

**Town of Mashpee
Annual Town Meeting
Mashpee High School
Monday, October 15, 2012**

Town Meeting convened at 7:10 PM
Voters Present 208
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 15th day of October 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 appropriate and transfer from available funds \$192.42 to pay previous fiscal year unpaid bills as follows:

GLC (MA) Mashpee LLC	\$192.42
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Submitted by the Town Accountant

Explanation: This article is necessary to pay Fiscal Year 2012 bills received after the close of the fiscal year.

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

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

Motion made by Selectman Michael Richardson.

Motion: I move the Town vote to appropriate and transfer from Revenue Available for Appropriation \$192.42 to the departmental unpaid bill account, with said funds to be distributed by the Town Accountant.

Motion passes unanimously at 7:11 PM.

Article 2

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund, in accordance with the provisions of M.G.L. Chapter 44B, §5, \$5,300 for the purpose of funding the restoration of Town Archives holdings for display in the soon to be renovated facility, 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 \$5,300 in funding from the Community Preservation Fund 10% Historic Reserve Account to assist the Mashpee Historical Commission to restore Historic Town Maps and Documents and to allow for the purchase of Digitizing Equipment and a computer for the Mashpee Archives. A large (5'x6') 1858 Henry F. Walling map of the Counties of Barnstable, Dukes and Nantucket, and an 1840 Phelps and Ensign Travel Map of the United States period consistent require archival framing for protection and display. Included in the restoration project are diplomas from the Mashpee Grammar School in 1932, the Falmouth Junior High School in 1933 and an early panoramic hand-colored photograph of Mashpee-Wakeby Pond. CPA funding will also allow for the purchase of a computer and document scanner to digitalize unique Town documents to improve access to Town history, cultures, and family genealogy.

The Community Preservation Committee voted unanimously 7-0 in support of this article.

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

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

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to appropriate and transfer from the Community Preservation Fund Historical Purpose Reserve, in accordance with the provisions of M.G.L. Chapter 44B, Section 5, \$5,300 for the purpose of funding the restoration of Town Archives holdings for display in the soon to be renovated facility, including any necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Motion passes unanimously at 7:13 PM.

Article 3

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 FY2013 estimated Community Preservation revenues, the following amounts;

\$133,920	10% for Historic purposes
\$133,920	10% for Affordable Housing purposes
\$133,920	10% for Open Space purposes
\$937,437	to the FY2013 Community Preservation Fund
	Budgeted Reserve as recommended by the Community Preservation Committee,

or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: This is an annual article to set aside 10% of the estimated Community Preservation Funds for Historic Resources, Affordable Housing and Open Space purposes.

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

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

Motion made by Selectman Wayne Taylor.

Motion: I move the Town vote, pursuant to the provisions of M.G.L. Chapter 44B, Section 6, to reserve from the FY 2013 estimated Community Preservation revenues, \$133,920 for Affordable Community Housing purposes, \$133,920 for Historic Resource purposes, \$133,920 for Open Space purposes, and \$937,437 to the FY 2013 Community Preservation Fund Budgeted Reserve.

Motion passes unanimously at 7:15 PM.

Article 4

To see if the Town will vote to transfer \$3,656 from the Ambulance Receipts Reserved for Appropriation Account to the Fire & Rescue Department Expense Account, or take any other action relating thereto.

Submitted by the Fire Chief

Explanation: This action will provide funding for the purpose of paying the Barnstable County Sherriff for CMED Services for ambulance to hospital communications. Using a CMED system is required for ambulance to hospital communications by the Massachusetts's Department of Public Health Ambulance Regulations.

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

The Finance Committee recommends approval by a vote of 5-0, 1 absent.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to transfer \$3,656 from the Ambulance Receipts Reserved for Appropriation Account to the Fire & Rescue Department Expense Account.

Motion passes unanimously at 7:15 PM.

Article 5

To see if the Town will vote to appropriate and transfer \$17,419 from the Waterways Improvement Fund Account to the Waterways Maintenance Account, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: The funds requested will be used to offset the cost of Waterway Assistants.

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

The Finance Committee recommends approval by a vote of 5-0, 1 absent.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to appropriate and transfer \$17,419 from the Waterways Improvement Fund Account to the Waterways Maintenance Account.

Motion passes unanimously at 7:16 PM.

