

**Town of Mashpee
Mashpee High School
Special Town Meeting
Monday, May 2, 2016**

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 2nd day of May 2016 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 appropriate and transfer \$2,492 from revenue available for appropriation to pay previous fiscal year unpaid bills as follows:

GHD	\$ 1,740.00
Tyco	\$ 752.00

Submitted by the Board of Selectmen

Explanation: This article is necessary to pay FY 2015 bills received after the close of the fiscal year.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)

Article 2

To see if the Town will vote to appropriate and transfer \$256,200 from revenue available for appropriation to the Snow & Ice Account, or take any other action relating thereto.

Submitted by the Department of Public Works

Explanation: This article is necessary to fund a deficit in the Snow & Ice Account.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)

Article 3

To see if the Town will vote to amend the General By-laws in accordance with the provisions of the Mashpee Home Rule Charter, Section 5-1(b), by adopting the following By-law as Division 1, Part 1, Chapter 1, Article V, Section 1-7, *Reorganization of Town Government; Department of Natural Resources*, together with the Plan of Reorganization submitted herewith, which shall be appended to the Town By-laws in the form of an administrative code; further, to amend General By-law, Part 1, Chapter 1, Article V, Section 1-6 as provided below, or take any other action in relation thereto.

Article V, Section 1-7. Reorganization of Town Government; Department of Natural Resources.

Pursuant to the provisions of the Mashpee Home Rule Charter, Article V, Section 5-1(b), the Town Manager has adopted a Reorganization Plan for the orderly, efficient and convenient conduct of the business of the Town, dated April 8, 2016, a copy of which is appended to the Administrative Code section of these Bylaws, which document is incorporated herein by reference. Said Reorganization Plan creates a new Department of Natural Resources (DNR) and transfers the Harbormaster, Assistant Harbormasters, Shellfish Constable, Shellfish and Water Quality Monitoring Technician, and Waterways Assistant positions from the supervision and control of the Police Department to the new DNR, and further, creates a new full-time position, Director of Natural Resources, within the newly created DNR. The provisions hereof and those of Administrative Code II shall supersede the provisions of Section 1-6, above, and Administrative Code I insofar as they relate to the Harbormaster's Office and the Shellfish Warden. Administrative Code II shall remain in full force and effect until amended, supplemented or repealed in accordance with the provisions of the Charter, Section 5-1.

Submitted by the Board of Selectmen

Explanation: Approval of this article would authorize the creation of a new department, the Department of Natural Resources, and a new position, Director of the Natural Resources Department, under which the Harbormaster, Assistant Harbormasters, Shellfish Constable, Shellfish and Water Quality Monitoring Technician, and Waterways Assistants would be placed for the purposes of protecting, preserving, and enhancing a healthy ecological function of the Town's natural resources, to include the shellfish and finfish populations; protecting the safety of persons and vessels that use our waterways; and the implementation of the Shellfish and Water Quality Monitoring components of the Mashpee Comprehensive Wastewater and Nitrogen Management Plan. Duties and responsibilities relative to Shellfish Propagation, Water Quality Monitoring, shellfish and waterways enforcement, moorings, and navigational aids would all be transferred to the DNR.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DelPonte, Murphy)

Article 4

To see if the Town will vote to appropriate and transfer, pursuant to the provisions of M.G.L. Chapter 44B, §6 to Reserve from the Community Preservation Fund Balance for Appropriation the following amounts:

\$18,375	10% for Open Space/Recreation Purposes
\$18,375	10% for Historic Purposes
\$18,375	10% for Community Housing Purposes

or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: This is a clean-up article to meet the requirement of reserving funds from the supplemental CPA FY 2016 Trust Fund distribution. After receiving additional CPA funding from the FY 2016 State budget, a total of \$183,752, the annual 10% appropriation is required to be set aside to the Community Preservation Reserves. Funding shall derive from the Community Preservation Fund Balance for this purpose.

The Community Preservation Committee voted unanimously 9-0 in support of this article.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)

Article 5

To see if the Town will vote to appropriate and transfer \$330,000 from the Community Preservation Fund Affordable Housing Reserve, in accordance with the provisions of M.G.L. Chapter 40B, §5 for the purpose of funding the Mashpee Housing Assistance Program for a (3) three-year period, by way of a CPA award of \$110,000 per year, including any necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: This article seeks funding from the Community Preservation Fund to assist the Mashpee Housing Authority in the continuation of the Housing Assistance Program for an additional (3) three-year period, a CPA award of \$110,000 per year, a total of \$330,000. The program would encompass housing assistance in one or more of the following areas:

- Ongoing, short-term rental assistance (12-24 months)
- One-time assistance for first/last/security deposits
- One-time emergency assistance for rent

- Mortgage assistance for short-term (1-3 months)
- Down payment assistance for first-time homebuyers.

The initial three-year Mashpee Housing Assistance Program was funded by the CPA in May of 2012. During the funding period, a total of 70 residents were served and approximately 35 residents were on the wait list for funding. The majority of the participants received assistance from the ongoing, short-term rental assistance program. Renters participating in this program pay rent according to their income. Renters receive counseling, and goals are established to assist the applicant in working towards self-sufficiency.

