitrogen on greens or fairways within Resource Areas referenced in Section 4(d) shall comply with the Recommendations set forth in Section 6, and shall use 85% or higher slow-release, water-insoluble nitrogen, in organic or inorganic form applied with drop spreaders or spreaders

with side guards to prevent application onto Resource Areas and other non-turf areas. Golf courses with liners installed adjacent to ponds and other Resource Areas to prevent leaching of nitrogen are exempt from Section 4(d) in those areas where such liners are installed.

- C. Application of nitrogen and/or phosphorus to gardens, including vegetable and flower, trees, shrubs and indoor applications including greenhouses; these applications are regulated by the MDAR Fertilizer Regulations,
- D. Application of nitrogen and/or phosphorus for the establishment of new vegetation in the first growing season, or repairing of turf in the first growing season, after substantial damage, with the restrictions described in Section 5 (b) for applications in the buffer zone of regulated Resource Areas referenced in Section 4(d).
- E. Application of compost or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil,
- F. Compost tea and liquid seaweed applications, including formulas with less than 6% total nitrogen, if and only if applied in a manner that follows label recommendations and/or standard industry recommendations for a foliar application to the point of leaf runoff. No root drenching of compost tea or liquid seaweed with nitrogen is permitted within the buffer zone of regulated Resource Areas referenced in Section 4(d).

§107-6. Recommendations

The Town of Mashpee strongly recommends that nitrogen and/or phosphorous should be applied to turf and other plants at the lowest rate necessary, as is described in the BMP. Any single application of nitrogen should not exceed 0.5 pounds of nitrogen per 1000 square feet, and the annual aggregate total application of nitrogen should not exceed 1.0 pound per 1000 square feet. The application of any nitrogen should be of a natural-organic, slow-release, water-insoluble form.

§107-7. Enforcement Authority

The enforcement authority for all Performance Standards shall be the Agents of the Board of Health, the Conservation Commission, the Department of Natural Resources, or their designees.

The fine for the first offense shall be no greater than \$150. A warning in lieu of a fine or other enforcement action for the first offense can be issued at the discretion of the enforcement authority. The fine for a second offense shall be \$250. The fine for each subsequent offense shall be \$300.

§107-8. Severability Clause

Should any Section, part or provision of this by-law be deemed invalid or unconstitutional, such decision shall not affect the validity of the remaining terms of this by-law as a whole or any part thereof, other than the Section, part or provision held invalid or unconstitutional.

Submitted by the Board of Selectmen

Explanation: Mashpee waters do not meet Clean Water Act standards because of excess nitrogen degrading Popponesset and Waquoit Bays, both of which are vital to our economy. The principle cause are septic systems and cesspools, but the second leading cause of excess nitrogen is lawn

fertilizers. Along with increased shellfish production and harvesting, as part of our Comprehensive Wastewater Management Plan, the Nitrogen Control Bylaw was adopted overwhelmingly by Town Meeting in 2014 to promote smart, clean, water-friendly lawn care.

The revisions to this Bylaw, now expanded to become the Nutrient Control Bylaw, are intended to further improve water quality in all of our waterways. Lawn fertilizers with phosphorus are also a leading cause of pollution of our ponds and streams; therefore, along with other Cape towns, we have included management of phosphorus-containing lawn fertilizer based on the State regulations adopted in 2015. The Conservation Commission and the Department of Natural Resources have also agreed to help with education and enforcement of nutrient regulations, and are now included in the Bylaw. All of this is intended to help protect taxpayers and property owners from the potentially huge expense of a court-mandated sewer infrastructure program, while protecting and improving our valuable waterways.

The Board of Selectmen recommend approval of Article 34 by a vote of 5-0.

The Finance Committee recommend approval of Article 34 by a vote of 4-0.

Motion made by Selectman Andrew Gottlieb.

Motion: I move the Town vote to approve Article 34 as written in the warrant, with the exception of the first sentence in §107-4D, which shall be replaced with the following language:

The application of Phosphorus Containing Fertilizer without nitrogen is prohibited within twenty (20') feet and the application of nitrogen is prohibited within one hundred (100') feet of the following Resource Areas, as defined in The Mashpee Wetlands Protection Bylaw, Section 2 and Regulations: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; lakes; ponds; rivers, streams; creeks; and estuaries.

Motion made and passes to dispense with reading of article at 8:58 PM.

Motion passes at 9:01 PM.

Article 35

To see if the Town will vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Pierre Vernier Drive, Katian Way and Gunters Lane, and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer the sum of \$7,000 from revenue available for appropriation to the Pierre Vernier Drive, Katian Way and Gunters Lane Roadways Account, or take any other action relating thereto.

Submitted by Petition

The Board of Selectmen recommend approval of Article 35 by a vote of 5-0.

The Finance Committee recommend approval of Article 35 by a vote of 4-0.

Motion made by Christine Aziz

Motion: I move the Town vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Pierre Vernier Drive, Katian Way and Gunters Lane, and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer a sum of \$7,000 from revenue available for appropriation to the Pierre Vernier Drive, Katian Way and Gunters Lane Roadway Accounts.

Motion passes unanimously at 9:02 PM.

Article 36

To see if the Town will vote to accept the layouts as public ways of Emma Oakley Mills Way, as shown on plans entitled “Emma Oakley Mills Way Easement Taking Plan,” in Mashpee, MA (Barnstable County), dated May 9, 2016 and prepared by Baxter Nye Engineering & Surveying, which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$63,299 to the Emma Oakley Mills Way Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout, including costs of constructing such ways, and legal financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relating thereto.

Submitted by Petition

The Board of Selectmen recommend approval of Article 36 by a vote of 5-0.

The Finance Committee recommend approval of Article 36 by a vote of 4-0.

After a public hearing held on March 15, 2017 the Planning Board voted 4-0 to recommend approval of Article 36.

Motion made and passed to dispense with reading of article 9:02 PM.

Motion made by David Pocknett.

Motion: I move the Town vote to accept the layouts as public ways of Emma Oakley Mills Way, as shown on plans entitled “Emma Oakley Mills Way Easement Taking Plan’ in Mashpee, MA (Barnstable County), dated May 9, 2016 and prepared by Baxter Nye Engineering & Surveying, which layouts shall have been filed in the Office of the Town Clerk not later than seven (7) days prior to

the date of vote hereunder, and to authorized the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purpose of such ways as so laid out, and to appropriate the sum of \$63,299 to the Emma Oakley Mills Way Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44, Section 7 or 8, or any other enabling authority for such purchase or taking and layout, including costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion passes unanimously at 9:06 PM.

Town meeting adjourned at 9:06 PM.

And you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Town Hall, one at the Post Office, and one each on the bulletin boards, thirty days at least before said meeting.

Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 27th day of March in the year two thousand and seventeen.

Per Order of,
Mashpee Board of Selectmen

Andrew R. Gottlieb
John J. Cahalane
Thomas F. O'Hara
Carol A. Sherman
John J. Cotton

And you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Town Hall, one at the Post Office, and one each on the bulletin boards, thirty days at least before said meeting.

Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.


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Per Order of,
Board of Selectmen

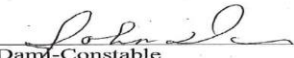

Andrew R. Gottlieb, Chairman


John J. Cahillane, Vice-Chairman


Thomas F. O'Hara, Clerk


Carol A. Sherman


John J. Cotton


John Damm-Constable
Posted March 30, 2017