

**Town of Mashpee
Annual Town Meeting
May 7, 2012**

Town Meeting convened at 7:28 PM.

Voters Present 189

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 7th day of May 2012 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 2011 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 approval by a vote of 5-0.

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Wayne Taylor.

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

Motion passes unanimously at 7:28 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, 2012 to June 30, 2013, and further to see if the Town will vote to appropriate and 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 "Dept. FY 2013 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 approval by a vote of 4-0, 1 absent.

Finance Committee recommends approval by a vote of 6-0.

Motion made by Selectman Michael Richardson.

Motion: I move the Town vote to fix the salaries of the elected officers as specified under the columns entitled "Town Manager Recommendation": in line items 2 and 22 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 the columns entitled "Town Manager Recommendation" and that to fund said appropriation, the Town raise and appropriate \$45,828,187; and further appropriate and transfer from the Ambulance Receipts Reserved for Appropriation Account \$450,000 to line item 38 and \$50,000 to line item 39; appropriate and transfer from the Mashpee Cable and Advanced Technology account \$15,600 to line item 20; appropriate and transfer from the Hotel/Motel Receipts Account \$10,000 to line item 76; appropriate and transfer from the Conservation Revolving Account \$5,000 to line item 27; appropriate and transfer from the Shellfish Receipts Reserved for Appropriation Account \$20,000 to line item 37; appropriate and transfer from the Cemetery Receipts Reserved for Appropriation Account \$15,000 to line item 56; appropriate and transfer from the Street Betterment Receipts Reserved for Appropriation Account \$255,700 to line item 68, \$89,982 to line item 70; appropriate and transfer from the Septic Betterment Receipts Reserved for Appropriation Account \$11,362 to line item 50; appropriate and transfer from the CPA Fund \$676,676 to line item 68, \$253,459 to line item 70; and appropriate and transfer from available funds \$412,080 to line item 76.

Motion passes unanimously at 7:42 PM.

DESCRIPTION		FY 2012 DEPT BUDGET	FY 2013 DEPT REQUEST	FY 2013 FINCOM RECOMMEND	FY 2013 TOWN MGR RECOMMEND
MODERATOR					
SALARY	1	200	200	200	200
TOTAL		200	200	200	200
SELECTMEN					
SALARY-ELECTED	2	10,000	10,000	10,000	10,000
SALARY/WAGE	3	332,957	336,511	336,511	336,511
EXPENSE	4	21,300	21,000	21,000	21,000
LEG/ENG/CONSULTING	5	242,000	242,960	242,960	242,960
TOTAL		606,257	610,471	610,471	610,471
FINANCE COMMITTEE					
RESERVE FUND	6	80,856	100,000	100,000	100,000
EXPENSE	7	58,000	57,000	57,000	57,000
TOTAL		138,856	157,000	157,000	157,000
TOWN ACCOUNTANT					
SALARY/WAGE	8	182,689	186,226	186,226	186,226
EXPENSE	9	900	900	900	900
TOTAL		183,589	187,126	187,126	187,126
ASSESSORS					
SALARY-APPOINTED	10	3,600	3,600	3,000	3,000
SALARY/WAGE	11	219,432	200,888	200,888	200,888
EXPENSE	12	5,100	5,100	5,100	5,100
TOTAL		228,132	209,588	208,988	208,988
TREASURER/TAX COLLECTOR					
SALARY/WAGE	13	109,804	109,879	95,834	95,834
EXPENSE	14	147,100	147,100	147,100	147,100
DEBT SERVICE	15	3,270	3,270	3,270	3,270
FORECLOSURE	16	10,000	10,000	10,000	10,000
TOTAL		270,174	270,249	256,204	256,204
HUMAN RESOURCES					
SALARY/WAGE	17	250,883	261,756	261,756	261,756
EXPENSE	18	45,914	42,270	42,270	42,270
TOTAL		296,797	304,026	304,026	304,026

INFORMATION TECHNOLOGY				
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DESCRIPTION		FY 2012 DEPT BUDGET	FY 2013 DEPT REQUEST	FY 2013 FINCOM RECOMMEND	FY 2013 TOWN MGR RECOMMEND
SALARY/WAGE	19	159,033	185,571	185,571	185,571
EXPENSE	20	214,387	200,858	200,858	200,858
PC REPLACEMENT	21	-	16,500	16,500	16,500
TOTAL		373,420	402,929	402,929	402,929
TOWN CLERK					
SALARY-ELECTED	22	61,798	62,416	62,416	62,416
SALARY/WAGE	23	66,794	69,953	69,953	69,953
EXPENSE	24	7,000	8,600	7,900	7,900
TOTAL		135,592	140,969	140,269	140,269
ELECTIONS & REGISTRATIONS					
SALARY/WAGE	25	46,407	46,439	46,439	46,439
EXPENSE	26	10,700	11,200	10,700	10,700
TOTAL		57,107	57,639	57,139	57,139
CONSERVATION					
SALARY/WAGE	27	108,094	108,946	108,946	108,946
EXPENSE	28	1,325	1,325	1,325	1,325
HERRING EXPENSE	29	900	900	500	500
TOTAL		110,319	111,171	110,771	110,771
PLANNING BOARD					
EXPENSE	30	7,414	7,414	7,414	7,414
TOTAL		7,414	7,414	7,414	7,414
PLANNING DEPARTMENT					
SALARY/WAGE	31	83,389	83,389	83,389	83,389
EXPENSE	32	4,800	4,800	4,800	4,800
TOTAL		88,189	88,189	88,189	88,189
TOWN HALL					
EXPENSE	33	239,760	249,500	249,500	249,500
TOTAL		239,760	249,500	249,500	249,500

DESCRIPTION		FY 2012 DEPT BUDGET	FY 2013 DEPT REQUEST	FY 2013 FINCOM RECOMMEND	FY 2013 TOWN MGR RECOMMEND
POLICE					
SALARY/WAGE	34	3,158,523	3,137,569	3,137,569	3,137,569
EXPENSE	35	294,381	294,381	294,381	294,381
DISPATCHERS SALARY/WAGE	36	371,654	374,904	374,904	374,904
SHELLFISH PROPOGATION	37	30,000	20,000	20,000	20,000
TOTAL		3,854,558	3,826,854	3,826,854	3,826,854
FIRE					
SALARY/WAGE	38	2,717,626	2,757,449	2,756,233	2,756,233
EXPENSE	39	391,140	400,517	396,573	396,573
TOTAL		3,108,766	3,157,966	3,152,806	3,152,806
BUILDING INSPECTOR					
SALARY/WAGE	40	252,733	192,018	192,018	192,018
EXPENSE	41	13,650	49,971	49,580	49,580
TOTAL		266,383	241,989	241,598	241,598
TREE WARDEN					
EXPENSE	42	500	425	425	425
TOTAL		500	425	425	425
SCHOOL					
BUDGET	43	18,560,434	19,089,326	19,089,326	18,746,039
TOTAL		18,560,434	19,089,326	18,746,039	18,746,039
D.P.W.					
SALARY/WAGE	44	1,721,649	1,751,543	1,751,543	1,751,543
EXPENSE	45	443,105	448,150	448,150	448,150
BUILDINGS & GROUNDS	46	1,203,000	1,198,000	1,198,000	1,198,000
TOTAL		3,367,754	3,397,693	3,397,693	3,397,693
SNOW & ICE					
EXPENSE	47	116,570	116,570	116,570	116,570
TOTAL		116,570	116,570	116,570	116,570
STREET LIGHTING					
EXPENSE	48	36,900	36,900	36,900	36,900
TOTAL		36,900	36,900	36,900	36,900

DESCRIPTION		FY 2012 DEPT BUDGET	FY 2013 DEPT REQUEST	FY 2013 FINCOM RECOMMEND	FY 2013 TOWN MGR RECOMMEND
HEALTH					
SALARY-APPOINTED	49	3,000	3,000	3,000	3,000
SALARY/WAGE	50	188,316	190,036	190,036	190,036
EXPENSE	51	20,300	23,290	23,290	23,290
TOTAL		211,616	216,326	216,326	216,326
HUMAN SERVICES					
SALARY/WAGE	52	57,230	59,211	59,211	59,211
EXPENSE	53	50,689	45,799	45,799	45,799
TOTAL		107,919	105,010	105,010	105,010
TRANSFER STATION					
EXPENSE	54	887,000	887,000	887,000	887,000
TOTAL		887,000	887,000	887,000	887,000
SEWER COMMISSION					
EXPENSE	55	113	130	130	130
TOTAL		113	130	130	130
CEMETERY					
EXPENSE	56	12,000	15,000	15,000	15,000
TOTAL		12,000	15,000	15,000	15,000
COUNCIL ON AGING					
SALARY/WAGE	57	183,339	196,302	196,302	196,302
EXPENSE	58	34,767	34,767	34,767	34,767
TOTAL		218,106	231,069	231,069	231,069
VETERANS					
MEMBERSHIP	59	29,226	30,312	30,312	30,312
EXPENSE	60	64,000	70,000	70,000	70,000
TOTAL		93,226	100,312	100,312	100,312
LIBRARY					
SALARY/WAGE	61	263,367	284,742	272,768	272,768
EXPENSE	62	131,150	123,236	122,293	122,293
TOTAL		394,517	407,978	395,061	395,061