The Mashpee Housing Assistance Program provides support to low income residents, and offers support to those who are in need as a result of a prolonged illness, loss of employment, divorce or other family or personal crisis. Some of the programs are offered as loans, others such as the rental assistance program are grant funded. Approximately 70% of the program participants have made an effort to re-pay their loans. Mashpee Veterans will receive first priority for all programs. The Mashpee Housing Authority is required to submit periodic reports to the Community Preservation Committee. The reports are required to be forwarded to the Board of Selectmen and Town Manager to track expenditures. Funding shall derive from the Community Preservation 10% Affordable Housing Reserves for this purpose.

The Community Preservation Committee voted 9-0 in support of this article.

The Board of Selectmen to make recommendation at Town Meeting

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)

Article 6

To see if the Town will vote to appropriate and transfer \$200,000 from the Community Preservation Fund Budgeted Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, for the purpose of completing the Great River Boat Ramp Improvement Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: Funding from the Community Preservation Budgeted Reserve would improve the Great River Boat Ramp by constructing a double wide boat ramp of appropriate length to ensure its effectiveness during low tide and to construct a boat ramp facility for the future needs of Mashpee. The Great River Boat Ramp is the only public launch facility on the Waquoit side of the bay, and it is used on a year-round basis by recreational boaters and fishermen. A double wide boat ramp is a necessary component for the success of the Mashpee Comprehensive Wastewater Nitrogen Management Plan. The harvest of shellfish removes nitrogen from the watershed and a double wide ramp would accommodate the volume of shellfish to be harvested.

The budget proposed for additional project funding would support re-design, permitting and engineering for the double wide ramp, support mitigation requirements, and construct a

separate kayak launch facility. The Great River Boat Ramp location is the only public access location to launch kayaks in Waquoit Bay. The project as identified is approved for the construction of a double wide ramp with the float directly in the center of the ramp. The connection of the floatation shall be determined by the project engineer and mitigation funds shall be specific to the Great River Boat Ramp site location only. Any unused funding shall be returned to the Community Preservation Committee. Funding shall derive from the Community Preservation Budgeted Reserve for this purpose.

The vote of the Community Preservation Committee was unanimous 9-0 in support of this article.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0
The Finance Committee recommends Town Meeting approval by a vote of 4-1 (Klenert);
2 absent (DelPonte, Murphy)

Article 7

To see if the Town will vote to appropriate and transfer \$75,000 from the Community Preservation Open Space/Recreation Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5 for the purpose of conducting improvement projects associated with the Ockway Bay Boat Ramp Improvement Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The Ockway Bay Boat Ramp located on Great Neck Road South (Map 104, Parcel 79) is one of the Town's three public launch facilities for boating access. The existing wooden structure built approximately 30 years ago is used on a year round basis by fishermen and recreational boaters. The pier/dock structure is in disrepair. Boards are rotted and the floats are deteriorated. The handrails are inadequate and non-compliant. The structure is not accessible, and users are required to wade through the water at high tide to access the ramp area. In the matter of safety, the boat ramp requires replacement.

The goal of the project is to replace the dock/float system with aluminum marine-grade material to allow sunlight penetration to promote eelgrass growth and shellfish habitat. The project conforms to the Town Manager's Boat Access Plan. With funding and necessary permits, construction would be undertaken immediately with the goal to have the boat ramp project available for use by the summer of 2016. Funding shall derive from the Community Preservation 10% Open Space/Recreation Reserves for this purpose.

The vote of the Community Preservation Committee was unanimous 9-0 in support of this article.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0
The Finance Committee recommends Town Meeting approval by a vote of 4-1 (Klenert);
2 absent (DelPonte, Murphy)

Article 8

To see if the Town will vote to appropriate and transfer \$75,000 from the Community Preservation Open Space/Recreation Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5 for the purpose of conducting improvement projects associated to the Edward A. Baker Boat Ramp at Pirates Cove Improvement Project including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The Edward A. Baker Boat Ramp located on Mashpee Neck Road (Map 96) is one of the Town's three public launch facilities for boating access. The existing wooden structure built approximately 30 years ago is used on a year round basis by fishermen and recreational boaters. The pier/dock structure is in disrepair. Boards are rotted and the floats are deteriorated. The handrails are inadequate and non-compliant. In the matter of safety, the boat ramp requires replacement.

The goal of the project is to replace the dock/float system with aluminum marine-grade material to allow sunlight penetration to promote eelgrass growth and shellfish habitat. The project conforms to the Town Manager's Boat Access Plan. With funding and necessary permits, construction would be undertaken immediately with the goal to have the boat ramp project available for use by the summer of 2016. Funding shall derive from the Community Preservation 10% Open Space/Recreation Reserves for this purpose.

The vote of the Community Preservation Committee was unanimous 9-0 in support of this article.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

**The Finance Committee recommends Town Meeting approval by a vote of 4-1 (Klenert);
2 absent (DePonte, Murphy)**

Article 9

To see if the Town will vote to appropriate and transfer \$425,000 from the Community Preservation Fund Budgeted Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5 for the purpose of funding the acquisition of the Littleford Moniz Jordan property; 104 William Mingo Road; 23.6 Acres identified on Assessor's Map 51, Block 6 and 60 Saddleback Road, Mashpee; 0.856 Acres identified on Assessor's Map 43, Block 14 for open space and passive recreation purposes with no conservation restriction, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: This article seeks funding to purchase land for open space and passive recreation purposes. The land lies within the boundaries of the Mashpee National Wildlife Refuge, and it is situated in the recharge area of the Water District's Belcher well. Acquisition of the property as

an addition to the Quashnet Woodlands has been a recommendation of the Town's Open Space, Conservation, and Recreation Plan for the past ten years.