Article 6

To see if the Town will vote to appropriate and transfer from available funds a sum of money, based on an actual representation of need, not to exceed \$336,000 to the Fiscal Year 2013 School Operating Budget, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article is the result of an agreement reached between the Finance Committee and the School Committee that would stop prepayments of Special Education costs, and to ensure the School Department Budget would be placed in MUNIS, the Town's Municipal Finance Software Program, in accordance with the Town Charter, each year beginning with the FY14 budget. In return, funds not expended at the end of FY12 would be returned through an article at the October Town Meeting with the condition that need was proven and the overall budget did not exceed \$19,089,326.

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

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

Motion made by Selectman Michael Richardson.

Motion: I move the Town vote to appropriate and transfer from Revenue Available for Appropriation the sum of \$ 336,000 to the FY2013 School Operating Budget.

Motion passes by majority vote at 7:29 PM.

Article 7

To see if the Town will vote to approve the Economic Development Plan as prepared by the Economic Development Industrial Corporation, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article seeks to approve an economic development plan that provides the framework for disposition of real property owned by the Mashpee Economic Development and Industrial Corporation (EDIC). The EDIC's enabling legislation requires that an economic development plan be drafted and approved by 2/3 vote of Town Meeting.

The Board of Selectmen recommends approval by a vote of 4-0 with one abstention

The Finance Committee recommends approval by a vote of 5 -0, with one abstention.

At its meeting on September 5, 2012, the Planning Board voted 5-0 to recommend Town Meeting approval of the EDIC "Economic Development Plan for Mashpee Executive Park" dated August 2012 and the Plan is consistent with Mashpee's current adopted Comprehensive Plan.

Motion made by Selectman Wayne Taylor.

Motion: I move the Town vote to approve the Economic Development Plan, dated August 27, 2012, as prepared by the Economic Development Industrial Corporation, which Plan is on file with the Town Clerk, and a copy of which has been made available for the Town Meeting.

Motion passes unanimously at 7:30 PM.

Article 8

To see if the Town will vote to amend Chapter 104 of the General Code by changing the word "ordinance" to "bylaw" wherever it appears in Chapter 104, or take any other action relating thereto.

Submitted by the Town Clerk

Explanation: Due to the fact that towns have bylaws and cities have ordinances, it was recommended by the Attorney General's Municipal Law Unit that the Town amend this text for purposes of consistency. This amendment will have no substantive effect on the subject Bylaw.

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

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

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to amend Chapter 104 of the General Code by changing the word “ordinance” to “bylaw” wherever it appears in Chapter 104.

Motion passes unanimously at 7:31 PM.

Article 9

To see if the Town will vote to approve the following amendments to the Chapter 172, the Mashpee Wetlands By-law, as follows:

Delete §172-4 (B)(2), which provides: “An Administrative Review- Level 2 application, including a request for determination of applicability (Form 1 of 310 CMR 10.00) and a form as required by the rules and regulations of the Commission, [Such form will require, by Massachusetts regulations, 310 CMR 10.05(3)(b)(1), notice in a local newspaper of the required hearing and abutter notification as prescribed in §172-5A of the Mashpee Code]”, in its entirety, and recodify current §172-4(B)(3) as §172-4(B)(2),

or take any other action relating thereto.

Submitted by the Conservation Commission

Explanation: There is currently no Administrative Review Level 2 in the Conservation Department’s permitting procedures, thus this section no longer applies. The department only reviews permits under a Determination of Applicability (Form 1 of 310 CMR 10.99 Level 1) or a Notice of Intent (Form 3 310 CMR).

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

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

Motion made by Selectman Thomas O’Hara.

Motion: I move Article 9 be voted as printed in the warrant, with the exception of the phrase, “or take any other action relating thereto”.

Motion passes unanimously at 7:33 PM.