DESCRIPTION		FY 2012 DEPT BUDGET	FY 2013 DEPT REQUEST	FY 2013 FINCOM RECOMMEND	FY 2013 TOWN MGR RECOMMEND
RECREATION					
SALARY/WAGE	63	281,695	284,942	284,942	284,942
EXPENSE	64	14,100	14,100	14,100	14,100
TOTAL		295,795	299,042	299,042	299,042
HISTORICAL					
SALARY/WAGE	65	4,500	4,500	4,500	4,500
EXPENSE	66	3,923	3,923	1,000	1,000
TOTAL		8,423	8,423	5,500	5,500
CULTURAL COUNCIL					
EXPENSE	67	90	90	90	90
TOTAL		90	90	90	90
PRINCIPAL INSIDE 2 ½	68	1,212,531	1,184,220	1,184,220	1,184,220
PRINCIPAL OUTSIDE 2 ½	69	2,461,639	2,344,122	2,344,122	2,344,122
INTEREST INSIDE 2 ½	70	413,587	371,930	371,930	371,930
INTEREST OUTSIDE 2 ½	71	866,116	729,456	729,456	729,456
TEMP BORROW INSIDE 2 ½	72	20,000	20,000	20,000	20,000
TEMP BORROW OUTSIDE 2 ½	73	-	-	-	-
RETIREMENT EXPENSE	74	2,089,358	2,177,885	2,177,885	2,177,885
UNEMPLOYMENT	75	60,000	60,000	60,000	60,000
MEDICAL INSURANCE	76	5,792,708	5,688,504	5,688,504	5,688,504
GROUP INSURANCE	77	15,141	15,211	15,211	15,211
MEDICARE	78	367,800	370,067	370,067	370,067
TOWN INSURANCE	79	591,000	578,000	578,000	578,000
GRAND TOTAL		48,166,356	48,473,969	48,093,046	48,093,046

Article 3

To see if the Town will vote to appropriate and transfer from available funds \$543,693 to various department Capital Accounts, or take any other action relating thereto.

Submitted by the Board of Selectmen

Department		FY 2013 CIP Committee Report	Town Manager Recommendation
FIRE			
Repl Chief's Vehicle	1	\$31,743	\$31,743
Total		\$31,743	\$31,743
IT			
Office Upgrade	2	\$30,550	\$30,550
VMWare Servers (2)	3	\$18,000	\$18,000
Server Racks	4	\$9,000	\$9,000
Total		\$57,550	\$57,550
PLANNING & CONSTRUCTION			
Repl Fire Alarm System Quashnet School	5	\$50,000	\$50,000
Maint of High School WWTF	6	\$35,000	\$35,000
Electrical Upgrades Quashnet School	7	\$25,000	\$25,000
Total		\$110,000	\$110,000
POLICE			
10 Police Vehicles	8	\$120,000	\$120,000
4 Police Vehicles	9	\$56,400	\$56,400
Total		\$176,400	\$176,400
PUBLIC WORKS			
Repl 1998 Tractor Mower	10	\$50,000	\$50,000
Repl 2000 F350 Truck	11	\$26,667	\$26,667
Repl 2000 F350 Truck	12	\$26,667	\$26,667
Repl 1996 Tractor w/ Side arm	13	\$19,999	\$19,999
Repl 2000 F150 Truck	14	\$26,667	\$26,667
Total		\$150,000	\$150,000
SCHOOL			
Data Servers (2)	15	\$18,000	\$18,000
Total		\$18,000	\$18,000
Grand Total		\$543,693	\$543,693

Explanation: This article is to appropriate funds for the Fiscal Year 2013 capital budget.

The Board of Selectmen recommends approval by a vote of 4-0, 1 absent.

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to appropriate and transfer from the Mashpee Cable and Advanced Technology Account, \$75,550 to line items 2, 3, 4 and 15, and appropriate and transfer from available funds \$468,143 to the remaining various department Capital accounts.

Motion passes unanimously at 7:46 PM.

Article 4

To see if the Town will vote to appropriate and borrow pursuant to Chapter 44 §7 (9) or other lawful authority \$500,000 for the purchase of a Pumper Truck, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This action authorizes borrowing for the purchase of a pumper truck for the Fire & Rescue Department. This project has been recommended by the Capital Improvement Program Committee.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to appropriate the sum of \$500,000 and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow pursuant to Chapter 44 §7 (9) or any other lawful authority the sum of \$500,000 for the purchase of a Pumper Truck, and to issue bonds and notes of the Town therefor.

Motion passes unanimously at 7:47 PM.

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, 2012, in the amount of \$13,138,859 and further, to see if the Town will vote to raise and appropriate \$969,173 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, 2013, 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 \$969,173. There are 62 students from Mashpee at the Regional Technical High School, a decrease from 67 students last year.

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

Finance Committee recommends approval by a vote of 6-0 1 absent.

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 Fiscal Year 2013 beginning July 1, 2012, in the amount of \$13,138,859, and further, that the Town vote to raise and appropriate \$969,173 to meet its share of the cost for operation and maintenance of the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2012.

Motion passes unanimously at 7:49 PM.

Article 6

To see if the Town will vote to appropriate and transfer from available funds \$250,000 to the Town's Stabilization Account, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will place funds into the Town's savings account to maintain financial strength over the long-term, which is crucial to the Town's bond rating.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Wayne Taylor.

Motion: I move the Town vote to appropriate and transfer from available funds \$250,000 to the Town's Stabilization Account.

Motion passes unanimously at 7:49 PM.

Article 7

To see if the Town will vote to establish an Irrevocable Trust Fund for the purpose of funding future potential liabilities for other Post Employee Benefits, and further, the town vote to appropriate and transfer from available funds \$250,000 for said purpose, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: If approved this article will establish a Trust Fund that would set forth a plan to meet the Town's potential obligation under what is known as GASB 45.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Michael Richardson.

Motion: I move the Town vote to accept the provisions of General Laws Chapter 32B, Section 20 and establish an Irrevocable Trust Fund for the purpose of funding future potential liabilities for Other Post Employment Benefits, and further, that the Town vote to appropriate and transfer from available funds \$250,000 to said Irrevocable Trust Fund for said purpose.

Motion passes unanimously at 7:50 PM.

Article 8

To see if the Town will vote to borrow or transfer from available funds \$474,188 to provide for road improvement projects under the Chapter 90 program, or take any other action relating thereto.

Submitted by the Board of Selectmen

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 FY13 Chapter 90 program.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to appropriate \$474,188 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 the sum of \$474,188 under and pursuant to the provisions of G.L. c. 44 sec. 7 & 8, or any other enabling authority, and to issue bonds and notes of the Town therefor.

Motion passes unanimously at 7:51 PM.

Article 9

To see if the Town will vote to appropriate and transfer from available funds \$13,445 to fund the settlement for the Administrator's Contract, Units A, B, and C effective July 1, 2012, 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 grant a cost of living adjustment for Fiscal Year 2013 to employees whose positions are classified under the Administrator's Contracts, Units A, B, and C.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to appropriate and transfer from available funds \$13,445 to fund the Administrators Units A, B and C contract settlement effective July 1, 2012, with said funds to be distributed to various salary line item accounts 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 available funds \$24,034 to fund the Personnel Administration Plan (P.A.P.) Appendix B and Appendix C employees and the Plumbing and Wiring Inspectors effective July 1, 2012 and vote to fund Special Service Contracts 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 1% cost of living adjustment for Fiscal Year 2013 to employees whose positions are classified under the Town's Personnel Administration Plan, and fund Special Service Contracts.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to appropriate and transfer from available funds \$24,034 to fund the Personnel Administration Plan (P.A.P.) Appendix B and Appendix C employees and the Plumbing and Wiring Inspectors, effective July 1, 2012 and vote to fund Special Service Contracts, with said funds to be distributed to various salary line item accounts 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 available funds \$72,710 to fund the settlement for the MASS C.O.P. Local 324 Units A & B, effective July 1, 2012, 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 1% cost of living adjustment and education incentive, known as the Quinn Bill, for Fiscal Year 2013 to employees whose positions are classified under the Patrolmen/Detectives and Sergeants Contracts.

The Board of Selectmen recommends approval by a vote of 3-1, 1 absent.

Finance Committee recommends approval by a vote of 6-0.

Motion made by Selectman Wayne Taylor.

Motion: I move the Town vote to appropriate and transfer from available funds \$72,710 to fund the MASS C.O.P. Local 324 Units A and B contract settlement effective July 1, 2012, with said funds to be distributed to various salary line item accounts by the Town Accountant.

Motion passes unanimously at 7:55 PM.

Article 12

To see if the Town will vote to appropriate and transfer from available funds \$111,892 to fund the settlement for the SEIU, Local 888, AFL CIO, Public Works Unit effective July 1, 2012, 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 1% cost of living adjustment for Fiscal Year 2013 to employees whose positions are classified under the Public Works Contract.

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

Finance Committee recommends approval 7-0.

Motion made by Selectman Michael Richardson.

Motion: I move the Town vote to appropriate and transfer from available funds \$111,892 to fund the SEIU, Local 888, AFL CIO, Public Works Unit contract settlement effective July 1, 2012, with said funds to be distributed to various line item accounts by the Town Accountant.

Motion passes unanimously at 7:56 PM.

Article 13

To see if the Town will vote to appropriate and transfer \$33,916 from available funds to fund the settlement for the SEIU, Local 888, AFL CIO, Clerical Unit effective July 1, 2012, 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 1% cost of living adjustment for Fiscal Year 2013 to employees whose positions are classified under the Clerical Contract.

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

Finance Committee recommends approval 7-0.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to appropriate and transfer from available funds \$33,916 to fund the SEIU, Local 888, AFL CIO, Clerical Unit contract settlement effective July 1, 2012, with said funds to be distributed to various salary line item accounts by the Town Accountant.

Motion passes unanimously at 7:57 PM.