The acquisition project was previously before the Community Preservation Committee. In 2014, the real estate appraisal for the development of said property was \$577,000, and the combined assessed value was \$570,000. In fiscal year 2015, the assessed value for the William Mingo Road property was \$406,000, and the Saddleback Road property \$131,700. In 2003, the Town (Land Bank) and Mashpee Water District made an offer to purchase the property for \$400,000 for open space, water supply and protection purposes. Funding would derive from the Community Preservation Budgeted Reserves for this purpose.

The vote of the Community Preservation Committee was unanimous 9-0 in support of this article.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DelPonte, Murphy)

Article 10

To see if the Town will vote to appropriate and transfer from the Community Preservation Open Space/Recreation Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, \$18,500 for the purpose of funding the Disc Golf Course project including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of the project is to construct an 18-hole disc golf course at 156 Ashumet Road. This is a low environmental impact sport designed for passive recreation in a woodland setting. No permanent structures are proposed to complete the site design and necessary work to implement the 3 to 4 par course. This is an emerging recreational activity. There is only one other disc golf course on Cape Cod located at the Burgess Park in Marstons Mills. The project would embrace the Mashpee community across the spectrum. The course is intended to be open for all players and leagues. Funding shall derive from the Community Preservation 10% Open Space/Recreation Reserve for this purpose.

The vote of the Community Preservation Committee was unanimous 9-0 in support of this article.

The Board of Selectmen to make recommendation at Town Meeting

The Finance Committee to make recommendation at Town Meeting

Article 11

To see if the Town will vote to appropriate and transfer from the Community Preservation Budgeted Reserves in accordance with the provisions of M.G.L., Chapter 44B, §5, \$84,800 for the purpose of funding the Mashpee Greenway – Quashnet River Path and Footbridge project

including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The first phase of the Mashpee Greenway project is proposed to connect existing and future trails from the Mashpee Commons site along the Quashnet River through a network of trails to the Mashpee High School. The bulk of the project includes funding for the construction of a pre-engineered fiberglass footbridge with a span of 25' and width of 4' planned to cross over the Quashnet River. Limited CPA funding would also support trail construction.

The site planned for the bridge is scenic, and the trails would provide a quick and easy path to Mashpee's commercial center. Trail work is anticipated to be performed by AmeriCorps volunteers and other volunteer groups. The trails would not provide accessibility to the site locations without the construction of the footbridge. Mashpee is a Green Community and this project is deemed an economic development enhancement for the Town of Mashpee. Funding shall derive from the Community Preservation Budgeted Reserves for this purpose.

The vote of the Community Preservation Committee was unanimous 9-0 in support of this article.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)

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 28th day of March in the year two thousand and sixteen.

Per order of,
Board of Selectmen

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

**Town of Mashpee
Mashpee High School
Annual Town Meeting
Monday, May 2, 2016**

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 2nd day of May 2016 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 2015 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 recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DelPonte, Murphy)

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, 2016 to June 30, 2017, 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 2017 Department Request" (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 recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DelPonte, Murphy)

DEPARTMENT		FY 2016	FY 2017	FY 2017	FY 2017
		DEPARTMENT	DEPARTMENT	FINANCE COMM	TOWN MGR
		BUDGET	REQUEST	RECOMMEND	RECOMMEND
MODERATOR					
SALARY	1	200	200	200	200
TOTAL		200	200	200	200
SELECTMEN					
SALARY-ELECTED	2	10,000	15,500	15,500	15,500
SALARY/WAGE	3	341,707	337,979	337,979	337,979
EXPENSE	4	30,700	38,500	38,500	38,500
LEG/ENG/CONSULTING	5	320,000	290,000	290,000	290,000
TOTAL		702,407	681,979	681,979	681,979
FINANCE COMMITTEE					
RESERVE FUND	6	55,000	100,000	100,000	100,000
EXPENSE	7	62,000	67,000	65,000	65,000
TOTAL		117,000	167,000	165,000	165,000
TOWN ACCOUNTANT					
SALARY/WAGE	8	215,025	229,025	229,025	229,025
EXPENSE	9	1,000	2,055	1,955	1,955
TOTAL		216,025	231,080	230,980	230,980
ASSESSORS					
SALARY-APPOINTED	10	3,000	3,000	3,000	3,000
SALARY/WAGE	11	235,979	293,116	241,731	241,731
EXPENSE	12	4,800	7,050	7,050	7,050
TOTAL		243,779	303,166	251,781	251,781
TREASURER/COLLECTOR					
SALARY/WAGE	13	198,819	208,812	208,812	208,812
EXPENSE	14	52,200	52,200	52,200	52,200
DEBT SERVICE	15	3,270	3,270	3,270	3,270
FORECLOSURE	16	10,000	10,000	10,000	10,000
TOTAL		264,289	274,282	274,282	274,282
HUMAN RESOURCES					
SALARY/WAGE	17	268,357	312,613	312,613	312,613
EXPENSE	18	52,350	58,125	57,725	57,725
TOTAL		320,707	370,738	370,338	370,338
INFORMATION TECHNOLOGY					
SALARY/WAGE	19	212,346	240,554	232,554	232,554
EXPENSE	20	206,492	231,288	231,288	231,288
EQUIPMENT REPLACEMENT	21	26,500	40,000	27,000	27,000
TOTAL		445,338	511,842	490,842	490,842
GIS					
SALARY/WAGE	22	63,654	67,153	67,153	67,153
EXPENSE	23	13,095	21,595	21,595	21,595
TOTAL		76,749	88,748	88,748	88,748
TOWN CLERK					
SALARY-ELECTED	24	69,559	72,245	70,603	70,603
SALARY/WAGE	25	73,748	80,682	80,682	80,682
EXPENSE	26	8,400	9,185	9,185	9,185
TOTAL		151,707	162,112	160,470	160,470
ELECTIONS/REGISTRATIONS					
SALARY/WAGE	27	44,501	52,209	51,759	51,759
EXPENSE	28	13,200	18,223	17,723	17,723
TOTAL		57,701	70,432	69,482	69,482