Article 10

To see if the Town will vote to approve the following amendments to the Chapter 172-5(A)(2) of the Mashpee Wetlands By-law:

Delete §172-5(A)(2), which provides:

“Any person filing an Administrative Review - Level 2 application with the Commission shall, after being given written notice by the Commission of the time and date of the required hearing, and in addition to the requirements of Subsection A(1) above, notify all immediate abutters

(those abutters whose property physically adjoins the property of the applicant) of said hearing. Said notice shall be by certified mail, return receipt requested, and shall be received by said abutters no less than five (5) days prior to the date of the hearing. Said notice shall be in a form prescribed by the Commission, shall specify the time and date of said hearing, shall describe the proposed activity and the location thereof and shall state where the application and plans may be examined by interested parties. The Commission and/or its agent, at its discretion, may require the applicant to notify (in the same aforementioned manner) additional property owners, to include all property owners within one hundred (100) feet of the boundary of the property on which the work is proposed, according to the most recent records of the Assessors, including those property owners across a way or a body of water and in another municipality. If such additional notification is deemed necessary by the Commission, notice of such shall be provided to the applicant with the written notice of the time and date of the hearing for said request for determination of applicability.”, and recodify current §172-5(A)(3) as §172-5(A)(2),

or take any other action relating thereto.

Submitted by the Conservation Commission

Explanation: There is currently no Administrative Review Level 2 in the Conservation Department’s permitting procedures, thus this section no longer applies. The department only reviews permits under a Determination of Applicability (Form 1 of 310 CMR 10.99 Level 1) or a Notice of Intent (Form 3 310 CMR).

Motion made and passed to dispense with reading of Article at 7:35PM.

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

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

Motion made by Selectman Michael Richardson.

Motion: I move Article 10 be voted as printed in the warrant, with the addition of “and recodify current §172-5(A)(4) to read §172-5(A)(3).”, and with the exception of the phrase, “or take any other action relating thereto”.

Motion passes unanimously at 7:36 PM.

Article 11

To see if the Town will vote to approve the following amendments to Chapter 172-5(A) (2) of the Mashpee Wetlands By-law:

§172-5 Section (E): “No such application shall be deemed complete until all other obtainable local permits and licenses for the proposed activity have been issued and copies thereof filed with the Commission. In the event of a demonstrated hardship, the Commission may waive this requirement upon request of the applicant.”

By replacing the underlined portion of said section with the following: *“applied for, and proof of all such application(s) is filed with the Commission.”*

or take any other action relating thereto.

Submitted by the Conservation Commission

Explanation: In many instances, it is not feasible to expect an applicant to have all obtainable permits issued at the time of a given Conservation Commission hearing date. By requiring proof of application for said permits instead of the actual issued permits, the Commission can proceed with the hearing while avoiding placing undue hardship and unnecessary delays on the applicant.

Motion made and passed to dispense with reading of Article at 7:36 PM.

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

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

Motion made by Selectman Carol Sherman.

Motion: I move that the Town vote to amend §172-5 Section (E) of the Mashpee Wetlands By-law to read as follows:

“E. No such application shall be deemed complete until all other obtainable local permits and licenses for the proposed activity have been applied for, and proof of all such application(s) is filed with the Commission. In the event of a demonstrated hardship, the Commission may waive this requirement upon request of the applicant.”

Motion passes unanimously at 7:37 PM.

Article 12

To see if the Town will vote to approve the following amendments to Chapter 172-7(G) (1) of the Mashpee Wetlands By-law or take any action relating thereto:

Replace the reference to “310 CMR 10.5(90, (a) through (f).” at the end of the second sentence with “310 CMR 10.5(9) (a) through (f).”

and

Add the following wording to the end of §172-7 Section (G)(1):

“No new permit shall be issued for any project on a property with respect to which a Certificate of Compliance has not been issued for an outstanding Order of Conditions”,

or take any other action relating thereto.

Submitted by Conservation Commission

Explanation: The first amendment merely corrects a typographical error in this section. Often times, completed permitted projects are not closed out with the Conservation Department in a timely fashion. This can result in delays to selling homes as Orders of Conditions are recorded

against a property deed, thus placing a lien on said deed. In the interest of expediency and compliance assurance, the Conservation Commission is seeking by the second amendment, to require that any outstanding Order of Conditions on a given property be closed out by a Certificate of Compliance prior to issuing any new permits on a given property.

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

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

Motion made by Selectman Wayne Taylor.

Motion: I move Article 12 be voted as printed in the warrant, with the exception of the phrase, “or take any other action relating thereto”.

Motion passes unanimously at 7:38 PM.