Article 14

To see if the Town will vote to create an additional position of full-time (40 hours/week) Assistant Mechanic in the Department of Public Works under the Service Employees International Union, Local 888, AFL-CIO Public Works Unit, and for said purpose to see if the Town will vote to appropriate and transfer from available funds \$59,370 for salary for the position with said funds to be distributed as

follows: \$35,776 to the Department of Public Works Salary/Wage Account; \$23,040 to the Medical Insurance Account; \$35 to the Group Insurance Account, and \$519 to the Medicare Account, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: The Department of Public Works has taken over responsibility for maintenance of the Town's entire vehicle fleet. The fleet includes a total of 82 vehicles and various other small equipment such as tractors, mowers, etc. Prior to this change, vehicle maintenance in other departments – Police, Fire, Town Hall, Senior Center, and School Departments - was performed at outside garages or by private contractor. The change has resulted in significant savings for the Town, both in lower repair costs and shorter vehicle down time. There is currently one Mechanic within the DPW performing the maintenance work. The proposed Assistant Mechanic would help with routine maintenance of the fleet including oil changes, tire rotations, replacement of brakes, etc. and would assist the Mechanic with larger repair jobs.

The Board of Selectmen recommends approval by a vote of 4-0, 1 absent.

Finance Committee recommends approval by a vote of 4-1, 2 absent.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to create the position of full time (40 hours/week) Assistant Mechanic in the Department of Public Works under the Service Employees International Union, Local 888, AFL CIO, Public Works Unit, and for said purpose, to appropriate and transfer from available funds \$59,370 with said funds to be distributed as follows: \$35,776 to the Department of Public Works Salary/Wage Account; \$23,040 to the Medical Insurance Account; \$35 to the Group Insurance Account, and \$519 to the Medicare Account.

Motion passes unanimously at 7:59 PM.

Article 15

To see if the Town will vote to create the position of full-time (40 hours/week) Maintainer I in the Department of Public Works under the Service Employees International Union, Local 888, AFL-CIO Public Works Unit, and for said purpose to see if the Town will vote to appropriate and transfer from available funds \$55,107 with said funds to be distributed as follows: \$31,574 to the Department of Public Works Salary/Wage Account; \$23,040 to the Medical Insurance Account; \$35 to the Group Insurance Account, and \$458 to the Medicare Account, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: The Department of Public Works is responsible for maintenance of over 75 miles of Town roads, 6 miles of bike paths, 35 acres of athletic fields, 13 Town buildings and grounds, 3 beaches, 4 cemeteries, and various parks and landscape areas (Veteran's Park, Community Garden, Mashpee Rotary, etc.). Routine work includes road repair, signage installation, drainage cleaning, repair and installation, snow plowing and sanding, road sweeping, mowing, tree trimming, trash clean-up, and landscaping clean up and maintenance. While maintenance responsibilities have grown over the years, with construction of new buildings, expansion of Heritage Park, acceptance of private roads, and creation of new recreational areas, the number of employees within the DPW has remained the same. The proposed Maintainer I would assist with daily operations within the department.

The Board of Selectmen recommends approval by a vote of 4-0, 1 absent.

Finance Committee recommends approval by a vote of 3-2, 2 absent.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to create the position of full time (40 hours/week) Maintainer I in the Department of Public Works under the Service Employees International Union, Local 888, AFL CIO, Public Works Unit, and for said purpose, to appropriate and transfer from available funds \$55,107 with said funds to be distributed as follows:\$31,574 to the Department of Public Works Salary/Wage Account; \$23,040 to the Medical Insurance Account; \$35 to the Group Insurance Account, and \$458 to the Medicare Account.

Motion passes unanimously at 8:01 PM.

Article 16

To see if the Town will vote to create a full-time position of EMS (Emergency Medical Service) Coordinator for the Fire & Rescue Department to start July 1, 2012 and to appropriate and transfer from the Ambulance Receipts Account \$90,331 with said funds to be distributed as follows: \$60,380 to the Fire & Rescue Department FY 2013 Salary Account; \$6,000 for the Fire & Rescue Expense Account, \$876 for Medicare Account, \$23,040 Medical Insurance Account and \$35 for Group Life Insurance, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article creates the position of EMS coordinator as recommend by the 2011 MRI Fire Management Study which states "The department should create the position of EMS Coordinator. The duties of EMS quality improvement, EMS training, collaboration with the EMS medical director and oversight of EMT recertification cannot be properly handled on a part-time basis by a shift supervisor. In order to maintain an excellent level of patient care each and every EMS call must be carefully critiqued and deficiencies must be corrected through training and supervision. The volume of EMS calls in Mashpee justifies the availability of a full-time EMS coordinator to fulfill this position...."

The Board of Selectmen recommends approval by a vote of 4-0, 1 absent.

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Wayne Taylor.

Motion: I move the Town vote to create the full time position of EMS (Emergency Medical Services) Coordinator for the Fire & Rescue Department to start July 1, 2012 and to appropriate and transfer from the Ambulance Receipts Reserved for Appropriation Account \$90,331 with said funds to be distributed as follows: \$60,380 to the Fire & Rescue Salary/Wage account; \$6,000 to the Fire & Rescue Expense account; \$23,040 to the Medical Insurance Account; \$35 to the Group Insurance Account, and \$876 to the Medicare Account.

Motion passes at 8:07 PM.

Article 17

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund Budgeted Reserve Account \$40,000 to the Community Preservation Committee 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 the operation and administrative costs of the Community Preservation Committee. Funding supports legal 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. It is necessary to re-authorize the appropriation on an annual basis as administrative and operational funds revert back to the Community Preservation Budgeted Reserve.

*The Community Preservation Committee voted 5-0 in support of this article.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Michael Richardson.

Motion: I move the Town vote to appropriate and transfer \$40,000 from the Community Preservation Budgeted for Appropriation Reserve to the Community Preservation Committee Administrative and Operating Expense Accounts.

Motion passes unanimously at 8:07 PM.

Article 18

To see if the Town will vote to appropriate \$411,718 for the operation of the Kids Klub Enterprise Fund for Fiscal Year 2013; such sums to be raised from \$411,718 in receipts of the Enterprise, or take any other action relating thereto.

Submitted by the Board of Selectmen

Estimated Revenues

Registration Fees		\$5,160
Tuition		\$406,058
<i>Toddler Program</i>	<i>(20%)</i>	
<i>3 & 4 YO Daycare</i>	<i>(30%)</i>	
<i>Pre-School Program</i>	<i>(40%)</i>	
<i>Pre-School Camp</i>	<i>(10%)</i>	
Investment Income		\$400
Late Fees		\$100
Total Budgeted Revenue		\$411,718

Estimated Expenses

Salary (full time)	\$195,436
Salary (part time)	\$121,316
Benefits (health, life, Medicare)	\$38,973
Building Expenses	\$55,993
Total Budgeted Expenses	\$411,718
Net Profit/Loss	\$ -0-

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 approval by a vote of 4-0, 1 absent.

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote that the following sums be appropriated for the Kids Klub Enterprise Fund for Fiscal Year 2013:

Personnel	\$316,752
Benefits	\$38,973
Operating Expenses	\$55,993
Total	\$411,718

and that said \$411,718 be raised through departmental receipts of the enterprise.

Motion passes unanimously at 8:09 PM.

Article 19

To see if the Town will vote to reauthorize the Recreation Revolving Account through the Town Accountant's Office in accordance with Massachusetts General Laws, Chapter 44, Section 53E ½, 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 Fiscal Year 2013 at \$300,000, or take any other action relating thereto.

Submitted by the Board of Selectmen

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 agent, will manage this account.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to re-authorize the Recreation Revolving Account, through the Town Accountant, in accordance with the Massachusetts General Laws, Chapter 44, Section 53E ½ to be expended under the direction of the Recreation Department, in order to place anticipated revenues collected from program income which shall be used to further the operation of programs under the Recreation Department, and to establish the limit on expenditures from said account for Fiscal Year 2013 at \$300,000.

Motion passes unanimously at 8:11 PM.

Article 20

To see if the Town will vote to re-authorize the Council on Aging Revolving Fund, through the Town Accountant, in accordance with Massachusetts General Laws, Chapter 44, Section 53E ½ to be expended under the direction of the Council on Aging; said Fund 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 2013 at \$15,000, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This revolving fund 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, etc. Revenues will be used to offset expenses related to these programs and activities.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to re-authorize the Council on Aging Revolving Fund, through the Town Accountant, in accordance with the Massachusetts General Laws, Chapter 44, Section 53E ½ to be expended under the direction of the Council on Aging, in order to place anticipated revenues collected from program income which shall be used to further the operation of programs under the Council on Aging, and to establish the limit on expenditures from said account for Fiscal Year 2013 at \$15,000.

Motion passes unanimously at 8:12 PM.

Article 21

To see if the Town will vote to appropriate and transfer \$15,000 from the Waterways Improvement Fund Account to the Waterways Equipment/Maintenance Account, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: These funds are necessary for supplies, materials, equipment and repairs associated with the Harbormaster/Waterways Commission operations, or take any action relating thereto.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.
Motion made by Selectman Wayne Taylor.

Motion: I move the Town vote to appropriate and transfer \$15,000 from the Waterways Improvement Fund Account to the Waterways Equipment/Maintenance Account.

Motion passes unanimously at 8:13 PM.

Article 22

To see if the Town will vote to appropriate and transfer \$55,000 from the Waterways Improvement Fund Account to the Waterways Dredging Account for the purpose of performing maintenance dredge of the Popponesset Approach Channel, or take any action relating thereto.

Submitted by the Board of Selectmen

Explanation: The Town dredges the Popponesset Approach Channel on an annual basis. We have estimated a need to dredge 5,000 C/Y of sediment (sand) and it will be deposited on the Popponesset Spit as our Permit requires. The buildup of the "Spit" is healthy for the natural maintenance and flushing characteristics of the bay and provide safe vessel navigation.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Michael Richardson.