CONSERVATION					
SALARY/WAGE	29	144,197	153,400	153,400	153,400
EXPENSE	30	1,350	4,810	4,100	4,100
HERRING EXPENSE	31	500	500	500	500
TOTAL		146,047	158,710	158,000	158,000
PLANNING BOARD					
EXPENSE	32	7,765	7,765	7,765	7,765
TOTAL		7,765	7,765	7,765	7,765
PLANNING DEPARTMENT					
SALARY/WAGE	33	126,490	153,088	153,088	153,088
EXPENSE	34	4,735	6,055	5,555	5,555
TOTAL		131,225	159,143	158,643	158,643
TOWN HALL					
EXPENSE	35	272,500	281,000	274,000	274,000
TOTAL		272,500	281,000	274,000	274,000
POLICE					
SALARY/WAGE	36	3,613,093	3,780,331	3,780,331	3,780,331
EXPENSE	37	379,681	379,681	379,681	379,681
DISPATCHERS SALARY/WAGE	38	465,048	504,441	464,303	464,303
SHELLFISH PROPOGATION	39	302,500	20,000	20,000	20,000
TOTAL		4,760,322	4,684,453	4,644,315	4,644,315
FIRE					
SALARY/WAGE	40	3,095,121	3,194,508	3,117,907	3,117,907
EXPENSE	41	466,216	518,429	468,129	468,129
TOTAL		3,561,337	3,712,937	3,586,036	3,586,036
BUILDING INSPECTOR					
SALARY/WAGE	42	290,498	299,277	296,977	296,977
EXPENSE	43	9,200	13,255	13,255	13,255
TOTAL		299,698	312,532	310,232	310,232
TREE WARDEN					
EXPENSE	44	425	425	425	425
TOTAL		425	425	425	425
SCHOOL					
BUDGET	45	20,467,076	20,841,556	20,841,556	20,841,556
TOTAL		20,467,076	20,841,556	20,841,556	20,841,556
D.P.W.					
SALARY/WAGE	46	2,319,444	2,428,680	2,399,023	2,399,023
EXPENSE	47	627,380	772,876	678,876	678,876
BUILDINGS & GROUNDS	48	1,078,600	1,230,870	1,225,270	1,225,270
TOTAL		4,025,424	4,432,426	4,303,169	4,303,169
SNOW & ICE					
EXPENSE	49	116,570	116,570	116,570	116,570
TOTAL		116,570	116,570	116,570	116,570
STREET LIGHTING					
EXPENSE	50	36,900	28,000	28,000	28,000
TOTAL		36,900	28,000	28,000	28,000
TRANSFER STATION					
EXPENSE	51	776,815	778,075	778,075	778,075
TOTAL		776,815	778,075	778,075	778,075
SEWER COMMISSION					
EXPENSE	52	139	180	180	180
TOTAL		139	180	180	180
CEMETERY					
EXPENSE	53	15,000	15,000	15,000	15,000
TOTAL		15,000	15,000	15,000	15,000

HEALTH					
SALARY-APPOINTED	54	3,000	3,000	3,000	3,000
SALARY/WAGE	55	213,735	222,702	222,702	222,702
EXPENSE	56	21,140	22,355	22,355	22,355
TOTAL		237,875	248,057	248,057	248,057
COUNCIL ON AGING					
SALARY/WAGE	57	218,876	229,180	229,180	229,180
EXPENSE	58	35,927	43,595	38,097	38,097
TOTAL		254,803	272,775	267,277	267,277
VETERANS					
EXPENSE	59	98,000	98,000	98,000	98,000
MEMBERSHIP	60	32,700	33,800	33,800	33,800
TOTAL		130,700	131,800	131,800	131,800
HUMAN SERVICES					
SALARY/WAGE	61	65,245	66,295	66,295	66,295
EXPENSE	62	47,728	44,168	44,168	44,168
TOTAL		112,973	110,463	110,463	110,463
LIBRARY					
SALARY/WAGE	63	394,476	470,863	442,074	442,074
EXPENSE	64	161,650	183,628	173,598	173,598
TOTAL		556,126	654,491	615,672	615,672
RECREATION					
SALARY/WAGE	65	251,336	262,394	262,394	262,394
EXPENSE	66	16,320	40,250	40,250	40,250
TOTAL		267,656	302,644	302,644	302,644
HISTORICAL					
TEMP WAGE	67	5,000	7,500	7,500	7,500
EXPENSE	68	1,000	2,075	1,375	1,375
TOTAL		6,000	9,575	8,875	8,875
CULTURAL COUNCIL					
EXPENSE	69	90	90	90	90
TOTAL		90	90	90	90
PRINCIPAL INSIDE 2 1/2	70	1,520,146	1,190,151	1,190,151	1,190,151
PRINCIPAL OUTSIDE 2 1/2	71	2,236,989	1,975,000	1,975,000	1,975,000
INTEREST INSIDE 2 1/2	72	350,236	305,480	305,480	305,480
INTEREST OUTSIDE 2 1/2	73	368,440	294,463	294,463	294,463
TEMP BORROW INSIDE 2 1/2	74		15,000	15,000	15,000
RETIREMENT EXPENSE	75	2,594,041	2,718,138	2,718,138	2,718,138
UNEMPLOYMENT	76	60,000	60,000	60,000	60,000
MEDICAL INSURANCE	77	6,408,335	7,223,889	6,997,678	6,997,678
GROUP INSURANCE	78	15,451	20,000	20,000	20,000
MEDICARE	79	443,299	450,000	450,000	450,000
TOWN INSURANCE	80	760,025	792,000	792,000	792,000
GRAND TOTAL	81	53,536,330	55,164,367	54,508,856	54,508,856