Article 13

To see if the Town will vote to accept the layout of Shorewood Drive as a public way, as shown on the plan entitled “Easement Taking and Layout Plan of Shorewood Drive in Mashpee, MA” dated May 10, 2012, and prepared by Eagle Surveying and Engineering, Inc., which layout shall have been filed in the Office of the Town Clerk, not later than seven days prior to the date of the vote hereunder; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purpose of such way as so laid out; to raise and appropriate, borrow and/or transfer from available funds the sum of \$248,084 to the Shorewood Drive Roadways Account to effect the conversion of Shorewood Drive from a private way to a public way; and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time said sum, under and pursuant to Chapter 44, Section 7 or 8 or any other enabling authority and to issue bonds and notes of the Town therefor; and, further to authorize the Board of Selectmen to assess betterments to the owners of the land abutting the way, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will authorize the conversion of a private way to a public way. The present condition of Shorewood Drive has become a public safety concern. The Code of the Town of Mashpee allows for the Board of Selectmen to convert private roadways to Town ways and assess betterments to the abutting property owners to cover the costs associated with the conversion.

Motion made and passed to dispense with reading of Article at 7:38 PM.

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

The Finance Committee recommends approval by a vote of 5-0, with one abstention.

At its meeting on September 19, 2012, the Planning Board voted 4-0 to recommend approval of Article 13.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to accept the layout of Shorewood Drive as a public way, as shown on the plan entitled “Easement Taking and Layout Plan of Shorewood Drive” in Mashpee, MA dated May 10, 2012, and prepared by Eagle Surveying and Engineering, Inc., which layout shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of the vote hereunder; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purpose of such way as so laid out; and to appropriate the sum of \$248,084 to the Shorewood Drive Roadways Account; and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time said sum, under and pursuant to Chapter 44, Section 7 or 8 or any other enabling authority for such purchase or taking and layout including costs of constructing such ways and legal financing and other costs incidental and related thereto; and further to authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways.

Motion passes unanimously at 7:40 PM.

Article 14

To see if the Town will vote to accept the layout of Holly Way, Elm Lane, Autumn Drive, Attaquin Street, Pocknomet Street, Hornbeam Lane, Lantern Lane, Beechwood Drive, Hemlock Circle, Fir Court as public ways, as shown on plans entitled:

“Easement Taking and Layout Plan of Attaquin Street, Hornbeam Lane, Lantern Lane, Pocknomet Street” dated 2/15/2002”

“Easement Taking and Layout Plan of Holly Way and Elm Lane” dated 2/15/2002

“Easement Taking and Layout Plan of Autumn Drive” dated 2/15/2012

“Easement Taking and Layout Plan of Hemlock Drive” dated 2/15/2012

“Easement Taking and Layout Plan of Beechwood Drive” dated 2/15/2012

“Easement Taking and Layout Plan of Beechwood Drive” dated 2/13/2012

“Easement Taking and Layout Plan of Fir Court” dated April 26, 2012,

which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of the vote hereunder; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purpose of such way as so laid out; to raise and appropriate, borrow and/or transfer from available funds the sum of \$865,594 to

the Timberland Shores Account to effect the conversion of Timberland Shores Account from private ways to public ways; and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time said sum, under and pursuant to Chapter 44, Section 7 or 8 or any other enabling authority and to issue bonds and notes of the Town therefor; and to further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the way, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will authorize the conversion of private ways to public ways. The present conditions of the listed roadways have become public safety concerns. The Code of the Town of Mashpee allows for the Board of Selectmen to convert private roadways to Town ways and assess betterments to the abutting property owners to cover the costs associated with the conversion.

Motion made and passed to dispense with reading of Article at 7:41 PM

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

The Finance Committee recommends approval by a vote of 4-0, with two abstentions.