Motion: I move the Town vote to appropriate and transfer \$55,000 from the Waterways Improvement Fund Account to the Waterways Dredging Account for the purpose of performing maintenance dredge of the Popponesset Approach Channel.

Motion passes unanimously at 8:14 PM.

Article 23

To see if the Town will vote to appropriate and transfer \$28,000 from the Waterways Improvement Fund Account to the Waterways Dredging Account for the purpose of performing a maintenance dredge of the 1916 Channel in Popponesset Bay, or take any action relating thereto.

Submitted by the Board of Selectmen

Explanation: The Town dredged the 1916 Channel in Popponesset Bay a year ago. As expected, a maintenance dredge would be required in 1-3 years for a portion of the channel. We estimate 2,000 C/Y sediment (sand) will be dredged and deposited on the Popponesset Spit as our permit requires. This will maintain the enhanced flushing of the bay and provide safe vessel navigation.

The Board of Selectmen recommends approval by a vote of 4-0, 1 absent.

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to appropriate and transfer \$28,000 from the Waterways Improvement Fund Account to the Waterways Dredging Account for the purpose of performing a maintenance dredge of the 1916 Channel in Popponesset Bay.

Motion passes unanimously at 8:15 PM.

Article 24

To see if the Town will vote to appropriate and transfer \$80,000 from the Waterways Improvement Fund Account to the Mashpee River Engineering Account for the purpose of engineering and design services to secure an Improvement Dredge Permit for the Mashpee River, or take any action relating thereto.

Submitted by the Board of Selectmen

Explanation: The dredging of the Mashpee River is a project that has been under review for a number of years. The Waterways Commission believes that a dredge of the River Entrance would enhance the flushing of the river as well as provide safe vessel navigation into or out of Popponesset Bay from the river. We are also concerned with water quality improvement, fish habitat improvement and improving public access. The monies required are for project design/engineering as required for filing with various Federal and State Agencies to get our Corps of Engineers Permit.

The Board of Selectmen recommends approval by a vote of 4-0, 1 absent.

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to appropriate and transfer \$80,000 from the Waterways Improvement Fund Account to the Mashpee River Engineering Account for the purpose of engineering and design services to secure an Improvement Dredge Permit for the Mashpee River.

Motion passes unanimously at 8:16 PM.

Article 25

To see if the Town will vote to appropriate and transfer from available funds \$35,000 to the Mashpee Human Services Consultant Account, to be expended under the direction of the Board of Selectmen, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article requests voter approval to conduct Mashpee's first assessment of human service needs. Town Meeting voters established the Mashpee Human Services Committee in May 1996 and the Human Services Department in May 2001. Since 1996, the Town's population has grown approximately 30 percent, to 14,272. For 15 years, the Town has been addressing perceived human service needs rather than identified, documented needs. This ad hoc approach helps many residents, but we do not know how many families or individuals are missed because we don't know what their needs are; or they do not know that the Town has services and information available to help them. Given the growing pressures on Mashpee's budget and on the budgets of families and individuals, the Mashpee Human Services Committee believes it would be fiscally and socially responsible to seek a professional assessment of the community's actual human service needs and how the Town can best address them.

***Approved by a unanimous vote of the Mashpee Human Services Committee January 19, 2012.**

The Board of Selectmen recommends approval by a vote of 4-0, 1 abstained.

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to appropriate and transfer from available funds \$35,000 to the Mashpee Human Services Consultant Account, to be expended under the direction of the Board of Selectmen.

Motion passes unanimously at 8:16 PM.

Article 26

To see if the Town will vote, pursuant to the provisions of General Bylaw Article V, §3-21, that the following parcels of land acquired by the Town by tax foreclosure be held for the purpose of disposition and sale in accordance with applicable provisions of General Law rather than be held by the Town for conservation purposes, or take any other action relating thereto:

Map	Block	Address	Acreage	Assessed Value
77	48	10 Cedar Street	8,000 sf	\$206,000
77	50	24 Cedar Street	10,000 sf	\$208,100
77	51	5 Gina Way	30,000 sf	\$235,000
77	30	34 Falmouth Road	10,000 sf	\$52,000
77	31	23 Birch Street	12,500 sf	\$52,800
77	24	110 Popponesset Avenue	10,000 sf	\$52,000
70	174	14 Angelo's Way	20,629 sf	\$9,000
70	60	41 Forest Street	10,000 sf	\$122,400
79	32	56 Bog River Road	21,512 sf	\$150,800
36	31	42 Meetinghouse Road	2 acres	\$161,200
44	2	147 Lovell's Lane	5.8 acres	\$260,800
76	120	29 Yardarm Drive	1.47 acres	\$146,900
103	8	136 Degrass Road	2.7 acres	\$184,200
50	31	135 Payamps Road	3 acres	\$39,600

Submitted by the Board of Selectmen

Explanation: This article would authorize the Board of Selectmen to sell by public auction, vacant land acquired by the Town through tax foreclosure. This action will return this property to the tax rolls increasing annual tax revenue.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

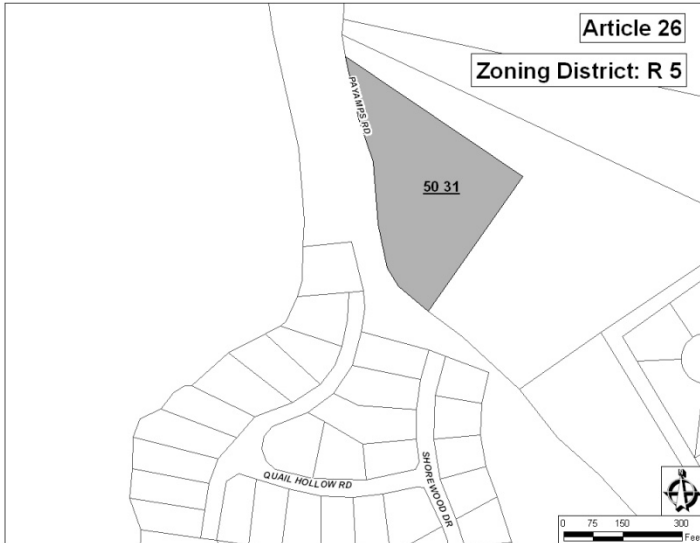
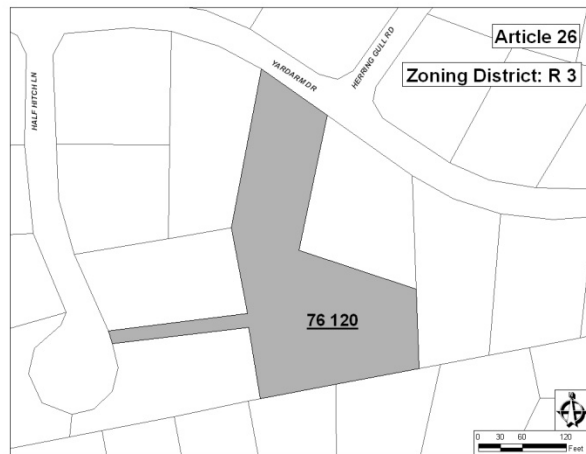
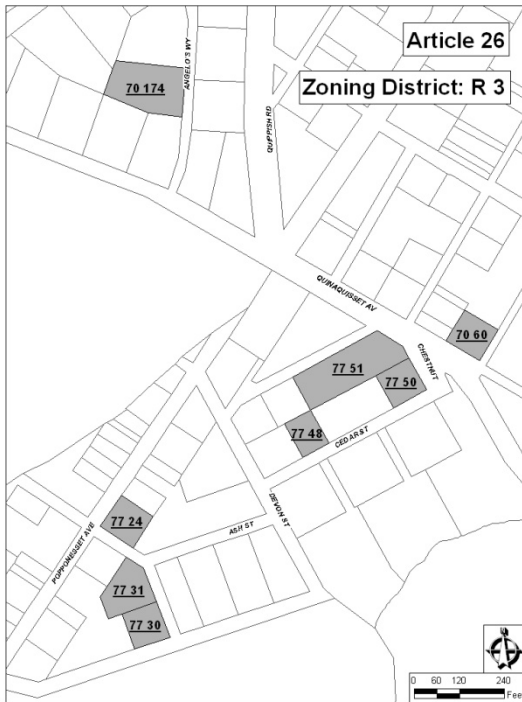
Motion made by Selectman Wayne Taylor.