Article 3

To see if the Town will vote to appropriate and transfer \$468,731 from available funds to various department Capital Accounts, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article is to appropriate funds for the FY 2017 capital budget.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote 6-0;

1 absent (Murphy)

DEPARTMENT		FY 2017 CIP COMMITTEE REPORT	TOWN MANAGER RECOMMENDATION
TOWN HALL VEHICLES			
2016 Ford F150 (Conservation)	1	6,255	6,255
Total		6,255	6,255
POLICE			
Lease of (10) Police Vehicles-Year 3 of 3 year lease	2	132,000	132,000
Lease of (1) Police Vehicle-Year 3 of 3 year lease	3	11,500	11,500
Lease of (4) Police Vehicles-Year 2 of 3 year lease	4	48,000	48,000
Total		191,500	191,500
Public Works			
2015 International Dump Truck-Year 3 of 3 year lease	5	43,202	43,202
2015 International Dump Truck-Year 3 of 3 year lease	6	43,202	43,202
2016 International Dump Truck-Year 2 of 3 year lease	7	45,953	45,953
2016 F-550 w/ Dump-Year 2 of 2 year lease	8	18,857	18,857
2016 F-550 w/ Dump-Year 2 of 2 year lease	9	18,857	18,857
2016 F-250-Year 2 of 2 year lease	10	11,985	11,985
2016 F-550 w/ Dump-Year 1 of 2 year lease	11	40,000	40,000
Total		222,056	222,056
I.T.			
VMWare Server Switch for PD/Firewall for Town Hall	12	39,000	39,000
Total		39,000	39,000
Recreation			
12 Passenger Van-Year 2 of 3 year lease	13	9,920	9,920
Total		9,920	9,920
TOTAL APPROPRIATION		468,731	468,731

Article 4

To see if the Town will vote to appropriate and borrow, pursuant to Chapter 44, Section 7(9), of the Massachusetts General Laws or other lawful authority, \$650,000 for the purchase of a Fire Department Pumper Truck, including costs associated therewith, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This action authorizes the borrowing for the purchase, equipping, and training for the use of a new pumper truck for the Fire Department. This project has been recommended by the Capital Improvement Program Committee. Funding for this bond will be paid through ambulance receipts.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)

Article 5

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, 2016, in the amount of \$14,459,000, and further, to see if the Town will vote to raise and appropriate \$1,137,175 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, 2016, 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 \$1,137,175. There are 59 students from Mashpee at the Regional Technical High School, a decrease of three students from last year.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)

Article 6

To see if the Town will vote to establish the FY 2017 operating budget for the Department of Natural Resources, appropriated as follows:

Salary	\$307,205
Expenses	\$53,000
Shellfish Propagation	<u>\$157,000</u>
Total Budget	\$517,205

and to fund said operating budget, that the Town appropriate and transfer \$222,205 from the FY 2017 Police Department salary budget, appropriate and transfer \$32,000 from the FY 2017 Police Department expense budget, appropriate and transfer \$20,000 from the FY 2017 Police Shellfish Propagation expense budget, appropriate and transfer \$70,000 from the Waterways Improvement Fund, and appropriate and transfer \$173,000 from Revenue Available for Appropriation, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This Article will establish the Fiscal Year 2017 operating budget for the new Department of Natural Resources created upon Town Meeting approval of the Town Manager's/ Board of Selectmen's administrative reorganization Bylaw and Administrative Code at the earlier Special Town Meeting. The FY 2017 operating budget for the DNR will be funded by transfers from the salary and expense accounts/line items for Town department which, prior to the creation of the DNR, were responsible for the DNR's officers and duties, as well as by a \$173,000 transfer from available funds. This budget appropriation request appears as a separate article for FY 2017 only because the DNR is a newly created Town department; in future fiscal years the DNR operating budget will be presented within the omnibus Town operating budget article.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)

Article 7

To see if the Town will accept General Laws Chapter 44, Section 53F ¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for FY 2017, which begins on July 1, 2016; and to appropriate the sum of \$500,000 for expenditures from the fund, and to fund said expenditures, the Town appropriate and transfer \$115,000 from the unencumbered balance of current cable funds, and appropriate and transfer from Revenue Available for Appropriation \$385,000, or take any other action thereto.