At its meeting on September 19, 2012, the Planning Board voted 4-0 to recommend approval of Article 14.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to accept the layout of Holly Way, Elm Lane, Autumn Drive, Attaquin Street, Pocknomett Street, Hornbeam Lane, Lantern Lane, Beechwood Drive, Hemlock Drive, Fir Court as public ways, as shown on plans entitled:

“Easement Taking and Layout Plan of Attaquin Street, Hornbeam Lane, Lantern Lane, Pocknomett Street” dated 2/15/2012;

“Easement Taking and Layout Plan of Holly Way and Elm Lane” dated 2/15/2012;

“Easement Taking and Layout Plan of Autumn Drive” dated 2/15/2012;

“Easement Taking and Layout Plan of Hemlock Drive” dated 2/15/2012;

“Easement Taking and Layout Plan of Beechwood Drive” dated 2/15/2012;

“Easement Taking and Layout Plan of Beechwood Drive” dated 2/13/2012;

“Easement Taking and Layout Plan of Fir Court” dated April 26, 2012;

in Mashpee, Massachusetts and prepared by Eagle Surveying, Inc., which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of the vote

hereunder; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purpose of such ways as so laid out; and to appropriate the sum of \$865,594 to the Timberland Shores Account; and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time said sum, under and pursuant to Chapter 44, §7 or 8 or any other enabling authority for such purchase or taking and layout including costs of constructing such ways and legal financing and other costs incidental and related thereto; and further to authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways.

Motion passes unanimously at 7:44 PM.

Article 15

To see if the Town will vote to accept the layouts as public ways of Ockway Bay Road as shown on a plan entitled “Easement Taking and Layout Plan of Ockway Bay Road” in Mashpee, Massachusetts (Barnstable County)”, dated January 17, 2012 and prepared by Eagle Surveying, Inc., which layout shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of the vote hereunder and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate and transfer from available funds \$50,663 to the Ockway Bay Roadways Account and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8 or any other enabling authority for such purchase or taking and layout including costs of constructing such ways and legal financing and other costs incidental and related thereto; and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways, or take any other action relating thereto.

Submitted by Petition

Motion made and passed to dispense with reading of Article at 7:45 PM

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

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

At its meeting on September 19, 2012, the Planning Board voted 4-0 to recommend approval of Article 15.

Motion made by Donald Chabot.

Motion: I move the Town vote to accept the layout as a public way Ockway Bay Road as shown on a plan entitled “Easement Taking and Layout Plan of Ockway Bay Road” in Mashpee, Massachusetts, dated January 17, 2012 and prepared by Eagle Surveying, Inc., which layout shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of the vote hereunder and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purposes of such ways as so laid out; and to appropriate the sum of \$50,663 to the Ockway Bay Roadway Account and to raise said

appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8 or any other enabling authority for such purchase or taking and layout including costs of constructing such ways and legal financing and other costs incidental and related thereto; and further to authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways.

Motion passes unanimously at 7:47: PM.

Article 16

To see if the Town will vote to accept the layout as a public way of Quail Hollow Road as shown on plan entitled "Easement Taking and Layout Plan of Quail Hollow Road in Mashpee MA (Barnstable County)", dated May 3, 2012, prepared by Eagle Surveying, Inc, which layout shall have been filed in the Office of the Town Clerk, not later than seven days prior to the date of the vote hereunder and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purposes of such way as so laid out, and to appropriate and transfer from available funds \$ 176,906.00 to the Quail Hollow Road Roadways Account and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8 or any other enabling authority for such purchase or taking and layout including costs of constructing such ways and legal financing and other costs incidental and related thereto; and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the way, or take any other action relating thereto.

Submitted by Petition

Motion made and passed to dispense with reading of Article 7:47 PM

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

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

At its meeting on September 19, 2012, the Planning Board voted 4-0 to recommend approval of Article 16.

Motion made by Scott Cambra.

Motion: I move the Town vote to accept the layout as a public way of Quail Hollow Road as shown on plan entitled "Easement Taking and Layout Plan of Quail Hollow Road" in Mashpee MA, dated May 3, 2012, prepared by Eagle Surveying, Inc, which layout shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of the vote hereunder and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purposes of such way as so laid out; and to appropriate the sum of \$ 176,906 to the Quail Hollow Road Roadways Account and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8 or any other enabling

authority for such purchase or taking and layout including costs of constructing such ways and legal financing and other costs incidental and related thereto; and further to authorize the Board of Selectmen to assess betterments to the owners of the land abutting the way.

Motion passes unanimously at 7:49 PM.