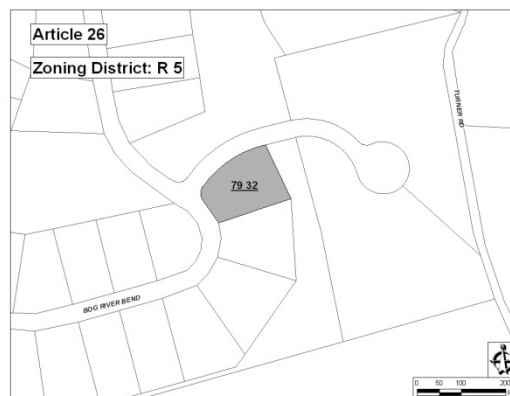
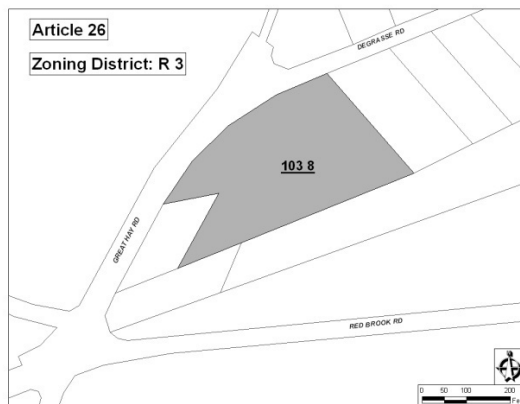
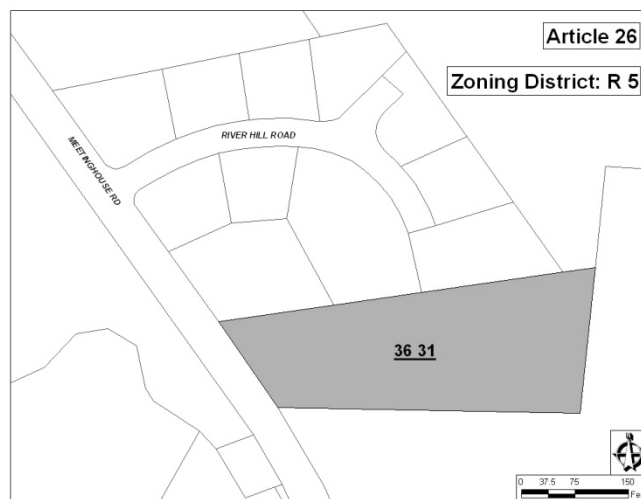
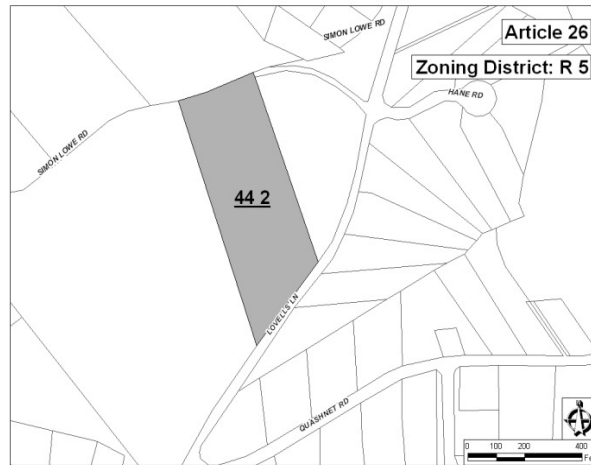
Motion: I move the Town vote, pursuant to the provisions of General Bylaw Chapter 3, Article V, §3-21, that the following parcels of land acquired by the Town by tax foreclosure be held for the purpose of disposition and sale in accordance with applicable provisions of General Law rather than be held by the Town for conservation purposes:

Map	Block	Address	Acreage	Assessed Value
77	48	10 Cedar Street	8,000 sf	\$206,000
77	50	24 Cedar Street	10,000 sf	\$208,100
77	51	5 Gina Way	30,000 sf	\$235,000
77	30	34 Falmouth Road	10,000 sf	\$52,000
77	31	23 Birch Street	12,500 sf	\$52,800
77	24	110 Popponesset Avenue	10,000 sf	\$52,000
70	174	14 Angelo's Way	20,629 sf	\$9,000
70	60	41 Forest Street	10,000 sf	\$122,400
79	32	56 Bog River Road	21,512 sf	\$150,800
36	31	42 Meetinghouse Road	2 acres	\$161,200
44	2	147 Lovell's Lane	5.8 acres	\$260,800
76	120	29 Yardarm Drive	1.47 acres	\$146,900
103	8	136 Degrass Road	2.7 acres	\$184,200
50	31	135 Payamps Road	3 acres	\$39,600

Motion made to indefinitely postpone Article 26.

Motion to indefinitely postpone Article 26 passes at 8:31 PM.





Article 27

To see if the Town will vote, pursuant to the provisions of General Bylaw Article V, §3-21, that the following parcels of land acquired by the Town by tax foreclosure be held for the purpose of disposition and sale in accordance with applicable provisions of General Law rather than be held by the Town for conservation purposes, or take any other action relating thereto:

Map	Block	Address	Acreage	Assessed Value
93	6	950 Falmouth Road	2.49	\$363,000
93	7	950 Falmouth Road	3.26	\$565,700
94	7	950 Falmouth Road	7.08	\$1,330,900

Submitted by Board of Selectmen

Explanation: This article would authorize the Board of Selectmen to sell by public auction, vacant land acquired by the Town through tax foreclosure. This action will return this property to the tax rolls increasing annual tax revenue.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

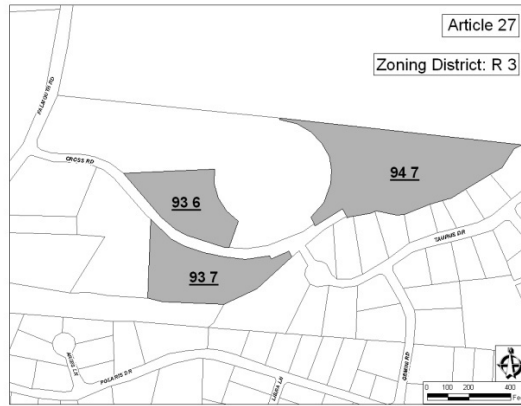
Motion made by Selectman Michael Richardson.

Motion: I move the Town vote, pursuant to the provisions of General Bylaw Chapter 3, Article V, §3-21, that the following parcels of land acquired by the Town by tax foreclosure be held for the purpose of disposition and sale in accordance with applicable provisions of General Law rather than be held by the Town for conservation purposes:

Map	Block	Address	Acreage	Assessed Value
93	6	950 Falmouth Road	2.49	\$363,000
93	7	950 Falmouth Road	3.26	\$565,700
94	7	950 Falmouth Road	7.08	\$1,330,900

Motion made to indefinitely postpone Article 27.

Motion to indefinitely postpone Article 27 passes at 8:34 PM.



Article 28

To see if the Town will vote, pursuant to the provisions of General Bylaw Article V, §3-21, that the following parcels of land acquired by the Town by tax foreclosure be held for the purpose of disposition and sale in accordance with applicable provisions of General Law rather than be held by the Town for conservation purposes, or take any other action relating thereto:

Map	Block	Address	Acreage	Assessed Value
81	130	108 Commercial	6.192 acres	\$741,000

Submitted by Board of Selectmen

Explanation: This article would authorize the Board of Selectmen to sell by public auction, vacant land acquired by the Town through tax foreclosure. This action will return this property to the tax rolls increasing annual tax revenue.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote, pursuant to the provisions of General Bylaw Chapter 3, Article V, §3-21, that the following parcels of land acquired by the Town by tax foreclosure be held for the purpose of disposition and sale in accordance with applicable provisions of General Law rather than be held by the Town for conservation purposes:

Map	Block	Address	Acreage	Assessed Value
81	130	108 Commercial	6.192 acres	\$741,000

Motion passes at 8:35 PM.



Article 29

To see if the Town will vote to discontinue that portion of Job's Fishing Road located between Route 28 and Great Neck Road South, to the extent, if any, that said portion of said road may be a town way, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This portion of Job's Fishing Road does not exist on the ground and is not used by the public. Furthermore, there is no plan establishing or showing the layout of this road as a public way on record at the Registry of Deeds. Donna's Lane, located a short distance to the south, was laid out as a public way and provides adequate public access from Route 28 to Great Neck Road South. Accordingly, the Town Meeting is requested to discontinue the public rights, if any, in this portion of Job's Fishing Road.

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

Finance Committee recommends approval by a vote of 5-0, 2 absent.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to discontinue that portion of Job's Fishing Road located between Route 28 and Great Neck Road South, to the extent, if any, that said portion of said road may be a town way.

Motion passes unanimously at 8:36 PM.

Article 30

To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town and/or jointly with the Board of Water Commissioners of the Mashpee Water District, to petition the General Court for special legislation to supersede and/or amend applicable provisions of the Mashpee Home Rule Charter and Bylaws for the purpose of transferring to the Mashpee Water District, or such autonomous Water and Sewer District as may be created to succeed said Mashpee Water District, all legal authority and jurisdiction to serve the public sewer/ waste water treatment and disposal needs of the Town of Mashpee; said special legislation to include provisions authorizing the transfer to, and assumption by the newly created District of all public sewer/ waste water treatment and disposal jurisdiction, powers, responsibilities, and assets currently possessed by the Town of Mashpee and its Sewer Commission pursuant to applicable provisions of General Law, the Mashpee Home Rule Charter, Bylaws, Regulations of the Town, or otherwise, as well as prospective public sewer/waste water treatment and disposal jurisdiction, powers and responsibilities with respect to the geographical territory of the Town of Mashpee; and, further, subject to and contingent upon the adoption of such special legislation, to vote to rescind the Town Meeting's previous action authorizing the election of Sewer Commissioners pursuant to General Laws Chapter 41, § 63, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article if approved will authorize the Selectmen to petition the General Court to create a Water and Sewer District. This will transfer all sewer/waste water treatment and disposal jurisdiction to the newly created authority.

The Board of Selectmen recommends approval by a vote of 4-0, 1 absent.

Finance Committee recommends approval by a vote of 6-0.

Motion made to dispense with reading of Article 30.

Motion to dispense with reading of Article 30 passes at 8:37 PM.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to authorize the Board of Selectmen, on behalf of the Town and/or jointly with the Board of Water Commissioners of the Mashpee Water District, to petition the General Court for special legislation to supersede and/or amend applicable provisions of the Mashpee Home Rule Charter and Bylaws for the purpose of transferring to the Mashpee Water District, or such autonomous Water and Sewer District as may be created to succeed said Mashpee Water District, all legal authority and jurisdiction to serve the public sewer/ waste water treatment and disposal needs of the Town of Mashpee; said special legislation to include provisions authorizing the transfer to, and assumption by the newly created District of all public sewer/ waste water treatment and disposal jurisdiction, powers, responsibilities, and assets currently possessed by the Town of Mashpee and its Sewer Commission pursuant to applicable provisions of General Law, the Mashpee Home Rule Charter, Bylaws, Regulations of the Town, or otherwise, as well as prospective public sewer/waste water treatment and disposal jurisdiction, powers and responsibilities with respect to the geographical territory of the Town of Mashpee; and, further, subject to and contingent upon the adoption of such special legislation, to vote to rescind the Town Meeting's previous action authorizing the election of Sewer Commissioners pursuant to General Laws Chapter 41, § 63.