Submitted by the Board of Selectmen

Explanation: In January 2016 the Massachusetts Department of Revenue issued an informational Guideline Release detailing how municipalities must account for cable franchise fees collected from customers by cable companies and other cable-related monies negotiated in cable television agreements. One of two alternative options for cities and towns to establish a separate account for these receipts, which allows cable receipts to be segregated from other general fund revenues, is to establish a PEG Access and Cable Related Fund under G.L. c. 44, §53F3/4. To establish such an account, the Town must adopt §53F3/4 by a majority vote of Town Meeting and appropriate the sum necessary to fund prospective annual expenditures from the fund. Receipt from cable fees and revenues received during the fiscal year will then be credited to the fund and be available for future appropriation. For the first fiscal year during which such a special revenue fund is established it is necessary to appropriate the funds anticipated to be expended

**The Board of Selectmen recommends Town Meeting approval by a vote of 5-0
The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent
(DelPonte, Murphy)**

To see if the Town will vote to appropriate \$376,170 for the operation of the Kids Klub Enterprise Fund for FY 2017; such sums to be raised from \$376,170 in receipts of the Enterprise, or take any other action relating thereto.

Estimated Revenues

Registration Fees	\$	5,900
Tuition	\$	370,000
Toddler Program	(20%)	
3 & 4 YO Daycare	(40%)	
Pre-School Program	(40%)	
Investment Income	\$	185
Late Fees	\$	<u>85</u>
Total Budgeted Revenue		\$ 376,170

Salary (full-time; incl. long.)	\$273,050
Salary (part-time)	\$ 31,920
Benefits (Health, Life, Medicare)	\$ 26,000
Building Expenses	<u>\$ 45,200</u>
Total Budgeted Expenses	\$376,170

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 recommends Town Meeting approval by a vote of 5-0
The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent
(DelPonte, Murphy)**

Article 9

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money based on the Town's allocated share of Chapter 90 local transportation aid 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 will be the Town's allocated share of the FY 2017 Chapter 90 program.

**The Board of Selectmen recommends Town Meeting approval by a vote of 5-0
The Finance Committee to make recommendation at Town Meeting**

Article 10

To see if the Town will vote to appropriate and transfer \$40,000 from the Community Preservation Fund Balance to the Community Preservation Administrative and Operating Expense Account, or take any action relating thereto.

Submitted by the Community Preservation Committee

Explanation: To provide annual funding for the administrative and operational costs of the Community Preservation Committee which includes incidental project costs associated to and incidental to the Community Preservation Committee. Under the CPA Act, up to 5% of the annual CPA funds may be spent on operation and administrative costs of the Community Preservation Committee. Costs include legal fees, technical reviews, appraisal costs, signage, annual Community Preservation Coalition dues, administrative wages, office supplies and similar costs associated to and incidental to the development of a CPA project. It is necessary to re-authorize the appropriation of this funding on an annual basis. Funding would derive from the Community Preservation Fund Balance for this purpose.

The Community Preservation Committee voted unanimously 9-0 in support of this article.

**The Board of Selectmen recommends Town Meeting approval by a vote of 5-0
The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)**

Article 11

To see if the Town will vote to re-authorize the Council on Aging revolving account, through the Town Accountant, in accordance with M.G.L. Chapter 44, §53E½ 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, and to establish the limit on expenditures from said account for Fiscal Year 2017 at \$15,000, or take any other action relating thereto.

Submitted by the Council on Aging

Explanation: The revolving account is required in order to receive and disburse funds generated through programs supported by such revolving fund, such as senior trips, educational programs, educational program staff, transportation programs, exercise programs, etc. Revenues will be used to offset expenses related to these programs and activities.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DelPonte, Murphy)

Article 12

To see if the Town will vote to re-authorize the Library Revolving Account, through the Town Accountant's Office, in accordance with M.G.L. Chapter 44, §53E½ to be expended under the direction of the Library Board of Trustees, in order to place anticipated revenues collected from fines and fees, which shall be used to further the operation of programs and services under the Library, and to establish the limit on expenditures from said account for FY 2017 at \$20,000, or take any other action relating thereto.

Submitted by the Library Board of Trustees

Explanation: This revolving account is required in order to receive and disburse funds generated through services supported by the revolving fund such as purchasing supplies and library materials, as well as personnel and program expenses. Revenues will be used to offset expenses related to these programs.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DelPonte, Murphy)

Article 13

To see if the Town will vote to re-authorize the Recreation Revolving Account, through the Town Accountant, in accordance with M.G.L., Chapter 44, §53E½, 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; and to establish the limit on expenditures from said account for FY 2017 at \$410,000, or take any other action relating thereto.

Submitted by the Recreation Department

Explanation: This revolving account is required in order to receive and disburse funds generated through programs supported by such revolving fund. Revenues must be used to offset expenses of these programs. The Recreation Department, through its agents, will manage this account.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DelPonte, Murphy)

Article 14

To see if the Town will vote to re-authorize the Historical Commission Revolving Account, through the Town Accountant, in accordance with M.G.L., Chapter 44, §53E½, to be expended under the direction of the Historical Commission; said account to be funded by anticipated 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, and to establish the limit on expenditures from said account at \$10,000 for FY 2017, or take any other action relating thereto.

Submitted by the Historical Commission

Explanation: This revolving account is required to provide the Historical Commission with access to funds received from the sale of its book describing the history of Mashpee, rather than depositing such receipts into the Town's General Fund.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DelPonte, Murphy)

Article 15

To see if the Town will vote to appropriate and transfer \$2,544.09 from the Overlay Surplus account, to the following overlay accounts in the amounts as noted:

FY 2000	\$952.25
FY 2001	\$949.18
FY 2002	\$162.02
FY 2003	\$109.80
FY 2004	\$306.00
FY 2005	\$ 64.84

or take any other action relating thereto.