Article 17

To see if the Town will vote to accept the layouts as public ways of Sandy Fox Drive and Fox Hill Road as shown on a plan entitled “Easement Taking and Layout Plan of Sandy Fox Drive” in Mashpee, Massachusetts (Barnstable County), dated February 16, 2012 and “Easement Taking and Layout Plan of Fox Hill Road” dated January 13, 2011, prepared by Eagle Surveying, Inc., which layout shall have been filed in the Office of the Town Clerk, not later than seven days prior to the date of the vote hereunder and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate and transfer from available funds \$87,395 to the Sandy Fox/Fox Hill Roadways Account and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8 or any other enabling authority for such purchase or taking and layout including costs of constructing such ways and legal financing and other costs incidental and related thereto; and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways, or take any other action relating thereto.

Submitted by Petition

Motion made and passed to dispense with reading of Article at 7:50 PM

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

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

At its meeting on September 19, 2012, the Planning Board voted 4-0 to recommend approval of Article 17 relative to the taking of Sandy Fox Drive and that portion of Fox Hill oad shown on the plan referenced in the Article.

Motion made by John Sorocco.

Motion: I move the Town vote to accept the layouts as public ways of Sandy Fox Drive and Fox Hill Road as shown on a plan entitled “Easement Taking and Layout Plan of Sandy Fox Drive” in Mashpee, Massachusetts, dated February 16, 2012 and “Easement Taking and Layout Plan of Fox Hill Road” dated January 13, 2011, prepared by Eagle Surveying, Inc., which layout shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of the vote hereunder and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purposes of such ways as so laid out; and to appropriate the sum of \$87,395 to the Sandy Fox/Fox Hill Roadways Account and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8 or any other enabling authority for such purchase or taking and layout including costs of constructing such ways and legal financing and other costs incidental and related thereto; and further to authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways.

Motion passes unanimously at 7:52 PM.

Article 18

To see if the Town will vote to accept the layouts as public ways of Park Place Way as shown on plan entitled “Easement Taking and Layout Plan of Park Place Way in Mashpee MA (Barnstable County)”, dated February 8, 2012, “Easement Taking and Layout Plan of Wood Haul Road in Mashpee, MA (Barnstable County)”, dated January 20, 2012, Easement Taking and Layout Plan of Scenic Drive, Mashpee, MA (Barnstable County)” dated February 8, 2012, Easement Taking and Layout Plan of Burning Bush Road, Mashpee, MA (Barnstable County)”, dated February 8, 2012, Easement Taking and Layout Plan of a Portion of Noisy Hole Road, Mashpee, MA (Barnstable County)”, dated February 9, 2012 and prepared by Eagle Surveying, Inc, which layouts shall have been filed in the Office of the Town Clerk, not later than seven days prior to the date of the vote hereunder and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate and transfer from available funds \$ 536,405.00 to the Park Place Way, Wood Haul Road, Scenic Drive, Burning Bush Road, Noisy Hole Roadways Account and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8 or any other enabling authority for such purchase or taking and layout including costs of constructing such ways and legal financing and other costs incidental and related thereto; and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways, or take any other action relating thereto.

Submitted by Petition

Motion made and passed to dispense with reading of Article at 7:52 PM

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

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

At its meeting on September 19, 2012, the Planning Board voted 4-0 to recommend approval of Article 18 provided that Sheet 1 of the “Easement taking and layout plan of a portion of Noisy Hole Road” is amended and labeled to clearly define the southerly end of this 2012 Noisy Hole Road taking.

Motion made by Selectman Wayne Taylor

Motion: I move the Town vote to accept the layouts as public ways of Park Place Way as shown on plan entitled

“Easement Taking and Layout Plan of Park Place Way” dated February 8, 2012;

“Easement Taking and Layout Plan of Wood Haul Road” dated January 20, 2012;

“Easement Taking and Layout Plan of Scenic Drive” dated February 8, 2012;

“Easement Taking and Layout Plan of Burning Bush Road” dated February 8, 2012;

“Easement Taking and Layout Plan of a Portion of Noisy Hole Road” dated February 9, 2012;

in Mashpee, MA and prepared by Eagle Surveying, Inc., which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of the vote hereunder and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$536,405 to the Park Place Way, Wood Haul Road, Scenic Drive, Burning Bush Road, Noisy Hole Roadways Account and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8 or any other enabling authority for such purchase or taking and layout including costs of constructing such ways and legal financing and other costs incidental and related thereto; and further to authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways.

Motion passes unanimously at 7:55 PM.