Motion made to indefinitely postpone Article 30.

Motion to indefinitely postpone Article 30 defeated at 8:47 PM.

Main motion passes at 8:51 PM.

Article 31

To see if the Town of Mashpee will accept the provisions of Chapter 44, § 53F ½ of the Massachusetts General Laws and establish the **Mashpee Transfer Station Enterprise Fund**, consisting of the solid waste disposal and recycling operations for the Town of Mashpee, the operations of the Mashpee Transfer Station and any ancillary operations conducted on or at the Mashpee Transfer Station and Mashpee Town Landfill property. The Mashpee Transfer Station Enterprise Fund would be effective for the fiscal year beginning July 1, 2013. This fund will be managed under the direction of the Mashpee Director of Public Works.

To establish an initial working capital for the Mashpee Transfer Station enterprise fund, an amount equal to \$900,000 will be raised and appropriated in the fiscal year 2013 General Fund operating budget and allocated to the Mashpee Transfer Station enterprise fund. The purpose of this enterprise fund is to operate the solid waste disposal and recycling operations and facilities operated by or on the behalf of the Town of Mashpee,

Or take any other action related thereto.

Submitted by Petition

Explanation: For FY 2011, the Town budget was approximately \$912,000 for Transfer Station operations. This was the cost, net reimbursements of about \$405,000 from the sale of approximately 4,500 annual transfer station passes at \$90 per pass and reimbursements from commercial waste haulers that service the Town.

The purpose of forming an enterprise fund would be to 1) cap the amount of general tax revenue that is expended on solid waste disposal services by the Town, 2) provide transparency regarding the actual cost of providing waste disposal services to the users who are paying for the services, 3), align the Town's cost of providing solid waste disposal services with those who use the service, and 4), eliminate the current practice of assessing property owner's for solid waste disposal fees to a commercial hauler who services their property and also paying solid waste disposal fees as part of their property taxes.

Finance Committee recommends definitely postponing Article 30 7-0.

Motion made by Don Meyers.

Motion: I move that Article 31 be indefinitely postponed.

Motion to indefinitely postpone Article 31 passes at 8:53 PM.

Article 32

To see if the Town will vote to Oppose the continued operation of Pilgrim Nuclear Power Station (PNPS) until all safety improvements recommended by the Nuclear Regulatory Commission (NRC) as a result of lessons learned from the failures of similarly designed reactors in Fukushima, Japan have been fully implemented; and requests the NRC to immediately suspend all further action on the application of the Entergy Corporation for renewal of its license to operate PNPS until such full implementation has been accomplished.

or take any other action related thereto.

Submitted by Petition

Board of Selectmen recommends approval by a vote of 4-0, 1 absent.

Finance Committee voted to take no position by a vote of 4-1, 2 absent.

Motion made by Peter White.

Motion: I move the Town vote to Oppose the continued operation of Pilgrim Nuclear Power Station (PNPS) until all safety improvements recommended by the Nuclear Regulatory Commission (NRC) as a result of lessons learned from the failures of similarly designed reactors in Fukushima, Japan have been fully implemented, and requests the NRC to immediately suspend all further action on the application of the Entergy Corporation for renewal of its license to operate PNPS until such full implementation has been accomplished.

Motion passes at 8:59 PM.

Article 33

To see if the Town will vote to Pass an Ordinance to Repair the Impact of the Foreclosure Crisis on the Town of Mashpee (attached) that will: (1) require mediation of mortgage foreclosures of owner occupied residential real estate property in Mashpee; and (2) require security and maintenance of vacant or foreclosing property.

Submitted by Petition

The Board of Selectmen does not recommend approval by a vote of 3-1, 1 absent.

Finance Committee does not recommend approval by a vote of 5-0, 2 absent.

Finance Committee recommends the change of ordinance to bylaw by a vote of 7-0.

Motion made by Peter White.

Motion: I vote to amend Article 33 by changing the word ordinance to bylaw wherever it appears and to authorize the Town Attorney to make any other grammatical changes that he feels is necessary without changing the intent of the article.

AN ORDINANCE TO REPAIR THE IMPACT OF THE FORECLOSURE CRISIS ON THE TOWN OF MASHPEE

Be it ordained by the Town Meeting of the Town of Mashpee as follows

{Chapter of Municipal laws to amend} is hereby amended by deleting the section and inserting the following new section:

SECTION I: Facilitating Mediation of Mortgage Foreclosures of Owner Occupied Residential Real Property in Mashpee:

Section 1. Unsecured and unmaintained properties and especially vacant properties present a danger to the safety and welfare of public safety officers, the public, occupants, abutters and neighborhoods, and as such, constitute a public nuisance. This section is enacted to promote the health, safety and welfare of the public, to protect and preserve the quiet enjoyment and health of occupants, abutters and neighborhoods, and to minimize hazards to public safety personnel inspecting or entering such properties.

Section 2. For the purposes of this Act, the following words shall, unless the context clearly requires otherwise, have the following meanings:

commercially reasonable alternative – an alternative based on a comparison of the net present value of receiving payments pursuant to a modified mortgage loan or the likely financial recovery from other foreclosure alternatives to the anticipated net recovery following foreclosure incorporating an assessment of the borrower's current circumstances, including without limitation the borrower's current income, debts and obligations.

creditor – a person or entity that holds, owns or controls, partially, wholly, directly or indirectly, or in a nominee capacity, a mortgage loan secured by residential property, including, without limitation, a mortgagee, an originator, holder, investor, assignee, successor, trust, trustee, nominee holder, Mortgage Electronic Registration System or mortgage loan servicer, including, but not limited to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation or any other Government Sponsored Entity. The term "creditor" shall also include any servant, employee, subcontractor or agent of a creditor.

good faith effort – an effort by each party upon being present and fully taking part in the mortgage mediation conference as required and defined by this Act in an effort to negotiate and agree upon a commercially reasonable alternative to foreclosure.

homeowner – an individual mortgagor, his or her assignee, successor, or a trust or trustee who owns and resides in residential real property located in the city, and for whom such residential real property is his/her principal residence.

mortgage mediation conference or *mediation conference* or *mediation* – the formal discussion(s) and negotiation(s) undertaken by the parties in a good faith effort to negotiate and agree upon a commercially reasonable alternative to foreclosure and held at a location mutually convenient to the parties. Both the homeowner/mortgagor and lender/mortgagee must be physically present for the mortgage mediation conference unless telephone participation is agreed upon.

Mediation Program or *Program* – the foreclosure mediation program established in the Town of Mashpee pursuant to this Act and described in Section 6.

Mediation Program Manager – a neutral not-for-profit organization experienced in the mediation of the residential foreclosure process, familiar with all programs available to help homeowners avoid foreclosure, and knowledgeable of the mortgage foreclosure laws of the Commonwealth. Mediation Program Manager(s) shall execute an appropriate user agreement with the municipality authorizing the receipt and use of personal and financial information for the purposes of the Mediation Program only. Such Mediation Program Manager(s) shall ensure the security and confidentiality of any and all information received or exchanged under the Mediation Program consistent with applicable federal, state, and municipal laws. Access to program information shall be limited to those officers and employees of the organization who require the information to properly perform services under the municipality's Mediation Program, and that the organization or individual and/or its officers and employees shall not access, modify, use or disseminate any Mediation Program information for purposes unrelated to the Mediation Program and the Mediation Program Manager(s) shall provide the municipality with evidence that it maintains sufficient safeguards to protect against the loss or unauthorized dissemination of private or confidential information.

mediator – an individual (a) whose training complies with the qualifications standards for neutrals specified in the guidelines for training mediators adopted by the Supreme Judicial Court of Massachusetts pursuant to Rule 8 of the Uniform Rules for Dispute Resolution; and (b) who has completed training on foreclosure mediation; and (c) who has a working knowledge of all federal, state, and municipality [JH1] programs available to help homeowners retain their homes.

mortgagee – an entity to whom real property is mortgaged, the mortgage creditor or lender including, but not limited to, mortgage loan servicers, lenders in a mortgage agreement and any agent or employee of the mortgagee acting outside of his/her authority, or any successor in interest or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

mortgage loan – a loan to a natural person (or a nominee trust or any such other entity commonly recognized under Massachusetts law as a lawful borrower) made primarily for personal, family or household purposes secured wholly or partially by a mortgage on residential property.

mortgage loan servicer – an entity which administers or services or at any point administered or serviced the mortgage loan; provided, however that such administration or servicing shall include, but not be limited to, calculating principal and interest due on the mortgage loan, assessing fees and costs onto a mortgagor's loan account, collecting regular payments from the mortgagor, acting as escrow agent for the owner of the mortgage loan or foreclosing on a mortgage loan in the event of a default.

mortgagor or *homeowner* – the holder of a mortgage loan that is secured wholly or partially by a mortgage on residential property.

residential property – real property that is owner-occupied as a principal or primary residence, located within the municipality, that is either a single-family dwelling or a structure containing not more than four (4) residential units, and shall also include a residential condominium unit or a residential co-op unit occupied by an owner as an owner's principal or primary residence.

non-judicial mortgage foreclosure – a foreclosure process under the “power of sale” contained in a mortgage pursuant to G.L. c.183, s. 21 and G.L. c. 244.

the parties – the homeowner/mortgagor and the creditor/ mortgagee or their successors or assignees.