Submitted by the Town Accountant

Explanation: This transfer of overlay surplus is needed to abate outstanding real estate taxes associated with property that had been donated to the Town of Mashpee.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)

Article 16

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 repaid 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 recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)

Article 17

To see if the Town will vote to appropriate and transfer \$18,753 from revenue available for appropriation to the Elections and Registration Expense Account to purchase new voting booths for five (5) precincts, or take any other action relating thereto.

Submitted by the Town Clerk

Explanation: At more than twenty years old, our current voting booths are damaged and functionally obsolete. Each precinct would receive four new voting quads, thereby allowing increased voter participation with a greater number of booths per precinct.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)

Article 18

To see if the Town will vote to amend Chapter 172-4 of the General Bylaw as follows:

Replace the language of Subsection (B)(1) with the following:

“An Administrative Review - Submission of a form as required by the rules and regulations of the commission for minor* activities within the 100 foot buffer zone to any wetland resource areas as described under Chapter 172-2. (*Minor activities are defined as those activities that are deemed by the Commission to require neither a Request for Determination nor a Notice of Intent.)”

Replace the language of Subsection (B)(2) with the following:

“A Request for Determination of Applicability application (WPA Form 1 of 310 CMR 10.99) and additional forms as required by the rules and regulations of the Commission [Such form will require by the Massachusetts regulations, 310 CMR 10.05(3)(b)(1), notice in a local newspaper of the required hearing].”

Add a new Subsection (B)(3) with the following language:

“A notice of intent (Form 3 of CMR 10.00) filing as prescribed in 310 CMR 280.21 through 280.25 and Chapter 172 of the Mashpee Code and its regulations.”

or take any other action relating thereto.

Submitted by the Conservation Department

Explanation: The conservation commission has always had an Administrative Review process for minor development proposals within the buffer zone to wetland resource areas; however, this process has never been defined within the existing bylaw language. This article proposes appropriate language for administrative approval requests, including defining the parameters of what constitutes an administrative approval request.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)

Article 19

To see if the Town will vote to amend Chapter 54, Article II of the General Bylaws as follows:

Amend the header for Subsection 54-5 to include “**Alcohol and Tobacco**” and add the following sentence to Subsection 54-5:

“The use of smoking materials on the public beaches of Mashpee is also prohibited. For purposes of this bylaw, the use of smoking materials shall include the lighting of a cigar, cigarette, pipe or

other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled. This term shall also include such devices whether they are manufactured as e-cigarettes, e-cigars, or under any other product name.”

Or take any other action relating thereto.

Submitted by the Recreation Department

Explanation: Mashpee Recreation Department is proposing a No Smoking Ban on all Town of Mashpee beaches. The ban will restrict beach-goers from smoking at South Cape Town Beach, John’s Pond and Attaquin Park (Mashpee/Wakeby Pond). The ban aims to set a better example for children and to reduce litter. Cigarettes not only pose a risk to human health, but are harmful to animals and our environment. This ban will promote cleaner, healthier beaches for our residents and visitors.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 5-0; 2 absent (DePonte, Murphy)

Article 20

To see if the Town will vote to amend the General Bylaws as follows:

Add the following Chapter:

CHAPTER 50 – SYNTHETIC MARIJUANA AND SYNTHETIC MARIJUANA ANALOGUE

§50-1 Purpose and Intent:

It has been determined that certain businesses and/or individuals within the Town of Mashpee are possessing and selling certain substances which, when ingested, produce intoxicating effects similar to Tetrahydrocannabinol (THC) or marijuana. These substances, which are described herein, are often used as an alternative synthetic to marijuana and are potentially dangerous to users and society, and the long-term effects are not yet known. The effects of these substances are a health concern to the citizens of Mashpee. Not all of the substances are categorized as illegal controlled substances under state or federal law. By selling these legal substances for smoking and ingestion in the guise of incense, the manufacturers avoid the United States Food and Drug Administration process for study and approval of such prior to distribution for consumption. In addition, by marketing such incense products directed at the controlled drug subculture, the manufacturers and sellers avoid the schedule implications of the Controlled Substances Act. The Town of Mashpee Board of Selectmen recognizes there is no legitimate purpose for such synthetic chemicals contained therein.

§50-2 Prohibited Activities:

A. It shall be unlawful for any person to possess, sell, barter, give, publicly display for sale; attempt to possess, sell, barter, or give; or transport any material, compound, mixture or

preparation within the corporate limits of the Town of Mashpee which contains any quantity of synthetic marijuana or synthetic marijuana analogue, as said terms are defined herein.

B. This Bylaw shall apply regardless of whether the synthetic marijuana or synthetic marijuana analogue is described as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, and, regardless of whether the substance is marketed for the purpose of being smoked or ingested, and, regardless of whether the substance is marked "not for human consumption."

§50-3 Exceptions:

A. It is not an offense under this Bylaw if the person was acting at the direction of the Mashpee Police Department and its officers, or federal or state law enforcement, to enforce or ensure compliance with this article prohibiting the sale of the aforementioned substances.

B. If the Commonwealth of Massachusetts hereafter enacts criminal penalties for the possession, sale, transportation, or delivery of any chemical substance listed herein, then upon the effective date of such enactment, this Bylaw shall no longer be deemed applicable to that substance. However, a violation of this Bylaw occurring prior to the effective date of such enactment may be prosecuted after the effective date of state enactment.