Article 19

To see if the Town will vote to accept the layout as a public way of Pleasant Park Drive as shown on plan entitled “Easement Taking and Layout Plan of Pleasant Park Drive in Mashpee MA (Barnstable County)”, dated February 16, 2012, prepared by Eagle Surveying, Inc, which layout shall have been filed in the Office of the Town Clerk, not later than seven days prior to the date of the vote hereunder and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purposes of such way as so laid out, and to appropriate and transfer from available funds \$ 114,842.00 to the Pleasant Park Drive Roadway Account and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to

Chapter 44 Section 7 or 8 or any other enabling authority for such purchase or taking and layout including costs of constructing such way and legal financing and other costs incidental and related thereto; and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the way, or take any other action relating thereto.

Submitted by Petition

Motion made and passed to dispense with reading of Article at 7:55 PM

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

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

At its meeting on September 19, 2012, the Planning Board voted 4-0 to recommend approval of Article 19.

Motion made by Michael Lane.

Motion: I move the Town vote to accept the layout as a public way of Pleasant Park Drive as shown on plan entitled “Easement Taking and Layout Plan of Pleasant Park Drive” in Mashpee MA, dated February 16, 2012, prepared by Eagle Surveying, Inc, which layout shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of the vote hereunder and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purposes of such way as so laid out; and to appropriate \$114,842 to the Pleasant Park Drive Roadway Account and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8 or any other enabling authority for such purchase or taking and layout including costs of constructing such way and legal financing and other costs incidental and related thereto; and further to authorize the Board of Selectmen to assess betterments to the owners of the land abutting the way.

Motion passes unanimously at 7:57 PM.

Article 20

To see if the Town will vote to accept the layout as public ways of Shields Road, Tobisset Street, Nobska Road, Pequot Road, Pequot Court, Lyn Court, Tricia Lane and Michelle Lane, as shown on plans entitled:

“Easement Taking and Layout Plan of Nobska Road” dated February 24, 2012;

“Easement Taking and Layout Plan of Tobisset Street” dated February 24, 2012;

“Easement Taking and Layout Plan of Shields Road, Lyn Court, Tricia Lane, and Michelle Lane” dated March 6, 2012;

“Easement Taking and Layout Plan of Shields Road” dated March 6, 2012;

“Easement Taking and Layout Plan of Pequot Road and Pequot Court Road” dated February 24, 2012;

Plans prepared by Eagle Surveying, Inc., which layouts shall have been filed in the Office of the Town Clerk, not later than seven days prior to the date of the vote hereunder and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate and transfer from available funds \$513,912 to The Santuit Woods Roadways Account and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8 or any other enabling authority for such purchase or taking and layout including costs of constructing such ways and legal financing and other costs incidental and related thereto; and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways, or take any other action relating thereto.

Submitted by Petition

Motion made and passed to dispense with reading of Article at 7:57 PM

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

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

At its meeting on September 19, 2012, the Planning Board voted 4-0 to recommend approval of Article 20 provided that the “Easement taking and layout plan of Shields Road” is amended and labeled to clearly define the end of this 2012 Shields Road taking.

Motion made by John Cotton.

Motion: I move the Town vote to accept the layout as public ways of Shields Road, Tobisset Street, Nobska Road, Pequot Road, Pequot Court, Lyn Court, Tricia Lane and Michelle Lane, as shown on plans entitled:

“Easement Taking and Layout Plan of Nobska Road” dated February 24, 2012;

“Easement Taking and Layout Plan of Tobisset Street” dated February 24, 2012;

“Easement Taking and Layout Plan of Shields Road, Lyn Court, Tricia Lane, and Michelle Lane” dated March 6, 2012;

“Easement Taking and Layout Plan of Shields Road” dated March 6, 2012;

“Easement Taking and Layout Plan of Pequot Road and Pequot Court Road” dated February 24, 2012; in Mashpee MA and prepared by Eagle Surveying, Inc., which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of the vote hereunder and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purposes of such ways as so laid out; and to appropriate \$513,912 to the Santuit Woods Roadways Account and to raise

said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8 or any other enabling authority for such purchase or taking and layout including costs of constructing such ways and legal financing and other costs incidental and related thereto; and further to authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways.

Motion passes unanimously at 8:00 PM

Town Meeting adjourned at 8:00 PM.