Section 3. Notwithstanding any general or special law to the contrary, all non-judicial mortgage foreclosures in the Town of Mashpee pertaining to residential property which is occupied as the owner’s principal residence shall be required to engage in a municipality-approved Mediation Program as set out in this Act, and shall obtain a certificate verifying the mortgagee’s good faith participation in the Mediation Program.

Section 4. The Town of Mashpee shall establish a Mediation Program relative to mortgage foreclosures in accordance with this Act and promulgate regulations as necessary and appropriate to implementing such a Mediation Program involving mortgagees, creditors, mortgagors, homeowners, utilizing municipality-approved Mediation Program Manager(s) and mediators to mediate between the mortgagee and a mortgagor who owns residential real property in the municipality which is occupied by the mortgagor as his or her principal residence. Such mediation shall be facilitated by a municipality-approved Mediation Program Manager according to procedures established by this Act. Said Mediation Program may only relate to the mediation of mortgage foreclosures of residential real property in the {Municipality} that is the mortgagor’s principal residence.

Section 5. Pursuant to this Act, the municipality shall establish a Mediation Program to provide mediation for all foreclosures of mortgages on owner-occupied residential property with no more than four (4) units that is the primary residence of the owner-occupant. The Mediation Program shall address all issues reasonably related to a foreclosure on the subject property, including but not limited to reinstatement of the mortgage, modification of the loan and restructuring of the mortgage debt, including the reduction and forgiveness of mortgage debt. Mediation conferences conducted pursuant to the Mediation Program shall use the calculations, assumptions and forms that are established or made available through (i) the Federal Deposit Insurance Corporation and published in the Federal Deposit Insurance Corporations Loan Modification Program Guide available on the Federal Deposit Insurance Corporation’s publicly accessible website, (ii) the Home Affordable Modification Program; (iii) any modification program that a mortgagee may use which is based on accepted principles and the safety and soundness of the institution and recognized by the National Credit Union Administration, the Division of Banks or any other instrumentality of the commonwealth; (iv) the Federal Housing Agency; or (v) similar federal programs.

The municipality shall provide for a means of evaluating and selecting qualified Mediation Program Managers. The municipality shall also provide for a means of assessing and evaluating annually the municipality’s Mediation Program including reports and data related to (a) the number of mortgagors who are notified of mediation; (b) the number of mortgagors/homeowners who attend mediation and who receive counseling or assistance; (c) the number of certificates of completion issued under the Mediation Program, (d) the results of the mediation process, including the number of loans restructured, number of principal write-downs, interest rate reductions and, to the extent such information is available, the number of mortgagors/homeowners who default on mortgages within a year after successful mediation conferences, (e) any such other information as the municipality may determine to be necessary and or helpful in assessing the value of a Mediation Program and any adjustments that may need to be made thereto.

The municipality may terminate a Mediation Program Manager’s participation in the Mediation Program for good cause, as determined by the appropriate municipal official and subject to any applicable rules and regulations developed by the municipality. In such case, the Mediation Program Manager shall

promptly deliver to the municipality all records and information in its possession for appropriate preservation and storage.

Section 6. Except for financial information otherwise permitted by law to be disclosed, any financial statement or information provided to the municipality or its approved independent counseling agencies or provided to the mortgagee or mortgagor during the course of mediation in accordance with this Act shall be confidential and shall not be available for public inspection. Any financial statement or information to reasonably facilitate the mediation conference(s) shall be made available as necessary to the mediator and to the attorneys or representatives, if any, of the parties to the mediation. Any financial statement or information designated as confidential under this section shall be kept separate and apart from other papers and matters not the subject of the mediation.

Section 7. For the purpose of the Mediation Program established by the municipality, the municipality shall receive a copy of all notices filed pursuant to G.L. c. 244 §35A(g), (h), within ten (10) days of receipt by the Commissioner of the Division of Banks pursuant to G.L. c. 244, §35A(k) that relate to residential properties in the Town of Mashpee. The municipality shall thereafter promptly notify the creditor/mortgagee and the mortgagor/homeowner of their rights and responsibilities under this Act regarding mediation. It is the intent and purpose of this Act that a mediation conference take place within forty-five (45) days of the mortgagor/homeowner receiving notice of his or her right to cure as provided in G.L. c. 244, §35A (g) and (h). The municipality shall refer the matter for mediation to an approved Mediation Program Manager who shall have the responsibility of assigning a mediator and scheduling the parties to immediately commence mediation pursuant to this Act. The mediation shall proceed with the parties' good faith effort to negotiate and agree upon a commercially reasonable alternative to foreclosure as defined in G.L. c. 244, §35A(c). The mediation conference shall continue without delay until completion, but shall in no way constitute an extension of the foreclosure process, nor an extension of the mortgagor/homeowner's right to cure period. Notwithstanding the limitation in the previous sentence, the mediation conference may be extended by mutual agreement of the parties which the mediator shall document.

Section 8. The mediation program established by this Act shall include, and be limited to, the following steps:

- (a) the parties shall participate in a mandatory loan/mortgage mediation conference at a location mutually convenient to the parties. All parties present at said mediation conference must have authority to enter into any agreements renegotiating the mortgage that is the subject of the foreclosure, or to otherwise resolve the pending foreclosure.
- (b) said mediation conference shall be scheduled at a time and place to be determined by the Mediation Program Manager, but not later than forty-five (45) days following the mortgagor/homeowner's receipt of his or her statutory notice of right to cure under G.L. c. 244, §35A (g) and (h). The parties will be noticed under the mediation program by certified and first class mail at the parties' last known address(es). if any, or if none, then to the address to which the tax collector last sent the tax bill for mortgaged premises. **The notice shall contain the following declaration on the first page in Spanish, in any other language which the lender knows is the debtor's primary language, and any other language deemed appropriate by the Mediation Program Manager: "This is an important notice concerning your right to live in your home. Have it translated at once."**
- (c) prior to the scheduled mediation conference, the mortgagor/homeowner shall be assigned a municipality-approved loan counselor. If the mortgagor/homeowner is already working with a municipality-approved loan counselor, no assignment is necessary. However, such loan

counselor shall work with the mortgagor/homeowner during the mediation process in accordance with the provisions of this Act.

- (d) the mortgagor/homeowner shall cooperate in all respects with the requirements of Mediation Program Manager, providing all necessary financial and employment information. The mortgagor/homeowner shall complete any and all loan resolution proposals and applications as appropriate. The mortgagor/homeowner must provide evidence of current income. The creditor/mortgagee's representative must bring and make available, the mortgage, a certified copy of the promissory note in its then-current condition evidencing the debt, all assignments of the mortgage loan whether recorded or unrecorded, as well as a detailed accounting of the outstanding balance on the mortgage loan including all lawful costs and fees assessed to the mortgagor/homeowner's account as of the date of the scheduled mediation.
- (e) if after two (2) attempts by the mediation program manager to contact the mortgagor/homeowner as required by this section, the mortgagor/homeowner fails to respond to the Mediation Program Manager's request to appear for the mediation conference, or the mortgagor/homeowner fails to cooperate in any respect with the requirements outlined in this Act, the requirements of the Act shall be deemed to be satisfied upon verification by the municipality-approved Mediation Program Manager that the required notice was sent; and if so, a certificate shall be issued immediately by the Mediation Program Manager certifying that the creditor/mortgagee has satisfied the mediation requirements of this Act.
- (f) the mediator shall determine whether the parties have engaged in a good faith effort at the mediation conference.
- (g) if it is determined after a good faith effort made by the creditor/mortgagee and/or homeowner/mortgagor at the mediation conference, that the parties cannot come to an agreement to re-negotiate the terms of the loan in an effort to avoid foreclosure, such good faith effort on behalf of the creditor/mortgagee and/or of the homeowner/mortgagor shall be deemed to satisfy the requirements of this Act. A certificate certifying such good faith effort pursuant to this Act shall be issued immediately to the party(s) that made a good faith effort and without delay by the Mediation Program Manager to the party(s) authorizing the creditor/mortgagee and/or homeowner/mortgagor to proceed with its rights under Chapter 244 of the General Laws.

Section 9. Notwithstanding any provisions of G.L. c. 244, s. 14 relating to the power of sale, no sale in the Town of Mashpee shall be effective to foreclose on any mortgage under this Act, unless all notices required by G.L. c. 244, §14 specifically reference that a certificate from a municipality-approved Mediation Program Manager has been issued verifying that the creditor/mortgagee, its assignee or any person identified in G.L. c. 244, §14, has successfully participated in a mediation program in accordance with the Act.

Section 10. No entry by foreclosure in the Town of Mashpee shall be effectual unless the memorandum or certificate recorded as required by G.L. c. 244, § 2 includes as an attachment or exhibit a copy of a certificate from a municipality-approved Mediation Program Manager verifying that the creditor/mortgagee has participated in mediation with the mortgagor/homeowner as required by this Act.

Section 11. A creditor/mortgagee's failure to comply with any section of this Act shall result in a fine of \$500.00 owed to the Town of Mashpee, for each instance of a violation, to be charged to the creditor/mortgagee in accordance with G.L. c. 40, s. 21. Every calendar day of non-compliance with the sections of this Act shall constitute a separate violation subject to the penalties described under

this section, up until the end of the right to cure period given under a lawful notice pursuant to G.L. c. 244, §35A (g) and (h). Said fine or fines under this section shall be recovered by indictment or complaint pursuant to G.L. c. 40, s. 21. Any fines assessed pursuant to this Act shall not be charged to the mortgagor/homeowner either directly or indirectly by the creditor/mortgagee

Section 12. The Town of Mashpee is hereby authorized to enact and from time to time to revise by Act, a reasonable and appropriate mediation registration fee to be charged to the creditor/mortgagee for the services attendant to administering the Mediation Program established under this Act.