§50-4 Definitions:

For the purpose of this article, the following words shall have the following meanings:

PERSON. An individual, corporation, limited liability company, partnership, wholesaler, retailer, and any license or unlicensed business, including clerk, manager, or owner of the business.

SYNTHETIC MARIJUANA. Any substance as defined by 21 U.S.C. § 812(d), excluding "marihuana" as such term is defined in MGL c. 94C, § 1, 21 U.S.C. § 812(d) notwithstanding; or any one or any combination of the following cannabinoids, or, a substance containing any one or combination of the following cannabinoids, namely JWH-018, JWH-073, CP-47, 497, JWH-200, or, cannabicyclohexanol; or vegetable material that has been chemically treated and is possessed, sold, or, purchased with the intent that it will, despite any labeling to the contrary, be consumed by humans for the purpose of voluntary intoxication, said vegetable material typically having a retail price of over \$5 per ounce and contained within packaging indicating that the contents is not for human consumption, and which, if consumed, may induce an effect or effects of intoxication similar to a controlled substance or imitation controlled substance, said effect or effects to include elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, dulling of the senses or nervous system, or, distortion of audio, visual or mental processes.

SYNTHETIC MARIJUANA ANALOGUE. A substance, the chemical structure of which is substantially similar to the chemical structure of synthetic marijuana and which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana; or with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system

that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana.

§50-5 Violations and Penalties:

A. Any person found to be in violation of this Bylaw will be assessed a fine of \$300. Each day a violation occurs will constitute a separate offense.

B. In addition to any penalty provided in the above Subsection A, if any of the aforementioned substances listed above are found in the possession of any person, the substance will be forfeited by seizure by the Mashpee Police Department, or its officers, and may be destroyed by such law enforcement officials in a method consistent with law.

§50-6 Enforcement:

This Bylaw shall be implemented and enforced by the Board of Health, its authorized Agents and the Mashpee Police Department, by its officers.

§50-7 Severability:

If any provision of this article shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this article, which shall remain in full force and effect.

or take any other action relating thereto.

Submitted by the Board of Health

Explanation: On October 15, 2015, at the urging of the Barnstable District Attorney's Office and the Barnstable Police Chief, the Mashpee Board of Health approved a regulation that prohibits the retail sale or distribution of synthetic drugs, in all of their present and future forms. In order for the Mashpee citizens and the public-at-large to be protected, this Bylaw would allow the Mashpee Police to enforce the possession, distribution, and transportation of synthetic drugs within the town of Mashpee. The Mashpee Police Department supports the adoption of this by-law.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0

The Finance Committee recommends Town Meeting approval by a vote of 4-0; 1 abstention (Klenert); 2 absent (DelPonte, Murphy)

Article 21

To see if the Town will vote to direct the Board of Selectmen to place the following question on the next Town election ballot, "Shall the residents of the Town of Mashpee petition the Town Selectmen and the Tribe to enter into meaningful and timely inter-governmental consultations and coordination of land use, land use planning, transportation planning, environmental impacts on projects, the development of municipal regulations, policies, and plans that significantly or uniquely affect the federally recognized tribe of the Mashpee Wampanoag, and to provide

effective mechanisms for just and fair redress for any such activities, and to take appropriate measures to mitigate adverse environmental, economic, social, cultural or spiritual and religious impact?”

Submitted by Petition

Explanation: The intent of this article is 1) for the Town to uphold a moral obligation of the highest responsibility and trust to the original inhabitants of the land, to consult with and cooperate in good faith with the aboriginal Mashpee Wampanoag Tribe and its people, in order to obtain their free and informed consent prior to the approval of any projects affecting Mashpee’s lands or territories and other resources; 2) for the Town to create a legal obligation to provide regularly scheduled, comprehensive tribal consultations and project coordination that maintains healthy and respectful working relationships before, during, and after the consultations; 3) for consultations to be guided by effective communication, coordination, collaboration, cooperation and consensus, and to strengthen the relationships, knowledge, and trust among the Tribe and the Town; and 4) to make bylaw or ordinance a “consultation process” that mandates the Town and the Tribe to develop and implement regulations defining the inter-government consultation process.

The Board of Selectmen to make recommendation at Town Meeting
The Finance Committee to make recommendation at Town Meeting

Article 22

To see if the Town will vote to direct the Board of Selectmen to place the following question on the next Town election ballot, “Shall the residents of the Town of Mashpee petition the Town’s Selectmen requiring that the Town move to return forthwith the remaining undeveloped land parcels identified in the Selectmen’s 2015 “Land Disposition Project” to the Mashpee Wampanoag Tribe and to prohibit any future sale, conservation or reserve, and other uses of Mashpee lands identified in the Project?”

Submitted by Petition

Explanation: The intent of the article is 1) to restore and preserve land, water, wildlife and other natural resources; 2) to oppose and prevent the sale of remaining undeveloped land held in ownership by the Town of Mashpee, within the Town of Mashpee; 3) in accordance with federal and other applicable law, to apply justice long overdue by returning to the Mashpee Wampanoag Tribe, from the Selectmen’s “Land Disposition Project”, those remaining undeveloped land parcels identified herein, and deem it the single most humane and morally responsible act to do so. In accordance with the 1790 Indian Trade and Non-intercourse Act and the applicable federal law.

The Board of Selectmen to make recommendation at Town Meeting
The Finance Committee to make recommendation at Town Meeting

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 28th day of March in the year two thousand and sixteen.

Per order of,
Board of Selectmen

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