Section 13. In the event any part of this Act shall be held invalid, such invalidity shall not invalidate the whole Act but the remaining provisions of this Act shall not be affected thereby.

Section 14. This Act shall take effect no later than sixty (60) days from its passage

Section II: Securing and Maintaining Vacant Properties and Foreclosing Properties

Section (a) Unsecured and unmaintained properties and especially vacant properties present a danger to the safety and welfare of public safety officers, the public, occupants, abutters and neighborhoods, and as such, constitute a public nuisance. This section is enacted to promote the health, safety and welfare of the public, to protect and preserve the quiet enjoyment and health of occupants, abutters and neighborhoods, and to minimize hazards to public safety personnel inspecting or entering such properties.

Section (b) The following words and phrases, when used in this section, shall have the following meanings:

building – any combination of materials having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons or property or as otherwise defined under the municipality's applicable zoning bylaw.

certificate of closure – certificate issued by the director to the owner of a vacant or foreclosing property upon compliance with the provisions of paragraph (c) herein.

director – the director of health and housing inspection or other municipal official designated by the municipality under this Act.

days – consecutive calendar days

fire chief – the chief of the Mashpee Fire Department or his or her designee.

foreclosing – the process by which real property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

initiation of the foreclosure process – taking any of the following actions:

- (i) taking possession of a residential property pursuant to G.L. c. 244, s. 1;
- (ii) Commencing a foreclosure action on a property in any court of competent jurisdiction, including without limitation filing a complaint in Land Court under the Servicemembers Civil Relief Act – Public Law 108-189 (50 U.S.C.S. App. §501-536);
- (iii) In any instance, where the mortgage authorizes mortgagee entry to make repairs upon mortgagor's failure to do so.

local – within twenty (20) miles of the property in question

mortgagee – the creditor, assignee or current holder of a mortgage on real property including but not limited to, a mortgage loan servicer, any lender(s) a mortgage and any agent, subcontractor or employee of the mortgagee acting without his or her authority, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under a mortgage.

owner – every person, entity, service company, property manager or real estate Broker, who alone or severally with others:

has legal title to any real property, including but not limited to a dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or has care, charge or control of real property, including but not limited to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, or any administrator, administratrix, executor, trustee or guardian of the estate of the holder of legal title; or is a mortgagee of any such property who has initiated the foreclosure process as defined in this section;; is an agent trustee or other person appointed by the courts and vested with possession or control of any such property; or is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, "owner" shall not mean a condominium association created pursuant to General Laws chapter 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or every person who operates a rooming house; or is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process; or

property – any real property, or portion thereof, located in the Town of Mashpee, including buildings or structures situated on the property; provided, however, that "property" shall not include property owned or under the control of the Town of Mashpee, the Commonwealth or the United States of America.

secured, securing – making the property inaccessible to unauthorized persons.

vacant – any property not currently legally occupied and not properly maintained or secured.

Section (c) Any owner of a vacant and or foreclosing property shall forthwith:

Provide written notification to the director and the fire chief of the status of such property, including in such notice, the name, address and telephone number of the owner; the location of the property; the length of time the building has been vacant; the estimated time the building will remain vacant; and the nature of the contents of the building; and,

As may be required by the fire chief, file one set of space utilization floor plans for any buildings on said property with the fire chief and one set of said plans with the director. The owner shall certify space utilization plans as accurate twice annually, in January and July; and

Remove from the property, to the satisfaction of the fire chief, hazardous material as that term is defined in G.L. c. 21K, as that statute may be amended from time to time; and

At the discretion of the fire chief or director, secure all windows and door openings and ensure that the building is secured from all unauthorized entry continuously in accordance with the United States Fire Administration, National Arson Initiative Board Up Procedures or provide twenty-four (24) hour on-site security personnel on the property. When a vacant or foreclosing property is located within a complex of buildings owned by a single owner, twenty-four (24) hour on-site security shall be provided within the building or within the complex wherein the building is located; and

Where a property is vacant, post "No Trespassing" signs on the property; and

Maintain the property in accordance with {appropriate Chapter of these Ordinances}, free of overgrowth trash and debris, and pools of stagnant water, and ensure that structures are maintained in a structurally sound condition; and

If the property is vacant, drain all water from the plumbing and turn off all electricity between September 15 and June 15 of each calendar year to guard against burst pipes and fires; and

Maintain the property in accordance with the minimum requirements of the Massachusetts State Sanitary Code, the Massachusetts State Building Code and all specialized codes incorporated therein, and any Mashpee Ordinances concerning the maintenance of property and the Mashpee Zoning Ordinances; and

Provide the fire chief and director with the name, local address, and telephone number of a responsible person who can be contacted in case of emergency. The owner shall cause the name and contact number to be marked on the front of the property as may be required by the fire chief or director; and,

Maintain liability insurance on the property and furnish the director with a copy of said certificate of insurance; and

Provide a cash bond acceptable to the director, in the sum of not less than ten thousand (\$10,000.00) dollars, to secure the continued maintenance of the property throughout its vacancy and remunerate the Town of Mashpee for any expenses incurred in inspecting, securing, marking or making such building safe. A portion of said bond shall be retained by the Town of Mashpee as an administrative fee to fund an account for expenses incurred in inspecting, securing, and marking other such buildings that are not in compliance with this Section. Any owner of a vacant or foreclosing property providing a bond pursuant to this section must also provide bonds for all other vacant or foreclosing properties it owns in Mashpee.

Once the property is no longer vacant or is sold, provide proof of sale or written notice and proof of occupancy to the director and fire chief.

Upon satisfactory compliance with the above provisions the director shall issue a certificate of building closure. Said certificate shall be valid for the length of time prescribed by the director and noted thereon; provided, however, the certificate shall be subject to continued compliance with the provisions of this section.

Section (d) Signs/Markings – When required pursuant to this section signs or markings shall be applied on the front of the property, and elsewhere as the fire chief may require, at or above the second floor level and shall not be placed over doors windows or other openings. All signs/markings shall be visible from the street and when requested by the fire chief shall be placed on the sides and rear of the property. Signs markings shall be a minimum of 24 inches by 24 inches, with lines of 2 inch width, and shall have a reflective background, or be painted with reflective paint in contrasting colors. Signs/markings shall be applied directly on the surface of the property, and shall state the date of posting and the most recent date of inspection by the fire chief and director.

Section (e) Enforcement – Failure to comply with any provision of paragraph (c) above shall be punished by a fine of five hundred (\$500.00) dollars with each day of violation constituting a separate offence. This section may also be enforced by civil, criminal process or non-criminal process including injunctive relief. The director and or the fire chief shall be enforcing persons for purposes of this section.

Section (f) The director or fire chief, upon being informed of the existence of a vacant or foreclosing property without a certificate of building closure, shall cause notice to issue to the owner of the status of said property and shall order said person to immediately obtain a certificate of building closure. If any person fails to comply with said order, the fire chief or director may enter the premises to inspect, secure,

and mark the property, and/or remove rubbish or overgrowth, or to abate a stagnant pool of water. The fire chief or director may also seek enforcement pursuant to section (e).

Section (g) Expenses – The owner of a vacant or foreclosing property who fails to obtain a certificate of building closure as required herein, shall be liable to the Town of Mashpee for expenses incurred by the Town of Mashpee in securing such property, for removing rubbish and overgrowth and/or for abating stagnant pools of water. The director shall provide the owner with a written statement of all costs associated with inspecting, securing, and marking the property, and removing rubbish or overgrowth, or abating stagnant pools of water. If the owner fails to pay or reimburse the town of Mashpee within seven days of notice of expenses the Town of Mashpee shall draw down upon the bond paid by the owner as required in subsection 10, above. If there is no bond available, the director shall record the notice of claim in the {county} District Registry of Deeds (or the Land Court Department) forthwith, establishing a lien on the property for the balance due

Section (h) No owner of a vacant or foreclosing property shall allow said property to become or remain unsecured, or to contain an accumulation of rubbish, or to contain overgrowth, or to have a stagnant pool of water. If it appears that any vacant or foreclosing property is unsecured, contains rubbish, overgrowth, or a stagnant pool of water, the director shall send written notification to the owner, requiring that the owner promptly secure the property, remove the rubbish or overgrowth, or abate the stagnant pool of water.

If the owner fails to comply with any order issued pursuant to this provision (h), the fire chief or director may immediately seek to obtain the proceeds secured by the bond filed pursuant to paragraph (c) (11) herein and shall enter upon the premises and cause the property to be inspected, secured, and marked, or to remove rubbish, overgrowth, or stagnant pools using said proceeds.

Section (i) All unsecured vacant or foreclosing properties shall be immediately referred to the director for a determination relative to whether the property is a nuisance or dangerous pursuant to chapter 139 and procedures promulgated thereunder.

Section (j) Notices required pursuant to this section shall be served in the following manner:

Personally on any owner as defined in this section or on the contact person specified pursuant to paragraph (c) (9); or,

Left at the last and usual place of abode of any owner, or contact person as specified pursuant to paragraph (c)(9), if such place of abode is known and is within or without the commonwealth; or,

By certified or registered mail, return receipt requested, to any owner, or the contact person specified pursuant to paragraph (c) (9).

Motion: Motion made to change ordinance to bylaw.

Motion to change ordinance to bylaw passes by hand count 62 to 58.

Amended motion to indefinitely postpone made at 9:10 PM.

Amended motion to indefinitely postpone passes at 9:15 PM.

Town meeting adjourned at 9:15 PM.

Given under our hands this 26th day of March in the year two thousand and twelve.

Per order of,
Board of Selectmen

Wayne E. Taylor, Chairman
Michael R. Richardson, Vice Chairman
Carol A. Sherman, Clerk
John J. Cahalane
Thomas F. O'Hara